

ADAPTATION TO MARITIME WARFARE OF
PRINCIPLES OF GENEVA CONVENTION OF
1864 (HAGUE, III)

Convention signed at The Hague July 29, 1899
Senate advice and consent to ratification May 4, 1900
Ratified by the President of the United States August 3, 1900
Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated September 4, 1900
Entered into force September 4, 1900
Proclaimed by the President of the United States November 1, 1901
Replaced by convention of October 18, 1907,¹ on the same subject, as between contracting parties to the later convention

32 Stat. 1827; Treaty Series 396

[TRANSLATION]

CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

¹ TS 543, *post*, p. 694.

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864,² have decided to conclude a convention to this effect:

They have, in consequence, appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: His Excellency Count Munster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary; Mr. Alexander Okoliesanyi d'Okoliesna, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Belgians: His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Deputies; Count de Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at The Hague; the Chevalier Descamps, Senator.

His Majesty the Emperor of China: Mr. Yang Yu, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg.

His Majesty the King of Denmark: His Chamberlain Fr. E. de Bille, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen Regent of the Kingdom: His Excellency the Duke of Tetuan, formerly Minister for Foreign Affairs; M. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels; M. Arthur de Baguer, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United States of America: Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United Mexican States: Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Zenil, Minister Resident at Brussels.

The President of the French Republic: M. Léon Bourgeois, formerly President of the Council, ex-Minister of Foreign Affairs, Member of the Chamber of Deputies; M. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague; Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: Sir Henry Howard, Her Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes: Mr. N. Delyanni, formerly President of the Council, ex-Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

² TS 377, *ante*, p. 7.

His Majesty the King of Italy: His Excellency Count Nigra, His Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, His Envoy Extraordinary and Minister Plenipotentiary at The Hague; Commander Guido Pompilj, Deputy in the Italian Parliament.

His Majesty the Emperor of Japan: Mr. I. Motono, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government.

His Highness the Prince of Montenegro: His Excellency Mr. de Staal, Privy Councillor, Ambassador of Russia at London.

Her Majesty the Queen of the Netherlands: Jonkheer A. P. C. van Karnebeek, formerly Minister for Foreign Affairs, Member of the Second Chamber of the States General; General J. C. C. den Beer Poortugael, formerly Minister of War, Member of the Council of State; Mr. T. M. C. Asser, Member of the Council of State; Mr. E. N. Rahusen, Member of the First Chamber of the States General.

His Imperial Majesty the Shah of Persia: His Aid-de-Camp General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Stockholm.

His Majesty the King of Portugal and of the Algarves, etc: Count Macedo, Peer of the Kingdom, formerly Minister of the Navy and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid; Mr. d'Ornellas et Vasconcellos, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg; Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Roumania: Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin; Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of all the Russias: His Excellency Mr. de Staal, Privy Councillor, His Ambassador at London; Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor; Mr. de Basily, His Councillor of State, Chamberlain, Director of the First Department of the Imperial Ministry of Foreign Affairs.

His Majesty the King of Servia: Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam: M. Phya Suriya Nuvat, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris; M. Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at London.

His Majesty the King of Sweden and Norway: Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.

The Swiss Federal Council: Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin.

His Majesty the Emperor of the Ottomans: His Excellency Turkhan Pasha, formerly Minister for Foreign Affairs, Member of His Council of State; Noury Bey, Secretary-General in the Ministry for Foreign Affairs.

His Royal Highness the Prince of Bulgaria: Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg; Major Christo Hessaptchieff, Military Attaché at Belgrade;

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

ARTICLE 2

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

ARTICLE 3

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent powers at the commencement of or during hostilities, and in any case before they are employed.

ARTICLE 4

The ships mentioned in Articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose. These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital-ships the orders they give them.

ARTICLE 5

The military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

ARTICLE 6

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

ARTICLE 7

The religious, medical, or hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE 8

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

ARTICLE 9

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

ARTICLE 10

(Excluded)³

ARTICLE 11

The rules contained in the above Articles are binding only on the Contracting Powers, in case of war between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

ARTICLE 12

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE 13

The non-Signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

ARTICLE 14

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In testimony whereof the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of

³ In the original French this article was identical with art. 15 of the convention of Oct. 18, 1907 (TS 543), *post*, p. 705.

which duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

For Germany:		For Luxemburg:	
MUNSTER DERNEBURG	[SEAL]	EYSCHEN	[SEAL]
(Under reserve of article 10.)		For Montenegro:	
For Austria-Hungary:		STAAL	[SEAL]
WELSERSHEIMB	[SEAL]	For the Netherlands:	
OKOLIGSANYI	[SEAL]	v. KARNEBEEK	[SEAL]
For Belgium:		DEN BEER POORTUGAEL	[SEAL]
A. BEERNAERT	[SEAL]	T. M. C. ASSER	[SEAL]
CTE DE GRELLE ROGIER	[SEAL]	E. N. RAHUSEN	[SEAL]
CHR DESCAMPS	[SEAL]	For Persia:	
For China:		MIRZA RIZA KHAN, ARFA-	[SEAL]
YANG YU	[SEAL]	UD-DOVLEH	
For Denmark:		For Portugal:	
F. BILLE	[SEAL]	CONDE DE MACEDO	[SEAL]
For Spain:		AGOSTINHO D'ORNELLAS	[SEAL]
EL DUQUE DE TETUAN	[SEAL]	DE VASCONCELLOS	
W. R. DE VILLA URRUTIA	[SEAL]	CONDE DE SELIR	[SEAL]
ARTURO DE BAGUER	[SEAL]	For Roumania:	
For the United States of America:		A. BELDIMAN	[SEAL]
STANFORD NEWEL	[SEAL]	J. N. PAPINIU	[SEAL]
(Under reserve of article 10.)		For Russia:	
For the United Mexican States:		STAAL	[SEAL]
A. DE MIER	[SEAL]	MARTENS	[SEAL]
J. ZENIL	[SEAL]	A. BASILY	[SEAL]
For France:		For Servia:	
LÉON BOURGEOIS	[SEAL]	CHEDO MIYATOVITCH	[SEAL]
G. BIHOUD	[SEAL]	For Siam:	
D'ESTOURNELLES DE CON-	[SEAL]	PHYA SURIYA NUVATR	[SEAL]
STANT		VISUDDHA	[SEAL]
For Great Britain and Ireland:		For the United Kingdoms of	
HENRY HOWARD	[SEAL]	Sweden and Norway:	
(Under reserve of article 10.)		BILDT	[SEAL]
For Greece:		For Switzerland:	
N. DELYANNI	[SEAL]	ROTH	[SEAL]
For Italy:		For Turkey:	
NIORA	[SEAL]	TURKHAN	[SEAL]
A. ZANNINI	[SEAL]	MEHEMED NOURY	[SEAL]
G. POMPILJ	[SEAL]	(Under reserve of article 10.)	
For Japan:		For Bulgaria:	
I. MOTONO	[SEAL]	D. STANCIOFF	[SEAL]
		MAJOR HESSAPTCHIEFF	[SEAL]