

Naval operations: Neutral territorial waters 2

70/18/40

BRITISH EMBASSY,

WASHINGTON, D.C.

No.130

April 8th, 1940.

Sir,

Under instructions from His Majesty's
Principal Secretary of State for Foreign Affairs
I have the honour to communicate to you the
enclosed text of a joint public declaration
which has been made by His Majesty's Government
in the United Kingdom and the French Government,
regarding the territorial waters of Norway.

I have the honour to be,

with the highest consideration,

Sir,

Your most obedient,

humble servant,

(SGD) LOTHIAN

The Honourable

Cordell Hull,

Secretary of State of the United States,

Washington, D. C.

ACEM:MAB

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"In recent weeks the German campaign against the merchant shipping of all nations has been intensified and pursued with even greater brutality than before. The number of neutral ships destroyed by German action is now well over 150 and the number of neutral lives lost is nearly 1000. These attacks have been carried out in almost every case in defiance of the recognised rules of war, frequently in circumstances of the greatest barbarity and on many occasions without the slightest justification for interference of any sort with the ship. Germany has announced that she regards herself as entitled to destroy any neutral ship en route to any British port, including contraband control harbors, and there have moreover been repeated cases of vessels being destroyed on voyage between two neutral ports when the vessel had no intention of touching at a British port at all. It is obvious that the German Government are engaged in an indiscriminate campaign of destruction throughout the waters in which their unnotified mines are laid or in which their submarines are in a position to operate.

2. While in recent weeks the greatest losses have fallen upon neutral shipping British and Allied vessels have also suffered from the adoption of this policy of destruction, a new development of which is the bombing from the air of British and neutral trawlers and fishing boats and the machine gunning of their crews. The innocent character of fishing boats has

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hitherto been universally recognised but this has not prevented Germany from committing nearly 200 attacks on fishing vessels aimed at sinking them and murdering their crews. Even lightships, the object of which is to protect shipping of all nations and which are by international usage treated as noncombatants, have been with their crews ruthlessly attacked by bombs.

3. It is a fact deserving of constant emphasis that these German attacks have been deliberately aimed at the destruction of neutral lives and property and it is abundantly clear that the purpose behind them is pure terrorism. The Allies on the other hand have never destroyed nor injured a single neutral ship, or taken a single neutral life. On the contrary they have not only saved the lives of many innocent victims of these German outrages but they have also not failed to rescue from drowning German airmen and submarine crews who have been guilty of the inhumanities in question.

4. The position is therefore that Germany is flagrantly violating neutral rights in order to damage the Allied countries while insisting upon the strictest observance of rules of neutrality whenever such observance would provide some advantage to herself. International law has always recognised the right of a belligerent, when its enemy has systematically resorted to illegal practices, to take action appropriate to the situation created by the illegalities of the enemy. Such action even though not lawful in ordinary circumstances becomes and is generally recognised to become lawful in view of the other belligerent's violation of law. The Allied Governments therefore hold themselves entitled to take such action as they may deem proper in the present circumstances.

5. The Allied Governments have observed that a heavy proportion of the losses inflicted upon neutral countries, both of human life and in material, has fallen upon the Norwegian mercantile marine. Yet while the German Government repeatedly sink Norwegian shipping and murder Norwegian seamen they continue to demand from the Norwegian Government the fullest use of Norwegian territorial waters for their own commerce, and the Norwegian Government have even felt obliged to provide armed escort in these waters for German ships while unable to take effective action against German brutality on the high seas of which their own vessels have been the victims.

6. Whatever may be the actual policy which the Norwegian Government by German threats and pressure are compelled to follow, the Allied Governments can no longer afford to acquiesce in the present state of affairs by which Germany obtains resources vital to her prosecution of the war and obtains from Norway facilities which place the Allies at a dangerous disadvantage. They have therefore already given notice to the Norwegian Government that they reserve the right to take such measures as they may think necessary to hinder or prevent Germany from obtaining in Norway resources or facilities which for the purpose of the war would be to her advantage or to the disadvantage of the Allies. If the successful prosecution of the war now requires them to take such measures world opinion will not be slow to realise both the necessity under which they are constrained to act and the purpose of their action. Their purpose in this war is to establish principles which the smaller states of Europe would themselves wish to see prevail and upon

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which the very existence of those states ultimately depends. The Allies, of course, will never follow the German example of brutal violence and any action they decide to take will always be carried out in accordance with the dictates of humanity.

7. His Majesty's Government in the United Kingdom and the French Government have accordingly resolved to deny the continued use by the enemy of stretches of territorial waters which are clearly of particular value to him and they have therefore decided to prevent the unhindered passage of vessels carrying contraband of war through Norwegian territorial waters. They accordingly hereby give notice that the following areas of Norwegian territorial waters have been rendered dangerous to navigation on account of mines. Vessels entering these areas will do so at their peril.

Stadtlandet, an area enclosed by the Norwegian coast and lines joining the following positions:

(1) 62 degrees 11 minutes 06 seconds N, 5 degrees 06 minutes 12 seconds E

(2) 62 degrees 09 minutes 24 seconds N, 5 degrees 00 minutes 13 seconds E

(3) 62 degrees 12 minutes 18 seconds N, 4 degrees 49 minutes 30 seconds E

(4) 62 degrees 19 minutes 30 seconds N, 5 degrees 05 minutes 36 seconds E

(5) 62 degrees 12 minutes 00 seconds N, 5 degrees 09 minutes 00 seconds E

Bud, an area enclosed by the Norwegian coast and lines joining the following positions:

(1) 62 degrees 58 minutes 27 seconds N, 7 degrees 05 minutes 30 seconds E

(2) 63 degrees 03 minutes 30 seconds N,
6 degrees 54 minutes 00 seconds E

(3) 63 degrees 07 minutes 12 seconds N,
7 degrees 04 minutes 30 seconds E

(4) 62 degrees 59 minutes 24 seconds N,
7 degrees 07 minutes 15 seconds E

West Fjord, an area enclosed by the Norwegian coast and lines joining the following points:

(1) 67 degrees 24 minutes 40 seconds N,
14 degrees 34 minutes 00 seconds E

(2) 67 degrees 27 minutes 30 seconds N,
14 degrees 24 minutes 00 seconds E

(3) 67 degrees 28 minutes 55 seconds N,
14 degrees 06 minutes 45 seconds E

(4) 67 degrees 33 minutes 55 seconds N,
13 degrees 51 minutes 30 seconds E

(5) 67 degrees 37 minutes 55 seconds N,
14 degrees 02 minutes 15 seconds E

(6) 67 degrees 26 minutes 20 seconds N,
14 degrees 38 minutes 30 seconds E

It will be observed that the laying of mines in these areas will in no way interfere with the free access of Norwegian nationals or ships to their own ports and coastal hamlets. In order to avoid the least possibility of Norwegian or other vessels inadvertently entering these areas before there has been time to give warning of the mines being laid arrangements have been made for the limits of the areas to be patrolled by British naval vessels until a period of forty-eight hours has elapsed from the laying of the first mine in each area. This measure, in conjunction with the broadcast warning, should fully provide for the safety of shipping."