
RIGHTS AND DUTIES OF NEUTRAL POWERS.

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 THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND.

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 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.

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
 2 President of the United States of America; the President of the
 3 Argentine Republic; His Majesty the Emperor of Austria, King
 4 of Bohemia, &c., and Apostolic King of Hungary; His Majesty
 5 the King of the Belgians; the President of the Republic of
 6 Bolivia; the President of the Republic of the United States of
 7 Brazil; His Royal Highness the Prince of Bulgaria; the Presi-
 8 dent of the Republic of Chile; His Majesty the Emperor of
 9 China; the President of the Republic of Colombia; the Provi-
 10 sional Governor of the Republic of Cuba; His Majesty the King
 11 of Denmark; the President of the Dominican Republic; the
 12 President of the Republic of Ecuador; His Majesty the King of
 13 Spain; the President of the French Republic; His Majesty the
 14 King of the United Kingdom of Great Britain and Ireland and
 15 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,

1 Duke of Nassau; the President of the United States of Mexico;
 2 His Royal Highness the Prince of Montenegro; the President
 3 of the Republic of Nicaragua; His Majesty the King of Norway;
 4 the President of the Republic of Panamá; the President of the
 5 Republic of Paraguay; Her Majesty the Queen of the Nether-
 6 lands; the President of the Republic of Peru; His Imperial
 7 Majesty the Shah of Persia; His Majesty the King of Portugal
 8 and of the Algarves, &c.; His Majesty the King of Roumania;
 9 His Majesty the Emperor of All the Russias; the President of
 10 the Republic of Salvador; His Majesty the King of Servia; His
 11 Majesty the King of Siam; His Majesty the King of Sweden;
 12 the Swiss Federal Council; His Majesty the Emperor of the
 13 Ottomans; the President of the Oriental Republic of Uruguay;
 14 the President of the United States of Venezuela:

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

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

23 Have resolved to conclude a Convention to this effect, and
 24 have, in consequence, appointed the following as their Pleni-
 25 potentiaries:

26 [For names of plenipotentiaries, see Final Act, supra.]

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

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

30 ARTICLE I.

31 The territory of neutral Powers is inviolable.

32 ARTICLE II.

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

ARTICLE III.

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 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 IV.

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

ARTICLE V.

A neutral Power must not allow any of the acts referred to in Articles II to IV 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 VI.

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

ARTICLE VII.

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 VIII.

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 IX.

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

1 A neutral Power must see to the same obligation being ob-
 2 served by Companies or private individuals owning telegraph or
 3 telephone cables or wireless telegraphy apparatus.

4 ARTICLE X.

5 The fact of a neutral Power resisting, even by force, attempts
 6 to violate its neutrality cannot be regarded as a hostile act.

7 CHAPTER II.—*Belligerents Interned and Wounded tended in*
 8 *Neutral Territory.*

9 ARTICLE XI.

10 A neutral Power which receives on its territory troops belong-
 11 ing to the belligerent armies shall intern them, as far as possible,
 12 at a distance from the theatre of war.

13 It may keep them in camps and even confine them in fortresses
 14 or in places set apart for this purpose.

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

17 ARTICLE XII.

18 In the absence of a special Convention to the contrary, the
 19 neutral Power shall supply the interned with the food, clothing,
 20 and relief required by humanity.

21 At the conclusion of peace the expenses caused by the intern-
 22 ment shall be made good.

23 ARTICLE XIII.

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

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

29 ARTICLE XIV.

30 A neutral Power may authorize the passage into its territory
 31 of the sick and wounded belonging to the belligerent armies, on
 32 condition that the trains bringing them shall carry neither per-
 33 sonnel or war material. In such a case, the neutral Power is
 34 bound to take whatever measures of safety and control are
 35 necessary for the purpose.

36 The sick or wounded brought under these conditions into
 37 neutral territory by one of the belligerents, and belonging to the

1 hostile party, must be guarded by the neutral Power so as to
 2 ensure their not taking part again in the military operations.
 3 The same duty shall devolve on the neutral State with regard
 4 to wounded or sick of the other army who may be committed to
 5 its care.

6 ARTICLE XV.

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

9 CHAPTER III.—*Neutral Persons.*

10 ARTICLE XVI.

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

13 ARTICLE XVII.

14 A neutral cannot avail himself of his neutrality:

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

16 (b.) If he commits acts in favour of a belligerent, particu-
 17 larly if he voluntarily enlists in the ranks of the armed
 18 force of one of the parties.

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

23 ARTICLE XVIII.

24 The following acts shall not be considered as committed in
 25 favour of one belligerent in the sense of Article XVII, letter (b):

26 (a.) Supplies furnished or loans made to one of the belliger-
 27 ents, provided that the person who furnishes the
 28 supplies or who makes the loans lives neither in the
 29 territory of the other party nor in the territory occu-
 30 pied by him, and that the supplies do not come from
 31 these territories;

32 (b.) Services rendered in matters of police or civil adminis-
 33 tration.

34 CHAPTER IV.—*Railway Material.*

35 ARTICLE XIX.

36 Railway material coming from the territory of neutral Powers,
 37 whether it be the property of the said Powers or of Companies
 38 or private persons, and recognizable as such, shall not be requi-

1 sitioned or utilized by a belligerent except where and to the
2 extent that it is absolutely necessary. It shall be sent back as
3 soon as possible to the country of origin.

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

7 Compensation shall be paid by one party or the other in pro-
8 portion to the material used, and to the period of usage.

9 CHAPTER V.—*Final Provisions.*

10 ARTICLE XX.

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

14 ARTICLE XXI.

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

16 The ratifications shall be deposited at The Hague.

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

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

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

33 ARTICLE XXII.

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

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

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 XXIII.

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 this 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 XXIV.

14 In the event of one of the Contracting Powers wishing to
15 denounce the present Convention, the denunciation shall be noti-
16 fied in writing to the Netherland Government, which shall imme-
17 diately communicate a duly certified copy of the notification to
18 all the other Powers, informing them at the same time of the date
19 on which it was received.

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

23 ARTICLE XXV.

24 A register kept by the Netherland Ministry of Foreign Affairs
25 shall give the date of the deposit of ratifications made in virtue
26 of Article XXI, paragraphs 3 and 4, as well as the date on which
27 the notifications of adhesion (Article XXII, paragraph 2) or of
28 denunciation (Article XXIV, 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.