

International Law Studies – Volume 16

International Law Topics: Neutrality Proclamations and Regulations with Notes

U.S. Naval War College (Editor)

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.

NETHERLANDS.

Note addressed to the Belgian Government to announce that the Netherlands may be obliged to institute war buoying on the Scheldt. August 3, 1914.

[Belgian Gray Book Annex to No. 29, reprinted in British Parl. Pap. Misc. No. 12, 1914, p. 27.]

The Netherlands Government may be compelled, in order to maintain the neutrality of Dutch territory, to institute war buoying upon the Scheldt, that is to say, to move or modify a portion of the actual arrangement of buoys and lights.

At the same time this special arrangement of buoys has been so drawn up that when it is brought into force it will still be possible to sail up the Scheldt as far as Antwerp by day, but only with Dutch pilots who have been furnished with the necessary nautical instructions. In thus acting the Netherlands Government are convinced that they will be able to serve equally both the Dutch interests in the defense of Netherlands territory and Belgian interests in the navigation of Antwerp.

After the establishment of war buoying on the Scheldt, there would be no further reason to enter the tidal water of Flushing at night, and as the presence of the lightships *Wielingen* and *Wandelaar* is not indispensable to navigation by day the Netherlands Government would be much obliged if the Belgian Government would be good enough, in the event of the establishment of war buoying, to withdraw these boats in order to facilitate the maintenance of the neutrality of Dutch territory.

Declaration of the neutrality of Netherlands in the European war. August 5, 1914.

[Staatscourant, Special Number, Aug. 5, 1914; Belgian Grey Book, Annex to No. 53, reprinted in British Parl. Pap., Misc. No. 12, 1914, p. 46.]

The ministers of foreign affairs, justice, marine, war, and the colonies, authorized to that effect by Her Majesty the Queen, make known to all whom it may concern that the Netherlands Government will observe strict neutrality in the war which has broken out between Great Britain and Germany and Belgium and Germany, powers friendly to the Netherlands, and that, with a view to the observance of this neutrality, the following dispositions have been taken:

ARTICLE 1. Within the limits of the territory of the State, including the territory of the Kingdom in Europe and the colonies and possessions in other parts of the world, no hostilities of any kind are permitted, neither may this territory serve as a base for hostile operations.

ART. 2. Neither the occupation of any part of the territory of the State by a belligerent nor the passage across this territory by

land is permitted to the troops or convoys of munitions belonging to the belligerents, nor is the passage across the territory situated within the territorial waters of the Netherlands by the warships or ships assimilated thereto of the belligerents permitted.

ART. 3. Troops or soldiers belonging to the belligerents or destined for them arriving in the territory of the State by land will be immediately disarmed and interned until the termination of the war.

Warships or ships assimilated thereto belonging to a belligerent who contravenes the provisions of articles 2, 4, or 7 will not be permitted to leave the said territory until the end of the war.

ART. 4. No warships or ships assimilated thereto belonging to any of the belligerents shall have access to the said territory.

ART. 5. The provisions of article 4 do not apply to:

1. Warships or ships assimilated thereto which are forced to enter the ports or roadsteads of the State on account of damages or the state of the sea. Such ships may leave the said ports or roadsteads as soon as the circumstances which have driven them to take shelter there shall have ceased to exist.

2. Warships or ships assimilated thereto belonging to a belligerent which anchor in a port or roadstead in the colonies or oversea possessions exclusively with the object of completing their provision of foodstuffs or fuel. These ships must leave as soon as the circumstances which have forced them to anchor shall have ceased to exist, subject to the condition that their stay in the roadstead or port shall not exceed 24 hours.

3. Warships or ships assimilated thereto belonging to a belligerent employed exclusively on a religious, scientific, or humanitarian mission.

ART. 6. Warships or ships assimilated thereto belonging to a belligerent may only execute such repairs in the ports and roadsteads of the State as are indispensable to their seaworthiness, and they may in no way increase their fighting capacities.

ART. 7. Warships or ships assimilated thereto belonging to a belligerent who may at the commencement of war be within the territory of the State must leave within 24 hours from the moment of the publication of this declaration.

ART. 8. If warships or ships assimilated thereto belonging to different belligerent and find themselves at the same time, in the conditions set forth in article 5, in the same part of the world and within the territory of the State, a delay of at least 24 hours must elapse between the departure of each respective belligerent ship. Except in special circumstances, the order of departure shall be determined by the order of arrival. A warship or ship assimilated thereto belonging to a belligerent may only leave the territory of the State 24 hours after the departure of a merchant ship which flies the flag of another belligerent.

ART. 9. Warships or ships assimilated thereto belonging to a belligerent to which articles 5 and 7 are applicable may only be provisioned with foodstuffs in the ports and roadsteads of the

country to the extent necessary to bring their provisions up to the normal limit in time of peace.

Similarly they can only be supplied with fuel to the extent necessary to enable them, with the stock they already have on board, to reach the nearest port of their own country.

The same vessel can not again be provided with fuel until a period of at least three months shall have elapsed since it was last provisioned in the territory of the State.

ART. 10. A prize may only be brought into Dutch territory if such prize is unnavigable, or unseaworthy, or short of fuel or foodstuffs.

Such prize must leave as soon as the reasons which caused her to enter Dutch territory cease to exist.

Should such prize fail to do so, immediate orders shall be given her to leave. In the event of a refusal, all possible means shall be employed to liberate the prize, with her officers and crew, and to intern the crew placed on board by the belligerent who has taken it as prize.

ART. 11. It is forbidden, in State territory, to form a corps of combatants or to open recruiting offices on behalf of the belligerents.

ART. 12. It is forbidden, in State territory, to take service on board warships or ships assimilated thereto.

ART. 13. It is forbidden, in State territory, to equip, arm, or man vessels intended for military purposes on behalf of a belligerent, or to furnish or deliver such vessels to a belligerent.

ART. 14. It is forbidden, in State territory to supply arms or ammunition to warships or ships assimilated thereto belonging to a belligerent, or to come to their assistance in any manner whatsoever with a view to augment their crew or their equipment.

ART. 15. It is forbidden in State territory failing previous authorization by the competent local authorities, to repair warships or ships assimilated thereto belonging to a belligerent, or to supply them with victuals or fuel.

ART. 16. It is forbidden in State territory to take part in the dismantling or repairing of prizes, except in so far as is necessary to make them seaworthy; also to purchase prizes or confiscated goods, and to receive them in exchange, in gift, or on deposit.

ART. 17. The State territory comprises the coastal waters to a distance of 3 nautical miles, reckoning 60 to the degree of latitude, from low-water mark.

As regards inlets, this distance of 3 nautical miles is measured from a straight line drawn across the inlet at the point nearest the entrance where the mouth of the inlet is not wider than 10 nautical miles, reckoning 60 to the degree of latitude.

ART. 18. Further, attention is called to articles 100, section 1, and 205 of the Penal Code; "Indisch Staatsblad," 1905, No. 62; article 7, section 4, of the law respecting the status of Nether-

lands nationality and respecting domicile ("Nederlandsch Staatsblad," 1892, No. 268; 1910, No. 216); article 2, No. 3, of the law respecting the status of Netherlands nationality ("Nederlandsch Staatsblad," 1910, No. 55; "Indisch Staatsblad," 1910, No. 296; articles 54 and 55 of the Penal Code of Surinam; articles 54 and 55 of the Penal Code of Curaçao).

Similarly, the attention of commanding officers, owners, and charterers of ships is called to the dangers and inconveniences to which they would expose themselves by disregarding the effective blockade of belligerents, by carrying contraband of war, or military dispatches for belligerents (except in the course of the regular postal service), or by rendering them other transport services.

Any person guilty of the acts aforesaid would expose himself to all the consequences of those acts and would not be able, as regards them, to obtain any protection or intervention on the part of the Netherlands Government.

NICARAGUA.

Neutrality circular, December 5, 1914.

To correspond with the action of foreign countries who are on friendly terms with the Republic, and with the object of preventing difficulties, by rendering more efficacious the observance of the neutrality of Nicaragua in the present European conflict, according to the instructions of the President of the Republic and in his name, I confirm to you the former dispositions in this regard, and furthermore, I inform you that you can make use of this note, as soon as an occasion presents itself, in the following form:

First, all commercial vessels of the belligerent nations that meet in, or arrive at, the ports of the Republic and that possess stations of wireless telegraphy, shall keep one flag hoisted while they remain in a Nicaraguan port.

Second, mercantile vessels not belonging to countries at war and which have wireless apparatus shall not use this until after their departure from the ports of the Republic.

Third, it is absolutely prohibited for the submarine cable at San Juan del Sur and for the telegraphic office on the island of Bluefields to transmit, directly or indirectly, for either of the belligerent nations, messages in code, or with incomplete address or signature, or messages which contain military information or data, or that in any manner compromise the neutrality of Nicaragua; the superior administrative authorities of the port shall permit the transmission of those dispatches which they consider not to be subject to censorial rules.

Fourth, mercantile vessels of any nationality that arrive at Nicaraguan ports under suspicious circumstances, such as having