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International Law Documents: Regulation of Maritime Warfare

U.S. Naval War College (Editor)

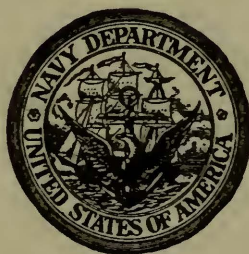
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NAVAL WAR COLLEGE

INTERNATIONAL LAW
DOCUMENTS

REGULATION OF MARITIME WARFARE

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PREFACE

The discussions on international law at the Naval War College have often concerned the regulation of maritime warfare. During the World War many States issued new or more extended rules for their naval forces. It is not possible to reprint all these, but it seems desirable to have typical rules of this and earlier periods easily available for comparison.

It should be emphasized that the official version is in the language of the State issuing the rules.

In 1925, as in recent years, George Grafton Wilson, LL. D., professor of international law in Harvard University, conducted the discussions on international law, under the auspices of the War College authorities.

W. V. PRATT,
Rear Admiral, United States Navy,
President, Naval War College.

JUNE 5, 1926.

INTERNATIONAL LAW DOCUMENTS—REGULATION OF MARITIME WARFARE

During the period of the World War, 1914–1918, regulations relating to the conduct of maritime warfare were issued by many States. Some of these were published as regulations, others in decrees and in varying forms, but prescribing conduct for maritime forces and defining rights and obligations of neutrals and belligerents. Many referred directly or indirectly to earlier formulations of rules, such as those of the Hague or other conventions and declarations, and to the resolutions of the Institute of International Law. There has often been marked difference in rules even when the same convention or other document has been their basis. Nearly all these documents are scattered and not easily available for comparison. For convenience in comparison a considerable number of these have been brought together in topical arrangement in the following pages.

It is recognized that even under identic regulations there may be unlike practice, but a knowledge of the degree of uniformity in the written rules is desirable. Subsequent attempts to draw up international conventions or to secure other international action may be facilitated by some acquaintance with what has already been done, and this comparison would also be helpful in drafting national rules which relate to conduct in time of war.

In the Hague conventions and in the Declaration of London the official language is French. In other cases the language of the State issuing the rule is the official language. Some special instances of State orders and decrees have been inserted as illustrative. The instructions relating to retaliatory measures have in general been omitted as outside the field of international law.

Other rules, regulations, decrees, etc., not here printed, may be found in the Naval War College International Law Publications, particularly of the years 1915–1918. In the General Index to International Law Situations, Topics, and Discussions, 1901–1920, and indexes to subsequent volumes, references to special subjects may be found.

EXPLANATION OF REFERENCES

Br. O. in C.....	British Order in Council: Aug. 20, 1914 (Declaration of London). Oct. 29, 1914 (Declaration of London). Mar. 11, 1915 (enemy destination and origin). Mar. 23, 1915 (requisition). Oct. 10, 1915 (enemy character). Oct. 12, 1915 (contraband list). July 7, 1916 (Declaration of London). Jan. 6, 1917 (enemy destination and origin). Mar. 30, 1916 (Declaration of London).
China, Reg.....	China, prize regulations, 1917.
D. of L.....	Declaration of London, 1909.
D. of P.....	Declaration of Paris, 1856.
Fr. Dec.....	France, decree: Nov. 6, 1914 (Declaration of London). Mar. 13, 1915 (enemy origin and destination). Oct. 26, 1915 (enemy character). July 7, 1916 (Declaration of London not applicable).
Fr. Ins.....	France, Instructions sur l'application du droit international en cas de guerre, Dec. 19, 1912.
Ger. App. P. C.....	Germany, Appendix to Prize Code, 1914.
Ger. O.....	Germany, ordinance, Sept. 30, 1909.
Ger. O. amendment.....	Germany, ordinance amendment, Apr. 18, 1915.
Ger. P. C.....	Germany, Prize Code, 1916.
Ger. P. C. amendment.....	Germany, Prize Code amendment, July 16, 1917.
Ger. P. O.....	Germany, prize order, 1912.
H. C.....	Hague Convention: I. Conventions for the pacific settlement of international disputes 1899 and 1907. II. Convention respecting the limitation of the employment of force for the recovery of contract debts. III. Convention relative to the commencement of hostilities. IV. Conventions concerning the laws and customs of war on land 1899 and 1907. V. Convention respecting the rights and duties of neutral powers and persons in war on land. VI. Convention relative to the status of enemy merchant ships at the outbreak of hostilities. VII. Convention relative to the conversion of merchant ships into warships. VIII. Convention relative to the laying of automatic submarine contact mines. IX. Convention respecting bombardment by naval forces in time of war. X. Conventions for the adaptation of the principles of the Geneva convention to maritime war, 1899 and 1907. XI. Convention relative to certain restrictions on the exercise of the right of capture in maritime war. XII. Convention relative to the establishment of an international prize court. XIII. Convention respecting the rights and duties of neutral powers in maritime war. XIV. Declarations prohibiting discharge of projectiles and explosives from balloons, 1899 and 1907.

Institut.....	Institut de Droit International les Lois de la Guerre Maritime dans les Rapports entre Belligérents, Manuel adapté par l'Institut de Droit International, session d'Oxford, 1913.
Italy, Dec.....	Italy, decree (Declaration of London), June 3, 1915.
Italy, P. R.....	Italy, prize regulations, July 15, 1915.
Jap. Dec.....	Japan, declaration: Aug. 23, 1914 (contraband). Aug. 24, 1914 (days of grace).
Jap. Reg.....	Japan, regulations governing capture at sea, 1904, 1914.
Norway, Dec.....	Norway, decree: Oct. 13, 1916. Jan. 30, 1917.
Port. Dec.....	Portugal, decree: Aug. 14, 1916 (contraband).
Rus. Dec.....	Russia, decree: Sept. 1, 1914 (Declaration of London). Dec. 8, 1914 (Declaration of London). Declaration, Nov. 8-21, 1916, (Declaration of London not applicable).
Rus. Ins.....	Russia, instructions concerning the stopping, examining, and detaining of vessels, Sept. 1, 1914.
Rus. P. O.....	Russia, prize order, Feb. 4-17, 1916 (Declaration of London).
Rus. Reg.....	Russia, regulations on maritime prize, Mar. 27, 1895.
Spain, Dec.....	Spain, decree: May 3, 1898. June 29, 1917.
Spain, Ins.....	Spain, instructions for the exercise of the right of visit, Apr. 24, 1898.
Sweden, Dec.....	Sweden, decree, July 19, 1916.
U. S. Ins.....	United States, instructions for the Navy of the United States governing maritime warfare, June, 1917.