

TREATIES GOVERNING LAND WARFARE

FOREWORD

This pamphlet is intended to serve as a supplement to FM 27-10, *The Law of Land Warfare*, 18 July 1956. The principal international conventions referred to therein are here given in the full English text. It should be noted, however, that the only official text of the Hague Conventions of 18 October 1907 is the French text which must be consulted and accepted as controlling in the event of a dispute as to the meaning of any provision of these particular conventions.*

The Geneva Conventions for the Protection of War Victims of 12 August 1949 have been ratified by the United States and came into force for this country on 2 February 1956. The effect of these four conventions upon previous treaties to which the United States is a party is discussed in detail in paragraph 5, FM 27-10. Each of the earlier Geneva Conventions of 1864, 1906, and 1929 and each of the Hague Conventions of 1899 and 1907 will, of course, continue in force as between the United States and such of the other parties to the respective conventions as have not ratified or adhered to the respective superseding convention(s) governing the same subject matter. Moreover, the United States has adopted the policy of observing and enforcing the terms of the 1929 Geneva Convention relative to the Treatment of Prisoners of War and the 1907 Hague Conventions, both of which have been held declaratory of the customary law of war to which all States are subject, in so far as such Conventions are not superseded by the 1949 Geneva Conventions which necessarily govern the relations between the parties to the latter. (See pars. 6 and 7, FM 27-10.)

As the essential provisions of the earlier Geneva Conventions and Hague Conventions mentioned above have been substantially incorporated into the more recent and more comprehensive conventions on the same subject matter, observance of the later conventions will usually include observance of the former. For this reason, only the more recent 1949 Geneva Conventions and those Hague Conventions relating to land warfare which have not been entirely superseded have been reproduced in this pamphlet.

Pertinent information concerning the current status of ratifications, adherences, reservations, and denunciations (withdrawals) will be transmitted by higher authority to commanders in the field as occasions arise, thus rendering unnecessary the inclusion of such data in this pamphlet and avoiding the frequent changes that such inclusion would entail.

*See United States Treaties Series Nos. 538-543.

Chapter 1
Hague Convention No. III
Relative to the Opening of Hostilities

18 October 1907

(36 Stat. 2259; Treaty Series No. 538; Malloy, Treaties, Vol. II,
p. 2259)

[Here follows the list of Sovereigns and Heads of State who sent Plenipotentiaries to the Conference.]

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning;

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have 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:

ARTICLE 1.

The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

ARTICLE 2.

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

ARTICLE 3.

Article 1 of the present Convention shall take effect in case of war between two or more of the Contracting Powers.

Article 2 is binding as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

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DEPARTMENT OF THE ARMY
WASHINGTON 25, D. C., 7 December 1956

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*This pamphlet supersedes TM 27-251, 7 January 1944, including C 1, 17 April 1944, and C 2, 15 January 1945; and DA Pamphlet 20-150, 11 October 1950.

ARTICLE 4.

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 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 at the same time inform them of the date on which it received the notification.

ARTICLE 5.

Non-Signatory Powers may adhere to the present Convention.

The Power which wishes to adhere notifies in writing its intention to the Netherland 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 forward 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.

ARTICLE 6.

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 7.

In the event of one of the High Contracting Parties 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 8.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 5, paragraph 2) or of denunciation (Article 7, 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 of which the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single original, 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.]