International Law Studies—Volume 17

International Law Documents

Neutrality

Breaking of Diplomatic Relations

War

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.
Declerations of Netherlands and Norway.

Notice of breaking diplomatic relations with Germany and opening of hostilities with Austria-Hungary, August 9, 1914.

[London Times, Aug. 12, 1914, p. 6, c.]

NISH, August 9, 1914.

The Montenegrin Government has handed the German minister his passports, and hostilities with Austria began yesterday. The Austrian fleet has bombarded Antivari.

NETHERLANDS.

Declaration of neutrality, April 17, 1917.


Mr. Secretary of State: By order of the minister of foreign affairs at The Hague, I have the honor to inform your excellency that in view of the state of war existing between the United States of America and Germany, the Royal Government of the Netherlands will observe strict neutrality.

I avail myself of this opportunity to renew to your excellency the assurance of my highest consideration.

W. L. F. C. De Rappard.

NORWAY.

Declaration by Norway, Denmark, and Sweden in reference to neutrality rules, December 21, 1912.

DECLARATION.

The Governments of Norway, Denmark, and Sweden;

Having in view the fixing of similar rules of neutrality in accord with the conventional provisions signed at The Hague, have undertaken negotiations which have resulted in an agreement on all the points of principle as is proved by the annexed texts of rules adopted separately by the three respective Governments;

And appreciating at its just value the importance that this agreement so happily existing should be maintained equally in the future;

Have agreed that none of the three Governments will make any changes in the approved rules by themselves, without having first advised the two others sufficiently early to permit an exchange of views in the matter.
Scandinavian Neutrality Rules.

In faith of which the undersigned duly authorized to this end by their Governments have signed the present declaration and have attached their seals.

Made in triplicate at Stockholm the 21st December, 1912.

BRUNCHORST. [L. s.]
OTTO SCAVENIUS. [L. s.]
ALBERT EHRENSVARD. [L. s.]

Rules of neutrality, established by Royal Ordinance, December 18, 1912.

We, Haakon, Norwegian King, make it known that it has pleased us,

To order the following in order to protect Norway's neutrality in case of war between foreign powers:

CHAPTER I.

War vessels of belligerent powers are permitted to enter ports and roadsteads as well as other territorial waters of the kingdom. At the same time admission is subject to the exceptions, restrictions, and conditions which follow:

1. (a) It is forbidden belligerent war vessels to enter the ports and roadsteads of war, which have been proclaimed as such.

(b) It is also forbidden such vessels to enter inner territorial waters whose entrances are closed by submarine mines or other means of defense.

(c) The King reserves the right to forbid under the same conditions to the two belligerent parties, access to other Norwegian ports or roadsteads and other defined parts of the interior Norwegian waters, when special circumstances demand and for safeguarding the sovereign rights of the kingdom and to maintain its neutrality.

(d) The King also reserves the right to forbid access to ports and roadsteads of the kingdom to belligerent war vessels which have neglected to conform to rules and prescriptions promulgated by the competent authorities of the kingdom and which have violated its neutrality.

2. (a) Belligerent war vessels are bound to respect the sovereign rights of the kingdom and to abstain from all acts which would be contrary to its neutrality.

(b) All acts of hostility, including capture and the right of visit in reference to neutral vessels as well as vessels under the enemy flag, are strictly forbidden in the territorial waters of the-
Treatment of War Vessels.

kingdom. If it happens that a vessel has been captured in the territorial waters of the kingdom the prize should be released with its officers, crew, and cargo.

3. The simple passage of war vessels and of the prizes taken by belligerents through the territorial waters of the kingdom is permitted only to the extent to which access to these waters is accorded to them. (See section 1 above.)

4. (a) It is forbidden belligerent war vessels to remain more than 24 hours in ports, roadsteads or other territorial waters of the kingdom, except in case of damage, rough weather, or in consequence of rules (c) and (d) below. In these cases the vessels must leave as soon as circumstances permit. The rule in reference to the limitation of sojourn does not apply to war vessels exclusively intended for religious, scientific, or philanthropic purposes nor to military hospital ships.

(b) The maximum number of war vessels belonging to one belligerent party which may be at the same time in a port or roadstead of the kingdom is three.

(c) If war vessels of both belligerent parties are at the same time in a port or roadstead of the kingdom, there must elapse at least 24 hours between the departure of the war vessels belonging to one of the belligerent parties and those of the other, the order of departure being determined by the order of arrival, unless the vessel which arrived first is in the position where the prolongation of the duration of its sojourn is permitted.

(d) It is forbidden a belligerent war vessel to leave a port or roadstead of the kingdom less than 24 hours after the departure of a merchant vessel flying the enemy flag. It is the duty of the authorities concerned to arrange the departure of the merchant vessel so that the war vessel is not unnecessarily detained.

5. (a) In the ports or roadsteads of the kingdom, belligerent war vessels can repair their damages only to the extent necessary for the security of navigation, and they can not increase their military force in any manner whatsoever. The authorities of the kingdom will indicate the nature of the repairs to be made. The repairs should be completed as rapidly as possible.

(b) It is forbidden belligerent war vessels to employ the ports, roadsteads, and territorial waters of the kingdom in order to renew or increase their military equipment or armament or to complete their crews.

(c) Belligerent war vessels can revictual in the ports or roadsteads of the kingdom only sufficiently to complete their normal supplies in time of peace.

(d) In the ports and roadsteads of the kingdom, belligerent war vessels are permitted to take on fuel only in quantities necessary to fill the real coal bunkers, including fuel tanks. Having taken on fuel in a port or roadstead of the kingdom they can not
renew their fuel supplies in its ports or roadsteads until after three months.

6. (a) Belligerent war vessels must employ licensed pilots of the kingdom on entering and leaving ports and roadsteads, but they can not employ the said pilots further except in case of distress, to escape an imminent danger of the sea.

(b) Sanitary, pilotage, customs, port and police regulations of the kingdom must be observed and respected by the belligerent war vessels.

Chapter II.

Privateers will be admitted neither in the ports and roadsteads nor in the territorial waters of the kingdom.

Chapter III.

1. It is forbidden to take prizes into ports or roadsteads of the kingdom except in the event of unseaworthiness, rough weather, or lack of fuel or provisions. A prize which has been brought into a port or roadstead of the kingdom for one of these causes must leave as soon as circumstances allow it.

2. No prize court can be established by a belligerent either on the territory or on board a vessel in the territorial waters of the kingdom. It is also forbidden to sell prizes in any of the ports or roadsteads of the kingdom.

Chapter IV.

1. It is forbidden belligerent powers to use ports or waters of the kingdom as bases for naval operations against their enemies.

It is especially forbidden to establish on the territory or in the territorial waters of the kingdom radio stations or any apparatus designed to serve as a means of communication with the belligerent forces whether on land or sea.

2. It is forbidden belligerents to organize fuel depots on either the territory of the kingdom or on vessels stationed in its territorial waters.

3. It is forbidden, within the jurisdiction of the kingdom, to equip or arm any vessel intended to cruise or to assist in belligerent operations against a power at peace with the kingdom. Equally forbidden is the departure from its jurisdiction of every vessel intended to cruise or to assist in belligerent operations and which have been adapted in whole or in part for war use within the said jurisdiction.

Given at Kristiania, 18th December, 1912.

Under our hand and confirmed by our seal,

HAAKON. [L. S.]
JENS BRATLIE.
HESSELBERG.
Use of Norwegian Ports and Waters.

Regulations established by royal ordinances of January 20, 1913, August 21 and September 11, 1914, concerning the admission of foreign warships into Norwegian ports and waters.

1.

No foreign war vessels except those mentioned in article 4 can enter the Norwegian war ports or naval stations without having obtained the authorization of His Majesty the King or of the persons authorized by him to this effect.

It is necessary to indicate in advance the types and names of war vessels for which the authorization to enter Norwegian war ports or naval stations is solicited, as well as the date of arrival and duration of sojourn.

Without special authorization in extraordinary cases the sojourn in a war port or naval station can not exceed eight days, and in general no more than three war vessels belonging to the same nation will be permitted to sojourn simultaneously in the same port.

2.

The following ports of the Norwegian coast are at present considered war ports or naval stations:

The Kristiania Fjord with the waters inward from the line formed by Tønsberg Tønde, the Faerder beacon, the Torbjørnskjaer beacon, Vikertangen to Asmalø, Askholm to the coast east of Skjebergkilen.

The port of Kristiansand with the waters inward from Fredriksholm, the Oxø beacon, the Grønningen beacon, the Torsø beacon.

The port of Bergen and the entries leading from it inward to the line formed by Fønnes (coast east of Lygrefjord) the Hellisø beacon, Tekslen (coast north of Korsfjord), the church of Lysekloster.

The Trondhjemsfjord inward to the Agdenaes beacon and from Hovdetaaen to Ørlandet.

The port of Vardø.

3.

Access to all the other ports and anchorage of the kingdom is free to foreign war vessels after preliminary warning unless a contrary decision is made in a special case. At the same time the number of such vessels belonging to the same nation and sojourning in the same port should not exceed three and the duration of their sojourn should not exceed 14 days.

There will be no departure from the prescriptions of this article unless following authorization obtained by means of diplomacy.
4.

The following are exempted from the general rules contained in articles 1 and 3:

(a) Every war vessel on which the Chief of State of a foreign nation is traveling and the vessels which convey it.

(b) War vessels which find themselves in immediate danger from the sea, which are always permitted to have recourse to the ports of the kingdom.

(c) War vessels intended for or engaged in the surveillance of fisheries or of hydrographic work and other scientific objects.

5.

In every Norwegian port where a maritime authority is established, foreign war vessels coming in are bound to anchor at the place designated by the maritime authority in question (the captain of the port).

Every authorization accorded to foreign war vessels to sojourn in a Norwegian port or anchorage can be revoked at will.

Every foreign war vessel finding itself in a Norwegian port or anchorage, even if according to precedents it would be authorized to remain, is bound, if there is a request, it matters not when, to raise anchor and leave the port before the expiration of six hours or to change its anchorage conformably to the directions given.

6.

It is forbidden persons belonging to foreign war vessels sojourning in Norwegian ports or territorial waters to be, without special permission, in places or near places where there are batteries, fortifications, or other military establishments as well as places inclosed by the military authorities.

It is forbidden to carry on debarkation practice and practice of firing cannon, guns, or torpedoes. The crew in landing should be unarmed, although the officers, underofficers, and midshipmen can carry the arms which form part of their uniform.

7.

It is forbidden persons belonging to foreign war vessels to prepare, multiply, or publish plans or sketches of ports or territorial waters of the kingdom, even to proceed to measurements and soundings other than those recognized as necessary for assuring navigation in the ordinary route.

Furthermore, it is forbidden them to prepare, multiply, or publish plans, drawings, sketches, photographs, or descriptions of Norwegian fortifications or of establishments, etc., appurtenant thereto. (See art. 3 of the law on military secrets of Aug. 18, 1914.)
Scandinavian Action on Neutrality.

8.

The commander of all foreign war vessels is bound to conform to the sanitary, customs and pilotage and port rules promulgated by the competent authorities.

9.

The preceding rules will remain in force until a contrary decision by His Majesty the King.

Royal proclamation of August 1, 1914, in regard to the declaration of neutrality on the occasion of the war between Austria-Hungary and Serbia.

War having broken out between Austria-Hungary and Serbia, it has been decided on behalf of Norway to observe complete neutrality during the war.

Royal proclamation of August 4, 1914, concerning the neutrality of Norway.

It is decided on behalf of Norway that complete neutrality shall be observed during the existing war between foreign powers.

NORWAY.

Communiqué by Norway and Sweden concerning mutual action of the two countries for the maintenance of neutrality, August 8, 1914.

War having broken out among several foreign powers, the Norwegian and Swedish Governments have mutually declared their firm intention to maintain, during the state of war thus occurring, each for itself and to the final extremity, their neutrality in reference to all the belligerent powers. The two Governments have besides exchanged formal assurances with a view to rendering it impossible that the state of war existing in Europe should result in one of the kingdoms taking hostile measures in reference to the other.

Law relative to defense secrets, August 18, 1914.

We, Haakon, King of Norway, make known that the decision of the Storthing of August 18, 1914, has been laid before us, as follows:

Section 1. The King, or anyone empowered by him, may, for purposes of defense, prohibit access—

1. To fortresses, ships of war, ports, signal stations, or buildings or premises where objects connected with the defense of the realm are placed, being constructed, or stored.
2. To determined areas.
3. To be present at military exercises or experiments.

Anyone who may violate such prohibition, or assist in doing so, shall be punished by fine or arrest or imprisonment not exceeding one year in case a more severe punishment shall not apply to the act.

Sec. 2. If anyone, by untrue statements as to name, nationality, position, or occupation, or by any other false representation, has secured, or has endeavored to secure, for himself or others, access to fortresses, ships of war, ports, signal stations, or buildings or premises where objects connected with the defense of the realm are placed, being constructed or stored, or to be present at military exercises or experiments, he shall be punished by fine or arrest or imprisonment not to exceed two years, in case a more severe punishment shall not apply to the act.

Sec. 3. By fine or arrest or imprisonment not to exceed one year—in case a more severe punishment shall not apply to the act—shall be punished:

1. Anyone who, without the permission of the King or some one empowered by him, may take, copy, or publish maps, eye sketches, sketches, photographs, or descriptions of fortresses or areas pertaining thereto.
2. Anyone who may take, copy, or publish maps, eye sketches, sketches, photographs, or descriptions which may prove serviceable to the enemies of the realm in case of war, where the circumstances are such that there is no ground to believe that the act was done for a lawful object.
3. Anyone who, without the permission of the King or of the interested department of government, may take, copy, or publish maps or sketches of the Kingdom's ports, fjords, or entrances or of any part of the Norwegian sea territory, or who undertakes measurements or other soundings than those which are necessary for the security of ordinary navigation.
4. Anyone who may attempt or assist in the above acts.

Sec. 4. If anyone shall assist in the gaining of information which has for its object the espionage on behalf of a foreign State, he shall be punished with fine or arrest or imprisonment not to exceed one year.

Sec. 5. If anyone is found, under circumstances which arouse suspicion that he has acted, or intends to act, in a way punishable under this law, under the criminal law, sections 90 or 91, or under the law in regard to the State monopoly of the transmission of information by the use of telegraph lines and the like means, of April 29, 1899, section 6, and the supplemental law of July 24, 1914, section 3, and if he, at the request of an official in the public service or a military official in the service, refuses to give his name, nationality, position, occupation, or residence,
or if he gives false information on these matters either on his own behalf or on that of others, he shall be punished with fine or arrest or imprisonment not to exceed six months, in case a more severe punishment shall not apply to his act.

Sec. 6. If anyone by agreement or in any other way endeavors to prepare an act punishable under sections 90 or 91 of the criminal law, or under sections 1, 2, 3, or 4 of the same law, or assists thereto, he shall be punishable with fine or with arrest or imprisonment not to exceed one year, in case a more severe punishment shall not apply to his act.

Sec. 7. If anyone gives or assists in giving public information which he knows, or ought to know, will hinder the investigation of a branch of this law or of public criminal law, sections 90–94, he shall be punishable by a fine or imprisonment not to exceed six months, if a more severe punishment shall not apply to the act.

Sec. 8. Anyone who, on reasonable grounds, is believed to have violated section 5 of this law or the law in regard to the State monopoly of the transmission of information by the use of telegraph lines and the like means of April 29, 1899, section 6, and the supplemental law of July 24, 1914, section 3, may be arrested and placed in custody not only under the conditions set forth in the law of criminal procedure, section 229 and section 240, but also under the conditions set forth in the same law, section 240, notwithstanding the punishment is less than there determined.

Sec. 9. This law goes into effect at once.

From the same time is repealed section 331 of the general criminal law and the law in regard to ports, etc., of July 10, 1894, section 59.

We have accepted and given force, as we hereby accept and give force, to the said law, under our hand and the seal of the realm.

Given at Christiania Castle, August 18, 1914.

[Signatures]

Royal resolution in regard to telegraph communication, September 18, 1914.

In accordance with article 8 of the Petrograd International Telegraph Convention, it is ordered that private telegrams to and from foreign countries shall be framed en clair in Norwegian, Danish, Swedish, German, English, French, or Russian, and in such a way that they convey a meaning which may be understood by the officials of the telegraph service. Telegrams which are not signed, or contain no text, or only a text consisting of one
Defense Regulations, Norway.

Word or a figure are not permitted; nor those which contain information about Norwegian military arrangements or anything which violates the neutral attitude of Norway. Private telegrams which violate these restrictions will be returned or stopped without advice to the place where they were deposited. These restrictions are not to be applied to Government telegrams or meteorological telegrams.

Telephone conversations to and from foreign countries must be carried on in Norwegian, Swedish, or Danish, and must not touch upon the military relations above mentioned. Conversations violating these restrictions shall be interrupted.

Royal resolution relative to defense secrets, November 6, 1914.

In regard to the law on defense secrets of August 18, 1914, the following provisions shall be in force.

Sec. 1. Persons not concerned are forbidden access to the country's fortresses, ships of war, harbors of fortresses or marine stations, signal stations, or buildings or premises where objects connected with the defense of the realm are placed, being constructed, or stored.

Norwegian officers will as a rule be able to obtain access in order to see the said establishments on application to the highest military authorities on the spot.

These authorities may, after securing the approbation of the commanding general (admiral), permit individuals to enter; for example, the civil population of the place, when this is considered necessary.

Sec. 2. Passing over Norwegian territory in airships without special permission of the department of defense is, until further notice, forbidden, except to the airships belonging to the State or acting for it.

Sec. 3. The general (admiral) commanding may determine areas in the neighborhood of fortified places, and other places where it may be necessary for the purposes of national defense, where it is forbidden to persons not entitled to be present.

Such prohibitions shall be brought to public knowledge at the place in question by notices, publications in the newspapers, or the like.

Sec. 4. The commanding general (admiral), or, if his decision can not be obtained, the highest military authority present, may forbid persons not concerned to be present at military exercises or experiments or to remain near or to follow sections of the war forces or warships.

Sec. 5. Aliens are forbidden access to the grounds on which military exercises or target practice takes place without special permission from the highest military officer at the spot.
The latter may also forbid persons not entitled from access to the grounds on which military exercises or target practice takes place when this is necessary for reasons relating to the service.

*Law regarding the control of post and telegraph communications, June 24, 1915.*

We, Haakon, Norway's King, cause to be known that the decision of the Storthing of June 22, 1915, has been laid before us, as follows:

**Section 1.** The King, or anyone empowered by him, may carry out the examination and detention of communications by post and telegraph, when this is required by reason of the safety of the realm.

Apart from time of war this control cannot be extended beyond communications to and from persons suspected of breaches of the law relative to defense secrets of August 18, 1914, or of the general criminal law, chapter 8 or 9.

Sec. 2. Officials who execute or assist in the control are to preserve silence in regard to what they come to know in the execution of their duty.

Sec. 3. This law goes into force at once.

We have accepted and given force, as we hereby accept and give force, to the said law under our hand and the seal of the realm.

Given at Christiania Castle, June 24, 1915.

HAAKON. [L.S.]

In the absence of the Minister of State, IHLEN.

HESSELBERG.

*Notification from the Department of National Defense in reference to the surveillance of vessels in Norwegian waters, October 1, 1915.*

By royal resolution of October 1, 1915, it is ordered:

**Section 1.** Vessels in Norwegian waters shall hoist the national flag on arrival at a place of anchorage, where Norwegian war or guard ships lie, and also when such ships are in sight. While in Norwegian waters they shall stop immediately when it is ordered by Norwegian war or guard ships, e. g., when a warning signal is given by steam whistle, hoisting a signal, or a warning shot.

Norwegian war or guard ships are entitled in Norwegian waters to visit vessels and their cargoes, as well as the passengers on board, and the persons in command of the visited ship shall cooperate willingly at the visit as well as give, on demand, such information interesting to the military authorities as they are able
to give; likewise they are in duty bound to follow the advice which may be given them in regard to their situation and their future voyage.

Sec. 2. Violation of these regulations will be punished under the general criminal law, May 22, 1902, section 339, 2.

Sec. 3. The regulations in section 1 go into force at once.

Royal resolution in regard to interned war vessels June 30, 1916.

By royal resolution of June 30, 1916, the following orders are put in force in regard to belligerent warships interned in the ports of the realm under article 24 of the XIII Hague Convention, October 18, 1907, regarding the rights and duties of neutral powers in maritime war.

The ship shall be disarmed sufficiently and shall be rendered incapable of putting to sea so long as the war lasts, and its officers and men shall be interned.

The department of national defense shall determine how far the ship's officers and men may remain on board or shall be brought ashore. At all events so many of the crew as may be necessary to keep the ship in condition may remain on board. The ship's officers and men are to be placed under surveillance, and may not without special permission leave the place which is assigned to them. However, officers may retain their freedom if they give their parole not to leave the district limited to them.

The national defense department is authorized to carry out such other restrictions as may be necessary by reason of the above.

These orders go into force at once.

Royal resolution in reference to belligerent submarines, October 13, 1916.

Submarines, armed for war and belonging to belligerent powers, may not travel in or remain in Norwegian sea territory. If they violate this prohibition they subject themselves to the possibility of seizure by armed force without warning.

This prohibition does not prevent submarines by reason of adverse weather or damage from seeking Norwegian domain to save life. In such case the vessel shall, within the domain, remain above the surface and shall fly the national flag and the international signal, indicating the reason of its approach. The vessel shall leave the domain as soon as the reason which brought about its arrival has ceased.

Other submarines may not travel or remain in Norwegian sea territory, except in broad daylight in clear weather and above the surface with national flag flying.
Panaman Neutrality.

Foreign submarines, while traveling in Norwegian waters, must, because of the difficulties connected with distinguishing the different kinds of submarines, bear all risks of any damage, or even destruction, as the result of confusion of the ship's character.

This resolution goes into effect October 20, 1916.

Royal ordinance, in reference to belligerent submarines January 30, 1917.

The royal ordinance dated October 13, 1916, respecting the movements or stay in Norwegian territorial waters, etc., of submarine craft equipped for use in war and belonging to a belligerent power has been so amended that on and after February 6, 1917, it shall read as follows:

Submarines, equipped for use in war, and belonging to a belligerent power, may not be navigated or remain in Norwegian territorial waters. Breach of this prohibition will render such vessels liable to attack by armed force without previous warning.

This prohibition shall not prevent submarines from seeking Norwegian territorial waters on account of stress of weather, or damage, or in order to save human life; when within territorial waters in such cases the vessel shall be kept at the surface and shall fly her national flag and also the international signal indicating the reason of her presence. As soon as the reasons justifying the arrival of the vessel are no longer present, she shall depart from territorial waters.

Submarines that are equipped for use in war and belong to a nonbelligerent foreign power, are also prohibited from navigating or remaining in Norwegian territorial waters, unless by daylight in clear weather, and in surface condition with their national flag displayed.

PANAMA.

Instructions from the Secretary of Foreign Affairs to port inspectors relating to neutrality, October 24, 1914.

No. S-4806.]

SECRETARY OF FOREIGN AFFAIRS,
Panama, October 24, 1914.

Sir: On the 10th instant there was signed in Washington by the Secretary of State of the United States and the minister of Panama in said country the protocol, a copy of which I inclose to you.

In order to carry it out in practice, it has been agreed with the authorities of the zone that the inspectors of the ports of the

1 Naval War College, Int. Law Topics, 1916, p. 94.