

International Law Studies – Volume 16

International Law Topics: Neutrality Proclamations and Regulations with Notes

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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.

*The President of the Republic decrees:*

ARTICLE 1. The time of sojourn in the ports, roadsteads, and waters of the Republic of belligerent vessels of war is limited to 24 hours except in the cases and exceptions provided by convention xiii of The Hague and by articles 5, 7, and 12 of the decree of August 7 conforming to the provisions of that convention.

ART. 2. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JUAN BERNASSA Y JEREZ.

## VENEZUELA.<sup>1</sup>

*Declaration of neutrality, August 8, 1914.*

MINISTRY FOR FOREIGN RELATIONS,  
SECTION OF EXTERNAL PUBLIC LAW,

No. 1,475.

*Caracas, August 8, 1914.*

CITIZEN MINISTER OF FINANCE:

As there exists at present a state of war between several nations of Europe with which Venezuela maintains relations of friendship, and the Government of the Republic being desirous to sustain its neutrality in this conflict, deems necessary to make known the rights which, in accordance with the principles and practices of international law and with the obligations of diplomatic treaties, the Republic is called to observe.

To this effect I have the honor to accompany with this note the instructions which in consequence with those principles, with the resolutions of the second peace conference of The Hague of 1907, and with the rules adopted by Venezuela in regard to the pirates of the belligerents, the collectors of customs of the Republic can follow in the cases which may occur, so as to make effective the neutrality which the national government is decidedly disposed to observe in the actual war.

In any case not foreseen in these instructions, the customs officials shall proceed immediately to communicate to this department, through the respective channel, the necessary information to elucidate the character of the case and to the effect of its decision by the national government.

According to the informations which have been obtained up to date confidentially the belligerent nations are: On the one side, Germany and Austria; and on the other, Russia, France, Great Britain, Servia, and Belgium.

Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

<sup>1</sup> Unless otherwise indicated, the Venezuelan documents are transcripts of the English translations in *Estados Unidos de Venezuela, Boletín del Ministerio de Relaciones Exteriores* 1914, p. 137 et seq. The Spanish text may also be found in *El Libro Amarillo de los Estados Unidos de Venezuela, Ministerio de Relaciones Exteriores*, 1915, vol. 2, p. 21 et seq.

*Instructions to the collectors of customs of the Republic relating to the neutrality of Venezuela in the present European war, August 8, 1914.*

Permit that the warships of the belligerents make use of the pilots officially appointed.

Prevent that warships of the belligerents remain in the port or anchorage or in the waters of your jurisdiction for more than 24 hours, except in the cases foreseen in these instructions.

The permanency of a warship of a belligerent in a neutral port can only be prolonged more than the duration aforesaid in case of damage or on account of the state of the sea.

It must be forced to depart from the time the cause of the delay has ceased.

The rules on the duration of the permanency in the port, harbor, or neutral waters do not apply to ships of war exclusively destined to religious, scientific, or philanthropic missions.

Not to permit that there be anchored in the port, harbor, or territorial waters more than three ships of war of a belligerent.

When ships of war of the belligerent parties are found simultaneously in the port or harbor, at least 24 hours must elapse within the departure of the ship of a belligerent and the departure of the ship of the other.

The order of the departures must be determined by that of the arrivals, unless the ship that first arrived be in the case that the prolongation be admitted beyond the legal duration of the permanency.

A ship of war of a belligerent shall not leave the port or harbor but 24 hours after the departure of a ship of commerce carrying the flag of its opponent.

Not to permit that the ships of war of belligerents be able to repair their damages in the port or harbor but in the strict measure for the security of their navigation, nor to augment in any manner whatsoever their military force. Inform the Executive immediately of the repairs to be effected.

Not to permit that the ships of war of belligerents be able to use the port, harbor, or territorial waters to increase or augment their military provisions or munitions, as also to complete their crew. Inform the Executive immediately of such pretension.

Not to permit that the ships of war of belligerents be able to provide themselves with provisions, but to complete their normal provisions as in time of peace.

Shall neither permit that such ships take coal but for the arrival to the nearest port of a neutral country.

If the ship can not take coal but 24 hours after its arrival it shall be permitted the permanency of 24 hours beyond the legal duration.

Not to permit that ships of war of the belligerents be able to renew their provisions of coal but after three months from the time at which it took coal in that same port or in any other of the Republic.

Not to permit that any spoils be taken to the port but on account of innavigability, of the state of the sea, of want of combustibles, or of provisions. Must inform the Executive immediately to that effect, together with all the necessary information.

Advise the Executive immediately if a ship of war of a belligerent refuses to leave the port where it has no right to remain.

*In reference to foreign privateers:*

The arming, equipping, and recruiting of crews for privateers will not be permitted in the ports of the Republic.

Privateers and vessels of war, with the prizes which they have made, will not be permitted to enter the ports.

Asylum will not be given to privateers, except when in case of damages or lack of provisions they are obliged to take refuge in the ports of the Republic.

But in the first case, sojourn can not be permitted for more than the time strictly necessary for the repair of the damage; in the second case they should not remain in port more than 24 hours, nor purchase a greater quantity of provisions than is necessary to reach the nearest port of another neutral country.

In any case, the sale or exchange of the prizes either in whole or in part will not be permitted in the ports of Venezuela under any pretext.

If vessels of war, without prizes, or privateers in the circumstances described, enter any port of the Republic, they can not put to sea until all other vessels which have previously weighed anchor shall have disappeared from the horizon.

*Instructions relating to neutrality enforcement, August 9, 1914.*

MINISTRY OF FINANCE,  
DIRECTOR OF ADMINISTRATION,

*Caracas, August 9, 1914.*

No. 1032.

CITIZEN MINISTER OF FOREIGN RELATIONS:

In reply to your attentive note of to-day, No. 1475, D. P. E., together with which you please accompany the memorandum containing the instructions for the collectors of customs relating to the neutrality of Venezuela in the present European war, I have the honor to inform you that this department has with this same date addressed said collectors, in order that, when the case arises, they may comply with the referred-to instructions.

Dios y Federacion.

ROMÁN CÁRDENAS.



*Instructions relating to the enlistment of individuals and the setting on foot of military expeditions, August 12, 1914.*

MINISTRY FOR FOREIGN RELATIONS,  
SECTION OF EXTERNAL PUBLIC LAW,  
*Caracas, August 12, 1914.*

No. 1512.

CITIZEN MINISTER OF THE INTERIOR :

I have the honor to address you, in accordance with the information sent to the ministry under your worthy charge with reference to the actual European conflict, to call your attention as to the obligations under which the authorities are to prevent in the national territory the enlistment or uprisings of individuals for forming corps to take part in favor of any of the belligerent countries, as well as also to prevent that the offers made by citizens of the Republic be carried to effect to lend services in the war to any of such belligerents through their respective legations in Venezuela.

These obligations derive from the principles that can be applied to countries that are neutral in regard to the complete impartiality in their relations with the belligerents and with the forbearance of all acts having the character of favor or succor to one with prejudice to the other.

As it is disposed that the National Government shall sustain its neutrality in said conflict, I pray you to take note of what I have stated for the dispositions you deem convenient enact on the matter.

Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

*Instructions relating to the enlistment of individuals and the setting on foot of military expeditions, August 19, 1914.*

MINISTRY OF THE INTERIOR,  
POLITICAL SECTION,  
*Caracas, August 19, 1914.*

No. 93.

CITIZEN MINISTER OF FOREIGN RELATIONS :

In reply to the communication of that department, dated 12th instant, and marked with No. 1512, D. P. E., with reference to the obligation under which the authorities are to prevent the enlistment or uprisings of individuals in the national territory for the formation of corps to take part in favor or against any of the belligerent countries on account of the actual European conflict, as well as to prevent that the offers made by citizens of the Republic to lend services in the war, I have the honor to inform you that this department has already addressed the respective authorities to the ends expressed in your mentioned communication.

Dios y Federacion.

C. ZUMETA.

*Instructions to diplomatic officers relating to neutrality, August 22, 1914.*

MINISTRY FOR FOREIGN RELATIONS,  
SECTION OF EXTERNAL LAW,

No. 1576.

*Caracas, August 22, 1914.*

SIR: It has been decided by the Government of Venezuela that it shall sustain the strictest neutrality in the European war, so you shall please notify all Venezuelan citizens residing in that jurisdiction, by direct communication or through the consuls of your dependence, of the duties they must observe by reason of the neutrality, cautioning them that, in the case of infringing them, they shall not be able to embrace the advantages of the Venezuelan neutrality nor the aid of our diplomatic and consular agents.

I am, very truly, yours,

MANUEL DIAZ RODRIGUEZ.

*Instructions relating to radiotelegraphy, August 24, 1914.*

MINISTRY FOR FOREIGN RELATIONS,  
SECTION OF EXTERNAL PUBLIC LAW,

No. 1585.

*Caracas, August 24, 1914.*

CITIZEN MINISTER OF FINANCE:

The envoy extraordinary and minister plenipotentiary of Great Britain, in the name of his Government, has called attention of this chancery as to the possibility that the use of wireless telegraphy by merchant vessels of nations in war, in the territorial waters of a neutral country, may lead to violation of the neutrality, and has expressed the desire that the Government of Venezuela give immediate instructions to dismantle all the wireless telegraphy apparatus installed on such ships in our territorial waters.<sup>1</sup>

This chancery has replied to Mr. Minister that the rules of conduct which he alleges in support of his petition have not as yet obtained the unanimous consent of the powers, nor have they been embodied in the conventions actually in force. Notwithstanding the reason stated, the Federal Executive, prompted by the purport that the territory of Venezuela may not serve as a base for communications which favor the acts of war of any belligerent, has decided to prohibit the use of wireless telegraphy on board merchant vessels of the nations in war while lying in the ports of the Republic.

And I have the honor to communicate it to you, so that you may please add to the instructions given as a guide to the collec-

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<sup>1</sup>In a note of Mr. Harford, British minister to Venezuela, September 18, 1914 (Rev. Gen., Doc. 22:205), it is stated that all important maritime nations, including the United States, Brazil, Chile, Peru, Uruguay, Sweden and Norway, have taken measures to dismantle radio apparatus in belligerent merchant vessels in port. After some correspondence, Venezuela followed this practice, as the instructions show.

tors of customs, contained in note No. 1475, D. P. E., of this ministry, that of exercising, by means of the respective employees, the greatest vigilance in order that the referred-to regulation be not infringed.

Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

*Instructions relating to radiotelegraphy, August 24, 1914.*

MINISTRY FOR FOREIGN RELATIONS,  
SECTION OF EXTERNAL PUBLIC LAW,

No. 1586.

*Caracas, August 24, 1914.*

CITIZEN MINISTER OF WAR AND MARINE:

In addition to the previous notes of this department relating to the neutrality of the Republic in the present European conflict I have the honor to remit to you a copy of the note which, on this same date, I have addressed to the citizen minister of finance as to the prohibition of using wireless telegraphy apparatus on board merchant vessels of the nations in war while lying in Venezuelan ports.

Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

*Instructions relating to radiotelegraphy, August 26, 1914.*

MINISTRY OF WAR AND MARINE,  
DIRECTION OF MARINE,

No. 462.

*Caracas, August 26, 1914.*

CITIZEN MINISTER OF FOREIGN RELATIONS:

I have the honor to advise the receipt of your note, dated 24th instant, No. 1586, inclosing copy of note which on that same date you addressed to the citizen minister of finance, relating to the neutrality of the Republic in the present European conflict, as to the prohibition of the use of wireless telegraphy apparatus on board merchant vessels of the nations in war, while lying in Venezuelan ports, of which this department has taken due note for the effects thereof.

Dios y Federacion.

M. V. CASTRO ZAVALA.

*Instructions relating to radiotelegraphy, August 26, 1914.*

MINISTRY OF THE INTERIOR,  
POLITICAL DIRECTION,

No. 104.

*Caracas, August 26, 1914.*

CITIZEN MINISTER OF FOREIGN RELATIONS:

I have the honor to advise the receipt of your official communication of 4th instant marked with No. 1586, inclosed with which you remit copy of the note which on that same date the department under your worthy charge has addressed to the minister of



finance, as to the prohibition of using wireless telegraphy apparatus on board merchant vessels of the nations in war while lying in Venezuelan ports.

Dios y Federacion.

C. ZUMETA.

*Instructions relating to radiotelegraphy, August 26, 1914.*

MINISTRY OF FINANCE,  
GENERAL DIRECTION OF ADMINISTRATION,

No. 1084.

*Caracas, August 26, 1914.*

CITIZEN MINISTER OF FOREIGN RELATIONS :

I have the honor to refer to your attentive note No. 1585, D. P. E., dated 24th instant, relating to the instructions which this department is to communicate to the collectors of customs with the object that the latter may make observed the neutrality of Venezuela in the actual European conflict, by not permitting the use of wireless telegraphy on board merchant vessels of the nations in war, while lying in the ports of the Republic, and it pleases me to inform you that the above-mentioned instructions have already been transmitted to the collectors of customs for the effects of their strict observance.

Dios y Federacion.

ROMÁN CÁRDENAS.

*Memorandum of the Minister of Foreign Affairs of the United States of Venezuela on the rights of neutral countries. October, 1914.*

[El Libro Amarillo de los Estados Unidos de Venezuela, Ministro de Relaciones Exteriores, 1915, vol. 2, p. 45.]

In time of war the duties of neutrality must be constantly invoked. Neutral countries themselves, in order to justify any measure protested against or objected to by one of the belligerents, rely upon the duties which their status of neutral countries imposes upon them. But at basis there are not only duties to fulfill; there are also rights which they can demand. As with all juridical situations, neutrality gives rise to correlative rights and duties. The modern international publicists, among them notably Richard Kleen, have expounded the doctrine on this point with a clarity which permits of foreseeing and defining the most distant consequences. In the light of pure theory it seems, then, that the rights of neutral countries, being as sacred as those of belligerents, ought to be preserved in all their integrity. It is customarily admitted that neutral countries, although obliged by the fact of the international community not to restrain the liberty of the belligerent nations in their military operations, ought to suffer no diminution of their rights, only *certain temporary modifications in the exercise of their rights*. This concept, by its elasticity, does



not seem adapted to a criterion of strict justice. No more does it seem applicable to numerous cases in which neutral countries suffer not only a temporary modification in the exercise of their rights but, indeed, an evident violation, more or less grave, of the rights themselves. Consequently, two tendencies before the war struggled for preponderance in the practice of nations; on the one hand, the contention that the rights of war should be favored, that the interest of the belligerent has the advantage; on the other, the hope to ameliorate and to extend the rights of neutral countries without neglecting the legitimate rights of war, a hope which has been strengthened as international law has progressed and the aim of which is to arrive at a reasonable equilibrium of interests rather more in accord with justice. The reality of these two tendencies, as the justice of the balance requires, is proved by the history of any one of the great nations, which have represented alternately the two aspirations, according to the interest of the moment, that is to say, whether they were belligerent or neutral.

An impartial examination of the question in time of peace, when no circumstantial interest troubles the serenity of judgment, leads us to this conclusion, that in the conflict of the rights of the belligerent nations and of those of the neutral country, although both are equally worthy of respect, nevertheless, those of the second have in their favor, as a claim to preference, some reasons which surpass those of the belligerent nation. By unanimous conviction peace is the regular and logical state of the international society. War is a disturbance often necessary, sometimes inevitable, but always a scourge, which the belligerent nations are the first to suffer and to deplore, and for which they attempt to disclaim responsibility. When the state of war arises the belligerent nations, although they may be influenced by necessities and circumstances for which they can not be responsible, present and maintain, nevertheless, an alteration in the normal state of international affairs. The neutral countries, on the contrary, continue the regular and harmonious life of peace, and this circumstance ought not rashly to diminish their rights nor render them inferior or of less consideration. Against a reason so clear the belligerent nation can argue that it is defending the most sacred right, that of its own existence and liberty. However high it is, and it is a fundamental right, it is nevertheless certain that it is limited by the doctrine and the practice of nations. The prohibition against using certain cruel and excessive means of hostility against the enemy is a manifest restriction of this right of self-preservation. It therefore follows that theory and practice will not look unfavorably upon new limitations of the right of belligerents in order to guarantee the right of neutral countries. The circumstances in which modern war manifests itself do not cease to demand, in a more and more urgent manner, such limitations. Without doubt, one can speak of temporary modifications in the exercise of the rights of neutral countries, as during

the wars of antiquity, when international life was scarcely ushered in and was of very little strength, and this case may well be that of neutral countries to-day, when war is localized in a well-defined region or is limited and circumscribed in a precise manner to two nations only, excepting the cases, I may say, where these by their position or by their importance would be comprised among those who are inevitably involved in the universal activity. But this expression ought under no circumstances to be accepted when it is a question of conflicts such as that which fills our days, and holds the entire world in suspense, and in which several nations, among the richest and most civilized, are engaged, and that in an era of close international life, in which internationalization of all interests becomes each day more intimate, more complex, more inextricable, to such a point that the losses inflicted on a single nation react to a sensible extent immediately and surely even upon the most distant countries.

No proof can be more evident than that of the general lack of balance which at the very beginning of the present conflict surprised and disturbed the very bases of internationalism, which are *par excellence* commercial relations, economic activity, credit operations, the circulation of gold and everything which involves world wealth. The simple fact of the declaration of war, produced, not only an inevitable economic disadvantage for the belligerent nations and their subjects, but a similar disadvantage for neutral nations and their inhabitants, and not alone from the point of view of their interests, connected with the territory and population of belligerent nations, but also in reference to their most vital interest and in their own territory.

For this reason, the action of the belligerent, whether it declares or accepts war, is felt directly on the territory of neutral countries as well as on its own.

At the same time, it is true that care has been taken in time of peace to modify the law of war, with a view to the interests which may be injured. But the very fact of military methods evolved with such rapidity, that the development of the law which relates to them follows very slowly, and with an inevitable delay, makes these the more audacious attempts. The theory of neutral commerce in time of war offers a striking example of this and one of the highest importance. Theory approves, as being legal, the right of neutral countries to carry on commerce with the belligerent nations with one exception at first view just and necessary—contraband of war. Such is the law. The actual fact is otherwise and tends to invalidate the right. The means of making war are multiplied to such a point that military art levies contributions from the most diverse industries. At the hour of conflict, the entire industrial organism of a state may cooperate to the single end of the common defense. War utilizes the most varied products, the most unlike raw materials. This is why, by the simple fact of the development of the mechanism of war, the list of articles which are or can be considered contra-



band of war, tends to increase and to undergo an unlimited extension. The times are already far distant when common powder and the materials of which it is composed, lead and some other metals were the only materials which were regarded as suspicious. To-day one is astonished at the number of articles which in earlier wars it was never suspected could ultimately be included in contraband of war. Unfortunately, in proportion as the list increased, the number of materials of very wide applicability also increased. This explains why the prohibition affects, not only the war industries, but also, and very gravely, pacific industries. The right of neutral countries freely to carry on commerce with the belligerent nations is in danger of complete destruction. Such facts, the result of the more and more intimate internationalization of interests, which has gradually given rise to concepts as rigid as that of sovereignty, lead to the belief that, although sovereignty and integrity of neutral countries continues in a perfect state in reference to persons, yet this can not be said for that which concerns their interests, even the most vital and the most profound.

It follows that although neutrality has never signified an attitude of indifference, to-day less than ever, can it have this signification. The universal economic losses, probably resulting from the actual war of Europe, if the duration is to be, as there is reason to fear, indefinite, can not be a matter of indifference to neutral nations. The losses will be the same for all, although it may seem for the moment that some countries can separate themselves from the war.

At the same time, as the war at present assumes immense proportions and affects several of the greatest civilized nations of the world, as well as the most considerable economic interests, the precious fruits of civilization, which are not the exclusive patrimony of such and such a people but the common wealth of all, are endangered. The conclusion is then inevitable, that over against the right exercised by belligerents, there is the right of neutral countries to cooperate and to organize, by substituting for their former passivity and in virtue of the new solidarity with which their violated interests temporarily unite them, action for their security, effective, and beneficent.

The application of this right does not lack precedents. History records several cases of leagues of neutral countries for the defense of the freedom of commerce and navigation as, for example, that of Sweden and Denmark in 1693 and that even more important, which owed its origin to the manifesto of Catherine of Russia in 1780. Though the principle in the first place, should appear not debatable, its bearing and its method of operation involve a very long discussion. The project would require a congress of neutral countries which would revise, as the present situation necessitates, the rights and duties of neutrality, in order to make clear the innovations introduced by modern war. The fact that the right of the belligerent is above that of the



neutral country, being already regarded as unacceptable because contrary to equity and justice, the congress could present a new duty, that of the union of all neutral countries in face of conflicts of the magnitude of the present from which injuries so direct and so grave are suffered, in order to organize for the protection of their own interests, a duty of which the logical consequence would be a new law, that of mediation, which would then be exercised with all the restrictions and limitations of circumstance and time which would make it compatible with the respect due to the rights of belligerents. Mediation, thus strengthened, would have effects considerably more effective than the mediation usually tried in international practice. Although the latter has a certain character of officiousness and can not make way without the consent of one of the belligerents, mediation by a league of neutral countries, without losing that character, offers something of more weight by representing, along with the good offices of impartial states, the voice of those who on their part labor for the safeguarding and defense of their injured interests.

The conclusions that the congress would dictate would next be submitted to an assembly of all nations and unanimously recognized, as they can not fail to be, because of their justice and convenience. Since the belligerent nation to-day will be the neutral country to-morrow, they will be incorporated into international law as an effective victory of civilization and pledge of future peace. One step further in this direction and one will arrive at the creation of a permanent entity which would represent upon the first rumors of a conflict, the league of neutral countries, and by making itself heard according to its right, it would be able in the majority of cases, to prevent the rupture or at least to limit the extension, the duration, and the range of hostilities.

In the presence of the existing conflict, which embraces the people of Europe and Asia, the initiation of a congress of neutral countries belongs to the nations of America. In the possession of a neutrality absolute and above suspicion, by their geographic position, by the ample bonds which unite them to all the belligerent nations, by their character of peaceful powers, by their traditional efforts for the success of international arbitration, and by the grave injuries being suffered because of this very war, both in their present situation and in their future progress, the American nations are called to the signal duty of mediation.

CARACAS, *October, 1914.*