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International Law Documents: Regulation of Maritime Warfare

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REGULATION OF MARITIME WARFARE

GENERAL PROVISIONS

Extent of obligation.

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.—VI, H. C. 1907 art. 6; VII, *ib.*, art. 7; VIII, *ib.*, art. 8; IX, *ib.*, art. 8; X, *ib.*, art. 18; XI, *ib.* art. 9; XIII, *ib.*, art. 28.

The present declaration is binding on the contracting power only in case of war between two or more of them. It shall cease to be binding from the time when, in a war between the contracting powers, one of the belligerents is joined by a noncontracting power.—IV, H. C. 1899, arts. 2, 3; XIV, *ib.* 1907.

ART. 19. The commanders-in-chief of the belligerent fleets must see that the above articles are properly carried out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present convention.—X, H. C. 1907.

Obligation of naval forces.

ART. 20. The signatory powers shall take the necessary measures for bringing the provisions of the present convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.—X, H. C. 1907.

Declaration of London, 1909.

Preliminary provision.—The signatory powers are agreed in declaring that the rules contained in the following chapters correspond in substance with the generally recognized principles of international law.—D. of L.

ART. 65. The provisions of the present Declaration form an indivisible whole.—D. of L.

ART. 66. The signatory powers undertake to secure the reciprocal observance of the rules contained in this declaration in case of a war in which the belligerents are all parties to this declaration. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take the measures which are proper in order to guarantee the application of the declaration by their courts, and more particularly by their prize courts.—D. of L.

Application of regulations.

1. The provisions of the present regulations are applicable to all cases for which, in matters relating to maritime prizes, special rules are not established by conventions between Russia and other nations.

NOTE.—Regarding the capture of enemy's property on shore or from shore special rules are observed.

—Rus. Reg. 1895.

Declaration of Paris, 1856.

2. On the precise basis of the Paris declaration of April 4 (16), 1856, the following rules are observed in the application of these regulations: (1) Letters of marque are not issued in the name of private persons; (2) a neutral flag covers a hostile cargo, with the exception of contraband of war; (3) neutral goods, with the exception of contraband of war, are not subject to confiscation under a hostile flag; and (4) a blockade, in order to be considered obligatory, must be effective—that is, it must be maintained with sufficient military forces to actually prevent access to the hostile shore.—Rus. Reg. 1895.

Application of rules.

4. In determining the application of those rules of these regulations which limit the right of stopping, examining, detaining, and confiscating the vessels of a hostile or neutral power and its subjects, on the principle of reciprocity, the Imperial Government reserves to itself the right to admit a departure from the rules mentioned, in the case of a hostile or neutral power from which it is impossible to expect their observance, and to conform the steps which it takes in the matter to the special circumstances of a given case.—Rus. Reg. 1895.

ART. X. Concerning matters not provided for in the law, treaties, and these regulations, the rules of international law shall be applied.—Jap. Reg. 1904.

ART. 5. The provisions of an international treaty regarding war shall be applicable only when all the belligerents are parties thereto. And it must be borne in mind that a State which ratifies or becomes a party to a treaty reserving certain articles thereof will not be bound by those articles.—Jap. Reg. 1914.

49. Other particulars which are not provided in the present regulations shall be carried out according to the order of the Government, treaty provisions, and customary practice of international law.—China, Reg. 1917.

Enforcement of regulations.

50. The present regulations shall be enforced on the date of their promulgation.—China, Reg. 1917.

ART. 8. The present decree shall come into force immediately and all legislation contrary thereto is hereby revoked.—Port. Dec. 1916.