

International Law Studies—Volume 17

International Law Documents

Neutrality

Breaking of Diplomatic Relations

War

With Notes

U.S. Naval War College (Editor)

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state of war with Bulgaria. The official date of the state of war between Serbia and Bulgaria is October 14, 1915, at 8 o'clock in the morning.

### SIAM.

*Notification of declaration of war against Germany and Austria-Hungary, July 22, 1917.*<sup>1</sup>

[U. S. Official Bulletin, No. 62, p. 1.]

A telegram to the Department of State from the American legation at Bangkok, dated July 22, states that Siam declared war against Germany and Austria about 6 o'clock that day. German and Austrian subjects were being interned. The German and Austrian legations were protected by special guards. All German ships were interned at once.

### SPAIN.

*Exposition of decree relating to the treatment of submarine vessels in neutral jurisdiction, June 29, 1917.*<sup>2</sup>

[Am. Jour. Int. Law, Supp. 11:175.]

OFFICE OF THE PRIME MINISTER.

#### EXPOSITION.

SIR: Realizing the convenience of definitely fixing the rules to which Spain, as a neutral power, during the actual war conditions should adjust its conduct, it was declared by royal decree of November 23, 1914, that for the purpose of the neutrality proclaimed by Spain in relation to the present war, all authorities and state officials should adjust their conduct and their order to the precept contained in the XIII Hague Convention of 1907, relative to the rights and duties of neutral powers in case of maritime war, which convention was provisionally accepted by Spain until the restoration of peace.

By virtue of that decree, which has not been modified heretofore by any special provisions, the Spanish Government has been applying the rules established by The Hague convention both generally and, in many instances, subsidiarily, inasmuch as the application of the provisions of several of the articles of that

<sup>1</sup> A Reuter dispatch of July 23 1917, says the object of the declaration was "to uphold the sanctity of international rights against nations showing contempt for the principles of humanity and respect for small States."

<sup>2</sup> Annex to the royal circular order No. 601.

pact is limited to the circumstance of there being no special provisions in the laws of the interested neutral power.

This legal condition, in force within Spanish ports and jurisdictional waters, could not, however, assume an immutable character. Aside from the sovereign powers of a state, especially in matters to which it did not bind itself by any international agreement, it is acknowledged in the preamble of the same Hague convention that each nation has the power to modify the precepts contained therein in case actual experience should reveal the necessity to do so in order to safeguard its rights.

This case, in the opinion of Your Majesty's Government, is at hand; the Government has been able fully to realize that the rules set forth in XIII Hague Convention of 1907, relative to the rights and duties of neutral powers in case of maritime war, notwithstanding the fact that they were the outcome of carefully thought-out negotiations and compromise between opposite points of view brought into the discussion of the second peace conference by the delegates of the powers, yet they do not fully answer any more the purpose which inspired them, due to the evolution—more rapid in point of fact than in point of law—of the military elements used by the belligerent powers. Special attention is called to the extremely general character of the principles laid down in said convention, there being no provisions for certain cases which either were not foreseen in 1907 or it was not presumed that they could assume the importance they have in later times acquired in practice.

Such is the case with the employment of submarines in the present war. The means at the disposal of these vessels, and their use in destructive operations, to an extent and with a range which could not be foreseen by those legislators—a use which has been the subject of express reservations and protests of neutral nations, among them Spain—have changed, in the opinion of Your Majesty's Government, the legal bases on which some of the provisions of the Hague Convention found their existence.

And if, while this convention has up to the present time been in force among us, the Government, following the example of other neutral nations, some of them already belligerents, has faithfully and loyally applied its principles, the experience repeatedly acquired advises—having in view the national convenience—the amendment of some of its articles, leaving in force all those which are not affected by such amendment, to serve as a doctrinal body and compilation of legal precepts which have been unexcelled until now.

Your Majesty's Government does not pretend to set down as permanent and invariable any definition of principles. Happier days will arise, when the nations shall rise to establish those rules which shall better satisfy universal judicial conscience in regard



to such important and transcendental matters of public international law; but in the meantime the Government would not fulfill its most sacred mission if, conscious of its duty to Spain, it should not safeguard its rights and interests and forestall the dangers which an omission in its foresightedness might bring upon the nation which your majesty rules with such great love and high discernment of its needs.

To this end, in accord with the members of the cabinet, and maintaining in force all those provisions of the aforesaid XIII Hague Convention which are not affected thereby I have the honor to submit to Your Majesty, as an addition thereto, and with the provisional and limited character determined by article 1. of the royal decree of November 23, 1914, the following project of decree.

Sir: At the royal feet of Your Majesty,

EDUARDO DATO.

MADRID, *June 29, 1917.*

*Royal decree relating to the treatment of submarine vessels in neutral jurisdiction, June 29, 1917.*

[Am. Jour. Int. Law, Supp. 11; 177.]

ROYAL DECREE.

At the proposal of my cabinet of ministers, I hereby decree as follows:

ARTICLE I. All submarine vessels of any kind whatsoever, of belligerent powers, are hereby forbidden to navigate in Spanish jurisdictional waters, or to enter the ports of this nation.

ART. II. All submarine vessels referred to in the preceding article entering Spanish jurisdictional waters for any cause whatsoever shall be interned until the end of the war.

ART. III. Neutral submarines entering Spanish waters shall do so navigating on the surface and displaying conspicuously their national flag.

ART. IV. The royal decree of November 23, 1914,<sup>1</sup> shall remain in force as to all of its provisions not modified hereby.

Given at the palace this 29th day of June, 1917.

ALFONSO.

The Prime Minister,

EDUARDO DATO.

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<sup>1</sup> This decree declared XIII Hague Convention, 1907, concerning the rights and duties of neutral powers in naval war, operative. [155 Boletín de Legislación, 1914, 75.]

**SWEDEN.***Decree relating to mined area, July 14, 1916.*

[British Parl. Pap., Misc. No. 8 (1917).]

By a decree dated the 14th July, Swedish Government gives notice that mine field laid down in Kogrundsranan, which is new fairway round Falsterbo mine<sup>1</sup> field, situated between latitude north  $55^{\circ} 26'$ , and north  $55^{\circ} 28'$ , and between longitude east  $12^{\circ} 47' 8''$ , and east  $12^{\circ} 50' 5''$ . Fairway may only be navigated by Swedish warships or any other ships in the service of Swedish State, Swedish merchant vessels engaged in regular coastwise traffic through sound, Swedish merchant ships bound to Swedish Baltic ports carrying cargo only to such port or in ballast and vice versa, finally, Swedish boats, including vessels less than 20 tons register, going from one Swedish port to another. All merchant vessels desiring to pass through mine field must anchor before arriving mine field, in order to obtain permission to pass. Notice comes in force to-morrow. There are several other provisions of less importance connected with pilotage, etc.

*Decree relating to the sojourn of war submarine vessels, amendatory to decree of December 20, 1912,<sup>1</sup> July 19, 1916.*

[British Parl. Pap., Misc. No. 8 (1917).]

*We, Gustaf, etc.,*

Submarines belonging to foreign powers and equipped for use in warfare<sup>2</sup> may not navigate or lie in Swedish territorial waters within 3 nautical minutes (5,556 meters) from land or from extreme outlying skerries, which are not continuously washed over by the sea, under peril of being attacked by armed force without previous warning; exception is, however, made for the passage through Oresund between parallels of latitude drawn in the north, through Viking Light (latitude, north  $56^{\circ} 8' 7''$ ), and, in the south, through Klagshamm Light (latitude, north  $55^{\circ} 31' 2''$ ).

In the event of a submarine being compelled through bad weather or shipwreck to enter the forbidden area, the above regulation is not applicable, always provided that the vessel while within the mentioned area, shall remain above the surface and

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<sup>1</sup> Similar to Danish decree, Dec. 20, 1912 (International Law Topics, 1916, p. 49), and Norwegian decree, Dec. 18, 1912, *supra*, p. 184.

<sup>2</sup> Replying to a British protest of Aug. 30, 1916, which questioned whether "the periscope or even the conning tower of a commercial submarine can be distinguished from those of a belligerent submarine," the Swedish minister of foreign affairs said in a note of Sept. 9, 1916: "In accordance with the regulations issued in connection with the decree on the treatment of submarines, every submarine is treated as a belligerent submarine unless its employment for commercial purposes is definitely proved by known facts." (British Parl. Pap., Misc. No. 8 (1917).)