

CHAPTER XIII

CONTRABAND OF WAR

I

GENERAL PRINCIPLES

Sec. 384. Importance During the World War. Questions involving contraband of war were the subject of a larger number of decisions by the Prize Courts during the late war than any other. The decisions run well into the hundreds and they deal with every conceivable aspect of the subject. On account of the pressing need for foodstuffs and other supplies from abroad which all the belligerent countries experienced and the high prices which they commanded, the traffic in contraband reached an extensive scale. In order to prevent their enemies from obtaining such supplies each belligerent adopted rigorous measures of repression, sometimes in contravention of the traditional views and practice which it had hitherto maintained and followed. Due to the fact that Germany, the principal belligerent on one side, was partially flanked by a group of neutral States, some of which possessed seaboard through whose ports, had they not been intercepted by exceptional measures, supplies could have been freely obtained, the problem of dealing with contraband raised serious difficulties for England and France and caused them to resort to measures which neutrals considered to be a grave infringement of their rights. The problem was further complicated by the existence of an unprecedented situation in which it was practically impossible to distinguish between supplies intended for the civilian population of the enemy country and those intended for the armed forces, and this situation was intensified by the establishment of a system of government control, especially in Germany, of the distribution of foodstuffs and other supplies. The situation was still further complicated by the fact that during the late war it was found that many articles hitherto unadapted to military uses and not therefore treated as