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Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 16

THE HAGUE CONVENTION (VIII) OF 1907
RELATIVE TO THE LAYING OF
AUTOMATIC SUBMARINE
CONTACT MINES

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Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the *procès-verbaux*, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and *Vaux*—are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Dixième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

JAMES BROWN SCOTT,
Director of the Division of International Law.

WASHINGTON, D. C.,
 December 23, 1914.

CONVENTION (VIII) RELATIVE TO THE LAYING OF AUTOMATIC
SUBMARINE CONTACT MINES

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Inspired by the principle of the freedom of sea routes, the common highways of all nations; Purpose of
Convention.

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a Convention for this purpose, and have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

It is forbidden—

Prohibitions.

1. To lay 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; Unanchored
automatic
contact mines.

2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings; Anchored
contact mines.

3. To use torpedoes which do not become harmless when they have missed their mark. Torpedoes.

ARTICLE 2

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping. Mines to inter-
cept commercial
shipping.

ARTICLE 3

Protection of peaceful shipping.

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

Notice of danger zones.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to ship owners, which must also be communicated to the Governments through the diplomatic channel.

ARTICLE 4

Mines laid by neutral Powers.

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral Power must inform ship owners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel.

ARTICLE 5

Removal at close of war.

At the close of the war, the contracting Powers undertake to do their utmost to remove the mines which they have laid, each Power removing its own mines.

Notification of position.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters.

ARTICLE 6

Adoption of perfected mines.

The contracting Powers which do not at present own perfected mines of the pattern contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles 1 and 3, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

ARTICLE 7

Powers bound.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 8

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

Certified copies
to Powers.

ARTICLE 9

Non-signatory Powers may adhere to the present Convention.

Adherence of
non-signatory
Powers.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

Notification
of intent.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Communication
to other Powers.

ARTICLE 10

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of
ratification.

ARTICLE 11

Duration. The present Convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

Denunciation. Unless denounced, it shall continue in force after the expiration of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the Powers, informing them of the date on which it was received.

Notifying Power only affected. The denunciation shall only have effect in regard to the notifying Power, and six months after the notification has reached the Netherland Government.

ARTICLE 12

Reopening question. The contracting Powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph of the preceding article, in the event of the question not having been already reopened and settled by the Third Peace Conference.

New Convention. If the contracting Powers conclude a fresh Convention relative to the employment of mines, the present Convention shall cease to be applicable from the moment it comes into force.

ARTICLE 13

Register of ratifications. A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 9, paragraph 2) or of denunciation (Article 11, paragraph 3) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing. In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit of original. Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Brazil	January 5, 1914
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Roumania	March 1, 1912
Salvador	November 27, 1909
Siam	March 12, 1910
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Paraguay
Bulgaria	Persia
Chile	Peru
Colombia	Servia
Cuba	Turkey
Dominican Republic	Uruguay
Ecuador	Venezuela
Greece	

*Reservations:*¹

Dominican Republic

With reservation as to the first paragraph of Article 1.

France

Under reservation of Article 2.²

Germany

Under reservation of Article 2.²

Great Britain

Under reservation of the following declaration :

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.²

Siam

Under reservation of Article 1, paragraph 1.²

Turkey

Under reservation of the declarations recorded in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

Extract from the procès-verbal:

The Imperial Ottoman delegation can not at the present time undertake any engagement whatever for perfected systems which are not yet universally known. * * * The Imperial Ottoman delegation believes that it should declare that, given the exceptional situation created by treaties in force at the straits of the Dardanelles and the Bosphorus, straits which are an integral part of the territory, the Imperial Government could not in any way subscribe to any undertaking tending to limit the means of defence that it may deem necessary to employ for these straits in case of war or with the aim of causing its neutrality to be respected. * * * The Imperial Ottoman delegation can not at the present time take part in any engagement as regards the conversion mentioned in Article 6.³

¹All these reservations were made at signature.

²Reservation maintained at ratification.

³Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 280.

