HE HAGUE CONVENTION (IX) OF 1907 CONCERNING BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR

PUBLISHED BY THE ENDOWMENT
WASHINGTON, D.C.
1915
CARNEGIE ENDOWMENT
FOR INTERNATIONAL PEACE
Division of International Law

PAMPHLET SERIES

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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.


James Brown Scott,  
Director of the Division of International Law.

Washington, D. C.,  
December 23, 1914.
CONVENTION (IX) CONCERNING BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR

Signed at The Hague, October 18, 1907

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

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as possible to this operation of war the principles of the Regulation of 1899 respecting the laws and customs of land war;

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

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

[Here follow the names of the plenipotentiaries.]

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

Chapter I.—The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings

Art. 1

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

A place cannot be bombarded solely because automatic submarine contact mines are anchored off the harbor.

Art. 2

Military works, military or naval establishments, depots of arms or war matériels, workshops or plant which could be utilized for the
needs of the hostile fleet or army, and the ships of war in the harbor, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

**Article 3**

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

**Article 4**

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

**Chapter II.—General Provisions**

**Article 5**

In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.
It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large, stiff rectangular panels divided diagonally into two colored triangular portions, the upper portion black, the lower portion white.

**Article 6**

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.

**Article 7**

A town or place, even when taken by storm, may not be pillaged.

**Chapter III.—Final Provisions**

**Article 8**

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 9**

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited 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 of 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 received the notification.
Adhesion of non-signatory Powers.
Notification of intent.
Communication to other Powers.

Effect of ratification.

Denunciation.

Notifying Power only affected.

Register of ratifications.

Signing.

Deposit of original.

Article 10

Non-signatory Powers may adhere to the present Convention. The Power which desires to adhere shall notify its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government. This Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

Article 11

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 that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Article 12

In the event of one of the contracting Powers wishing to denounce the present Convention, 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 other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

Article 13

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 9, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 10, paragraph 2) or of denunciation (Article 12, paragraph 1) have been received.

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

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

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.]

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**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
- **Bolivia** .................................................... November 27, 1909
- **Brazil** ..................................................... January 5, 1914
- **Cuba** ....................................................... February 22, 1912
- **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, 1910
- **Luxemburg** .................................................. September 5, 1912
- **Mexico** ...................................................... November 27, 1909
- **Netherlands** ............................................... November 27, 1909
- **Norway** ...................................................... September 19, 1910
- **Panama** ...................................................... September 11, 1911
- **Portugal** .................................................... April 13, 1911
- **Roumania** ................................................... March 1, 1912
- **Russia** ..................................................... November 27, 1909
- **Salvador** ................................................... November 27, 1909
- **Siam** ........................................................ March 12, 1910
- **Sweden** ...................................................... November 27, 1909
- **Switzerland** ................................................ May 12, 1910
- **United States** .............................................. November 27, 1909
Adhesions:

China ........................................... January 15, 1910
Liberia ........................................... February 4, 1914
Nicaragua ........................................ December 16, 1909
Spain ............................................ February 24, 1913

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

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

Reservations:¹

Chile

Under the reservation of Article 3 made at the fourth plenary session of August 17.

Extract from procès-verbal:
The delegation of Chile makes reservation as to Article 3.²

France

Under reservation of the second paragraph of Article 1.³

Germany

Under reservation of Article 1, paragraph 2.³

Great Britain

Under reservation of the second paragraph of Article 1.³

Japan

With reservation of paragraph 2 of Article 1.³

¹All these reservations were made at signature.
²Statement of Mr. Domingo Gana. Actes et documents, vol. i, p. 90.
³Reservation maintained at ratification.
OTHER PUBLICATIONS OF THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

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BOOK FOR 1912

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