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International Law Topics: Neutrality Proclamations and Regulations with Notes

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patible with its neutrality, permit it to continue its commerce with the European countries. In accordance with these intentions I indicated to your excellency on the 15th of March last that my Government saw no inconvenience in admitting into its ports in the quality of merchant vessels, vessels which had been auxiliaries of the belligerent naval forces and which had subsequently resumed their character of merchant vessels so long as they fulfilled certain conditions guaranteeing the sincerity of their new conversion.

My Government is inspired to-day by the same standard for settling the question which your excellence wishes to propose to it in the note to which I reply.

The Chilean ports will receive merchant vessels armed for defense when the respective Governments previously communicate to us the name of the vessel which travels under these conditions and also the route, roll of crew, list of passengers, and cargo, as well as the management and the armament of the vessel, demonstrating that it is in reality a question of a merchant vessel which is not intended to carry on hostile acts nor to cooperate in the warlike operations of enemy fleets.

If an armed merchant vessel arrives without this previous notice of the Government, it will be considered and treated as suspicious. If, violating their declaration, these vessels engage in operations of war against other merchant vessels without defense they will be forthwith considered and treated as pirates, since the Government of the country under whose flag they fly will have formally declared their exclusively commercial character by not incorporating them into its fleet of war.

ALEJANDRO LIRA.

## CHINA.

*Presidential mandate on the observance of neutrality during the European war.*

[Peking Gazette, Friday, Aug. 7, 1914.]

PEKING, August 6, 1914.

### THE DECLARATION.

Whereas we are happily at peace with all sovereigns, powers, and states;

And whereas a state of war unhappily exists between Austria-Hungary and Serbia, thereby involving many other European powers in a state of war;

And whereas by faith of treaties of friendship and commerce we are on terms of friendship and amicable intercourse with each of the powers;

And whereas the aforesaid unhappy state of war will seriously affect the commerce of the Far East;

And whereas great numbers of our citizens reside and carry on commerce and possess property and establishments and enjoy protection together with various rights and privileges within the dominions of each of the aforesaid powers ;

And whereas we, being desirous of maintaining the peace of the Far East and of preserving to our citizens the blessings of peace, which now they happily enjoy, are firmly purposed and determined to maintain a strict and impartial neutrality in the aforesaid state of war unhappily existing between the aforesaid powers :

I, the President, therefore specially issue the enjoined regulations for the strict observance of neutrality by all our citizens in accordance with the existing laws and statutes and the law of nations in relation thereto.

The field marshals and governors general of all the Provinces are hereby ordered to instruct their subordinates diligently and faithfully to follow the precepts laid down in international law and to maintain the friendship with all the powers with whom we are happily at peace.

#### PRECEPTS OF NEUTRALITY.

1. Belligerents are not allowed to occupy any part of the territory or the territorial waters of China, nor to commit an act of war therein, nor to make use of any place therein as a base of operations against their adversaries.

2. Troops of any of the belligerents, their munitions of war or supplies are not allowed to cross the territory or territorial waters of China.

In the event of a violation, the troops shall submit to the Chinese authorities to be disarmed and interned, and the munitions of war and supplies shall be held in custody until the termination of the war.

3. If belligerent warships and auxiliary vessels are found in a port within the territorial waters of China where they are not entitled to remain, China may order them to disarm and detain the officers and crew until the termination of the war.

4. The troops interned and the officers and crew detained in accordance with articles 2 and 3, respectively, will be supplied, if necessary, with food and clothing until the termination of the war. The expenses thus incurred shall be made good by the respective belligerents.

5. Belligerent warships or auxiliary vessels which are allowed by the local authorities to remain within the territorial waters of China can remain there for a period not exceeding 24 hours. If they are unable to depart for the sea within this period on account of stress of weather, or on account of the fact that the repairs to damage are not completed, or of the fact that they have not shipped a sufficient quantity of necessary food, provisions, and fuel to enable them to reach the nearest port of their own country,



they shall leave it to the commanders of the Chinese navy or the local authorities to consider an extension of the time limit. They must leave as soon as the circumstances of the delay are at an end.

6. Except on account of stress of weather or repairs to damage, the number of warships or auxiliary vessels belonging to a belligerent which may simultaneously remain in one of the ports or roadsteads of China shall not be more than three.

7. When warships or auxiliary vessels belonging to several belligerents are present simultaneously in one of the ports of China, the ship or vessel which arrived later can not leave until 24 hours after the departure of the one which arrived earlier and until after the receipt of an order to proceed from a commander of the Chinese navy or the local authorities.

8. Belligerent warships and auxiliary vessels are forbidden to revictual their supplies in the territorial waters of China above the peace standard or to increase their fighting strength.

9. Belligerent warships or auxiliary vessels are forbidden to make captures in the territorial waters of China and, except when it is absolutely necessary on account of stress of weather or repairs to damage or seeking supplies, they are also forbidden to bring a prize into any of the ports of China. They must leave as soon as the circumstances of their entry are at an end. During their stay they are also forbidden to allow the prisoners of war to go on shore or to sell the prize and its contents. If belligerent warships or auxiliary vessels do not conform to the foregoing provision, China may release the prize and the prisoners of war, intern the prize crew, and confiscate the ship or vessel or the goods.

Prisoners of war brought into the territory of China by belligerent troops, as well as those who escape to China, will be released forthwith. The troops who bring prisoners of war into the territory of China will be interned.

10. Articles 3, 5, 6, and 8 are not applicable to belligerent vessels of war devoted exclusively to scientific, religious, or philanthropic purposes.

11. Within the territory and the territorial waters of China belligerents are not allowed to form corps of combatants or equip fighting vessels or open recruiting agencies or establish a prize court or set up a blockade of one of the ports.

12. The guards attached to the legations of the various powers in Peking and their troops stationed along the route between Peking and Shanhaikuan shall continue to conduct themselves so as to conform to the peace protocol of the 25th day of the 7th moon of the 27th year of Kuang Hsu, i. e., September 7, 1901.<sup>1</sup> They are not allowed to interfere with the present war.

The foreign troops stationed in other parts of China shall act likewise.

<sup>1</sup> Malloy, *Treaties*, p. 2006.

Those who do not conform to the foregoing provisions may be interned and disarmed by China until the termination of the war.

13. Belligerents are not allowed to deprive Chinese who reside within their dominions of their money or property or force them to enlist in their military service. If necessary, China may dispatch warships to render them protection or to take them out of the country.

14. The fact of China using various means to resist an attempt of a belligerent to violate these articles of neutrality can not be regarded as a hostile act.

15. Chinese citizens within the territory and territorial waters of China are not allowed to proceed to a belligerent power to enlist in its military service or as a member of the crew of one of its warships or auxiliary vessels. Nor are they allowed to participate in the war.

16. Within the territory and the territorial waters of China no person is allowed to arm and equip for a belligerent or furnish ships or stores and military supplies, such as shots and cartridges, gunpowder, saltpeter, arms, etc., for the purpose of performing acts of war or making captures. Nor are they allowed to supply any of the belligerents with funds.

17. Within the territory and the territorial waters of China no person is allowed to carry on the work of espionage for any of the belligerents, or prepare dispatches concerning the operations of the war on its behalf.

18. Without the permission of a commander of the army or the navy or the local authorities no person within the territory or territorial waters of China is allowed to sell coal, fuel, or food provisions to the troops or any of the warships or auxiliary vessels of the belligerents.

19. Without the permission of the local authorities no person within the territory and the territorial waters of China is allowed to repair or load or unload a prize on behalf of a belligerent, nor to sell, exchange, accept as a gift, or keep in custody the prize and all the belongings taken as prize.

20. Chinese ships and all persons on board them shall observe the regulations in force at any port effectively blockaded by one of the belligerents and must not carry contraband of war or forward military despatches or transport goods for one of the belligerents or commit other acts in violation of the laws of war.

21. Any person within the territory or the territorial waters of China who violates these articles of neutrality, if he is a Chinese, will be punished in conformity with the laws and ordinances, and the goods confiscated; if he is a foreigner he will be dealt with in accordance with treaty and the law of nations.

22. Chinese citizens who violate the laws of war and are captured by a belligerent will be left to be dealt with by its courts in accordance with the law of nations. If the capture by the belligerent is illegal, it shall indemnify any loss or injury.



23. Belligerents are not allowed to detain the arms or contraband of war carried by Chinese vessels between Chinese ports or for or from another neutral country. The ordinary commercial goods carried by Chinese vessels and belonging to a belligerent, as well as all goods belonging to China and carried in belligerent vessels, shall be allowed to pass to and fro without let or molestation.

All belligerents shall recognize and give effect to the passports and certificates issued by China.

24. The cases not provided for in the present articles will be dealt with by China in accordance with the convention respecting the rights and duties of neutral powers and persons in case of war on land and the convention concerning the rights and duties of neutral powers in naval war, concluded between China and the other powers at The Hague in 1907.

## COLOMBIA.

*Resolution of the Colombian Government relative to the supplies which may be delivered to vessels of war and merchant vessels of belligerent States in Colombian ports. August 13, 1914.*

[Republico de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 169.]

### MINISTRY OF FOREIGN RELATIONS.

*Bogota, August 13, 1914.*

In view of the war at present being waged between various European powers;

In view of the notification and communications relating to the clearance of vessels which some of these powers have made to the Government of the Republic by the intermediary of their legations in this city;

Considering the duties imposed on the Colombian Government by its neutrality in reference to the belligerent States, and

Considering the theory followed on this subject by this ministry, which is a result of the conduct pursued by the Colombian Government in the wars of 1879 between Chile, Peru and Bolivia; of 1891 between the Government of Chile and the insurrection which had arisen against it; and of 1898 between Spain and the United States of America;

*It is resolved as follows:*

The governors of the Departments of Narino, Canca, El Valle, Bolivar, Atlantico, and Magdalena will take for guidance on the subject of the clearance of merchant vessels or vessels of war of the belligerent nations the following rules which will be transmitted to the authorities of the respective ports, to wit:

1. To prevent, by using due diligence, the shipment of arms, munitions, and other materials of war in the vessels of any of the belligerent squadrons.