
SUBMARINE CONTACT MINES.

M E S S A G E

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, RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES.

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.

To the Senate:

I transmit, with a view to receiving the advice and consent of the Senate to ratification, the convention 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.

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, presents 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.

1 His Majesty the German Emperor, King of Prussia; the Presi-
2 dent of the United States of America; the President of the
3 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 Repub-
6 lic 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 Pro-
10 visional Governor of the Republic of Cuba; His Majesty the
11 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
16 India; His Majesty the King of the Hellenes; the President of
17 the Republic of Guatemala; the President of the Republic of
18 Haiti; His Majesty the King of Italy; His Majesty the Emperor
19 of 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
22 of the Republic of Nicaragua; His Majesty the King of Nor-
23 way; the President of the Republic of Panamá; the President
24 of the Republic of Paraguay; Her Majesty the Queen of the
25 Netherlands; the President of the Republic of Peru; His

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

9 Inspired by the principle of the freedom of sea routes, the com-
 10 mon highways of all nations;

11 Seeing that, although the existing position of affairs makes
 12 it impossible to forbid the employment of automatic submarine
 13 contact mines, it is nevertheless desirable to restrict and regu-
 14 late their employment in order to mitigate the severity of war
 15 and to ensure, as far as possible, to peaceful navigation the secur-
 16 ity to which it is entitled, despite the existence of war;

17 Until such time as it is found possible to formulate rules on
 18 the subject which shall ensure to the interests involved all the
 19 guarantees desirable;

20 Have resolved to conclude a Convention for this purpose, and
 21 have appointed the following as their Plenipotentiaries:

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

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

25 **ARTICLE I.**

26 It is forbidden:

27 1. To lay unanchored automatic contact mines, except when
 28 they are so constructed as to become harmless one hour at most
 29 after the person who laid them ceases to control them;

30 2. To lay anchored automatic contact mines which do not
 31 become harmless as soon as they have broken loose from their
 32 moorings;

33 3. To use torpedoes which do not become harmless when they
 34 have missed their mark.

35 **ARTICLE II.**

36 It is forbidden to lay automatic contact mines off the coast
 37 and ports of the enemy, with the sole object of intercepting
 38 commercial shipping.

1 **ARTICLE III.**

2 When anchored automatic contact mines are employed,
3 every possible precaution must be taken for the security of
4 peaceful shipping.

5 The belligerents undertake to do their utmost to render these
6 mines harmless within a limited time, and, should they cease
7 to be under surveillance, to notify the danger zones as soon as
8 military exigencies permit, by a notice addressed to ship owners,
9 which must also be communicated to the Governments through
10 the diplomatic channel.

11 **ARTICLE IV.**

12 Neutral Powers which lay automatic contact mines off their
13 coasts must observe the same rules and take the same precau-
14 tions as are imposed on belligerents.

15 The neutral Power must inform ship-owners, by a notice
16 issued in advance, where automatic contact mines have been
17 laid. This notice must be communicated at once to the Gov-
18 ernments through the diplomatic channel.

19 **ARTICLE V.**

20 At the close of the war, the Contracting Powers undertake to
21 do their utmost to remove the mines which they had laid, each
22 Power removing its own mines.

23 As regards anchored automatic contact mines laid by one of
24 the belligerents off the coast of the other, their position must
25 be notified to the other party by the Power which laid them,
26 and each Power must proceed with the least possible delay to
27 remove the mines in its own waters.

28 **ARTICLE VI.**

29 The Contracting Powers which do not at present own per-
30 fected mines of the pattern contemplated in the present Con-
31 vention; and which, consequently, could not at present carry
32 out the rules laid down in Articles I and III, undertake to con-
33 vert the *matériel* of their mines as soon as possible, so as to
34 bring it into conformity with the foregoing requirements.

35 **ARTICLE VII.**

36 The provisions of the present Convention do not apply except
37 between Contracting Powers, and then only if all the belliger-
38 ents are parties to the Convention.

ARTICLE VIII.

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

2 The ratifications shall be deposited at The Hague.

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

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

9 A duly certified copy of the *procès-verbal* relative to the first
10 deposit of ratifications, of the notifications mentioned in the
11 preceding paragraph, as well as of the instruments of ratifica-
12 tion, shall be at once sent, by the Netherland Government,
13 through the diplomatic channel, to the Powers invited to the
14 Second Peace Conference, as well as to the other Powers which
15 have adhered to the Convention. In the cases contemplated in
16 the preceding paragraph, the said Government shall inform
17 them at the same time of the date on which it has received the
18 notification.

ARTICLE IX.

19 Non-Signatory Powers may adhere to the present Convention

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

24 This Government shall at once transmit to all the other
25 Powers a duly certified copy of the notification as well as of the
26 act of adhesion, stating the date on which it received the
27 notification.

ARTICLE X.

28 The present Convention shall come into force, in the case of
29 the Powers which were a party to the first deposit of ratifica-
30 tions, sixty days after the date of the *procès-verbal* of this de-
31 posit, and, in the case of the Powers which ratify subsequently
32 or adhere, sixty days after the notification of their ratification
33 or of their adhesion has been received by the Netherland
34 Government.

ARTICLE XI.

1
 2 The present Convention shall remain in force for seven years,
 3 dating from the sixtieth day after the date of the first deposit
 4 of ratifications.

5 Unless denounced, it shall continue in force after the expira-
 6 tion of this period.

7 The denunciation shall be notified in writing to the Netherland
 8 Government, which shall at once communicate a duly certified
 9 copy of the notification to all the Powers, informing them of the
 10 date on which it was received.

11 The denunciation shall only have effect in regard to the
 12 notifying Power, and six months after the notification has
 13 reached the Netherland Government.

ARTICLE XII.

14
 15 The Contracting Powers undertake to reopen the question of
 16 the employment of automatic contact mines six months before
 17 the expiration of the period contemplated in the first paragraph
 18 of the preceding Article, in the event of the question not having
 19 been already reopened and settled by the Third Peace Conference.

20 If the Contracting Powers conclude a fresh Convention relative
 21 to the employment of mines, the present Convention shall cease
 22 to be applicable from the moment it comes into force.

ARTICLE XIII.

23
 24 A register kept by the Netherland Ministry for Foreign Affairs
 25 shall give the date of the deposit of ratifications made in virtue
 26 of Article VIII, paragraphs 3 and 4, as well as the date on which
 27 the notifications of adhesion (Article IX, paragraph 2) or of
 28 denunciation (Article XI, paragraph 3) have been received.

29 Each Contracting Power is entitled to have access to this reg-
 30 ister 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.