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Howard S. Levie

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The insufficiency in which the 1907 Hague Peace Conference was able to deal with the problem of placing some international controls on mine warfare at sea is amply demonstrated in the mining campaigns of both World Wars. The numerous unsuccessful attempts to draft a more comprehensive and effective code covering the conduct of mine warfare bears out a simple truism—the outlawing or control of successful weapons systems by international action has hardly ever been successful.

MINE WARFARE AND INTERNATIONAL LAW

A lecture delivered at the Naval War College

by

Professor Howard S. Levie

Charles H. Stockton Chair of International Law

... As they were slowly passing the Brooklyn, her Captain reported "a heavy line of torpedoes [mines] across the channel."

"Damn the torpedoes!" was the emphatic reply of Farragut. "Jouett, full speed! Four bells, Captain Drayton."

Parker, *the Battle of Mobile Bay*, p. 29 (1878)

Some naval historians trace the invention of the mine (or, as it was once called, the torpedo) back to 1585 with Gianibelli's attempt to destroy the bridge which the Spanish had constructed across the Scheldt, blocking Antwerp from access to the sea.¹ Others may more accurately place this event with the American Revolution when a direct forerunner of the mine, devised by David Bushnell, was used against the British. It was then called the "American Turtle"² and was apparently just

about as effective an instrument of war as its namesake. Fulton improved the mine and attempted, without much success, to interest first France and then England in its manufacture and use in the war in which those two countries were then engaged.³ The Earl of St. Vincent, First Sea Lord during that particular period of the Napoleonic Wars, is said to have criticized Pitt, the Prime Minister, for displaying interest in the potentialities of the mine, with these words: "Pitt is the greatest fool that ever existed, to encourage a mode of war which they who commanded the seas did not want, and which, if successful, would deprive them of it."⁴ As we shall see, Lord St. Vincent's position was that of the British Government when the question of placing international restrictions on the use of mines arose a century later.

The first really effective use of mines in warfare occurred during the American Civil War when the Confederacy demonstrated the value of this form of warfare in fighting an opponent with a far superior navy.⁵ They were next used extensively in the Spanish-American War (1898).⁶ In this conflict, where Dewey disregarded the mines at Manila but Sampson permitted them to curtail his operations at Santiago, one of the first of the major legal problems arising out of the use of mines occurred—the question of the purposes for which they might be used. Early in the war the rumor spread that the United States proposed to lay mines all along the blockaded coast of Cuba. Neutral nations considered that this would be a violation of the international law of blockade,⁷ as set forth in the Declaration of Paris of 1856.⁸ Whether or not it had intended to do so, the United States did not lay mines along the Cuban coast. The complete destruction of the Spanish Fleet on 3 July 1898, at the Battle of Santiago, made any such action unnecessary.

During the Russo-Japanese War (1904-1905), mines were used extensively by both sides, and this usage created a situation which gave rise to another legal problem, the question of the types of mines which might be used. Many of the mines used were either unanchored or easily broke loose from their moorings and remained armed—floating down the coast and out to sea where they played havoc with neutral shipping,⁹ particularly that of the Chinese,¹⁰ long after the hostilities had ceased.

Experiences in the Russo-Japanese War had thus demonstrated that mines were dangerous not only to the enemy against whom they were used, but also to neutrals and, not infrequently, to the minelayer itself! Accordingly, the proposed agenda circulated by the Russian Government prior to the 1907 Hague Peace Conference included an item en-

titled, "the laying of torpedoes."¹¹ The search for a solution to the problem of mine warfare was referred by the Conference to its Third Commission which, in turn, referred the problem to a Committee of Examination. The report of that committee is quite illuminating. It said, in part:

... [W]e must take into account the incontestable fact that submarine mines are a means of warfare the absolute prohibition of which can neither be hoped for nor perhaps desired even in the interest of peace; they are, above all, a means of defence, not costly but very effective, extremely useful to protect extended coasts, and adapted to saving the considerable expense that the maintenance of great navies requires. . . . Now to ask an absolute prohibition of this weapon would consequently be demanding the impossible; it is necessary to confine ourselves to regulating its use.¹²

The controversies with respect to mine warfare which arose during the Conference in the course of the drafting of the convention, which was destined to become 1907 Hague VIII,¹³ clearly revealed the wide differences of opinion which existed between the major naval powers of the world of that day. At the risk of over-simplification, it may be said that the problems to be solved with respect to mine warfare fell into three general categories: (1) the types of mines which might lawfully be used; (2) the purposes for which mines might lawfully be used; and (3) the places where mines might lawfully be used.¹⁴ It is of interest to examine the nature of each of these problems and the manner in which they were solved, or purportedly solved.

With respect to types of mines, it is important to recall that at the time that the Conference met in The Hague in 1907 there were only two categories of

mines in existence, and it is apparent that little thought was given to the possibility of improved technology and development of new types of mines.¹⁵ The two types then in existence were the electrically controlled and the automatic submarine contact mines.¹⁶ The former were used for close-in protection of bays, harbors, river mouths, etcetera. They were directly controlled from a shore facility, being detonated from the controlling station when enemy vessels were detected within the minefields. This type of mine was comparatively noncontroversial. The automatic submarine contact mine, on the other hand, was out of the control of the minelayer as soon as it was laid. It detonated on contact, and was either unanchored or, if anchored, could easily break loose from its moorings and was then equally dangerous to the minelayer, to the enemy, and to neutrals. It is this type of mine which had caused such widespread destruction after the Russo-Japanese War, a conflict which ended just 2 years before the 1907 Conference met.

Early in the Conference the British Delegation tabled a complete proposal in which the first two paragraphs would have flatly prohibited the use of unanchored automatic submarine contact mines, as well as prohibiting such mines when anchored unless they were so made as to become harmless if they broke loose from their moorings.¹⁷ The U. S. Delegation expressed general concurrence in this portion of the British proposal,¹⁸ but the majority of the nations represented at the Conference did not entirely agree with it. The relevant provisions of article 1 of the Convention, as ultimately adopted by the Conference, prohibited the laying of "unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them."¹⁹ (This exception was made because the German Delegation wished to preserve the right of a war

vessel which was being pursued to drop off free mines in order to delay or destroy its pursuers.) There was, however, agreement on the British proposal to prohibit "anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings."²⁰

It will readily be noted that in each quoted provision of article 1 of the 1907 Convention the language used is "automatic contact mines." It is for this reason that the thesis has been advanced that the Convention does not apply to the subsequently developed magnetic and acoustic mines.²¹ Strangely enough, it does not appear that this argument was made by any of the belligerents in the disputes with respect to the use of mines which occurred during both world wars.

Apart from the possibly limiting factor introduced by the totally unnecessary use of the restrictive term "automatic contact mines,"²² the agreement reached on article 1 was a fairly successful step forward as it eliminated the basic causes of the disasters which had occurred after the Russo-Japanese War—unanchored mines and mines which remained armed after they had broken loose from their moorings. But at this point, sad to relate, we have all but completed a review of the effective provisions of the Convention.²³

The next problem attacked by the conferees was concerned with the purposes for which mines could be used. The British proposal would have flatly prohibited the use of mines to establish or maintain a commercial blockade.²⁴ This proposal was unacceptable to the Conference as a whole, which finally agreed on an article which prohibited the laying of "automatic contact mines off the coasts or ports of the enemy, with the sole object of intercepting commercial shipping."²⁵ (Emphasis added.) This wording was strongly, but unsuccessfully, opposed for two

reasons. First, it introduced "a subjective element . . . which would give rise to difficulties in application."²⁶ Thus, a belligerent had only to claim that its act of minelaying off the enemy's coast was not solely for the purpose of intercepting commercial shipping, thereby avoiding the prohibition of the Convention.²⁷ Second, it created new questions with respect to blockades.

The venerable Declaration of Paris of 1856 had stated that a blockade to be effective must be "maintained by a force sufficient to really prevent access to the coast of the enemy."²⁸ Did Hague VIII mean that if blockade was not the belligerent's sole purpose, in effect, it could blockade by mine without using any surface forces? The American Delegation, in its report, said that under article 2 of the Hague Convention "a blockade may not be established and maintained by the sole use of submarine mines."²⁹ Some writers go even further and take the position that not only does article 2 not affect the Declaration of Paris, but that mines may not even be used to supplement a blockading surface force;³⁰ while others would permit the use of mines for this purpose as long as the belligerent effecting the blockade also uses ships, submarines, or planes.³¹ One writer criticizes article 2 because, he says, "the difficulty is rather adjourned than met."³² This has proven to be a valid criticism.

To summarize, article 2 of the 1907 Hague Convention no. VIII is ambiguous, introduces a subjective determination into the problem, and can be construed as being in conflict with the Declaration of Paris regarding blockades. In this latter respect, it is interesting to note that 2 years after the Hague Conference, in 1909, a number of the same nations drafted the Declaration of London which specifically repeated the provisions of the earlier Declaration of Paris with respect to blockades.³³ Did this mean that those

nations were demonstrating that Hague VIII was not intended to affect the Declaration of Paris? Or did it mean that they felt the need to revalidate that Declaration?

The third, and perhaps most difficult, problem which confronted the conferees at The Hague was that relating to the places where mines might lawfully be used. The British proposal would have permitted the use of mines in territorial waters only (defensively in one's own territorial waters and offensively in the enemy's) with the sole exception that the protection of fortified ports mining for a distance of up to 10 miles would have been allowed.³⁴ In substance, the British wished to prohibit substantially all use of mines on the high seas. Here they met the determined opposition of the Germans who wanted to be able to use mines wherever naval operations were taking place, even on the high seas.³⁵

In the discussions which took place in the Committee of Examination, proposed articles 2 and 3 were drafted prohibiting the laying of mines beyond a distance of 3 nautical miles from low-water mark, and extending that distance to 10 nautical miles off military ports.³⁶ (This latter provision was included in order to permit the defense to keep warships far enough out to sea to prevent naval bombardments of military ports.) The Committee's report specifically stated that it had held to the distinction between coastal (territorial) waters and the high seas.³⁷

Both of these two proposed articles related to the use of mines for defensive purposes. Proposed article 4 made the same limits applicable when mines were used for offensive purposes by laying them in the enemy's territorial waters.³⁸ And, finally, proposed article 5 provided that mines might be laid outside the limits of territorial waters when that action was taken within the sphere of the belligerents' immediate activity; but in such a case the mines

had to be of the type which would render themselves harmless after 2 hours at most.³⁹ Thus, in this respect, the German proposal was adopted, rather than that of the British, but with the 2-hour limitation.

When the report of the Committee of Examination reached the Third Commission, that body took such action which would seem to be incomprehensible in today's world. The Commission struck out all four proposed articles dealing with the subject of the places where mines might be lawfully laid and left the draft convention with no provisions whatsoever relating to this subject; and it was in this form that the Convention was ultimately adopted. In this area, the deliberations of the Conference were, indeed, an exercise in futility.⁴⁰ The statement has been made that "belligerents may, it would appear, use mines anywhere upon the high seas."⁴¹ On the other hand, it is argued that when the principles of the freedom of the seas and the rights of belligerents come into conflict, the former prevails.⁴² Unfortunately, this has not been the practice of states.

Hague Convention No. VIII was drafted in 1907, was ratified by many of the participating nations during the next few years, and had its first major application with the onset of World War I in August 1914. It was very quickly demonstrated that the criticisms directed against it were completely valid. As early as 11 August 1914, Great Britain advised the United States that the "Germans are scattering mines indiscriminately about the North Sea in the open sea" and that it reserved the right to do likewise.⁴³ Efforts by the United States to obtain an *ad hoc* agreement between these two belligerents under which they would not lay mines on the high seas, except for defensive purposes within cannon range of harbors, were unsuccessful.⁴⁴ Several hundred vessels, British and neutral, were lost⁴⁵ and in November 1914

Great Britain retaliated by declaring the entire North Sea to be a "military area." Thereupon, Germany retaliated by declaring the waters around the British Isles to be a "military area."⁴⁶ Within these "military areas" (or "war zones") enemy ships were subject to being sunk on sight, and neutral ships entered at their own risk. As the declarations were primarily enforced by mining, the areas or zones constituted a substantial interference with the freedom of navigation and safety of neutral shipping.⁴⁷ Most experts in the law of naval warfare have found these declarations to have been in violation of international law.⁴⁸ Nevertheless, World War II saw a repetition of the problem, magnified by the development of the magnetic and acoustic mines and by the use of aircraft as minelayers.⁴⁹ The fears concerning the ambiguity of the provision of article 2 of the Hague Convention, which prohibited the laying of mines "with the sole object of intercepting commercial shipping," proved justified. Germany claimed that as long as commercial vessels moved in convoy with warships present, the laying of mines was permissible as it was directed against the warships, and not solely against commercial shipping.⁵⁰ And toward the end of World War II the United States undertook, through the use of mines dropped by bombers, the complete blockade of the home islands of Japan—Operation Starvation.⁵¹ It is difficult to make this action jibe with the statement made in the report by the American Delegates to the 1907 Hague Conference in which they had said that under article 2 of the Convention "a blockade may not be established and maintained by the sole use of submarine mines."⁵²

There have been, since 1907, numerous unofficial attempts to draft a more comprehensive and effective code covering the conduct of mine warfare.⁵³ However, governments have indicated no interest in such a project. In the light of their comparatively un-

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inhibited activities in the field of mine warfare during two major conflicts, their attitude is, perhaps, understandable.

It might be argued that article 2 of the 1958 Convention on the High Seas^{5,4} restricts the use of mines on the open sea because the first sentence of that article states: "The high seas being open to all nations, no state may validly purport to subject any part of them to its sovereignty." Certainly the mining of the North Sea and of the seas around the British Isles and the home islands of Japan were actions which, at least temporarily, denied freedom of navigation—one of the attributes of the freedom of the seas—to neutrals. But the very next sentence of that article provides: "Freedom of the seas is exercised under the conditions laid down by these articles and by other rules of international law." (Emphasis added.) It will undoubtedly be contended by any belligerent desiring to lay mines on the high seas that the right to bring the war to your enemy wherever you find him, including on the high seas, is one of the "other rules of international law" referred to in the 1958 High Seas Convention.

There has been considerable fear expressed that the nuclear powers would use the seabed and the ocean floor as a platform for the emplacement of nuclear weapons. Recognizing this problem, on 7 October 1969, the United States and the Soviet Union jointly tabled at the Conference of the Committee on Disarmament, in Geneva, a *Draft Treaty Banning the Emplacement of Nuclear Weapons on the Seabed*. Article 1(1) of that Treaty, as finally approved, prohibits the emplacing beyond the outer limits of the contiguous zone (the 12-mile limit) of: "... any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using

such weapons."^{5,5}

At that time the U.S. representative indicated that the term "other weapons of mass destruction" referred to weapons "such as chemical or biological weapons." He also stated that the treaty would prohibit nuclear mines that were anchored to or emplaced on the seabed.^{5,6} Certainly, conventional explosives, no matter how potent, would not fall within the concept of weapons of mass destruction so there is no reason to believe that any nonnuclear mine would fall within the restrictions of the treaty. Such a weapon could be emplaced on the seabed or ocean floor—provided that it meets the requirements of article 1 of the 1907 Hague Convention of becoming harmless if it breaks loose from its moorings.

The Draft Treaty was approved by

BIOGRAPHIC SUMMARY



Professor Howard S. Levie did his undergraduate work at Cornell University, earned his J. D. at Cornell Law School, attended the Academy of International Law at the Hague, and earned his LL.M.

from The George Washington University. He was a practicing attorney in New York City from 1931 to 1942, at which time he volunteered for Army service and subsequently held numerous positions in the Judge Advocate General's Department. Some of these positions included: Staff Officer with the United Nations Command Armistice Delegation, Korean Armistice Negotiations; Chief, International Affairs Division, Office of the Judge Advocate General of the Army; Staff Judge Advocate, U.S. Army Southern European Task Force, Verona, Italy; and Legal Advisor, U.S. European Command, Paris, France. Retiring from the U.S. Army in 1963, Professor Levie joined the faculty of the School of Law, Saint Louis University, and is currently occupying the Charles H. Stockton Chair of International Law at the Naval War College.

the Conference of the Committee on Disarmament, and on 7 December 1970 the United Nations General Assembly adopted a resolution recommending the treaty to states.⁵⁷ It was opened for signature on 11 February 1971 but is not in force as it has not yet received the required 22 ratifications, including those of the United States, the Soviet Union, and the United Kingdom.

In Conclusion. It has been said that successful weapons are never outlawed by international action. On this basis we would certainly have to find that the much maligned mine is a successful weapon. The meaningful international

controls which have been placed on it are minimal—the requirements that, if unanchored, it must disarm itself within 1 hour; and that, if anchored, it must disarm itself should it break loose from its moorings. Obviously, these provisions were to the advantage of all concerned, and hence agreement could be reached on them. Where proposals were considered to be contrary to the war plans of nations, they were either watered down to a meaningless state or were eliminated completely. It is obvious that the international community has neither been effective nor looked its best in the legislation of rational controls for mine warfare.

FOOTNOTES

1. Arnold S. Lott, *Most Dangerous Sea* (Annapolis, Md.: U. S. Naval Institute, 1959), p. 5; *Project NIMROD: The Present and Future Role of the Mine in Naval Warfare* v. II, at 15 n., 1970.

2. F. E. Smith and N. W. Sibley, *International Law as Interpreted During the Russo-Japanese War* (Boston: Boston Books, 1905), p. 93. Excellent histories of the use of mines in naval warfare may be found in Andrew Patterson, Jr., "Mining: a Naval Strategy," *Naval War College Review*, May 1971, p. 52, and in *Project NIMROD*, at 15.

3. Patterson, p. 52-53.

4. Lott, p. 8

5. C. H. Stockton, "The Use of Submarine Mines and Torpedoes in Time of War," *The American Journal of International Law*, April 1908, p. 276, 277. Soviet sources ascribe the first combat use of mines to the Russian Navy off Kronstadt in 1855. John Chomeau, "Soviet Mine Warfare," *Naval War College Review*, December 1971, p. 94.

6. Coleman Phillipson, *International Law and the Great War* (New York: Dutton, 1916), p. 372. The author there refers to mines as "unseen, treacherous instruments of war."

7. Elbert J. Benton, *International Law and Diplomacy of the Spanish-American War* (Baltimore: Johns Hopkins Press, 1908), p. 139.

8. "The Declaration of Paris," *Supplement to the American Journal of International Law*, April 1907, p. 89. The blockade provisions of the Declaration of Paris are undoubtedly a part of customary international law.

9. Amos S. Hershey, *The International Law and Diplomacy of the Russo-Japanese War* (New York: Macmillan, 1906), p. 124-125; Alexander P. Higgins, *The Hague Peace Conferences* (Cambridge: University Press, 1909) p. 328-29.

10. James B. Scott, ed., *The Reports to the Hague Peace Conferences of 1899 and 1907* (Oxford: Clarendon Press, 1917), p. 657.

11. *Ibid.*, p. 188, 189.

12. *Ibid.*, p. 657.

13. U.S. Laws, Statutes, etc., *United States Statutes at Large*, (Washington: U.S. Govt. Print. Off., 1911), v. XXXVI, pt. 2, p. 2332; U.S. Treaties, etc., "Laying of Automatic Submarine Contact Mines (Hague VIII)," *United States Treaties and Other International Agreements* (Washington: U.S. Govt. Print. Off., 1968), v. I, p. 669; Foreign Office, *British and Foreign State Papers* (H.M. Stationery Office, 1911), v. C, p. 389.

14. The Convention does contain provisions with respect to other problems, dealing, for example, with the notification to neutrals of mine area (art. 3); the laying of mines by neutrals (art. 4); the removal of mines after the war (art. 5); et cetera. However, these were comparatively noncontroversial.

15. *Project NIMROD*, p. 28. The text of that study erroneously states the "[S]ome of the participating nations, including the United States, did not ratify the convention." Russia and Italy did not. All of the other major maritime nations, including the United States, did ratify it.
16. Phillipson, p. 372. The latter are awesome-looking, large, round, black objects which, Medusa-like, seem to sprout the so-called "Hertz Horns" by the dozen in movies dealing with naval warfare.
17. Scott, *Reports*, annex 4, p. 681.
18. *Ibid.*, annex 11, p. 684.
19. U.S. Laws, Statutes, etc., art. 1(1).
20. *Ibid.*, art. 1(2).
21. Julius Stone, *Legal Controls of International Conflict* (New York: Rinehart, 1954), p. 584.
22. This term is used throughout the Convention.
23. It is for this reason that the Convention has been variously described as "emasculated," John Westlake, *International Law* (Cambridge: Union Press, 1907), pt. 2, p. 323; "never a very satisfactory convention," J. M. Spaight, *Air Power and War Rights*, 3d ed. (London: Longmans, Green, 1947), p. 494; "worthless," U.S. Naval War College, *International Law Studies 1955—The Law of War and Neutrality at Sea* (Washington: U.S. Govt. Print. Off., 1957), p. 303; and "exceedingly unsatisfactory" and "of little use," Robert D. Powers, Jr., "International Law and Open-Ocean Mining," *JAG Journal*, June 1961, p. 55, 56.
24. Scott, *Reports*, annex 4, p. 681.
25. U.S. Laws, Statutes, etc., art. 2.
26. Scott, *Reports*, p. 651, quoting a statement made by Baron Marschall von Bieberstein, the Chief German Delegate. While Norway was still a neutral during World War II and was being adversely affected by the mining programs of the belligerents, its Foreign Minister admitted that "it is practically impossible to prove that the mines have no military objective." Marjorie M. Whiteman, *Digest of International Law* (Washington: U.S. Govt. Print. Off., 1968), v. X, p. 681.
27. Stone, p. 583-84; Stockton, p. 283. The latter apparently found this criticism to have little real merit, and Scott terms article 2 "as acceptable as it is reasonable." Scott, *The Hague Peace Conferences of 1899 and 1907*, p. 581-82. He does criticize it on another ground.
28. American Society of International Law, v. I, p. 89, para. 4.
29. James B. Scott, ed. *Instructions to the American Delegates to the Hague Peace Conference and Their Official Report* (New York: Oxford University Press, 1916), p. 111.
30. U.S. Naval War College, *International Law Studies*, 1955, p. 298, n. 38.
31. "Draft Convention on Rights and Duties of Neutral States in Naval and Aerial War," *Research in International Law, Supplement to the American Journal of International Law* (Concord, N.H.: Rumford Press, 1939), v. XXXI, p. 175, 714.
32. Scott, *Hague Peace Conferences*, p. 582.
33. "1909 Declaration of London," *Supplement to the American Journal of International Law*, July 1909, p. 179, 191. This declaration never became effective.
34. Scott, *Reports*, p. 681, 682.
35. *Ibid.*, p. 670, and annex 10, p. 684.
36. *Ibid.*, p. 664 and 666, respectively.
37. *Ibid.*, p. 665.
38. *Ibid.*, p. 667.
39. *Ibid.*, p. 669.
40. It was for this reason that the British made the following reservation to the Convention: "In affixing their signatures to the above Convention the British plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding must not be held to debar His Britannic Majesty's Government from contesting its legitimacy." U.S. Treaties, etc., v. I, p. 679.
41. Scott, *Hague Peace Conferences*, p. 583. See also Stone, p. 584.
42. Hershey, p. 128; powers, p. 55. This was the substance of the forceful final statement made by Sir Ernest Satow of the British Delegation. Scott, annex 22, p. 691.
43. "Diplomatic Correspondence Between the United States and Belligerent Governments Relating to Neutral Rights and Commerce," *Supplement to the American Journal of International Law*, October 1917, p. 4.
44. *Ibid.*; "Official Documents," *Supplement to the American Journal of International Law*, January 1915, p. 97, et seq. It should not be surprising to find that Germany adhered to the position it had taken at The Hague in 1907, opposing restrictions on the use of mines for offensive purposes, even on the high seas.

45. John C. Colombos, *The International Law of the Sea* (London: Longmans, 1967), p. 533.
46. Lassa F. L. Oppenheim, *International Law*, 7th ed., H. Lauterpacht, ed. (London: Longmans, Green, 1952), p. 681-682.
47. *Ibid.*, p. 680.
48. *Ibid.*, p. 682; U.S. Naval War College, *International Law Studies*, 1955, p. 305. The latter would permit this practice "when taken in response to the persistent misconduct of the enemy." This position raises the question as to whether, and why, a belligerent should be allowed a retaliatory action which is to the detriment of neutrals.
49. Colombos, p. 534.
50. Powers, p. 57.
51. James H. Meacham, "Four Mining Campaigns," *Naval War College Review*, June 1967, p. 75; *Project NIMROD*, v. 11, p. 59.
52. See text in connection with note 29.
53. E. James B. Scott, *Resolutions of the Institute of International Law* (New York: Oxford University Press, 1916), p. 167; "Draft Convention on Rights and Duties of Neutral States in Naval and Aerial War."
54. U.S. Treaties, etc., *United States Treaties and Other International Agreements* (Washington: U.S. Govt. Print. Off., 1963), v. XIII, pt. 2, p. 2312; United Nations, "Convention on the High Seas," *Treaty Series* (New York: 1964), v. CDL, p. 11, 82; U.S. Naval War College, *International Law Studies 1959-1960—The Law at Sea: Some Recent Developments* (Washington: U.S. Govt. Print. Off., 1961), p. 203.
55. "Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof," *International Legal Materials*, January 1971, p. 146-147.
56. U.S. Arms Control and Disarmament Agency, *Documents on Disarmament* (Washington: U.S. Govt. Print. Off., 1969), p. 478; "U.S. and U.S.S.R. Agree on Draft Treaty Banning Emplacement of Nuclear Weapons on the Seabed," *The Department of State Bulletin*, 3 November 1969, p. 365.
57. United Nations, General Assembly, Resolution 2669 (XXV), 7 December 1970. The vote was 104-2 (El Salvador and Peru)-2 (Ecuador and France).

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The mine issues no official communiqués.

*ADM William V. Pratt, USN: In "Newsweek" magazine
5 October 1942*