

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.

This order shall become effective on its publication in the *Gazette*; the Secretaries of State, of Government, and of Finance will take charge of its execution, respectively, according to the nature of the question.

Mariel, the tenth of August, nineteen hundred and fourteen.

M. G. MENOCAL, *President.*

PAUL DESVERNINE,
Secretary of State.

Circular to the foreign consular corps relating to radio apparatus.

[Boletín Oficial de la Secretaría de Estado, 1914, p. 507.]

HABANA, *September 24, 1914.*

Mr. CONSUL: In order to give due effectiveness to the order of the Honorable President of the Republic, on date of August 10 ultimo, regarding the neutrality to be observed in Cuban territory in consequence of the European conflict, the Government has resolved the following:

1. All commercial vessels of belligerent nations carrying wireless telegraphy apparatus that find themselves in, or arrive at the ports of the Republic shall keep one flag hoisted while they remain in said ports.

2. Mercantile vessels, both Cuban and foreign, which carry wireless telegraphy apparatus shall not use these during their stay in the ports of the Republic.

I have the honor of communicating the above resolution to you that you may transmit it to the captains of the mercantile vessels of your nationality in order that it may be strictly observed by them.

I beg that you will be pleased to acknowledge this communication.

I have the honor to be,

G. PATTERSON, *Second Secretary.*

*Decree relating to the status of armed merchant vessels,
March 3, 1916.*

[Boletín Oficial de la Secretaría de Estado, 1916, p. 501.]

This decree reproduces the memorandum issued by the United States September 19, 1914, *infra*, page 93.

DENMARK.

*Royal order of December 20, 1912, concerning the neutrality of
Denmark in case of war between foreign powers.*

[Lovtidende for Kongeriget Danmark, 1912, a, p. 1342.]

Given at the royal palace Amalienburg, in Copenhagen.

We, Christian X, King of Denmark, the Goths' and Wends' King,
Duke of Sleswick, Holstein, Stormarn, Ditsmarsk, Lauenburg,

and Oldenburg, make known that it has pleased us to order the following in order to protect Denmark's neutrality in case of war between foreign powers:

1.

1. War vessels of belligerent powers may enter Danish harbors and roadsteads as well as other Danish territorial waters with exceptions and restriction, as on the special conditions given below:

a. It is prohibited war vessels of the belligerent powers to enter the harbor and roadstead of Copenhagen.

b. It is also prohibited the named vessels to enter such inner territorial waters whose entrances are closed by mines or other means of defense.

c. If circumstances demand it or in order to protect the sovereignty of the State or to secure its neutrality, the right is reserved to prohibit the entering of other Danish ports or roadsteads or other parts of inner territorial waters, the conditions being the same for both belligerent powers.

Considered as inner Danish territorial waters are not only harbors, entrances to harbors, roadsteads and bays, but also the sea territory between and inside islands, small islands, and reefs which are not continually submerged.

In those parts of the Danish sea territory in the Kattegat, the Sound, the Great and the Little Belt which are known as "natural routes of communication" between the North Sea and the Baltic only harbors and entrances to harbors have to be considered as inner Danish territorial waters.

d. War vessels of belligerent powers which have omitted to follow the rules prescribed by the authorities concerned or having offended the neutrality of the state may by order be prohibited the entering of Danish harbors and roadsteads.

2. *a.* War vessels of belligerent powers must pay due respect to the sovereignty of the State and must avoid any action offending its neutrality.

b. All hostile actions, including the right of detaining and searching a vessel, whether neutral or flying the colors of the enemy, are strictly prohibited.

If a vessel has been captured in Danish territorial waters, the vessel, as well as its officers, crew, and cargo, must be set free.

3. War vessels of belligerent powers or their prizes are only allowed to navigate in the Danish territorial waters on the same conditions as mentioned under (1) regarding entering of said waters.

4. *a.* War vessels of belligerent powers are not allowed to remain more than 24 hours in Danish harbors, roadsteads, or other Danish territorial waters except in case of damage, rough weather, or in the cases (c) and (d) mentioned below, the vessels' having to leave as soon as circumstances permit it. War

vessels acting as floating hospitals or exclusively intended for religious, scientific, or humane purposes are not subject to the 24 hours' time limit.

b. Not more than three war vessels belonging to one and the same belligerent power may at the same time stay in the same Danish port or at the same Danish roadstead.

c. If war vessels of both belligerent parties are at the same time in the same Danish harbor or at the same Danish roadstead, war vessels belonging to one of the belligerent powers are not allowed to leave the harbor or roadstead earlier than 24 hours after the departure of war vessels belonging to the other of the belligerent powers. The vessels have to leave according to their arrival, except in the case the last arrived vessel, due to special circumstances, has obtained permission for further remaining.

d. It is prohibited a war vessel of a belligerent power to leave the harbor or the roadstead earlier than 24 hours after the departure of a merchant ship flying the colors of the enemy. It is the duty of the authorities concerned to arrange the departure of the merchant ship so that the war vessel is not unnecessarily detained.

5. a. During the stay in a Danish harbor or at a Danish roadstead repair of involved damages on the war vessel belonging to a belligerent power is only allowed when seaworthiness of the vessel absolutely demand it. All repair relating to the fighting capacity of the vessel is prohibited. The authorities concerned indicate which repairs to be accomplished and when completed the vessel leaves as soon as possible.

b. It is prohibited war vessels of belligerent powers to enter Danish harbors, roadsteads, or other Danish territorial waters in order to renew or increase their military equipment or ammunition supplies or to increase their crew.

c. It is prohibited war vessels of belligerent powers staying in Danish harbors or Danish roadsteads to take in provisions in greater quantities than required for the maintenance in time of peace.

A war vessel of a belligerent power is only allowed to take in fuel in quantities necessary to fill the real coal bunkers including fuel tanks. One and the same vessel is not allowed to take in fuel again in another Danish harbor or at another Danish roadstead earlier than three months after its coaling in similar harbor or roadstead.

6. a. When navigating in inner Danish waters, war vessels belonging to belligerent powers have to make use of the examined Danish state pilots according to the rules which in this respect are enforced upon war vessels during time of peace. Otherwise they are not allowed to make use of these pilots except in case of need to escape a threatening sea disaster.

b. Existing sanitary, pilot, custom, harbor, and police regulations are strictly to be observed.

2.

It is prohibited privateers to enter Danish harbors or to stay at Danish roadsteads or in other Danish territorial waters.

3.

1. It is prohibited to take captured vessels into Danish territorial waters or Danish harbors, except in the event of sea unworthiness, rough weather, or shortage of fuel or food. A captured vessel which has been brought into a Danish harbor or roadstead for one or more of named reasons must leave as soon as circumstances allow it.

2. It is prohibited belligerent powers to establish prize courts on Danish territory or on board vessels staying in Danish territorial waters. It is also prohibited to sell captured vessels in Danish harbors or at Danish roadsteads.

4.

1. It is prohibited belligerent powers to use Danish harbors or other Danish territorial waters as bases for engagements against the foe. It is also prohibited to erect radio-telegraph stations on Danish territory or in Danish territorial waters. The same applies to all other apparatus intended as means for communication between the fighting forces whether on land or on sea.

2. It is prohibited to organize fuel depots on Danish territory or on vessels staying in Danish territorial waters.

3. It is prohibited to equip or armor a vessel within Danish territory if the vessel is intended for cruising or for assistance in hostile actions against a power at peace with the Danish state. Even so are vessels which wholly or partly have been equipped or armored for war use by belligerent powers prohibited to leave the Danish territory.

This order is strictly to be followed by everybody concerned.

Given at the Royal Palace Amalienborg in Copenhagen on December 20, 1912.

Signed by our own hand and confirmed by our seal.

[L. S.]

CHRISTIAN R.

C. W. AHLEFELDT LAURVIG.

Rules which during war between foreign powers have to be followed in order to protect Danish commerce and navigation. August 6, 1914.

[Lovtidende for Kongeriget Danmark, 1914, a, p. 685.]

We, Christian X. by grace of God King of Denmark, the Wends' and Goths' King, Duke of Sleswick, Holstein, Stormarn, Ditmarsk, Lauenburg, and Oldenburg, make known that in order to protect

the Danish commerce and navigation during a war between foreign powers it has pleased us to order as follows :

1.

In the event that a Danish merchant ship in open sea or in the territorial waters of one of the belligerent powers is stopped by an armed vessel belonging to one of the belligerent powers, it must without any objection whatever, on demand of the commander, show its papers, that is nationality and registration license (or in want of such, an interim nationality license given by a Danish consul), crew list, clearance papers, and bills of lading.

Neither before the visitation nor during it is it allowable to hide, throw overboard, or destroy papers regarding the ship or the cargo. No Danish ship is allowed to carry ship papers in duplicate or to fly other colors than the Danish.

Ships which, during the war or the last six months before its beginning, have carried the colors of one of the belligerent powers can not obtain interim nationality licenses without a special permission from the ministry of foreign affairs.

2.

Should a Danish ship during a stay in a foreign harbor be compelled to engage a foreign crew the preference must be given to subjects of neutral states. Any change in the crew and the reason must be recorded in the crew list in the way prescribed and the list then be presented to the Danish consul for his attestation. In the event there is no Danish consul, the attestation of the enlistment must be obtained from the authorities concerned, notary public or some other person which, according to existing rules of the place, enjoys official authenticity.

3.

It is prohibited the commander of the ship to sail for any harbor which is blockaded by one of the belligerent powers. As far as possible, he must ascertain if the harbor to which he intends to sail is free. If, by entering a harbor the blockade of which was unknown to him, he is stopped by a ship wearing the ensign (naval flag) of the concerned belligerent power, and it is made known to him by the commander that the harbor is blockaded, he must instantly leave the territory without trying secretly to enter the harbor.

By blockaded harbor is to be understood a harbor which is effectively blockaded, that is, by a force which actually is sufficient to cut off the entrance to the blockaded shore.

4.

As unconditional contraband, which may be confiscated by one of the belligerent powers when the goods direct or indirect are being brought to the territory of the other of the belligerent powers, or to any territory occupied by it, or to its military or naval forces, are considered :

1. Any kind of arms, including those for hunting, as well as their separate parts.
2. Shells, charges, and cartridges of every kind, as well as their separate parts.
3. Gunpowder and explosives especially made for warfare.
4. Gun carriages, ammunition boxes, mounts, wagons, field forges, and all their separate parts.
5. All articles of military uniform and equipment.
6. Military horse equipment of every kind.
7. All animals which may be used for riding, harness, or in any other way for war purposes.
8. Camping articles and their component parts.
9. Armor.
10. War vessels and small boats with their separate parts, which from their special character are capable of being used only on war vessels.
11. Instruments and apparatus exclusively intended for the preparing of ammunition, for the preparing and repairing of arms, and material of military use, both army and navy.

5.

As conditional contraband, which may be confiscated by one of the belligerent powers when the goods are being transported for the benefit of the other of the belligerent power's armed forces or administration, the latter case excepted when the goods actually can not be used during the war which is taking place, are considered :

1. Provisions.
2. Forage and food for animals.
3. Clothing and material for clothing, as well as foot gear capable of being used for war purposes.
4. Gold and silver in pieces and bars, as well as paper money (bank notes).
5. Vehicles of any kind capable of war use, as well as their separate parts.
6. Ships, vessels, and small boats of any kind, floating docks, contrivances for dry docks, and component parts.
7. Railway material, stationary as well as rolling; telegraph, radio, and telephone materials.
8. Aircraft of any kind, including aeroplanes, aerostats, balloons, and their component parts, as well as attachments, apparatus, and materials capable of being used in connection with aviation.

9. Fuel and lubricating substances.

10. Powder and explosive substances not used exclusively for war purposes.

11. Barbed wire as well as instruments for installing and cutting wire.

12. Horseshoes and blacksmiths' material.

13. Articles forming part of harness and saddle equipment.

14. Binoculars, telescopes, chronometers, and all kinds of nautical instruments.

The restriction mentioned above does not apply to point 4.

Should any changes or additions regarding contraband be found necessary the ministry of foreign affairs will make them known to the public after obtaining royal resolution.

6.

It is prohibited Danish vessels :

1. To sail with the special purpose to transport single persons which are enlisted in one of the belligerent power's armed forces or to carry news in the interest of any of the belligerent powers.

2. To transport a military detachment or subjects of belligerent powers which during the journey directly assist the operations of one of the belligerent powers.

3. To take part in the hostilities.

4. To be under command or control of an agent which has been placed on board by one of the belligerent powers.

5. To take time charter or in any other way wholly take charter for the use of one of the belligerent powers during the war.

6. Forcibly to resist against an entitled execution of the right of stopping, searching, and confiscating by armed vessels belonging to one of the belligerent powers.

7.

It is prohibited to equip or arm any ship on Danish territory intended for cruising or participation in the hostile operations against one of the belligerent powers.

8.

It is prohibited Danish subjects to equip or arm any vessel intended for prize seizing against one of the belligerent powers, their subjects, or property, or to participate in the furnishing or arming of such vessel.

It is also prohibited Danish subjects to serve on a prize-seizing vessel.

9.

Should a Danish vessel be arrested the commander of this vessel must give to the consul in the harbor whereto the vessel is brought or, in want of such, to the nearest Danish consul, a full

and duly confirmed information of all circumstances regarding the arrest.

If any commander thinks himself entitled to complain of the treatment that has been accorded him he must as soon as possible hand his statement to the ministry of foreign affairs or to a Danish royal legation or consulate.

10.

These regulations are put into force at once and are to be observed by all concerned.

Given at Amalienborg, August 6, 1914.

[L. S.]

CHRISTIAN R.
ERIK SCAVENIUS.

ECUADOR.

Neutrality proclamation, August 17, 1914.

LEONIDAS PLAZA G., CONSTITUTIONAL PRESIDENT OF THE REPUBLIC.

Considering:

1st. That between Germany and Austria, on one side, and France, Great Britain, and Russia, on the other, there exists at present a state of war, and that this conflagration has extended itself, and may further extend itself to other nations;

2d. That Ecuador has always maintained good relations of friendship with the belligerent nations, and that it desires to continue in them; and

3d. That it is a duty of the Government to employ adequate means to guard over the national interests which may be affected by the present war;

Decrees:

The Republic of Ecuador shall observe the strictest neutrality in the above-mentioned war, conforming itself to the convention of The Hague of the 18th of October, 1907, which established the rights and duties of neutrals, and to the general principles of international law on such matters.

At the National Palace, in Quito, the 17th of August, 1914.

LEONIDAS PLAZA G.

The Minister of Foreign Affairs: R. H. ELIZALDE.

Decree relating to the departure of merchant vessels, November 28th, 1914.

LEONIDAS PLAZA G., CONSTITUTIONAL PRESIDENT OF THE REPUBLIC.

Considering:

That it is necessary to take every measure that may conduce to the strict maintenance of the international neutrality proclaimed