

Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 13

THE HAGUE CONVENTION (V) OF 1907 RE- SPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND

PUBLISHED BY THE ENDOWMENT
WASHINGTON, D. C.

1915

CARNEGIE ENDOWMENT
FOR INTERNATIONAL PEACE

Division of International Law

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The Hague Conventions of 1899 and 1907, together with laws, regulations, signatures, etc., printed as pamphlets 3 to 20, inclusive, are also published in book form, cloth binding, with an index, price per dollar postpaid.

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Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vœux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai–29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin–18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,
Director of the Division of International Law.

WASHINGTON, D. C.,
December 23, 1914.

CONVENTION (V) RESPECTING THE RIGHTS AND DUTIES OF
NEUTRAL POWERS AND PERSONS IN CASE OF WAR
ON LAND

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

With a view to laying down more clearly the rights and duties of neutral Powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory;

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

Have resolved to conclude a Convention to this effect, and have, in consequence, appointed the following as their plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I.—*The Rights and Duties of Neutral Powers*

ARTICLE 1

The territory of neutral Powers is inviolable.

ARTICLE 2

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

ARTICLE 3

Belligerents are likewise forbidden to—

(a) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;

(b) Use any installation of this kind established by them before the

Purpose of
Convention.

Plenipotentiaries.

Rights and
duties of
neutral Powers.

Territory
inviolable.

Use by
belligerents
forbidden.

Establishing
wireless tele-
graph stations
forbidden.

Use of military
installation.

war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

ARTICLE 4

Recruiting, etc.,
forbidden.

Corps of combatants can not be formed nor recruiting agencies opened on the territory of a neutral Power to assist the belligerents.

ARTICLE 5

Prevention
by neutrals.

A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

ARTICLE 6

Crossing
frontier
to enlist.

The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.

ARTICLE 7

Shipment
of arms.

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

ARTICLE 8

Use of tele-
graph, etc.,
apparatus.

A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to companies or private individuals.

ARTICLE 9

Impartial
treatment of
belligerents.

Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral Power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

ARTICLE 10

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act. Resisting violations of neutrality.

CHAPTER II.—*Belligerents Interned and Wounded Tended in Neutral Territory* Belligerents in neutral territory.

ARTICLE 11¹

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war. Detention far from seat of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose. Detention camps, etc.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission. Parole to officers.

ARTICLE 12¹

In the absence of a special convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity. Supplies to the interned.

At the conclusion of peace the expenses caused by the internment shall be made good.

ARTICLE 13

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence. Escaped prisoners of war.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

ARTICLE 14¹

A neutral Power may authorize the passage through its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose. Care of sick and wounded.

¹Articles 11, 12, 14 and 15 are identical in the original French with Articles 57, 58, 59 and 60 respectively of the 1899 Convention (II) respecting the laws and customs of war on land, except for the substitution of "Power" for "State."

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 15¹

Application
of Geneva
Convention.

The Geneva Convention applies to sick and wounded interned in neutral territory.

Neutral persons.

CHAPTER III.—*Neutral Persons*

ARTICLE 16

Definition.

The nationals of a State which is not taking part in the war are considered as neutrals.

ARTICLE 17

Acts prohibited.

A neutral can not avail himself of his neutrality—

(a) If he commits hostile acts against a belligerent;

(b) If he commits acts in favor of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

ARTICLE 18

Acts not
prohibited.

The following acts shall not be considered as committed in favor of one belligerent in the sense of Article 17, letter (b):

(a) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

(b) Services rendered in matters of police or civil administration.

¹Articles 11, 12, 14 and 15 are identical in the original French with Articles 57, 58, 59 and 60 respectively of the 1899 Convention (II) respecting the laws and customs of war on land, except for the substitution of "Power" for "State."

CHAPTER IV.—*Railway Material*Railway
material.

ARTICLE 19

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

Use by
belligerents of
neutral property.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Use of
belligerent
property
by neutrals.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

Compensation.

CHAPTER V.—*Final Provisions*

ARTICLE 20

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Powers bound.

ARTICLE 21

The present Convention shall be ratified as soon as possible.

Ratification

The ratifications shall be deposited at The Hague.

Deposit at
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, or the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Certified copies
to Powers.

ARTICLE 22

Adherence of
non-signatory
Powers.
Notification
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication
to other Powers.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 23

Effect of
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 24

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

Notifying
Power only
affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 25

Register of
ratifications.

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 22, paragraph 2) or of denunciation (Article 24, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Deposit
of original.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
Cuba	February 22, 1912
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	November 27, 1909
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

China	January 15, 1910
Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Servia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela
Italy	

*Reservations:*¹

Argentine Republic

The Argentine Republic makes reservation of Article 19.

Great Britain

Under reservation of Articles 16, 17 and 18.

¹These reservations were made at signature.

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YEAR BOOK FOR 1912

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