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The Annual Naval War College International Law Study

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THE ANNUAL NAVAL WAR COLLEGE INTERNATIONAL LAW STUDY

Over the years, the Naval War College has become a place of original research on all questions relating to war, to statesmanship relating to war, and to the prevention of war. In the three quarters of a century since the Naval War College was founded, the study of international law has always occupied a prominent place in the curriculum. The study of questions of maritime international law, particularly in the matter of insurgency and the respective rights and duties of neutrals and belligerents, has been accorded even greater importance.

Throughout the years, the conclusions derived from open discussions of questions of international law have been intended primarily for guidance of Naval Officers. Nonetheless, the Naval War College has taken an active interest in the formulation and codification of international law. For example, through the efforts of Captain C. H. Stockton, U.S. Navy, then President of the Naval War College, a Code of Naval Warfare was promulgated in 1900. The Code was prepared under the direction of the Secretary of the Navy, approved by the President of the United States, and published. Foreign sources quickly expressed opinions. The *London Times*, on 5 April 1901, reported that the Code contained a great deal of matter that must surely affect the policy of other nations. Other foreign sources, both private and official, made it obvious that the remarks in the *London Times* represented, in essence, a consensus of opinion in the capitals of the world's leading nations. It was clear that the Code contained provisions upon which there was no current international agreement—provisions which, in the minds of many statesmen, should be studied and evaluated at the international rather than the national level. Because of this world reaction and the fact that the Code, when originally drawn, was intended for presentation to other countries as an international project, the Naval War College, in 1903, recommended that the Code be withdrawn. With the approval of the President of the United States, the Secretary of the Navy revoked the Code on 4 February 1904, in order that United States delegates to any

future Hague conferences on this subject might be unrestrained. Upon revocation, the Code became the basis of instructions to the United States' delegation to The Hague Conference of 1907. Thus it was, near the turn of the century, that the United States Naval War College became a leader in the endeavor to formulate objective opinion on topics relating to the law of maritime warfare.

The Naval War College "Blue Book" series is another example of leadership in the formulation of international law. This series, the first volume of which appeared in 1901, was established to provide a medium for dissemination to Naval Officers of pertinent educational and informational material in the acutely important field of international field. Fifty-two volumes of this series have now been published; five others are in the process of publication. Throughout the years, this series has grown in importance and has achieved wide recognition as a source of authoritative reference material; it is used extensively by naval decision makers at all levels and has a wide circulation among international lawyers, courts, educational institutions, and law libraries.

Today at the Naval War College, the annual International Law Study includes various readings from a carefully selected bibliography, lectures by distinguished visitors, and seminars or group discussions. The objectives of the Study, from its inception to the present, have been to anticipate the maritime legal situations that may arise; to obtain the fullest information as to the proper course of action in accordance with opinion and known precedent; and to determine the acceptability and feasibility of a given course of action by evaluating the interactions of pertinent legal and military considerations. In the seminars, each of which is presided over by a visiting international law consultant, students present their solutions to hypothetical problems and case situations—problems and situations such as might realistically be faced by a Naval Officer in peace or war. The knowledge thus acquired during the formal study is later applied, and even extended, during the academic year by student discussion and consideration of the possible legal aspects of actions inherent in their solutions to various strategic operations problems. This educational technique permits consideration of the impact of a moral concept on military operations and thus serves to develop within the student a proper regard for the increasingly important consideration of international politics and international law in military operations—a consideration which is essential to a well-rounded, knowledgeable leader. The student thus sees clearly and unmistakably that

international law—that body of arbitrary limitations upon the exercise of force in war which civilized peoples have mutually accepted—has a modifying effect on the solution to every strategic problem.

To afford nonresident naval officers an opportunity to gain an understanding of basic principles of international law, the Naval War College instituted a correspondence study in this subject in 1924. This course develops an appreciation of those principles of international law which relates to the organization of the world community and to the relations between nations; it is limited to those aspects of the field which are of direct concern to the military officer. Under continual revision in an effort to reflect new knowledge and current conditions, this correspondence course extends to the nonresident officer, to the maximum degree possible, an opportunity to advance his professional training in the vital field of international law.

A great measure of the success of the Naval War College International Law Studies is attributable to the outstanding work and efforts of a succession of eminent jurists who, from 1885 to the present, have contributed their time and talents to these studies. With each passing year, the list of eminent scholars grows as others contribute their talents to assist in furthering the education of the Naval Officer.

Whether alone at sea or on a staff ashore, today's Naval Officer must know far more than the "Rules of the Road." As a practitioner of international law, he must fully understand the impact of "Rule by Law" and he must be acutely aware of the interdependence of military strategy and international relations. To this end, the *Naval War College Review* will publish each year, an annual issue, devoted to the current thinking and trends in International Law.



THE UNITED STATES NAVAL WAR COLLEGE
INTERNATIONAL LAW STUDY
NEWPORT RHODE ISLAND
25 AUGUST - 3 SEPTEMBER 1965

INTERNATIONAL LAW STUDY PARTICIPANTS

Seated, left to right: Prof. O. J. Lissitzyn, Columbia University; Prof. R. R. Baxter, Harvard University; Mr. C. Salans, Office of Assistant Legal Adviser, State Department; Prof. J.F. Hogg, Chair of International Law, Naval War College (on leave from University of Minnesota); Prof. H. S. Levie, St. Louis University; Prof. G. B. Baldwin, University of Wisconsin; Hon. R. McClintock, State Department Advisor to President, Naval War College; RADM R. D. Powers, Jr., USN (Ret.), former Deputy, JAG, Navy; Prof. C. Q. Christol, University of Southern California; VADM C. L. Melson, USN, President, Naval War College; CDR I. Jarett, USMS, U.S. Merchant Marine Academy; Prof. D. M. O'Connor, New York University; Prof. G. L. Dorsey, Washington University; RADM F. E. Nuessle, USN, Chief of Staff, Naval War College; CDR L. G. Parks, USN, Office of JAG, Navy; Prof. N. H. Alford, Jr., University of Virginia; Prof. W. T. Mallison, The George Washington University; LCOL F. Fedele, USAF, International Law Division, Office of JAG, Air Force; Prof. J. H. Spencer, Tufts University; COL G. I. A. D. Draper, Reader, King's College, University of London.

Standing, first row: Prof. E. McWhinney, University of Toronto; CAPT G. C. Ball, Jr., USN, Naval War College; COL G. F. Westerman, USA, Chief, International Affairs Division, Office of the JAG, Army; COL F. C. Lough, USA, Professor of Law, United States Military Academy, West Point; CAPT G. E. Carlisle, USN, Director, International Law Division, Office of the JAG, Navy; CDR C. E. McDowell, USN, Naval War College; LCDR J. M. Battagliano, USN, Naval War College.

Standing back row: Mr. A. P. Rubin, Office of General Counsel, Dept. of Defense; CAPT R. E. Breen, Jr., USN, Naval War College; CAPT E. R. Schwass, USN, Naval War College; CAPT G. A. Pelletier, USA, The JAG School, U.S. Army; LCOL R. E. Steed, USMC, United States Naval Academy, Annapolis; CDR N. E. Williams, USCG, U.S. Coast Guard Academy, New London; CAPT J. D. Terry, USAF, U.S. Air Force Academy, Colorado; LCDR R. W. Bennett, USN, Naval War College.

Absent from photograph: Prof. E. E. Goldstein, University of Texas; Dean H. C. Dillard, University of Virginia Law School; RADM W. A. Hearn, USN, Judge Advocate General, Navy.