

NEUTRALITY (GENERAL DECLARATION)

Declaration adopted by the Meeting of the Foreign Ministers of the American Republics at Panama October 3, 1939

Report of the Delegate of the United States of America to the Meeting of the Foreign Ministers of the American Republics Held at Panamá September 23–October 3, 1939
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GENERAL DECLARATION OF NEUTRALITY OF THE AMERICAN REPUBLICS

WHEREAS:

As proclaimed in the Declaration of Lima, "The peoples of America have achieved spiritual unity through the similarity of their republican institutions, their unshakable will for peace, their profound sentiment of humanity and tolerance, and through their absolute adherence to the principles of international law, of the equal sovereignty of states and of individual liberty without religious or racial prejudices";²

This acknowledged spiritual unity presupposes common and solidary attitudes with reference to situations of force which, as in the case of the present European war, may threaten the security of the sovereign rights of the American republics;

The attitude assumed by the American republics has served to demonstrate that it is their unanimous intention not to become involved in the European conflict; and

It is desirable to state the standards of conduct, which, in conformity with international law and their respective internal legislation, the American republics propose to follow, in order to maintain their status as neutral states and fulfil their neutral duties, as well as require the recognition of the rights inherent in such a status,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

1. To reaffirm the status of general neutrality of the American republics, it being left to each one of them to regulate in their individual and sovereign capacities the manner in which they are to give it concrete application.

¹ See also *Department of State Bulletin*, Oct. 7, 1939, p. 326.

² *Ante*, p. 534.

2. To have their rights and status as neutrals fully respected and observed by all belligerents and by all persons who may be acting for or on behalf of or in the interest of the belligerents.

3. To declare that with regard to their status as neutrals, there exist certain standards recognized by the American republics applicable in these circumstances and that in accordance with them they:

(a) Shall prevent their respective terrestrial, maritime, and aerial territories from being utilized as bases of belligerent operations.

(b) Shall prevent, in accordance with their internal legislations, the inhabitants of their territories from engaging in activities capable of affecting the neutral status of the American republics.

(c) Shall prevent on their respective territories the enlistment of persons to serve in the military, naval, or air forces of the belligerents; the retaining or inducing of persons to go beyond their respective shores for the purpose of taking part in belligerent operations; the setting on foot of any military, naval, or aerial expedition in the interest of the belligerents; the fitting out, arming, or augmenting of the forces or armament of any ship or vessel to be employed in the service of one of the belligerents, to cruise or commit hostilities against another belligerent, or its nationals or property; the establishment by the belligerents or their agents of radio stations in the terrestrial or maritime territory of the American republics, or the utilization of such stations to communicate with the governments or armed forces of the belligerents.

(d) May determine, with regard to belligerent warships, that not more than three at a time be admitted in their own ports or waters and in any case they shall not be allowed to remain for more than 24 hours. Vessels engaged exclusively in scientific, religious, or philanthropic missions may be exempted from this provision, as well as those which arrive in distress.

(e) Shall require all belligerent vessels and aircraft seeking the hospitality of areas under their jurisdiction and control to respect strictly their neutral status and to observe their respective laws and regulations and the rules of international law pertaining to the rights and duties of neutrals and belligerents; and in the event that difficulties are experienced in enforcing the observance of and respect for their rights, the case, if so requested, shall thereupon become a subject of consultation between them.

(f) Shall regard as a contravention of their neutrality any flight by the military aircraft of a belligerent state over their own territory. With respect to non-military aircraft, they shall adopt the following measures: such aircraft shall fly only with the permission of the competent authority; all aircraft, regardless of nationality, shall follow routes determined by the said authorities; their commanders or pilots shall declare the place of departure, the stops to be made and their destination; they shall be allowed to use radio-telegraphy only to determine their route and flying conditions, utilizing for

this purpose the national language, without code, only the standard abbreviations being allowed; the competent authorities may require aircraft to carry a co-pilot or a radio operator for purposes of control. Belligerent military aircraft transported on board warships shall not leave these vessels while in the waters of the American republics; belligerent military aircraft landing in the territory of an American republic shall be interned with their crews until the cessation of hostilities, except in cases in which the landing is made because of proven distress. There shall be exempted from the application of these rules cases in which there exist conventions to the contrary.

(g) May submit belligerent merchant vessels, as well as their passengers, documents and cargo, to inspection in their own ports; the respective consular agent shall certify as to the ports of call and destination as well as to the fact that the voyage is undertaken solely for purposes of commercial interchange. They may also supply fuel to such vessels in amounts sufficient for the voyage to a port of supply and call in another American republic, except in the case of a direct voyage to another continent, in which circumstance they may supply the necessary amount of fuel. Should it be proven that these vessels have supplied belligerent warships with fuel, they shall be considered as auxiliary transports.

(h) May concentrate and place a guard on board belligerent merchant vessels which have sought asylum in their waters, and may intern those which have made false declarations as to their destinations, as well as those which have taken an unjustified or excessive time in their voyage, or have adopted the distinctive signs of warships.

(i) Shall consider as lawful the transfer of the flag of a merchant vessel to that of any American republic provided such transfer is made in good faith, without agreement for resale to the vendor, and that it takes place in the waters of an American republic.

(j) Shall not assimilate to warships belligerent armed merchant vessels if they do not carry more than four six-inch guns mounted on the stern, and their lateral decks are not reinforced, and if, in the judgment of the local authorities, there do not exist other circumstances which reveal that the merchant vessels can be used for offensive purposes. They may require of the said vessels, in order to enter their ports, to deposit explosives and munitions in such places as the local authorities may determine.

(k) May exclude belligerent submarines from the waters adjacent to their territories or admit them under the condition that they conform to the regulations which each country may prescribe.

4. In the spirit of this declaration, the governments of the American republics shall maintain close contact with a view to making uniform, so far as possible, the enforcement of their neutrality and to safeguarding it in defense of their fundamental rights.

5. With a view to studying and formulating recommendations with respect to the problems of neutrality, in the light of experience and changing circumstances, there shall be established, for the duration of the European war, an Inter-American Neutrality Committee, composed of seven experts in international law, who shall be designated by the Governing Board of the Pan American Union before November 1, 1939. The recommendations of the committee shall be transmitted, through the Pan American Union, to the governments of the American republics.

[The above declaration was incorporated in the final act of the Meeting of Foreign Ministers, which was signed on October 3, 1939, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela.]