

## **CONVENTION RELATING TO THE STATUS OF ENEMY MERCHANT SHIPS AT THE OUTBREAK OF HOSTILITIES (Hague VI); October 18, 1907**

Anxious to ensure the security of international commerce against the surprises of war, and wishing, in accordance with modern practice, to protect as far as possible operations undertaken in good faith and in process of being carried out before the outbreak of hostilities, have resolved to conclude a Convention to this effect, and have appointed the following persons as their Plenipotentiaries:

(List of Plenipotentiaries)

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

### **Article 1.**

When a merchant ship belonging to one of the belligerent Powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

### **Art. 2.**

A merchant ship unable, owing to circumstances of force majeure, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, cannot be confiscated.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation.

### **Art.3.**

Enemy merchant ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities cannot be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such cases provision must be made for the safety of the persons on board as well as the security of the ship's papers.

After touching at a port in their own country or at a neutral port, these ships are subject to the laws and customs of maritime war.

**Art. 4.**

Enemy cargo on board the vessels referred to in **Articles 1 and 2** is likewise liable to be detained and restored after the termination of the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same rule applies in the case of cargo on board the vessels referred to in Article 3.

**Art. 5.**

The present Convention does not affect merchant ships whose build shows that they are intended for conversion into war-ships.

**Art. 6.**

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.

**Art. 7.**

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 Netherlands Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherlands 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 Netherlands 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 at the same time inform them of the date on which it received the notification.

**Art. 8.**

Non-Signatory Powers may adhere to the present Convention.

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

The said 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.

#### **Art. 9.**

The present Convention shall come into force, in the case the of the Powers which were a party to the first deposit of ratifications, I be 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 Netherlands Government.

#### **Art. 10.**

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherlands Government, which shall at once communicate a 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 Netherlands Government.

#### **Art. 11**

A register kept by the Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of **Article 7**, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (**Article 8**, paragraph 2) or of denunciation (**Article 10**, paragraph 1) have been received.

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

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

**Done at The Hague, 18 October 1907, in a single copy, which shall remain deposited in the archives of the Netherlands 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.**

**Source:**

**The Hague Peace Conferences of 1899 and 1907**

**A Series of Lectures Delivered before the Johns Hopkins University in the Year 1908**

**By James Brown Scott**

**Technical delegate of the United States to the Second Peace Conference at the Hague**

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