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VI. HAGUE CONVENTION (IV) RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND, 18 OCTOBER 1907.

NOTE. The text of this Convention was drawn up by the Second Hague Peace Conference, held from 15 June to 18 October 1907, at which forty States, including the United States, were represented. The annexed Regulations made some alterations in those annexed to Hague Convention II of 29 July 1899, which was replaced by this Convention as between the parties.

The Convention was ratified or adhered to by some thirty-one States, including the United States. It was supplemented by the Geneva Convention relative to the Treatment of Prisoners of War of 27 July 1929, as between the parties to the latter.

[Translation from 2 *Treaties* (Malloy), p. 2269.]

ARTICLE I. The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

ARTICLE II. The provisions contained in the Regulations referred to in Article I, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE III. A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE IV. The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

ARTICLES V.—IX. [Omitted.]

ANNEX TO THE CONVENTION. REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND.

SECTION I. ON BELLIGERENTS.

CHAPTER I. THE QUALIFICATIONS OF BELLIGERENTS.

ARTICLES I—III. [Omitted.]

CHAPTER II. PRISONERS OF WAR.

ARTICLE IV. [Identical with Article IV of the Regulations annexed to Hague Convention II of 1899.] .

ARTICLE V. Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ARTICLE VI. The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLES VII–XIII. Identical with Articles VII–XIII of the Regulations annexed to Hague Convention II of 1899.]

ARTICLE XIV. An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and

collect all objects of personal use, valuables, letters, &c., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLES XV–XVI. [Substantially identical with Articles XV–XVI of the Regulations annexed to Hague Convention II of 1899.]

ARTICLE XVII. Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

ARTICLES XVIII–XX. [Identical with Articles XVIII–XX of the Regulations annexed to Hague Convention II of 1899.]

CHAPTER III. THE SICK AND WOUNDED.

ARTICLE XXI. The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

SECTION II. HOSTILITIES.

CHAPTER I. MEANS OF INJURING THE ENEMY, SIEGES, AND BOMBARDMENTS.

ARTICLES XXII–XXIV. [Identical with Articles XXII–XXIV of the Regulations annexed to Hague Convention II of 1899, except for the addition of the following paragraphs to Article XXIII:]

(*h.*) To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE XXV. The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLES XXVI–XXVIII. [Substantially identical with Articles XXVI–XXVIII of the Regulations annexed to Hague Convention II of 1899, except for the insertion of the words "historic monuments" after the word "charity" in the first paragraph of Article XXVII.]

CHAPTER II. SPIES.

ARTICLES XXIX–XXXI. [Omitted.]

CHAPTER III. FLAGS OF TRUCE.

ARTICLES XXXII–XXXIV. [Omitted.]

CHAPTER IV. CAPITULATIONS.

ARTICLE XXXV. [Omitted.]

CHAPTER V. ARMISTICES.

ARTICLES XXXVI–XLI. [Omitted.]

SECTION III. MILITARY AUTHORITY OVER THE
TERRITORY OF THE HOSTILE STATE.

ARTICLES XLII–XLIII. [Identical with Articles XLII–XLIII of the Regulations annexed to Hague Convention II of 1899.]

ARTICLE XLIV. A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

ARTICLES XLV–XLII. [Identical with Articles XLV–LII of the Regulations annexed to Hague Convention II of 1899, except for the addition of the following clause to Article LII:]

. . . and the payment of the amount due shall be made as soon as possible.

ARTICLE LIII. An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depôts of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE LIV. Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed

except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLES LV–LVI. [Identical with Articles LV–LVI of the Regulations annexed to Hague Convention II of 1899.]¹

¹ The subject of Section IV of the Regulations annexed to Hague Convention II of 1899, the internment of belligerents and the care of the wounded in neutral countries, was not dealt with in the 1907 Regulations. The articles of that section of the 1899 Regulations were, however, repeated, with the substitution of the word “Power” for the word “State,” in Articles 11–12 and 14–15 of Hague Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, of 18 October 1907 (36 Stat. 2310; 2 *Treaties* (Malloy), p. 2290; Naval War College, *International Law Situations*, 1908, p. 188).