

PREFACE TO PART IX-B

The law of neutrality also dates back in origin to an earlier period, but not nearly so far back as the laws of war, because a well-defined concept of obligatory behaviour of neutral States vis-à-vis belligerent States and a clear-cut body of rules to be observed by the latter towards the former has been lacking for a long time and has only developed very gradually. Their codification was also undertaken at the Second Hague Peace Conference of 1907, separately for the contingency of warfare on land (Convention V) and for that of naval warfare (Convention XIII, complemented by certain provisions of Convention X). A comparable separate codification of the much simpler aerial aspects of neutrality is still lacking, although the work of the Commission of Jurists of 1923 also covers the neutrality aspects of aerial warfare.

How best to arrange the subject-matter of neutrality in this Part IX-B was not so obvious as in the case of the laws of war in the preceding Part IX-A. The result of my weighing of the pros and cons of differing possible methods was a choice of the lay-out which follows.

I will begin with an introductory Chapter I dealing with a few very general matters such as the sources of, and the literature concerning, neutrality law; the question as to when approximately the expression "neutrality" became a familiar term to indicate the status of a State that did not take part in a war between other States and was as a result placed in a special legal position vis-à-vis the belligerents; other, improper uses of the term neutral(ity); and, in an Excursus, the institution of neutralization.

The exposé will be continued with a number of general topics relative to the problem of neutrality (Chapter II).

I will then pass to an historical survey of the development of the legal institution of neutrality in the course of time. It will be divided into three periods. The first (described in Chapter III) will comprise the development from early days to a little beyond the 18th century (restoration of Europe after the fall of Napoleon). I could have chosen instead as a milestone the Armed Neutrality period of 1780-1800, but that is, despite its name, more a stage in the development of prize law than of neutrality law proper. The second period (described in Chapter IV) will encompass the development during the 19th century and in the early years of the 20th century up to the Second Hague Peace Conference of 1907. The third period is marked by the codification of neutrality law which was,

accomplished at that Conference (Chapter V). That Chapter will accordingly set out the contents of the codification, as laid down in Conventions V and XIII of 1907, concerning respectively Neutrality in War on Land and Neutrality in War at Sea, and will moreover give a few data regarding the wars which broke out soon after the Second Peace Conference.

A final Chapter VI will deal with certain experiences and conflicts during World Wars I and II.

The traditional features of neutrality law have been fundamentally changed, originally, in 1919, as a result of the adoption of the Covenant of the League of Nations and later, in 1945, of that of the Charter of the United Nations. Neutrality law has since assumed a rather indeterminate character. On some aspects of that development comp. Part I of this publication, p. 388, and further Chapter VI, section 3, § 1, and section 5, *infra*, pp. 260 and 298 *et seq.*