

BOMBARDMENT BY NAVAL FORCES.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

**A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RESPECTING BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR.**

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FEBRUARY 27, 1908.—Read; convention read the first time and referred to the Committee on Foreign Relations, and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

MARCH 10, 1908.—Ratified and made public.

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*To the Senate:*

I transmit, with a view to receiving the advice and consent of the Senate to ratification, the conventions and declaration signed by the delegates of the United States to the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, together with a report by the Secretary of State and other accompanying papers.

The attention of the Senate is invited to the recommendations made by the Secretary of State, in which I concur.

THEODORE ROOSEVELT.

THE WHITE HOUSE,

February 27, 1908.

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**The PRESIDENT:**

I submit for your consideration and for transmission to the Senate, should you deem it proper to do so, with a view to obtaining the advice and consent of that body to ratification, the following conventions and declaration signed by the delegates of the United States to the Second International Peace Conference held at The Hague from the 15th of June to the 18th of October, 1907:

Convention for the Pacific Settlement of International Disputes.

Convention respecting the Limitation of the Employment of Force for the Recovery of Contract Debts.

Convention relative to the Opening of Hostilities.

Convention respecting the Laws and Customs of War on Land.

Convention respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land.

Convention relative to the Laying of Automatic Submarine Contact Mines.

Convention respecting Bombardment by Naval Forces in Time of War.

Convention for the Adaptation to Naval War of the Principles of the Geneva Convention.

Convention relative to certain Restrictions with regard to the Exercise of the Right of Capture in Naval War.

Convention relative to the Creation of an International Prize Court.

Declaration prohibiting the discharge of Projectiles and Explosives from Balloons.

I recommend that as to the convention for the peaceful adjustment of international differences, the ratification be subject to the following declaration:

In approving the convention for the Pacific Settlement of International Disputes, the United States exercises the option contained in article 53 of said Convention, to exclude the formulation of the *compromis* by the Permanent Court, and hereby expressly excludes from the competence of the Permanent Court the power to frame the *compromis* required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the *compromis* required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

I submit also a convention concerning the rights and duties of neutral powers in naval war, voted for by a majority of the delegates, but which the American delegates at the Conference refrained from signing and reserved for further consideration. Upon careful consideration of this Convention, I recommend that the United States become a party thereto by formal adherence, reserving, however, and excluding from its assent the second paragraph of Article III, which is in the following words:

If the prize is not in the jurisdiction of the neutral power, the captor government, on the demand of that power, must liberate the prize with its officers and crew.

And reserving also and excluding from its assent Article XXIII, which is in the following words:

A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestered pending the decision of a prize court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

I transmit also as relevant and material to the consideration of these Conventions the following documents:

1. The Final Act of the Conference.
2. The instructions to the American delegates, including the 1899 instructions.
3. The report of the American delegates of the proceedings of the Conference and their participation therein.
4. Copies of the two Conventions signed by other delegates but not signed by the American delegates, adherence to which is still open to the United States, but adherence to which is not now recommended.

Let me go beyond the limits of the customary formal letter of transmittal and say that I think the work of the Second Hague Conference, which is mainly embodied in these Conventions, present the greatest advance ever made at any single time toward the reasonable and peaceful regulation of international conduct, unless it be the advance made at The Hague Conference of 1899.

The most valuable result of the Conference of 1899 was that it made the work of the Conference of 1907 possible. The achievements of the two Conferences justify the belief that the world has entered upon an orderly process through which, step by step, in successive Conferences, each taking the work of its predecessor as its point of departure, there may be continual progress toward making the practice of civilized nations conform to their peaceful professions.

Respectfully submitted.

ELIHU ROOT.

DEPARTMENT OF STATE,

*Washington, February 26, 1908.*

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1 His Majesty the German Emperor, King of Prussia; the  
 2 President of the United States of America; the President of  
 3 the Argentine Republic; His Majesty the Emperor of Austria,  
 4 King of Bohemia, &c., and Apostolic King of Hungary; His  
 5 Majesty the King of the Belgians; the President of the Republic  
 6 of Bolivia; the President of the Republic of the United States  
 7 of Brazil; His Royal Highness the Prince of Bulgaria; the  
 8 President of the Republic of Chile; His Majesty the Emperor  
 9 of China; the President of the Republic of Colombia; the  
 10 Provisional Governor of the Republic of Cuba; His Majesty  
 11 the King of Denmark; the President of the Dominican Republic;  
 12 the President of the Republic of Ecuador; His Majesty the King  
 13 of Spain; the President of the French Republic; His Majesty  
 14 the King of the United Kingdom of Great Britain and Ireland  
 15 and of the British Dominions beyond the Seas, Emperor of India;  
 16 His Majesty the King of the Hellenes; the President of the  
 17 Republic of Guatemala; the President of the Republic of Haiti;  
 18 His Majesty the King of Italy; His Majesty the Emperor of  
 19 Japan; His Royal Highness the Grand Duke of Luxemburg,  
 20 Duke of Nassau; the President of the United States of Mexico;  
 21 His Royal Highness the Prince of Montenegro; the President of  
 22 the Republic of Nicaragua; His Majesty the King of Norway;  
 23 the President of the Republic of Panamá; the President of the  
 24 Republic of Paraguay; Her Majesty the Queen of the Nether-  
 25 lands; the President of the Republic of Peru; His Imperial

1 Majesty the Shah of Persia; His Majesty the King of Portugal  
 2 and of the Algarves, &c.; His Majesty the King of Roumania;  
 3 His Majesty the Emperor of All the Russias; the President of  
 4 the Republic of Salvador; His Majesty the King of Servia; His  
 5 Majesty the King of Siam; His Majesty the King of Sweden;  
 6 the Swiss Federal Council; His Majesty the Emperor of the  
 7 Ottomans; the President of the Oriental Republic of Uruguay;  
 8 the President of the United States of Venezuela:

9 Animated by the desire to realize the wish expressed by the  
 10 First Peace Conference respecting the bombardment by naval  
 11 forces of undefended ports, towns, and villages;

12 Whereas it is expedient that bombardments by naval forces  
 13 should be subject to rules of general application which would  
 14 safeguard the rights of the inhabitants and assure the preser-  
 15 vation of the more important buildings, by applying as far as  
 16 possible to this operation of war the principles of the Regulation  
 17 of 1899 respecting the Laws and Customs of Land War;

18 Actuated, accordingly, by the desire to serve the interests of  
 19 humanity and to diminish the severity and disasters of war;

20 Have resolved to conclude a Convention to this effect, and  
 21 have, for this purpose, appointed the following as their Pleni-  
 22 potentiaries:--

23 [For names of Plenipotentiaries, see Final Act, supra.]

24 Who, after depositing their full powers, found in good and  
 25 due form, have agreed upon the following provisions:--

26 CHAPTER I.—*The Bombardment of Undefended Ports, Towns,*  
 27 *Villages, Dwellings, or Buildings.*

28 ARTICLE I.

29 The bombardment by naval forces of undefended ports, towns,  
 30 villages, dwellings, or buildings is forbidden.

31 A place cannot be bombarded solely because automatic  
 32 submarine contact mines are anchored off the harbour.

33 ARTICLE II.

34 Military works, military or naval establishments, depôts  
 35 of arms or war *matériel*, workshops or plant which could be  
 36 utilized for the needs of the hostile fleet or army, and the ships  
 37 of war in the harbour, are not, however, included in this pro-  
 38 hibition. The commander of a naval force may destroy them  
 39 with artillery, after a summons followed by a reasonable time

1 of waiting, if all other means are impossible, and when the  
2 local authorities have not themselves destroyed them within  
3 the time fixed.

4 He incurs no responsibility for any unavoidable damage  
5 which may be caused by a bombardment under such circum-  
6 stances.

7 If for military reasons immediate action is necessary, and  
8 no delay can be allowed the enemy, it is understood that the  
9 prohibition to bombard the undefended town\* holds good,  
10 as in the case given in paragraph 1, and that the commander  
11 shall take all due measures in order that the town may suffer  
12 as little harm as possible.

### 13 ARTICLE III.

14 After due notice has been given, the bombardment of un-  
15 defended ports, towns, villages, dwellings, or buildings may  
16 be commenced, if the local authorities, after a formal summons  
17 has been made to them, decline to comply with requisitions  
18 for provisions or supplies necessary for the immediate use of  
19 the naval force before the place in question.

20 These requisitions shall be in proportion to the resources  
21 of the place. They shall only be demanded in the name of the  
22 commander of the said naval force, and they shall, as far as  
23 possible, be paid for in cash; if not, they shall be evidenced  
24 by receipts.

### 25 ARTICLE IV.

26 Undefended ports, towns, villages, dwellings, or buildings  
27 may not be bombarded on account of failure to pay money  
28 contributions.

## 29 CHAPTER II.—*General Provisions.*

### 30 ARTICLE V.

31 In bombardments by naval forces all the necessary measures  
32 must be taken by the commander to spare as far as possible  
33 sacred edifices, buildings used for artistic, scientific, or chari-  
34 table purposes, historic monuments, hospitals, and places where  
35 the sick or wounded are collected, on the understanding that  
36 they are not used at the same time for military purposes.

37 It is the duty of the inhabitants to indicate such monuments,  
38 edifices, or places by visible signs, which shall consist of large  
39 stiff rectangular panels divided diagonally into two coloured

1 triangular portions, the upper, portion black. the lower portion  
2 white.

3 ARTICLE VI.

4 If the military situation permits, the commander of the  
5 attacking naval force, before commencing the bombardment,  
6 must do his utmost to warn the authorities.

7 ARTICLE VII.

8 A town or place, even when taken by storm, may not be  
9 pillaged.

10 CHAPTER III. - *Final Provisions.*

11 ARTICLE VIII.

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

15 ARTICLE IX.

16 The present Convention shall be ratified as soon as possible.

17 The ratifications shall be deposited at The Hague.

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

21 The subsequent deposits of ratifications shall be made by  
22 means of a written notification addressed to the Netherland Gov-  
23 ernment and accompanied by the instrument of ratification.

24 A duly certified copy of the *procès-verbal* relative to the first  
25 deposit of ratifications, of the notifications mentioned in the  
26 preceding paragraph, as well as of the instruments of ratifica-  
27 tion, shall be at once sent by the Netherland Government,  
28 through the diplomatic channel, to the Powers invited to the  
29 Second Peace Conference, as well as to the other Powers which  
30 have adhered to the Convention. In the cases contemplated in  
31 the preceding paragraph, the said Government shall inform them  
32 at the same time of the date on which it received the notification.

33 ARTICLE X.

34 Non-Signatory Powers may adhere to the present Convention.

35 The Power which desires to adhere shall notify its intention  
36 to the Netherland Government, forwarding to it the act of ad-  
37 hesion, which shall be deposited in the archives of the said Gov-  
38 ernment.

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

5 ARTICLE XI.

6 The present Convention shall come into force, in the case of  
7 the Powers which were a party to the first deposit of ratifications,  
8 sixty days after the date of the *procès-verbal* of that deposit, and,  
9 in the case of the Powers which ratify subsequently or which  
10 adhere, sixty days after the notification of their ratification or  
11 of their adhesion has been received by the Netherland Govern-  
12 ment.

13 ARTICLE XII.

14 In the event of one of the contracting Powers wishing to de-  
15 nounce the present Convention, the denunciation shall be notified  
16 in writing to the Netherland Government, which shall at once  
17 communicate a duly certified copy of the notification to all the  
18 other Powers informing them of the date on which it was re-  
19 ceived.

20 The denunciation shall only have effect in regard to the noti-  
21 fying Power, and one year after the notification has reached the  
22 Netherland Government.

23 ARTICLE XIII.

24 A register kept by the Netherland Minister for Foreign Affairs  
25 shall give the date of the deposit of ratifications made in virtue  
26 of Article IX, paragraphs 3 and 4, as well as the date on which  
27 the notifications of adhesion (Article X, paragraph 2) or of de-  
28 nunciation (Article XII, paragraph 1) have been received.

29 Each Contracting Power is entitled to have access to this regis-  
30 ter and to be supplied with duly certified extracts from it.

31 In faith whereof the Plenipotentiaries have appended their  
32 signatures to the present Convention.

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