The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. government, the U.S. Department of the Navy or the Naval War College.
III. War Zones

The declaration of war zones, waters which neutral ships could enter only at their own risk, was practiced by the belligerents in the World War and was excused at first as a matter of retaliation and finally as a matter of self-preservation.

1. Article 3. "When anchored contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

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

    Article 4. "Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

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


2. "(e) When mines are employed, every possible precaution must be taken for the security of peaceful shipping.

    "The belligerents undertake to provide as far as possible that these mines shall become harmless within a limited time, and should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit by a notice to mariners, which must also be communicated to the Governments through the diplomatic channel."

    United States Naval War College, International Law Topics and Discussions, 1913, 147.
3. "During the last week the Germans have scattered mines indiscriminately in the open sea on main trade route from America to Liverpool via north of Ireland.

"These mines can not have been laid by any German ship of war. They have been laid by some merchant vessels flying neutral flag which have come along the trade route as if for purposes of peaceful commerce and while profiting to the full by immunity enjoyed by neutral merchant ships have wantonly and recklessly endangered the lives of all who travel on the sea regardless of whether they are friend or foe, civilian or military in character.

"In these circumstances, having regard to the great interests entrusted to the British Navy, to the safety of peaceful commerce on high seas, and to the maintenance within limits of international law of trade between neutral countries, the Admiralty feels it necessary to adopt exceptional measures appropriate to the novel conditions under which this war is being waged.

"They therefore give notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft, and all other vessels will be exposed to the gravest dangers from mines which it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft."


4. "The German Government has in vain called the attention of neutral powers to the fact, that it must face the question of whether it can longer persevere in its hitherto strict observance of the rules of the London declaration, if Great Britain were to continue its course, and the neutral powers were to continue to acquiesce in these violations of neutrality to the detriment of Germany; for her violations of international law Great Britain pleads the vital interests which the British Empire has at stake, and the neutral powers seem to satisfy themselves with theoretical
protest. Therefore in fact they accept the vital interests of belligerents as sufficient excuse for every method of warfare. Germany must now appeal to these same vital interests to its regret. It therefore sees itself forced to military measures aimed at England in retaliation against the English procedure. Just as England has designated the area between Scotland and Norway as an area of war, so Germany now declares all the waters surrounding Great Britain and Ireland including the entire English Channel as an area of war, and thus will proceed against the shipping of the enemy.

"For this purpose beginning February 18, 1915, it will endeavor to destroy every enemy merchant ship that is found in this area of war without its always being possible to avert the peril, that thus threatens persons and cargoes. Neutrals are therefore warned against further entrusting crews, passengers and wares to such ships. Their attention also called to the fact, that it is advisable for their ships to avoid entering this area, for even though the German naval forces have instructions to avoid violence to neutral ships insofar as they are recognizable, in view of the misuse of neutral flags ordered by the British Government and the contingencies of naval warfare their becoming victims of torpedoes directed against enemy ships cannot always be avoided; ** * **"

Imperial Councillor’s proclamation, as given by the German Ambassador to the Secretary of State, Feb. 4, 1915. United States Foreign Relations, 1915, Supp., 96.

5. "It is of course not necessary to remind the German Government that the sole right of a belligerent in dealing with neutral vessels on the high seas is limited to visit and search, unless a blockade is proclaimed and effectively maintained, which this Government does not understand to be proposed in this case. To declare or exercise a right to attack and destroy any vessel entering a prescribed area of the high seas without first certainly determining its belligerent nationality and the contraband character of its cargo would be an act so unprecedented in naval warfare
that this Government is reluctant to believe that the Imperial Government of Germany in this case contemplates it as possible."


6. "You may inform the Minister for Foreign Affairs that this Government does not see its way at the present time to joining other governments in protesting to the British Government against their announcement that ships entering the North Sea after November 5 do so at their own peril."


7. "In the meanwhile, the British Government has already admitted its directions regarding the misuse of neutral flags. Their execution warrants the assumption that English merchant ships will resort to every means of rendering themselves unrecognizable as such. Thereby, in turn, the recognition of neutral merchant vessels is made practically impossible, unless they sail by day under convoy, since even the painting of the hull in national colors and similar methods of identification contemplated by neutrals can be straightway copied by English merchant ships. Visit and search are put out of the question by reason of the attacks to be expected from disguised English merchant ships, since the same would expose the boarding party and the submarine itself to destruction. In such a state of affairs there can be further assurance for the safety of neutral shipping in the English naval war zone. In addition, account must be taken of an increased danger from mines, since it is intended to make the most extensive use of mines in all parts of the war area. Neutral vessels must therefore again be *most earnestly* warned against venturing into this area; they may, on the other hand, when the case arises, unhesitatingly choose the route north of Scotland recommended by the German Admiralty.

"The new German method of naval warfare is imposed and justified by the murderous character of the English method of naval warfare, which seeks to condemn the German peo-
ple to death by starvation through the destruction of legitimate trade with neutral foreign countries.

"Germany will therefore adhere to the announced method of warfare until England decides for her part to observe also the recognized rules of naval warfare as laid down in the Declaration of Paris and the Declaration of London, or until she is compelled to do so by the neutral powers."


8. "Germany has, so far, not made unrestricted use of the weapon which she possesses in her submarines. Since the Entente powers, however, have made it impossible to come to an understanding based upon equality of rights of all nations, as proposed by the Central powers, and have instead declared only such a peace to be possible which shall be dictated by the Entente allies and shall result in the destruction and humiliation of the Central powers, Germany is unable further to forego the full use of her submarines."

"Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All ships met within that zone will be sunk."

Memorandum, enclosed in message from the German Ambassador to the Secretary of State, Jan. 31, 1917. United States Foreign Relations, 1917, 1, 100.

9. "The Imperial German Government today gave notice of an extension of the submarine blockade according to which it will henceforth and without further notice oppose by every means in its power any navigation whatsoever of the waters of the Arctic Ocean lying east (of the 24th degree of longitude east) and south of the 75th degree of latitude north, with the exception of the Norwegian territorial waters. Neutral vessels navigating that zone would do so at their risk and peril."

Swiss Minister (Department of German Interests) to the Secretary of State, received Mar. 23, 1917. United States Foreign Relations, 1917, Supp. 1, 184, 187.
10. The Germans extended their zone further—to the Cape Verde Islands, Dakar, and the Azores.

Swiss Minister to Secretary of State, Mar. 4, 1918.

11. “In view of the unrestricted warfare carried on by Germany at sea by means of mines and submarines not only against the Allied powers but also against neutral shipping * * *. His Majesty's Government gave notice that on and after the 7th proximo the undermentioned area in the North Sea will be rendered dangerous to all shipping by operations against the enemy and it should therefore be avoided.”


Also, *United States Foreign Relations, 1918, Supp. 1, Vol. II, 1761, 1765.* Zone is called a “mined area”.

12. “As the question of appropriating certain portions of the high seas for military operations, to the exclusion of the use of the hostile area as a common highway of commerce, has not become a settled principle of international law assented to by the family of nations, it will be recognized that the Government of the United States must, and hereby does, for the protection of American interests, reserve generally all of its rights in the premises, including the right not only to question the validity of these measures, but to present demands and claims in relation to any American interests which may be unlawfully affected, directly or indirectly, by virtue of the enforcement of these measures.”


13. “The Government of the United States is also advised that the Norwegian Government has been informed that the Governments of the United States and Great Britain are engaged in laying a barrage across that portion of the North Sea lying between Scotland and Norway, which when completed will effectively prevent the passage of enemy submarines to and from the Atlantic Ocean by the northern route through the North Sea provided that they are not
permitted illegal passage through the territorial waters of Norway.”


14. “The United States could hardly have justified this action on the basis of retaliation, since it had taken the position that inter-belligerent retaliation cannot affect neutral rights on the high seas.”


15. “The German Minister in Christiania has informed the Foreign Office that owing to previous British declarations that the North Sea is a war zone and the German Bay (Heligoland Bight) a danger zone, the Imperial German Government is obliged, in order to meet the situation created by the said declarations, to proceed to the extraordinary measure of warning neutral ships against navigating in the German Bay and against further dangers to which it becomes necessary to expose neutral ships in consequence of British warfare in this zone. The danger of navigating in this zone can only be avoided by following special directions which can be obtained from the German naval authorities.”


16. “Admiralty Notice No. 1462 announces following amended limits of dangerous area Orkney Isles.”


Established as a belligerent practice during the World War, the declaration of war zones has not been definitely recognized as a belligerent right by documents and authoritative texts since the war. Post-war papers on this topic are few. In modern practice, however, zones have again been pro-
claimed by belligerents. Some neutrals, including the United States, recognized these danger zones by proclaiming combat areas.

1. Article 7. "In case a belligerent commanding officer considers that the success of the operation in which he is engaged may be prejudiced by the presence of vessels or aircraft equipped with radio installations in the immediate vicinity of his armed forces or by the use of such installations therein, he may order neutral vessels or neutral aircraft on or over the high seas:

1. To alter their course to such an extent as will be necessary to prevent their approaching the armed forces operating under his command; or
2. Not to make use of their radio transmitting apparatus while in the immediate vicinity of such forces.

A neutral vessel or neutral aircraft, which does not conform to such direction of which it has had notice, exposes itself to the risk of being fired upon. It will also be liable to capture, and may be condemned if the Prize Court considers that the circumstances justify condemnation."

Article 30. "In case a belligerent commanding officer considers that the presence of aircraft is likely to prejudice the success of the operations in which he is engaged at the moment, he may prohibit the passing of neutral aircraft in the immediate vicinity of his forces or may oblige them to follow a particular route. A neutral aircraft which does not conform to such directions, of which he has had notice issued by the belligerent commanding officer, may be fired upon."


2. Article 70. "A belligerent may not establish on the high seas outside of a blockade zone a barred zone or other area however described in which it seeks to impose special prohibition, restriction or regulation upon the passage of neutral vessels. However, a belligerent may require neutral vessels in the immediate vicinity of its armed forces not to
make use of their radio transmitting apparatus except for SOS calls while in the Immediate vicinity of such forces."


3. "In September 1939 the British Government gave notice that mines had been laid in specified areas in the vicinity of the British coast and in areas in the China and Mediterranean Seas, as well as in a specified region off the German coast."


4. "The use of mines will, as hitherto, continue to be kept strictly within the framework of the VIIIth Hague Convention of 1907. In accordance with this Convention the mine fields which have been laid have not only been notified to the neutral governments but also repeatedly announced by radio and the Nautical Warning Service and published in the 'Notice to Mariners'." (The Charge d'Affaires ad interim to Germany to the Secretary of State, Sept. 20, 1939.


5. "Germany has been guilty of laying automatic moored mines without notice in the North Sea outside territorial waters off the British Coast. Consequently the Admiralty gave notice that it is their intention to lay mines for the better protection of vessels navigating in the North Sea off the east coast of England and Scotland. Mines will be laid without further notice within the areas defined below."


6. "On June 15, 1940 the British Embassy in Washington notified the Department of State that certain areas in the Mediterranean had been rendered dangerous to shipping on account of mines."

7. "On July 16, 1940 the British Ambassador informed the Department of State that, in view of the Italian notice that within 30 miles of Allied coasts all merchant vessels bound for Allied ports would navigate at their risk and peril, the British Government gave notice that all vessels navigating within 30 miles of Italian territory in the Mediterranean would do so at their risk and peril."


8. "Whereas section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

"(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both."

"Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby find that the protection of citizens of the United States requires that there be defined a combat area through or into which it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed."

"And I do hereby define such combat area as follows:"

All navigable waters between the north coast of Spain and the coast of Norway.


9. On June 11, 1940, President Roosevelt extended the Atlantic combat zone to include all navigable waters adjacent to the shores of Portugal, Spain, and the northwest coast of Africa. The Mediterranean was also declared a
combat zone. A new combat zone was established off the coast of Italian Somaliland.


10. “While some countries like the United States and Argentina long ago have declared the waters surrounding the British Isles a war zone and have forbidden their ships, airplanes and citizens to enter these dangerous zones, other countries have not yet taken the same step.

“Germany, having repeatedly warned these States not to send their ships into the waters around the British Isles, has now again requested, in a note, these governments to forbid their ships from entering the Anglo-German war zones. It is in the interest of these States themselves to accede this German request as soon as possible.

“The Reich Government wishes to emphasize the following fact: The naval war in the waters around the British Isles is in full progress.

“The whole area has been mined.

“German planes attack every vessel. Any neutral ship which in the future enters these waters is liable to be destroyed.”


11. The German government defined the “total blockade” area, including the waters bordering on France and Belgium and the waters surrounding the British Isles.

*From the New York Times*, August 19, 1941.

12. “Airplanes belonging to Pan American Airways, Incorporated, and American citizens, members of the crew or passengers, travelling thereon, when proceeding between Lisbon and African ports south of 30 north latitude, may henceforth proceed into and through that portion of the combat area defined by the President in his proclamation numbered 2410, of June 11, 1940, which is bounded as follows:”
13. "The Hitler government, in defiance of the laws of the sea, in defiance of the recognized rights of all other nations, has presumed to declare, on paper, that great areas of the seas, even including a vast expanse lying in the Western Hemisphere, are to be closed and that no ships may enter them for any purpose, except at peril of being sunk. Actually they are sinking ships at will and without warning in widely separated areas both within and far outside of these far-flung pretended zones."


14. "Generation after generation, America has battled for the general policy of the freedom of the seas. That policy is a very simple one—but a basic, fundamental one. It means that no nation has the right to make the broad oceans of the world, at great distances from the actual theater of land war, unsafe for the commerce of others."


15. "As a result of the entry into the war of the United States of America and the development which naval warfare has undergone off the American east coast, the zone of operation in which fighting may be expected has been extended to the American coast.

"Every ship which enters this zone after June 26, 1942, will expose itself to destruction.

"The German Government, therefore, warns all ships against navigating in this danger zone, which has been demarcated as follows:

(including most of the Atlantic Ocean)

"Such an extension of the realm of operations on the part of the German Navy is more than an announcement on paper. That has been proved already beyond a shadow of a doubt by the successes achieved by German submarines in American waters."

The British Admiralty on February 15, 1944 declared a vast additional area of 150,000 square miles "dangerous" to shipping. This area included practically the entire Bay of Biscay and also blocks the southern end of St. George’s Channel, which runs between Ireland and Wales. Any vessel entering this area, except with the permission of the British authorities, does so at her own peril.