

DECLARATION¹ BETWEEN DENMARK, FINLAND, ICELAND, NORWAY AND SWEDEN FOR THE PURPOSE OF ESTABLISHING SIMILAR RULES OF NEUTRALITY. SIGNED AT STOCKHOLM, MAY 27TH, 1938.

¹ Translated by the Secretariat of the League of Nations, for information.

French official text communicated by the Swedish Minister for Foreign Affairs and by the Permanent Delegate a. i. of Finland to the League of Nations. The registration of this Declaration took place May 30th, 1938.

The Governments of Denmark, Finland, Iceland, Norway and Sweden,

Considering it to be highly desirable that, in the event of war between foreign Powers, they should all apply similar rules of neutrality,

Have drawn up, on the basis of the Declaration² in this matter made by Denmark, Norway and Sweden on December 21st, 1912, Rules of Neutrality, the texts of which are appended hereto, to be enacted by the said Governments, each in so far as concerns itself,

And have agreed that, should any of them desire, in the light of their own experience, to modify the said Rules, as contemplated by the Convention³ on the [Rights and Duties of Neutral Powers in Naval War](#), signed at The Hague on October 18th, 1907, they shall not do so without first giving, if possible, sufficient notice to the other four Governments to permit of an exchange of views in the matter.

In faith whereof the undersigned, duly authorised for the purpose by their respective Governments, have signed the present Declaration and have thereto affixed their seals.

Done at Stockholm, in five copies, the 27th day of May, 1938.

(Signed)

(L. S.) Rickard Sandler. For Denmark : (L. S.) Ove Engell.

(L. S.) J. K. Paasikivi. For Iceland : (L. S.) Ove Engell. (L. S.) J. H. Wollebæk.

² British and Foreign State Papers, Vol. 106, page 916.

³ British and Foreign State Papers, Vol. 100, page 448.

DENMARK.

----- [see note below]

FINLAND.

RULES OF NEUTRALITY.

Concerning the neutrality of Finland in the event of war between foreign Powers, the following provisions shall apply as from the date and to the extent to be fixed by the President of

the Republic:

Article 1.

Belligerent warships shall be granted admission to the ports and other territorial waters of the Republic subject to the following exceptions, restrictions and conditions.

Article 2.

1. Belligerent warships shall not be allowed access to ports and maritime areas proclaimed to be naval ports or to form part of the protection zones of coast defence works.

2. Belligerent warships shall, further, not be allowed access to inner waters, the entrance to which is closed by submarine mines or other means of defence.

For the purposes of the present Decree, "Finnish inner waters" shall be deemed to include ports, entrances to ports, gulfs and bays, and the waters between those Finnish islands, islets and reefs which are not constantly submerged, and between the said islands, islets and reefs and the mainland.

3. Belligerent submarines ready for service shall be prohibited from navigating or remaining in Finnish territorial waters.

The foregoing prohibition shall not apply, however, to submarines forced to enter prohibited waters by stress of weather or by damage, provided always that they indicate by means of an international signal their reason for entering these waters. Such submarines shall be required to leave the prohibited waters as soon as the circumstances which are the cause of their presence there have ceased. While in Finnish territorial waters, submarines shall continuously fly their national flag and, save in the case of extreme necessity, shall navigate on the surface.

4. The President of the Republic may, in special circumstances, for the purpose of safeguarding the sovereign rights and maintaining the neutrality of the Republic, while at the same time observing the general principles of international law, prohibit access to Finnish ports and other stated zones of Finnish territorial waters other than those to which access is prohibited by the foregoing provisions.

5. The President of the Republic may likewise prohibit the access to Finnish ports and anchorages of any belligerent warships which may have failed to comply with the rules and regulations laid down by the competent Finnish authorities, or have violated the neutrality of the Republic.

Article 3.

1. Privateers shall not be permitted to enter Finnish ports or to remain in Finnish territorial waters.

2. The armed merchant vessels of belligerents shall, if their armaments are intended for purposes other than their own defence, likewise be forbidden access to Finnish ports or to remain in Finnish territorial waters.

Article 4.

1. Belligerent warships shall not be permitted to remain in Finnish ports and anchorages or in other Finnish territorial waters for more than twenty-four hours, save in the event of their having suffered damage or run aground, or under stress of weather, or in the cases enumerated in paragraphs 3 and 4 below. In such cases, they shall leave as soon as the cause of the delay has ceased. In the case of vessels having suffered damage or run aground, the competent Finnish authority shall fix such time-limit as may be deemed sufficient to repair

the damage or refloat the vessel. No vessel shall, however, be permitted to prolong its stay for more than twenty-four hours if it is clear that the said vessel cannot be rendered seaworthy within a reasonable time, or if the damage was caused by an enemy act of war.

The above restrictions on the stay of vessels shall not apply to warships used exclusively for religious, scientific or humanitarian purposes, or to naval and military hospital ships.

2. Not more than three warships of a belligerent Power or of several allied belligerent Powers shall be permitted to remain in a Finnish port or anchorage at the same time or, the coast having been divided into districts for the purpose, in ports or anchorages of the same coastal district of Finland.

3. In the event of warships belonging to both belligerents being simultaneously present in a Finnish port or anchorage, a period of not less than twenty-four hours shall elapse between the departure of a ship belonging to one belligerent and the departure of a ship belonging to the other.

The order of departure shall be determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permitted.

4. No belligerent warship shall leave a Finnish port or anchorage in which there is a merchant vessel flying an enemy flag within less than twenty-four hours after the departure of such merchant vessel. The competent authorities shall make such arrangements for the departure of merchant vessels that the stay of warships is not unnecessarily prolonged.

Article 5.

1. In Finnish ports and anchorages belligerent warships shall only be permitted to effect such repairs as may be essential to seaworthiness, and they shall not increase their warlike strength in any manner whatsoever. In repairing damage manifestly caused by enemy acts of war, damaged vessels shall not be permitted to avail themselves of any assistance which they may have procured in Finnish territory. The competent Finnish authorities shall determine the nature of the repairs to be carried out. Such repairs shall be effected as rapidly as possible within the time-limit laid down in Article 4, paragraph 1.

2. Belligerent warships shall not make use of Finnish ports or other Finnish territorial waters to replace or augment their warlike stores or armament, or to complete their crews.

3. Belligerent warships shall only be permitted to revictual in Finnish ports or anchorages to the extent necessary to bring their supplies up to the normal peace standard.

4. As regards refuelling, belligerent warships shall be subject, in Finnish ports and anchorages, to the same provisions as other foreign vessels. They shall, nevertheless, only be permitted to ship sufficient fuel to enable them to reach the nearest port in their own country and in no case shall they ship more than is necessary to fill their coal bunkers, strictly so called, or their liquid fuel bunkers. After obtaining fuel in any Finnish port or anchorage, they shall not be permitted to obtain further supplies in Finnish ports and anchorages within a period, of three months.

Article 6.

Belligerent warships shall be required to employ the officially licensed pilots in the Finnish inner waters in accordance with the rules applied, or to be applied, to warships in time of peace, but otherwise they shall only be permitted to make use of the services of such pilots when in distress, in order to escape perils of the sea.

Article 7.

1. Prizes of foreign nationality shall not be brought into a Finnish port or anchorage save on

account of unseaworthiness, under stress of weather, or for lack of fuel or provisions. Prizes brought into a Finnish port or anchorage in any of the above circumstances shall leave as soon as such circumstances are at an end.

2. No prize court shall be set up by a belligerent in Finnish territory or on any vessel in Finnish territorial waters. The sale of prizes in a Finnish port or anchorage shall likewise be prohibited.

Article 8.

1. Belligerent military aircraft, with the exception of air ambulances and aircraft carried on board warships, shall not be admitted to Finnish territory save in so far as may be otherwise provided in regulations applied, or to be applied, in accordance with the general principles of international law in regard to certain spaces.

2. Aircraft carried on board belligerent warships shall not leave such vessels while in Finnish territorial waters.

Article 9.

1. Belligerent warships and military aircraft shall be required to respect the sovereign rights of the Republic and to refrain from all acts infringing its neutrality.

2. Within the limits of Finnish territory, all acts of war, including the stopping, visit and search and capture of vessels and aircraft, whether neutral or of enemy nationality, shall be prohibited. Any vessel or aircraft captured within such limit shall be released immediately, together with its officers, crew and cargo.

Article 10.

The sanitary, pilot, Customs, navigation, air traffic, harbour and police regulations shall be strictly observed.

Article 11.

Belligerents shall not use Finnish territory as a base for warlike operations against the enemy.

Article 12.

1. Belligerents and persons in their service shall not install or operate in Finnish territory wireless-telegraph stations or any other apparatus to be used for the purpose of communication with belligerent military, naval or air forces.

2. Belligerents shall not use their mobile wireless-telegraph stations, whether belonging to their combatant forces or not, in Finnish territory, for the transmission of messages, save when in distress or for the purpose of communicating with the Finnish authorities through a Finnish inland or coastal wireless-telegraph station or a wireless-telegraph station on board a vessel belonging to the Finnish navy.

Article 13.

The observations, by any person whatsoever, either from aircraft or in any other manner in Finnish territory, of the movements, operations or defence works of one belligerent with a view to the information of the other belligerent shall be prohibited.

Article 14.

1. Belligerents shall not establish fuel depots within the territory of the Republic, whether on

land or on vessels stationed in its territorial waters.

2. Vessels and aircraft cruising with the manifest purpose of furnishing fuel or other supplies to the combatant forces of the belligerents shall not ship such fuel or other supplies in Finnish ports or anchorages in quantities exceeding their own requirements.

Article 15.

1. No vessel shall be fitted or armed in Finnish territory for cruising or taking part in hostile operations against either of the belligerents. Nor shall any vessel intended for such uses, which has been partly or wholly adapted in Finnish territory for warlike purposes, be permitted to leave such territory.

2. Aircraft equipped, to carry out an attack on a belligerent or carrying apparatus or material the mounting or use of which would enable it to carry out such an attack shall not be permitted, to leave Finnish territory if there are grounds for presuming that it is intended for use against a belligerent Power. Any work on aircraft to prepare it for departure for the above-mentioned purpose shall likewise be prohibited.

ICELAND

----- [see note below]

NORWAY

----- [see note below]

SWEDEN

----- [see note below]

[End of the text]

The complete texts of the declarations are repeated under each country. The wordings are exactly the same as in the Finnish declaration, replacing, of course, expressions that refer to Finland, Republic of Finland or equivalent with corresponding expressions in each country. Only Article 2 - describing what is meant by "inner waters" - contains a supplementary explanation concerning shipping routes in Denmark (in Danish declaration) and The Sound (in Danish and Swedish declarations).

There is also a footnote within the Swedish declaration: Swedish territory shall be deemed to mean all Swedish land and waters, and the air space above. Seawards, Swedish territory extends to a distance of 4 nautical miles, or 7,408 metres, from the land or lines constituting the seaward limit of the inner waters. See the Customs Regulations of October 7th, 1927, Article 1, and the Royal Rescript of May 4th, 1934, fixing the limits of the Swedish Customs zone, with the maps relating thereto.

Text reproduced by Courtesy of the [Treaty Section](#), Office of Legal Affairs, United Nations, New York.