HANDBOOKS PREPARED UNDER THE DIRECTION OF THE HISTORICAL SECTION OF THE FOREIGN OFFICE.—No. 151.

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INTERNATIONAL CONGRESSES

BY

RT. HON. SIR ERNEST SATOW, G.C.M.G., LL.D., D.C.L.

LONDON:
PUBLISHED BY H. M. STATIONERY OFFICE.

1920

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EDITORIAL NOTE

In the spring of 1917 the Foreign Office, in connexion with the preparation which they were making for the work of the Peace Conference, established a special section whose duty it should be to provide the British Delegates to the Peace Conference with information in the most convenient form—geographical, economic, historical, social, religious, and political—respecting the different countries, districts, islands, &c., with which they might have to deal. In addition, volumes were prepared on certain general subjects, mostly of an historical nature, concerning which it appeared that a special study would be useful.

The historical information was compiled by trained writers on historical subjects, who (in most cases) gave their services without any remuneration. For the geographical sections valuable assistance was given by the Intelligence Division (Naval Staff) of the Admiralty; and for the economic sections, by the War Trade Intelligence Department, which had been established by the Foreign Office. Of the maps accompanying the series, some were prepared by the above-mentioned department of the Admiralty, but the bulk of them were the work of the Geographical Section of the General Staff (Military Intelligence Division) of the War Office.

Now that the Conference has nearly completed its task, the Foreign Office, in response to numerous inquiries and requests, has decided to issue the books for public use, believing that they will be useful to students of history, politics, economics, and foreign affairs, to publicists generally and to business men and travellers. It is hardly necessary to say that some of the subjects dealt with in the series have not in fact come under discussion at the Peace Conference; but, as the books treating of them contain valuable information, it has been thought advisable to include them.

It must be understood that, although the series of volumes was prepared under the authority, and is now issued with the sanction, of the Foreign Office, that Office is not to be regarded as guaranteeing the accuracy of every statement which they contain or as identifying itself with all the opinions expressed in the several volumes ; the books were not prepared in the Foreign Office itself, but are in the nature of information provided for the Foreign Office and the British Delegation.

The books are now published, with a few exceptions, substantially as they were issued for the use of the Delegates. No attempt has been made to bring them up to date, for, in the first place, such a process would have entailed a great loss of time and a prohibitive expense; and, in the second, the political and other conditions of a great part of Europe and of the Nearer and Middle East are still unsettled and in such a state of flux that any attempt to describe them would have been incorrect or misleading. The books are therefore to be taken as describing, in general, *ante-bellum* conditions, though in a few cases, where it seemed specially desirable, the account has been brought down to a later date.

G. W. PROTHERO,

General Editor and formerly
Director of the Historical Section.

January 1920.

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CONGRESSES AND CONFERENCES

INTRODUCTION

There is no essential difference between a Congress and a Conference, but the former term is more frequently applied to assemblies of plenipotentiaries for the purpose of concluding peace, and is regarded as implying a specially important occasion. But the gathering at Bucarest in the autumn of 1913 to conclude peace between Bulgaria on the one hand, and Greece, Montenegro, Rumania, and Serbia on the other, was termed a Conference. Other distinctions sometimes made are that at a Congress a larger number of Powers takes part than at a Conference; or that at a Congress (e.g. at those of Vienna, Paris, and Berlin) the representatives of the Powers are men of unusual political importance in their own countries, whereas at a Conference (e.g. those on Greece, 1827–32, and Belgium, 1830–33) some at least of the plenipotentiaries are the resident diplomatic representatives of their respective countries. The Congress of Paris, 1856, was at first designated a Conference, but subsequently, during the course of the negotiations, came, by an unperceived transition, to be styled Congress.

On the essential character of a Congress, the Duke of Argyll remarks:

> 'It [a Congress] is not a Court of Justice, nor is it even a Court of Arbitration. It is not a Court with any coercive jurisdiction, or a Court in which any matter can be conclusively settled by vote or by majority. It is essentially a Court of Conciliation—an assembly in which an endeavour is made to settle high matters in dispute by discussion and mutual concession.'

And again:

'It was reasonable, too, as it always must be, not to go into Congress without some previous understanding with the Powers to be there assembled. Every man conversant with the conduct of affairs knows very well that public and formal discussions cannot be conducted with any hope of a successful issue unless such preliminary understandings have been arrived at.'[1]

The principle stated in the first of these two quotations is based upon the theory of the political equality of independent States, which is a recognized doctrine of International Law. It is not derived from equality of extent, population, wealth, military or naval power, or any other feature in which States differ among themselves. It is a consequence of their independent sovereign character. Luxemburg or Panama has the same right to a vote as Russia or the United States. But in actual practice a distinction cannot but exist between Great Powers and secondary or minor Powers, as regards the weight to be attached to their expression of will; consequently international assemblies have frequently been limited to representatives of the former class of States.

Protocol No. 1 of the Congress of Berlin records that Prince Bismarck (president of that Congress)

'considère comme un principe incontestable que la minorité ne pourra pas être tenue de se soumettre à un vote de majorité. Mais il abandonne à l'appréciation de MM. ses collègues de décider s'il ne serait pas utile dans l'intérêt des travaux que les résolutions de la majorité concernant la procédure, sans toucher au fond, pussent être regardées comme décisions du Congrès toutes les fois que la minorité ne croirait pas devoir faire enregistrer une protestation formelle. . . . Le Congrès donne unanimement son adhésion à cette procédure.'[2]

Where, in the protocols of that Congress, it is stated that a vote was taken, this is to be regarded merely as a

[1] Duke of Argyll, *The Eastern Question from 1856*, ii. 97, 128.
[2] *British and Foreign State Papers*, lxix. 892.

formality which had for its purpose to ascertain whether a particular proposal was unanimously approved by the Congress. Whenever a difference of opinion presented itself which could not be disposed of at once, the president left it to the principal advocates of the conflicting views to discuss the point privately; and these consultations always resulted in agreement. On one occasion, with reference to the boundary line between Serbia and Bulgaria, as to which the Boundary Committee differed, it was resolved by the Congress that the details should be decided by a majority of the committee.[1]

At Algeciras it had become necessary for the French Delegation to obtain a decision in their favour, by which the organization of the police at the open ports of Morocco would be left to France and Spain, and for this purpose to get a vote in Conference. Count Goluchowski had said:

> 'Dans une conférence on ne vote pas: et ce pour une raison bien simple, c'est que l'unanimité est requise. À quoi bon compter les voix pour et contre, du moment qu'une seule voix contre suffit à écarter les mesures proposées?'

This was the doctrine enunciated by Prince Bismarck at Berlin. On this M. Tardieu observes:[2]

> 'Cette argumentation captieuse jouait visiblement sur les mots. Pour savoir si l'unanimité est acquise, il n'y a qu'un moyen: c'est de voter. Aussi bien, s'il est vrai que, dans les conférences, on ne procède pas d'ordinaire par scrutins proprement dits, on prend toujours les avis des plénipotentiaires; et cette consultation équivaut pratiquement à un scrutin. Si l'on se reporte d'ailleurs aux précédents, on constate que, dans certains cas, les présidents de conférences ne se sont pas contentés de cette consultation. Au congrès de Berlin, par exemple, M. de Bismarck n'hésita pas à provoquer des votes sur des points discutés, et la majorité, qui se forma dans ces conditions, fut un acheminement à l'unanimité qui s'établit ensuite. Il est fréquent du reste que les délégués

[1] *B. and F. S. P.* lxix. 1040.

[2] A. Tardieu, *La Conférence d'Algésiras*, Paris, 1907, p. 268.

d'États secondaires, — c'était à Algésiras le cas de M. Sager, plénipotentiaire suédois, — reçoivent l'instruction de voter avec la majorité. Que peuvent-ils faire, si tout moyen leur est refusé de voir où est cette majorité? A quoi serviraient enfin les conférences, s'il suffisait que deux puissances fussent en désaccord pour que l'action des tiers fût empêchée de s'exercer? C'étaient là des raisons qui ne permettaient, ni en droit ni en fait, de s'arrêter à la suggestion où le comte Goluchowski avait tenté de prêter figure de doctrine à son désir naturel de ne pas prendre parti.'

Eventually the French Delegation came to the conclusion that it would be more prudent to take the vote on a subsidiary point of procedure, rather than on the main question, and they decided to obtain a vote respecting the date on which the main question should be discussed; if on that point the majority was found to be in agreement with them, it would serve as an indication of the amount of support they would be likely to receive on the main question. Accordingly at the full meeting of the Conference on March 3, the delegate of Great Britain proposed that a meeting in committee should be held on March 5 for an exchange of views on the organization of the police. The Russian and French First Delegates supported this proposal. The German First Delegate expressed the opinion that it was advisable to defer the discussion to a later date. Thereupon the president said that, in view of this difference of opinion, he would like to know the opinion of each Delegation. The German and Austro-Hungarian Delegations declared that they did not consider it desirable to enter upon the discussion of a fresh subject. The United States Delegation saw no inconvenience in devoting a committee meeting to considering the question of the police. The French delegate declared himself in favour of commencing the discussion; and the Spanish delegate supported this proposal. The Italian First Delegate suggested that, in the interval before the next full meeting, a meeting in committee should be devoted to an

exchange of views on the police question. The Moorish Delegation declared its preference for disposing first of the other questions before the Conference; other delegates having given their opinions, it appeared that a majority was in favour of the British proposal. It was accordingly decided that the Conference should meet in committee on March 5 to take up the question of the police. No other vote was taken at the Conference of Algeciras.

In illustration of the second quotation from the Duke of Argyll, the fact may be recalled that a secret agreement had been made beforehand between Lord Salisbury and the Russian ambassador in London, regarding certain matters which would come up for discussion at the Congress of Berlin; and that Prince Bismarck declined to summon the Congress until he had ascertained that such an agreement had been reached.[1] It has sometimes been thought that the making of private arrangements in advance of discussion in Conference ought to be reprobated. The Duke of Argyll, however, seems to have held that it is only a reasonable measure of prudence.

In October 1908, during the crisis which arose on the annexation of Bosnia by Austria-Hungary, the British Government laid it down that, before they would consent to take part in any Conference, it would be necessary that there should be a preliminary agreement among the Powers concerned as to what subjects should be discussed and how they should be dealt with. This attitude is in accordance with the consistent policy of Great Britain, not only before the Congress of Berlin, but also at the time of the meetings of the Powers at Troppau, Laibach, and Verona, the principle being clearly laid down in the correspondence of Mr. Canning and Lord Castlereagh.

The signature of preliminaries of peace, to be afterwards converted into a definitive Treaty, and the definition of

[1] Reproduced in a French translation in G. F. von Martens, *Nouveau Recueil Général*, 2e série, iii. 269.

the programme of a Conference also come within the category of previous preparation.

The principal Congresses and Conferences of the nineteenth and twentieth centuries are the following:

I. Congress of Vienna, 1814–15.
II. Conference on the Affairs of Belgium, London, 1830–33.
III. Conference on Danish Affairs, London, 1850–52.
IV. Congress of Paris, 1856.
V. Conference respecting Neutralization of Luxemburg, London, 1867.
VI. Conference respecting Inviolability of Treaties, and the Neutralization of the Black Sea, London, 1871.
VII. Congress of Berlin, 1878.
VIII. Conference on the Affairs of Africa, Berlin, 1884–5.
IX. First Hague Peace Conference, 1899.
X. Conference of Algeciras on the Affairs of Morocco, 1906.
XI. Second Hague Peace Conference, 1907.
XII. International Naval Conference, London, 1908–9.
XIII. Conferences of London on Balkan Affairs, 1912–13.
XIV. Conference of Bucarest for the restoration of peace after the Second Balkan War, 1913.

The negotiations at Amiens, 1801–2, between Great Britain and France, for the conclusion of peace, which are often styled a 'Congress', had not really that character, as the allies of the respective parties took no part in the discussions. The meeting of Austrian, Prussian, and Russian plenipotentiaries at Prague in 1813 with those of Napoleon, which produced no result, and the similar meeting in February 1814 at Châtillon, where British plenipotentiaries also appeared, and which again broke up without coming to a conclusion, are often spoken of as Congresses. They are of interest chiefly as showing

that discussions about peace terms before a decisive result has been attained in the field are unlikely to lead to peace.

The meetings of sovereigns and plenipotentiaries of the Five Great Powers at Aachen in 1818, Troppau in 1820, Laibach in 1821, and Verona in 1822, can scarcely be regarded as Congresses, though the last three are usually so described. The first of these meetings was called for the purpose of deciding whether the military occupation of portions of French territory stipulated for by Art. V of the Treaty of November 20, 1815,[1] might be brought to an end; and the circular[2] of the four Powers convoking it expressly disclaimed the intention of holding a Congress. The object of the gatherings of 1820, 1821, and 1822 was to apply the policy of the Holy Alliance to the suppression of revolutionary movements in Naples, Piedmont, and Spain; and these meetings need not be discussed here.

Of Conferences not treated of in these pages, those on the affairs of Greece (London, 1827–32); to present peace proposals for terminating the Crimean War (Vienna, 1855); abolition of the Sound Dues (Copenhagen, 1857); affairs of the Danubian Principalities (Paris, 1858); pacification of Syria (Paris, 1860–1); redemption of the Stade Toll (Hanover, 1861); redemption of the Scheldt Dues (Brussels, 1863); affairs of Denmark, 1864; amelioration of the condition of Wounded Soldiers (Geneva, 1864); prohibition of the use of explosive projectiles of less than 400 grammes weight (Petersburg, 1868); treatment of Sick and Wounded Soldiers (Geneva, 1868); Cretan Affairs (Paris, 1869); Rules of Warfare on Land (Brussels, 1874); Turkish Affairs (Constantinople, 1876–7); Navigation of the Danube (London, 1883); Chinese Affairs (Peking, 1900–1); and revision of the Genevan Convention of

[1] *B. and F. S. P.* iii. 280; D'Angeberg, *Le Congrès de Vienne*, 1599.
[2] *B. and F. S. P.* v. 1216; D'Angeberg, 1743.

1864 (Geneva, 1906)—present no features of special interest, and throw no light on the question of procedure. Information respecting them, if desired, can be gained from Satow, *A Guide to Diplomatic Practice*, ii. 94–151.[1]

[1] In the Appendix will be found some particulars regarding (*a*) the Conference of Madrid (1880); (*b*) the Treaties of Zürich (1859), Prague (1866), Vienna (1866), Frankfort (1871), San Stefano (1878), and Portsmouth (1905), which were not included in the general treatment, as resulting from Conferences of a very limited nature; (*c*) the Treaty of Brest-Litovsk (1918), about which full and exact information is not yet accessible.

PART I

GENERAL CHARACTERISTICS

1. Place of Meeting.

The locality at which a Congress or Conference will be held must be determined by circumstances. In many instances it has been held at the capital of that Power which had taken the initiative in the negotiations resulting in an agreement for its convocation, or which was specially interested in the settlement of the questions involved. In former times Peace Conferences were mostly convened at some spot in belligerent territory specially neutralized for the purpose; or the choice has lain with the Power which had attained the greater measure of success in the war. Possibly the capital of a neutral Power, easily accessible to the plenipotentiaries, may, for various reasons, be the best meeting-place. In Part II the reasons which determined the selection of the particular locality in each case will be indicated.

2. Armistice.

Articles 36 to 41 of the 'Land War Regulations' ('Règlement concernant les Lois et Coutumes de la Guerre sur Terre'), agreed to at the Hague Peace Conference of 1899 and renewed at the Second Hague Peace Conference of 1907, are as follows:

Art. 36.

'L'armistice suspend les opérations de guerre par un accord mutuel des parties belligérantes. Si la durée n'en est pas déterminée, les parties belligérantes peuvent reprendre en tout temps les opérations, pourvu toutefois que l'ennemi soit averti en temps convenu, conformément aux conditions de l'armistice.

Art. 37.

'L'armistice peut être général ou local. Le premier suspend partout les opérations de guerre des États belligérants; le second,

seulement entre certains fractions des armées belligérantes et dans un rayon déterminé.

ART. 38.

'L'armistice doit être notifié officiellement et en temps utile aux autorités compétentes et aux troupes. Les hostilités sont suspendues immédiatement après la notification ou au terme fixé.

ART. 39.

'Il dépend des Parties contractantes de fixer, dans les clauses de l'armistice, les rapports qui pourraient avoir lieu, sur le théâtre de la guerre, avec les populations et entre elles.

ART. 40.

'Toute violation grave de l'armistice, par l'une des Parties, donne à l'autre le droit de le dénoncer, et même, en cas d'urgence, de reprendre immédiatement les hostilités.

ART. 41.

'La violation des clauses de l'armistice, par des particuliers agissant de leur propre initiative, donne droit seulement à réclamer la punition des coupables et, s'il y a lieu, une indemnité pour les pertes éprouvées.'

In so far as these rules are to be considered as applicable only to an armistice between land forces, they must be regarded as defining only a partial armistice. It will also be noted that they do not speak of a mere suspension of arms.

An armistice is to be distinguished from a suspension of arms. The latter is a temporary cessation of hostilities of a local character, and for such purposes as collection of the wounded, burial of the dead, negotiation for surrender or evacuation of a defended place, or regarding a partial armistice ; also to enable a commander to obtain instructions from a superior authority. Armistices are concluded only in connexion with negotiations for the conclusion of peace.[1]

A general armistice suspends the entire military and

[1] L. Oppenheim, *International Law*, London, 1912, ii. § 232.

naval operations of the belligerents throughout the whole theatre of war. But, for special reasons, parts of the belligerent forces and parts of the theatre of war may be excluded. Only the belligerent Governments or their commanders-in-chief are competent to conclude a general armistice; and ratification is always necessary. If an armistice agreed upon by a commander-in-chief is not ratified by his Government, hostilities can, after due notice to the enemy, be resumed without breach of faith. General armistices are frequently arranged by diplomatic representatives, as at the close of the Franco-German war, when the armistice was concluded by Bismarck and Jules Favre; at the close of the Japanese war it was concluded at Portsmouth, U.S.A., by diplomatic representatives; but the details for the armistice in Manchuria were settled by the military authorities on the spot.

A partial armistice suspends operations between certain portions only of the belligerent forces, and within a considerable zone only of the theatre of war. It may be concluded for the military forces only; for a cessation of hostilities in the colonies only; for the naval forces only; or between two of the belligerents only, when more than two are parties to the war. Commanders-in-chief are presumed to be competent to conclude partial armistices; and ratification by their Governments is not required, unless specially stipulated.

In spite of the real and far-reaching distinction between 'suspension of arms' and 'armistice', they are sometimes confused. Thus, the agreement for a general armistice between France and Germany in 1871 was entitled 'Convention entre la France et l'Allemagne pour la suspension des hostilités'; but the different articles of the convention speak of 'armistice'.

A convention of armistice is binding from the moment it is concluded and signed. It should be in the simplest possible form.

The conclusion of an armistice before preliminaries of peace have been agreed on may be very prejudicial to the interests of one of the belligerents; and the question whether it is desirable or not must be answered according to the circumstances of each case.[1]

(See Appendix, I and II, Armistice of April 23, 1814, and Armistice of September 1, 1905.)

3. Preliminaries, Programme

A Congress or Conference for negotiating a Treaty of Peace is usually preceded by the conclusion of preliminaries of peace between the belligerent parties. Sometimes the preliminaries of peace are agreed upon at the same time as the conclusion of an armistice, either general or partial. To enter upon either a Congress or Conference for the negotiation of peace without such preliminaries would be a dangerous course to adopt, as it might lead to attempts to bring about a division between the allies on one side or the other.

Where the convocation of either a Congress or a Conference has some other purpose than the conclusion of peace, a definite programme of the matters to be discussed between the plenipotentiaries is to be expected. This

[1] The practice with regard to the relative dates of armistice and preliminaries has varied considerably. In the following treaties, viz. Zürich (1859), Vienna (1864), and Frankfort (1871), the signature of an armistice preceded that of preliminaries by intervals varying from three to thirty days. In the Treaty of Paris (1856) the preliminaries were signed two months before the formal armistice; but a suspension of arms was agreed on at the first sitting of the Congress which resulted from the preliminaries (see below, p. 34). In the Danish war of 1849, armistice and preliminaries were signed on the same day. In the Treaties of Prague (1866) and San Stefano (1878), both armistice and preliminaries were signed on the same day, but the preliminaries were signed first. In the first and second Treaties of Paris (1814 and 1815), the Treaty of Portsmouth (1905), and the Treaty of Brest-Litovsk (1918), there appear to have been no preliminaries strictly so called.

programme should be strictly adhered to; and, if any proposal to introduce other subjects is put forward, it should be carefully scrutinized before acceptance.

Experience demonstrates that, in order to ensure the success of a Congress or Conference, a distinct basis or bases ought to be agreed upon beforehand; and the greater the definiteness with which the main points of the basis are formulated beforehand, the greater is the likelihood of a general agreement being reached. In past history, when Congresses failed to attain a definite result, the failure was generally due to the ground not having been adequately prepared beforehand; such were notably the Congress of Vienna (1814–15) and the Conferences on Greek affairs (1827–32), on Belgian affairs (1830–3), and on the Danish Duchies (1864).

4. Representation of the Powers

At Congresses the chief plenipotentiaries are usually of high official rank in their respective countries—Chancellors, Prime Ministers, or Ministers for Foreign Affairs, assisted by the local diplomatic representatives of the respective Powers.

Most Conferences consist chiefly of the local diplomatic representatives and the Minister for Foreign Affairs of the country where the Conference is held. But at some Conferences, e.g. the Peace Conferences at The Hague in 1899 and 1907, and the International Naval Conference at London, 1908–9, the First Delegates were appointed *ad hoc*. At the two Hague Conferences the local diplomatic representatives were also, in the cases of most countries, appointed as plenipotentiaries. At the Conference of July 1913, held at Bucarest for the purpose of restoring peace between the Balkan Powers, the principal delegates were Ministers of State in their own countries.

At a Peace Congress or Conference, or at such an

assembly for any other purpose, each Power represented may appoint as many plenipotentiaries as it may consider convenient to itself, who may be assisted by technical delegates, naval, military, economic, and legal, and by secretaries. The members of the Delegation will enjoy all the ordinary privileges and immunities usually accorded to diplomatists; for which purpose their names and qualities must be announced to the Government of the country where the meeting is to be held, and to that of any State, friendly or hostile, which they may have to traverse in proceeding to the meeting-place. In the latter case they must be provided with safe-conducts from the hostile State.

The plenipotentiaries, of whom one is usually designated as First Plenipotentiary by the appointing Government, must be provided with a document styled a 'full-power'. It is usually drawn up in the language of the country which the plenipotentiary represents. It is signed by the Head of the State, and sealed with the Great Seal, and is often countersigned by a Minister of State, though this is not the case with a British full-power. If there are two or more plenipotentiaries, the names of all may be inserted in a single full-power. For the purpose of a Congress or a Conference of which the purpose is the conclusion of peace, it is indispensable that the full-power should distinctly authorize the plenipotentiary or plenipotentiaries to negotiate peace, and sign any Treaty, Convention, or Agreement between the Head of the State and any or all of the other Powers represented. A specimen of such full-powers will be found in Appendix III.

5. Diplomatic Language

French has long been recognized as the 'language of diplomacy'. If a delegate to a Congress or Conference prefers to speak in his own native language, he is usually at liberty to do so, but he must make arrangements for the translation of his discourse into French for the

convenience of those present.[1] He must also furnish a French translation of any written discourse, proposal, or declaration for insertion in the records. The minutes will be drawn up in French; and, if the result of the negotiations is a Treaty, *Acte Final*, or *Acte Général*, that instrument will also be framed in French.

6. President

This office has, generally speaking, devolved upon the principal delegate of the country where the Congress or Conference is held; and the resolution for his election is usually moved by the principal delegate of the country which comes first in French alphabetical order.[2] He may, if he likes, yield precedence in this matter to a fellow-delegate who is evidently the oldest of those present. The practical result is to place in the chair a Chancellor, a Prime Minister, or a Minister for Foreign Affairs. Exceptional cases were those of the two Hague Peace Conferences and the International Naval Conference.

On taking possession of the chair, the president usually delivers an address, outlining in general terms the task which lies before the assembly. He may also refer to the preliminaries or programme which are to form the basis of discussion. When the negotiations are brought to an end, he makes a speech winding up the proceedings; and, after a motion has been carried thanking him for his exertions, he declares the Congress or Conference closed.

The president's function is that of directing the discussions; and he should be resisted in any attempt to decide of his own motion matters in which the plenipotentiaries have an interest.

[1] At the conferences at Brest-Litovsk (1917–18), five languages (including French) were recognized as permissible.

[2] According to the usual practice, it is the First Plenipotentiary of Germany (*Allemagne*) who proposes the name of the president.

7. Secretariat

The members of the secretariat, or the protocollists, as they are sometimes styled, are appointed by the president in accordance with a list privately agreed upon beforehand. Each First Plenipotentiary is entitled to be consulted in regard to the selection. It may be taken as the universal practice for the president to appoint a member of his own diplomatic or foreign-office staff to be the principal secretary responsible for the preparation of the minutes, for their printing and distribution. Equally general is it to join with them a French official, in order to ensure that the minutes shall be drawn up with due regard to propriety of language and grammatical correctness. Obviously two men are insufficient for these duties; and a staff of assistants must be provided. This will furnish an opportunity for each First Plenipotentiary to obtain the appointment of a competent member of his own staff, who will take care to see that the speeches delivered and the documents presented by the plenipotentiaries of his own country are accurately reproduced in the record.

The Continental practice of appointing 'rapporteurs' of committees and sub-committees should not be overlooked. They are more than secretaries in our sense of the word, and generally exercise at least as much influence as the chairman, and sometimes more. If, as is usual, proceedings are in French, it is very important that the British secretaries should have a thorough command of that language.

8. Precedence among Members

Precedence among the plenipotentiaries is usually determined, not according to the date of their full-powers, or of the official notification of their arrival at the seat of negotiations, but according to the alphabetical order of the

names, in French, of the States represented. Thus, among the Great Powers, the order would be Germany (*Allemagne*), Austria-Hungary, United States (*États-Unis*), France, Great Britain, Italy, Japan, Russia. The order in which the plenipotentiaries are seated would be as follows: on the right of the president, Germany, United States, Great Britain, Japan; on the left of the president, Austria-Hungary, France, Italy, Russia. If there are more plenipotentiaries than one for any Power, they will sit together as a group. Alternatives that may be adopted are 'drawing lots', which, so far as is known, has never been resorted to, although by the regulation governing precedence among diplomatic representatives adopted at Vienna in 1815 it was actually enacted for the order of signature of any instrument or Treaty; the other is *pêle-mêle*, or no order at all, which might lead to confusion. At a Peace Congress the plenipotentiaries of the belligerents naturally fall into two groups, who will occupy opposite sides of the table; and probably arrangements will be made to enable them to enter the room in which the meetings are held by different doors.

9. Order of Proceedings

The president and secretariat having been appointed, the next matter that requires attention is the order of proceedings. In earlier times it was more than once disputed whether the discussions should be oral or by the delivery of written proposals and memoranda, or a combination of both methods. The last of these is the most approved modern course. Some rules of debate are also necessary, as, for instance, that permission to address the assembly must be obtained by a member rising in his place and requesting it of the president; and that, in the case of two rising together, the president has power to accord priority to whichever of the two he thinks fit, in his absolute discretion. In the Appendix, IV and V,

will be found the rules of procedure adopted at the second Hague Peace Conference and at the International Naval Conference. Some amendments and additions to these might be found useful. It seems desirable, for instance, to have a ruling as to whether the *procès-verbaux* should be taken as read at the commencement of the next sitting, or whether this should be the case only if no member demands the reading or a rectification of the record. Some rule as to the way in which committees are to be formed would be useful. The rules of procedure should state whether records (*comptes rendus*) of the committee meetings are to be kept; and if so, whether copies are to be furnished to the members of the committee, or one only made and kept for consultation by them. Committees usually appoint their own chairman, frame their own rules of procedure, and have a secretary or secretaries who draw up reports to be laid before the whole body of plenipotentiaries.

10. Formation of Committees

Besides committees of the whole Congress or Conference, it is often found convenient to appoint special committees for the discussion of different items on the programme. It may happen that not all the Powers represented have an equal interest in all the questions to be discussed. A committee for the examination of the full-powers is desirable; and a drafting committee to settle the text of instruments to be signed by the plenipotentiaries is absolutely necessary. In each case the number and functions of the committees to be set up must be determined by the whole body of the plenipotentiaries.

11. Records

The records or minutes of the meetings, also called *procès-verbaux* or 'protocols', are kept by the secretaries appointed for the purpose, as mentioned under section 7.

It is preferable to employ only the term *procès-verbal* for these records, because 'protocol' is also used to signify an agreement between Governments, of less importance than a Treaty or Convention, and it is desirable to avoid confusing the two. These records should contain a statement of the conclusions arrived at during the discussion; in the next place the opinions on the matter in hand expressed by each speaker, of which a note should be furnished by him to the secretariat, if he desires that his language should be precisely reproduced; and lastly all proposals and documents produced by members. The *procès-verbal* of each meeting should be printed and circulated among the members in good time before the next meeting.

At the beginning of each meeting the *procès-verbal* of the previous meeting should be read and approved, but it may also be taken as read unless any member desires to have a change made. If no change is made the text is regarded as approved; and the signature by the First Plenipotentiaries takes place at once. It is unusual for such *procès-verbaux* to be signed by only the president and secretaries; but, where the parties in a Congress are very numerous, such an arrangement would save much time. The minutes of committees, if such are kept, should be printed and circulated; and the reports of committees must also be printed and circulated before they are discussed. Such reports may be amended and referred back to the committee which has framed them.

Verbal statements or opinions enunciated by a member of a Congress or Conference are often quoted against the Government which he represents. Care is therefore necessary in wording such statements or opinions. It is more usual to present such statements of principle in writing; and they must then be inserted in the *procès-verbal* word for word.

12. Treaty, *Acte Final*, *Acte Général*, or Declaration

The final result of the proceedings of a Congress or Conference may be recorded in a Treaty, *Acte Final* or *Acte Général*, or even in a Declaration. Negotiations for peace must necessarily be terminated by a Treaty. There is no recognized difference between an *Acte Final* and an *Acte Général*, but the former expression is sometimes applied to what is in essence nothing more than a *procès-verbal*. On the other hand a so-called Declaration may take the form of a Treaty. At the first Hague Peace Conference it was debated whether the instrument in which the results were to be summed up should be styled *Acte*, *Protocole*, or *Procès-verbal Final*; the phrase *Acte Final* was eventually preferred.

The essential parts of a Treaty are (*a*) an enumeration of the High Contracting Parties; (*b*) the preamble, stating the purpose; (*c*) the names and official designations of the plenipotentiaries; (*d*) a statement that they have produced or communicated or exchanged their full-powers, which were found to be in good and due form; (*e*) a statement that they have agreed upon the following articles, beginning with the most general, next the particular ones, and finally the articles, if any, providing for the execution of the preceding articles; (*f*) an article providing for ratification and for the place and time of exchange of ratifications, or, where there is only one original instrument, for the deposit of ratifications with the Power in whose custody the original is to remain; (*g*) a clause to the following effect: 'In witness whereof (*en foi de quoi*) the respective plenipotentiaries have affixed their signatures and seals (or, seals of their arms)'; (*h*) particulars of locality, date, and signatures and seals. The language in which such a multi-national Treaty or other instrument is drawn up is, by recognized custom, French.

The question whether there shall be one Treaty between all the parties, or whether each contracting party shall sign a separate Treaty with each of the other contracting parties, must be determined by circumstances, sometimes by considerations of policy. What is usually spoken of as the Treaty of Paris of May 30, 1814 (see Part II, Section 3, p. 39), consisted of six Treaties, identical in their operative part, between (1) France and Austria, (2) France and Great Britain, (3) France and Prussia, (4) France and Sweden, (5) France and Portugal, (6) France and Russia, to which was added, on July 20, a seventh between France and Spain.

If only one original instrument is signed, and this is to be deposited in the archives of the Power in whose territory the assembly is held, then each other party receives a certified copy of it, in which the well-known rules of the *alternat* (see Section 13, p. 22) are observed.

Sometimes each contracting party signs a separate original instrument with all the other contracting parties.

In the case of a Treaty of Peace, the precedent of the Treaty of May 30, 1814, just mentioned, is a desirable one to follow; and, if the war has been carried on between two groups of belligerents, each belligerent in either group should conclude a Treaty with the whole of the opposite group.

In a Treaty of Peace the first article declares that there shall henceforth be peace between the contracting parties, their respective subjects and citizens; and sometimes (e.g. in the Treaty of London of May 17/30, 1913, which was never ratified) it is stipulated that the peace shall be perpetual. Perhaps it would be more prudent to avoid making such promises.

If there are occupied territories to be evacuated, the provisions under this heading will come next. There follows a reciprocal undertaking to grant an amnesty to subjects who may have been compromised by participa-

tion in the occurrences of the war in favour of the enemy, and in particular to such subjects of either belligerent party as may have been employed in the service of one of the other belligerents. An article agreeing to the immediate liberation of prisoners of war may follow. If a war indemnity is to be paid, an article stipulating for the amount and modes of payment will be required. There may also be added an article stating that the Treaties between the belligerents existing previously to the war shall be revived, or, if not all, then certain of them; but the question of including such an article, and of its scope, will always require most careful consideration. In respect of Treaties of commerce a not uncommon arrangement is either that the *status quo ante* shall be reverted to, or most-favoured-nation treatment accorded, until a new commercial Treaty can be negotiated. If territory is to be ceded, there will also be an article providing for permission to the inhabitants to emigrate or choose which nationality they will retain or adopt, and for their right to dispose of their real property situated in the ceded territory before emigrating. There may also be articles providing for a share of the public debt being assumed in respect of the ceded territory, for succession to State property and contracts, and for the division of railways. In addition to an article stipulating for the payment of a war indemnity, one will be needed regarding the occupation of territory or fortresses as a material guarantee for due discharge of payment, and for the administration of such territory during occupation and the maintenance of the troops of occupation.

13. Who signs, and Order of Signature

In signing a Treaty, where each Power retains an original, the plenipotentiaries of each Power sign their own copy first (*alternat*), and the other plenipotentiaries sign in the French alphabetical order of the names of the countries

they represent. When the signatures are appended in two columns, the first place is at the top of the left-hand column, the second is at the top of the right-hand column, the third comes second in the left-hand column, and so on. If there is only one original to be signed, the signatures will be appended in the French alphabetical order, beginning with *Allemagne*; and each Power receives a transcript in which nevertheless its name is put first. Only plenipotentiaries sign, not technical delegates.

14. Ratifications and their Exchange

The last stage is ratification, in accordance with the constitutional forms of the contracting States, by the Heads of States who have entered into a Treaty or Convention, or Declaration in the form of a Treaty, or an *Acte Final* or *Acte Général*.[1] But an *Acte Final*, such as those of the two Hague Peace Conferences, which is no more than a summary of proceedings or final *procès-verbal*, does not require ratification. These ratifications have to be exchanged at one place, generally the place of signature of the principal instrument, within a fixed date. If for any reason the exchange has to be postponed to a later date, a protocol fixing that later date will be required. To leave the date undetermined might imply a doubt whether ratification will take place.

The exchange is effected by the Minister for Foreign Affairs of the country where it takes place with the diplomatic representatives of the other contracting parties; and the transaction is recorded in a *procès-verbal*. The procedure will be the same, whether each Power received an original Treaty signed by all the plenipotentiaries, or whether there was only one original text deposited in the archives of the State where the Treaty was signed.

[1] See Appendix, VI, VII, VIII, and IX, Forms of Ratification used by different countries.

But it may also be that the instruments of ratification of the signatory Powers are deposited separately.

15. Accession

If the Treaty contains a clause admitting of the subsequent accession of others than the signatory Powers, the Power acceding will transmit the instrument of accession to the Government of the Power authorized to receive accessions. That Government will acknowledge its receipt, and send information thereof to each of the other Powers who are parties to the Treaty, accompanied by a copy of the instrument of accession. It is also desirable that the Power which receives notification of an accession should declare its acceptance thereof in writing.[1]

[1] It is sometimes said that there is a distinction between *accession* and *adhésion*. Art. CXIX of the Treaty of Vienna uses *accéder*, and the form prescribed by the Great Powers speaks of *accession* and *accéder*. So also in the Treaty of London of May 8, 1852, and in the Declaration of Paris, 1856. But the *Acte Général* of Berlin, 1885, has *adhésion* and *adhérer*; and the Hague Conventions have *adhérer* and *adhésion*. See below, Part II, 12, Accession, p. 112.

PART II

ANALYSIS OF THE CONGRESSES AND CONFERENCES

1. Place of Meeting

I. *Congress of Vienna*, 1814–15

Down to August 6, 1806,[1] when the Emperor Francis II laid down the dignity of Head of the Holy Roman Empire, 'the Emperor' had enjoyed precedence over all other sovereigns except the Pope. That pre-eminence had disappeared by 1814. But it was Austria which, after the failure of the proposed Congress of Prague in 1813, by throwing her weight on the side of the Allies and declaring war on the Emperor of the French, became the head of the coalition that overthrew Napoleon, occupied Paris, and negotiated the Treaties of Paris of May 30, 1814. The choice of Vienna was therefore almost a matter of course. Capefigue, in the 'Introduction historique' to d'Angeberg's *Le Congrès de Vienne* (p. xxxiv), says:

'Si l'on avait choisi Vienne, c'est qu'indépendamment de sa situation centrale . . . les souverains alliés avaient voulu donner un témoignage de gratitude à l'empereur d'Autriche pour sa conduite si ferme, si prudente dans la guerre, et encore pour

[1] Napoleon had assumed the title of Emperor of the French on May 18, 1804; and Francis took that of Emperor of Austria, in addition to that of Roman Emperor, on August 10 of the same year. In Art. IX of the Treaty of Pressburg, Dec. 26, 1805, he is designated as Emperor of Austria, in Art. XIV the expression is S.M. l'Empereur d'Allemagne et d'Autriche, in Art. XV he stipulates as Emperor of Austria, and in Art. XXI the double title is again used. This is according as he is stipulating as German Emperor or as head of the House of Austria.

cette résignation qui lui avait fait préférer le repos de l'Europe à un trône pour sa fille bien-aimée Marie-Louise. L'esprit rationnel et tempéré qu'avait montré le prince de Metternich dans tous les épisodes difficiles et si multipliés depuis le Congrès de Prague, méritait aussi ce témoignage de haute déférence.'

II. *Conference of London*, 1830–33

This Conference arose out of the Belgian insurrection against the King of Holland. The latter invited the Courts of Austria, France, Great Britain, Prussia, and Russia, as signatory Powers of the Treaties of Paris and Vienna, which had constituted the Kingdom of the Netherlands, to deliberate, in concert with himself, respecting the best means of putting an end to the troubles which had broken out in his dominions.[1] London naturally became the scene of this Conference, because the Belgian difficulty arose while the Conference on the Affairs of Greece, consisting of the British Secretary of State for Foreign Affairs and the Ambassadors of France and Russia, was still being carried on there.

III. *Conference of London*, 1850–52

The selection of London arose from an offer made in April 1848 by Great Britain to Prussia of good offices for an arrangement with Denmark of the dispute about the Duchies of Slesvig and Holstein. Simultaneously the Danish Government applied for the mediation of Great Britain. Proposals were in consequence made to both Powers for the signature of an armistice, which was concluded at Malmö on August 26 (see below, p. 32). After the renewal of hostilities in 1849, Great Britain offered her mediation, which was accepted, and preliminaries of peace were arranged at Berlin in July 1849, coupled with an armistice. It was now seen to be necessary to come to an agreement regarding the succession to the Crown of Denmark; and the Danish Government proposed that the final

[1] 1st Protocol, Nov. 4, 1830, in *Nouveau Recueil de Traités*, x. 77.

conclusions should be left to the Danish plenipotentiary in London, under the auspices and mediation of Great Britain. (See below, section 9, Treaty, p. 84.)

IV. *Congress of Paris*, 1856

Napoleon III had played a leading part in the Crimean War and in the preliminary negotiations for peace. By a protocol signed at Vienna on February 1, 1856, the diplomatic representatives of France, Great Britain, Russia, and Turkey agreed with the Austrian Minister for Foreign Affairs that plenipotentiaries for the signature of formal peace preliminaries, and for the conclusion of an armistice and a definitive Treaty of Peace, should meet at Paris within three weeks from that date.

V. *Conference of London*, 1867

The failure of an attempted negotiation for the cession of Luxemburg by the King of Holland to France having led to great excitement and even to warlike preparations in the latter country and Prussia, Bismarck, who did not desire war just then, asked the Russian Chancellor Gortchakoff to offer his mediation. The latter consented to propose a Conference in London on the basis of the neutralization of the Luxemburg territory under a European guarantee and the evacuation of the capital by the Prussian garrison. The proposal was made through Baron Brunnow, Russian ambassador in London, and accepted by the British Government.[1] Lord Stanley's objections to a Conference in London were thus removed, but he stipulated that the invitations should be sent out by the King of Holland, Grand-Duke of Luxemburg.

VI. *Conference of London*, 1871

On October 31, 1870, the Russian Government addressed a circular to the Powers signatory of the Treaty of Paris of 1856, informing them that Russia no longer considered

[1] Parl. Papers. Stanley to Cowley, April 24, 1867.

herself bound by the clauses of that Treaty by which the Black Sea was neutralized. The British Government having dispatched Mr. Odo Russell on a mission to Count Bismarck at Versailles to discuss this and other subjects, the latter suggested a Conference at St. Petersburg. Mr. Russell was instructed to say that a Conference would not be accepted by Great Britain except on the basis of an understanding that it should be in no way prejudiced by any previous assumption as to the result of its deliberations, and that St. Petersburg was declined as the meeting-place.[1] Paris and Berlin were of course out of the question, owing to the Franco-German war, Paris being actually besieged by the German armies, and there remained only London, Vienna, Constantinople, and Rome. The last of these had only recently been occupied as the capital of United Italy, and of the other three London was obviously the most suitable locality for a Conference to deal with a naval question. Moreover, Gortchakoff, on learning that the British Government refused St. Petersburg, stated that he would not object to the Conference being held in London.

VII. *Congress of Berlin*, 1878

This Congress had for its object the revision of the Treaty of San Stefano imposed by Russia on Turkey Feb. 19/Mar. 3, of which the ratifications were exchanged at St. Petersburg Mar. 5/17, 1878. Great Britain and Austria had strenuously opposed some of its provisions. The latter Power at first proposed a Conference at Vienna for the purpose of agreeing on the modifications which it would in consequence be necessary to introduce into the Treaties of 1856 and 1871. Great Britain at once assented. But three days later, in view of the gravity of

[1] See Fitzmaurice's *Life of Granville*, and Morley's *Life of Gladstone*, ii. 355. Also Lord Granville's language at the first meeting. B. & F. S. P. lxi. 1898.

the questions which would have to be decided, Austria-Hungary proposed the meeting of a Congress in which the First Ministers of the Powers should take part. At first she had thought of Baden, but from information that had reached her, it appeared that the choice of Berlin would make the meeting a certainty. The German Government had declared their readiness to issue the necessary invitations as soon as Austria-Hungary was in a position to inform them of the consent of the other Cabinets; and the invitations to a Congress at Berlin were eventually sent out by the German Government.

VIII. *Conference of Berlin*, 1884–5

In connexion with the subject of the unratified Treaty of February 26, 1884, respecting the Rivers Congo and Zambezi and the Territory on the West Coast of Africa between 8° and 5° 12′ of South Latitude,[1] the British Government, in May 1884, had informed that of Germany that they desired the establishment of an International Commission on the Congo. The French and German Governments had also been in communication on the subject, and in October proposed, as the result of an agreement between them, that a Conference should be held at Berlin. The British Government at once acquiesced, and, after some further correspondence as to the meaning of the proposed programme, addressed the necessary instructions to the British Ambassador at Berlin.[2]

IX. *The First Hague Peace Conference*, 1899

This Conference was suggested by the Emperor of Russia, who also recommended that it should be held at The Hague, on the ground that it would be undesirable for the proposed Conference to meet at the capital of a Great Power, where many political interests were

[1] B. & F. S. P. lxxv. 476.
[2] Ibid. 1013–1036.

centred, which might possibly react unfavourably on the progress of a work in which all the Powers of the world were equally interested.

After some correspondence between Russia and Holland, the Netherlands Minister for Foreign Affairs invited the Powers which had diplomatic representatives at St. Petersburg to send delegates to The Hague. To these Montenegro, Luxemburg, and Siam were added. No explanation has ever been given of the omission on this occasion of the Powers of Latin America.

X. *The Conference of Algeciras*, 1906

This Conference was called for the purpose of reconciling the differences that had arisen between Germany and France in relation to the position in Morocco claimed by the latter on the ground of arrangements concluded between Great Britain and France in 1904. Spain lay nearest to the country which furnished the subject-matter of dispute; and Algeciras on the Bay of Gibraltar, separated from Morocco by a narrow strait, was chosen as the meeting-place in virtue of geographical proximity. Its selection had been arranged beforehand between the Governments of France and Germany with the consent of the Spanish Government. An additional reason for holding this Conference on Spanish territory was that, as was said by the Spanish First Delegate at the first sitting, the offer of hospitality to the members of the Conference might be regarded as traditional; for the previous international agreement respecting Morocco had been held in 1880 at Madrid, and the Powers which had taken part in the Conference of that year were invited on the present occasion.

XI. *The Second Hague Peace Conference*, 1907

This Conference was naturally invited to meet at The Hague, which had been the scene of its predecessor in 1899.

XII. *International Naval Conference*, 1908–9

London was, of course, indicated as the chosen locality for an International Naval Conference by the predominant naval position of Great Britain, and by the fact that at the second International Peace Conference she had intimated her intention of convening a Conference for the purpose of framing a code of Prize Law, which must be regarded as the necessary complement of the Convention respecting the Laws and Customs of War on Land, elaborated at The Hague in 1899 and revised at the Hague Conference of 1907.

XIII. *The Conferences of London*, 1912–13

These Conferences resulted from arrangements concluded between Turkey and the Balkan League, that negotiations for the conclusion of peace should be carried on in London. The plenipotentiaries of Turkey and the Balkan Allies held their first meeting on Dec. 16.

XIV. *Conference of Bucarest*, 1913

Bucarest was obviously the most suitable place for the Conference which met in July, 1913, to frame conditions of peace between the Balkan Powers, because of the position Rumania had assumed in putting pressure on Bulgaria to abandon the conflict she had initiated against the three other Balkan States.

2. Armistice

I. *The Congress of Vienna*

This Congress, the purpose of which was to elaborate certain details of the Treaties of Paris of May 30, 1814, was not immediately preceded by an armistice. But the Convention of April 23, 1814, concluded between the Comte d'Artois, Lieutenant-General of the kingdom of France, on the one part, and the Emperor of Austria for himself and his allies on the

other part, is a convention of armistice. This was a general armistice by land and sea. It is printed in full in the Appendix, I (p. 122).

II. *Conference of London*, 1830–33

At the first sitting on November 4, 1830, it was decided that there should be an entire cessation of hostilities between Holland and the revolted Belgian provinces. The conditions of this armistice were to be as follows :—

'Hostilities will cease on both sides completely. The respective troops will mutually retire behind the line which before the Treaty of May 30, 1814, separated the possessions of the Sovereign Prince of the United Provinces from those which have been joined to his territory in order to form the Kingdom of the Netherlands by the said Treaty of Paris, and by those of Vienna and Paris of the year 1815.

'The respective troops will evacuate the places and territories which they mutually occupy beyond the said line within 10 days.

'This Armistice will be proposed to the government of H.M. the King of the Netherlands through his ambassador present at the discussion.

'The terms of the same Armistice will be communicated in Belgium in the name of the Five Courts.'

At the second sitting on Nov. 17, 1830, the accession of the King of the Netherlands to the foregoing bases of an armistice, and their acceptance by the provisional Government of Belgium on November 10, were recorded.

III. *Conference of London*, 1850–52

No armistice was needed for the opening of this Conference; but on August 26, 1848, a Convention of Armistice was concluded between the King of Prussia, in his own name and that of the German Confederation,[1] and the King of Denmark, Duke of Slesvig-Holstein, through the mediation of the King of Sweden. Ratifications

[1] B. & F. S. P. xl. 1333.

were exchanged on September 1. The armistice was to last seven months, subject to one month's notice on either part; if notice were not given, it was to continue automatically. The naval blockades established by Denmark were to be raised immediately after the exchange of ratifications. The contracting parties agreed to claim the guarantee of Great Britain for the strict carrying out of the articles. In January 1849 Great Britain prevailed upon Prussia to agree to a Danish proposal that Slesvig should form an autonomous State, distinct from Denmark and Holstein; but Denmark subsequently withdrew the proposal, in consequence of the omission of the words 'without prejudice to its connexion with the Danish crown'. Denmark gave notice to terminate the armistice; and hostilities were renewed on April 3, 1849, which were brought to an end by the intervention of Great Britain, and resulted in preliminaries of peace signed at Berlin, July 10, Lord Westmorland, British minister at that capital, concurring as representative of the Mediating Power; and a Convention of Armistice was concluded the same day. It was negotiated by a Chamberlain of the King of Denmark and the Prussian envoy and minister to Hanover, who, with the concurrence of Lord Westmorland, representative of the Mediating Power, and after exchanging their full-powers, agreed to certain articles.[1]

There was to be a complete suspension of hostilities on land and sea for a period of six months, and after the expiration of that term for six weeks after either party should have given notice to terminate it. The commanders-in-chief of the belligerent forces were to appoint Danish and Prussian officers to mark out on a map a line of demarcation from Flensburg to Tondern. The King of Prussia might maintain an army of 6,000 men in Slesvig to the south of the line of demarcation. As soon

[1] B. & F. S. P. xxxvii. 131–2.

as the Prussian troops took up the positions thus assigned to them, Denmark was to raise the naval blockade of Prussian and German ports. Merchant vessels and cargoes captured since the commencement of hostilities were to be mutually restored, or, if sold, their value was to be made good. In return, the King of Prussia was to restore the contributions in money levied in Jutland by the Prussian and German troops, and to make good the value of horses requisitioned for military purposes; but the provisioning and billeting of troops would not be paid for. Military and political prisoners were to be liberated on both sides within twenty-five days from the exchange of ratifications. The administration of Slesvig was to be carried on by a commission composed of two members, one appointed by the King of Denmark, the other by the King of Prussia, with whom was to be joined a commissioner whom H.M. the Queen of Great Britain would be asked to appoint, and who should decide as arbitrator in case of a divergence of opinion between the other two members. The ratifications were to be exchanged within eight days, or earlier if possible. The Convention, of which there were two originals, was drawn up in French, Danish, and German; but, if doubts arose as to its interpretation, the French text was to be authoritative.

IV. *Congress of Paris*, 1856

At the first sitting on February 25, it was decided that, seeing that it was desirable to proceed to a suspension of hostilities between the opposing forces, the Commanders-in-Chief should conclude an armistice to end on March 31 inclusive, if it was not renewed before that date. During the suspension of hostilities the troops were to hold the positions which they respectively occupied and abstain from all aggressive action. The resolution was to be transmitted to the Commanders-in-Chief without delay,

and so far as possible by telegraph, in order that they should comply therewith as soon as possible.

It was also decided that the armistice should not apply to blockades already established or to be established; but the commanders of naval forces were to receive orders to abstain during the armistice from all hostile action against the territories of the belligerents.[1] But after the signature of the Treaty of Peace on March 30, notice was given by the British Government, on April 8, that an armistice by sea as well as by land had been agreed upon between Great Britain and her Allies, on the one part, and Russia on the other; and that consequently orders had been given for immediately raising the blockade of Russian ports.[2] The land armistice was prorogued on March 30; and on April 4 an armistice by sea was declared to have been concluded, with retroactive effect from March 30.[3] This was therefore at first a partial armistice.

V and VI. *Conferences of London respecting the Neutralization of Luxemburg*, 1867, and *respecting the Inviolability of Treaties*, 1871.

No armistice required.

VII. *Congress of Berlin*, 1878

An armistice had been signed between Russia and Turkey (January 19/31, 1878) at Adrianople. Simultaneously there was signed a protocol embodying bases for preliminaries of peace. The armistice commenced with a short preamble, followed by the names of the plenipotentiaries appointed by the Russian Commander-in-Chief and by the Turkish plenipotentiaries who had signed the bases. The plenipotentiaries for the armistice were military officers of high rank.

[1] B. & F. S. P. xlvi. 64. [2] Ibid. 542.
[3] Ibid. 118.

The armistice affected the armed forces of Russia, Serbia, and Rumania on the one part, and those of Turkey on the other, and was to last during the peace negotiations. In case hostilities were resumed, three days' notice, fixing the day and hour of resumption, was to be given. The Russian Government would propose to Montenegro to accede to the conditions of the armistice; and Turkey was to cease operations against Montenegro. Certain fortresses were to be evacuated by the Turkish troops; and a line of demarcation was laid down between the armies of the respective parties, with a neutral zone, five kilometres wide, in which no works of fortification could be raised, increased, or repaired during the armistice. A commission composed of officers of the belligerent armies was to proceed at once to mark out the limits. Troops which happened to be beyond the respective lines were to be withdrawn within three days.

The Turkish forces, in evacuating the specified fortresses, were to carry off their munitions and equipment and other portable *matériel* by certain definite routes. The war and other *matériel* of the fortresses, ships of war, and other public vessels belonging to the State might be removed or left in the charge of the Russian military authorities, and an inventory was to be drawn up and signed by both parties. Private property was to be left intact. The evacuation of the specified places and points was to be carried out within seven days from the receipt of orders by the local commandant. Turkish troops and war-vessels were to leave Sulina in three days; and the Russian authorities would remove all obstacles to the navigation of the Danube.

In provinces occupied by the Russian or allied troops where Turkish administrative authorities were still to be found, the latter would continue to exercise their functions and maintain order, complying so far as possible with the demands of the Russian military authorities. Railways

within the region occupied by the Russian troops were to be respected and free for working throughout their length; but no war *matériel* nor troops were to be transported across the line of demarcation. The working of the lines within the regions occupied by the two armies was to remain under the surveillance of the respective military authorities.

Turkey was to raise the blockade of Black Sea ports during the armistice, and to offer no opposition to the entrance of ships. Sick and wounded of the Turkish forces within the region occupied by Russian or allied forces would be protected by the Russian and allied military authorities, but would be tended by the Turkish medical *personnel* where such existed. They were not to be regarded as prisoners of war, but could not be removed elsewhere without the special authorization of the Russian and allied military chiefs.

The armistice was to begin on January 19/31 at 7 p.m. As regarded Asia, the details would be fixed by plenipotentiaries designated by the Russian and Turkish Commanders-in-Chief in Asia; and the fact of the commencement of the armistice in Europe was to be telegraphed to the command of the Russian army in Asia.[1] There was no provision for ratification. It seems from the foregoing that this was a general armistice.

VIII–XII. *Conference of Berlin* (1884–5), *First Hague Peace Conference* (1899), *Conference of Algeciras* (1906), *Second Hague Peace Conference* (1907), *International Naval Conference* (1908–9).

None of these Conferences required to be preceded by an armistice.

XIII. *Conferences of London*, 1912–13

The Turks asked the Great Powers to mediate between them and the Balkan League, but were recommended to

[1] B. & F. S. P. lxix. 727.

apply direct to the League.[1] The armistice was concluded on December 3, 1912.[2]

XIV. *Conference of Bucarest, July* 1913

After the appointment of the president and secretaries, it was decided to arrange for a suspension of arms. The military delegates of the parties thereupon proceeded to settle the details, which were recorded in a *procès-verbal.* The provisions of this suspension of hostilities were :—

(1) A line of demarcation to be fixed at an equal distance from the lines of advanced posts occupied at midday July 18/31, and to be marked out by white flags.

(2) The suspension of arms to last for five days, beginning midday July 18/31, by Central European time.

(3) Movement of troops and provisions of whatever nature to be permitted behind the lines of advanced posts.

(4) The belligerents to communicate these provisions to each other, so that hostilities might cease simultaneously on all the lines.

(5) The Head Quarters to be informed without delay, in order that the necessary orders might be given.

(6) The rules in Arts. 40 and 41 of the Land War Regulations (Hague Convention) to be applied (see p. 10).

The suspension of hostilities was to last for five days, and was extended for three more. A misunderstanding arose in consequence of the first armistice being fixed to expire at noon, while the extension did not begin until 1 p.m. Finally an armistice without limit of time was decided on.[3]

[1] Phillipson, *Termination of War and Treaties of Peace*, London, 1916, p. 73.

[2] Ibid., p. 91.

[3] G. F. von Martens, *Nouv. Rec. Gén.*, 8 vols., 3e série, Leipzig, 1909–15, viii. 22.

3. Preliminaries, Programme

I. *Congress of Vienna*, 1814–15

I. At Vienna in 1814–15 the original basis of discussion was Art. XXXII of the Treaties of Paris of May 30, 1814, which provided that:

'Dans le délai de deux mois toutes les puissances qui ont été engagées de part et d'autre dans la présente guerre enverront des plénipotentiaires à Vienne, pour régler, dans un congrès général, les arrangements qui doivent compléter les dispositions du présent traité.'

The seven Treaties of Paris, being identically worded, took the place of 'preliminaries'. The articles which had to be further elaborated were the following:

'Art. V. La navigation sur le Rhin, du point où il devient navigable jusqu'à la mer, et réciproquement, sera libre, de telle sorte qu'elle ne puisse être interdite à personne; et l'on s'occupera, au futur Congrès, des principes d'après lesquels on pourra régler les droits à lever par les États riverains, de la manière la plus égale et la plus favorable au commerce de toutes les nations.

'Il sera examiné et décidé, de même dans le futur Congrès, de quelle manière, pour faciliter les communications entre les peuples, et les rendre toujours moins étrangers les uns aux autres la disposition ci-dessus pourra être également étendue à tous les autres fleuves qui, dans leur cours navigable, séparent ou traversent différents États.

'Art. VI. La Hollande, placée sous la souveraineté de la maison d'Orange, recevra un accroissement de territoire. Le titre et l'exercice de la souveraineté n'y pourront, dans aucun cas, appartenir à aucun prince portant ou appelé à porter une couronne étrangère.

'Les États de l'Allemagne seront indépendants, et unis par un lien fédératif.

'La Suisse, indépendante, continuera de se gouverner par elle-même.'

Art. II ('séparé et secret'), signed between Austria and France, provides that:—

La France reconnaîtra et garantira, conjointement avec les

Puissances Alliées et comme elles, l'organisation politique que la Suisse se donne sous les auspices desdites puissances et d'après les bases arrêtées avec elles.

'L'Italie, hors les limites des pays qui reviendront à l'Autriche, sera composée d'États souverains.'

Amongst the Articles 'séparés et secrets' annexed to the Austrian Treaty, Art. I provided that

'La disposition à faire des territoires auxquels S. M. Très-Chrétienne renonce par l'Article III du Traité patent, et les rapports desquels doit résulter un système d'équilibre réel et durable en Europe, seront réglées au Congrès, sur les bases arrêtées par les Puissances Alliées entre elles, et d'après les dispositions générales contenues dans les articles suivants': [principally further definition of Arts. V and VI. of the *traité patent*].

The British Government signed with that of France an 'additional article' aimed at the abolition of the slave-trade.

II. *Conference of London*, 1830–33

No programme was placed before the Conference; and it was only at the seventh sitting, held on December 20, that the necessity of granting independence to Belgium was recognized. But the King of the Netherlands had invited the Courts of Austria, France, Great Britain, Prussia, and Russia, as signatory Powers of the Treaties of Paris and Vienna which had established the Kingdom of the Netherlands, to deliberate in concert with His Majesty on the best means of putting an end to the troubles which had broken out in his States; and the Courts referred to were animated by a lively desire to stop disorder and bloodshed. This, if it is to be regarded as a programme, is a very wide one.[1]

III. *Conference of London*, 1850–52

There is no trace of a definite programme, but the draft protocol laid before the members of the Conference

[1] G. F. de Martens, *Nouveau Recueil de Traités*, x. 77.

for their consideration on July 4, 1850,[1] which probably emanated from the Danish Government,[2] may be regarded as its equivalent. A secret article annexed to the Treaty of Peace of July 2, 1850,[3] between Prussia and Denmark under the mediation of Great Britain, had in fact provided that the King of Denmark should take the initiative for the purpose of regulating the order of succession in the States united under his sceptre. Accordingly, the object of this draft protocol was in the first place the maintenance of the integrity of the Danish Monarchy; secondly, to assist in bringing the peace negotiations opened at Berlin to a successful conclusion; and lastly, when this object was attained, to impart to the results of those negotiations an additional pledge of stability by means of an instrument embodying their recognition by Europe as a whole.

IV. *Congress of Paris*, 1856

At the first sitting the protocol signed at Vienna on February 1, and the 'draft of preliminaries' annexed thereto, were adopted as having the value of formal preliminaries of peace.

These documents were as follows :—

'PRÉSENTS :—Les Représentants de la France, de l'Autriche, de la Grande-Bretagne, de la Russie et de la Turquie.

'Par suite de l'acceptation par leurs Cours respectives des cinq propositions renfermées dans le document ci-annexé sous le titre de Projet de Préliminaires, les Soussignés, après l'avoir paraphé conformément à l'autorisation qu'ils ont reçue à cet effet, sont convenus que leurs Gouvernements nommeront chacun des Plénipotentiaires munis des plein-pouvoirs nécessaires pour procéder à la signature des préliminaires de paix formels, conclure un armistice et un Traité de Paix définitif. Les dits Plénipo-

[1] B. & F. S. P. xlii. 846. [2] Ibid. xlii. 847.
[3] Ibid. xxxviii. 99.

tentiaires auront à se réunir à Paris dans le terme de trois semaines à partir de ce jour, ou plus tôt si faire se peut.

'Fait à Vienne le 1er février 1856, en quintuple expédition.

(L. S.) BOURQUENEY.
(L. S.) BUOL-SCHAUENSTEIN.
(L. S.) G. H. SEYMOUR.
(L. S.) GORTCHAKOFF.
(L. S.) HIZAM.

PROJET DE PRÉLIMINAIRES

1. *Principautés Danubiennes*

'Abolition complète du Protectorat Russe.

'La Russie n'exercera aucun droit particulier ou exclusif de protection ou d'ingérence dans les affaires intérieures des Principautés Danubiennes.

'Les Principautés conserveront leurs privilèges et immunités sous la suzeraineté de la Porte, et le Sultan, de concert avec les Puissances Contractantes, accordera, en outre, à ces Principautés ou y confirmera une organisation intérieure conforme aux besoins et aux vœux des populations.

'D'accord avec la Puissance Suzeraine, les Principautés adopteront un système défensif permanent réclamé par leur situation géographique ; aucune entrave ne saurait être apportée aux mesures extraordinaires de défense qu'elles seraient appelées à prendre pour repousser toute agression étrangère.

'En échange des places fortes et territoires occupés par les armées alliées, la Russie consent à une rectification de sa frontière avec la Turquie Européenne. Cette frontière, ainsi rectifiée d'une manière conforme aux intérêts généraux, partirait des environs de Chotyn, suivrait la ligne de montagnes qui s'étend dans la direction sud-est, et aboutirait au Lac Salzyk. Le tracé serait définitivement réglé par le Traité de Paix, et le territoire concédé retournerait aux Principautés et à la suzeraineté de la Porte.

2. *Danube*

'La liberté du Danube et de ses embouchures sera efficacement assurée par des institutions Européennes dans lesquelles les Puissances Contractantes seront également représentées, sauf les positions particulières des riverains qui seront réglées sur les

principes établis par l'Acte du Congrès de Vienne en matière de navigation fluviale.

'Chacune des Puissances Contractantes aura le droit de faire stationner un ou deux bâtiments de guerre légers aux embouchures du fleuve, destinés à assurer l'exécution des règlements relatifs à la liberté du Danube.

3. *Mer Noire*

'La Mer Noire sera neutralisée.

'Ouvertes à la marine marchande de toutes les nations, ses eaux resteront interdites aux marines militaires.

'Par conséquent il n'y sera créé ni conservé d'arsenaux militaires maritimes.

'La protection des intérêts commerciaux et maritimes de toutes les nations sera assurée dans les ports respectifs de la Mer Noire par l'établissement d'institutions conformes au droit international et aux usages consacrés dans la matière.

'Les deux Puissances riveraines s'engageront mutuellement à n'y entretenir que le nombre de bâtiments légers, d'une force déterminée, nécessaire au service de leurs côtes. La Convention qui sera passée entre elles, à cet effet, sera, après avoir été préalablement agréée par les Puissances signataires du Traité Général, annexée au dit Traité, et aura même force et valeur que si elle en faisait partie intégrante. Cette Convention séparée ne pourra être ni annulée ni modifiée sans l'assentiment des Puissances signataires du Traité Général.

'La clôture des Détroits admettra l'exception, applicable aux stationnaires, mentionnée dans l'Article précédent.

4. *Populations Chrétiennes sujettes de la Porte*

'Les immunités des sujets Rayas de la Porte seront consacrées sans atteinte à l'indépendance et à la dignité de la Couronne du Sultan.

'Des délibérations ayant lieu entre l'Autriche, la France, la Grande-Bretagne et la Sublime Porte, afin d'assurer aux sujets Chrétiens du Sultan leurs droits religieux et politiques, la Russie sera invitée, à la paix, à s'y associer.

5. *Conditions Particulières*

'Les Puissances belligérantes réservent le droit qui leur appartient de produire, dans un intérêt Européen, des conditions particulières en sus des quatre garanties.

(Paraphé) B. B. H. S. G. H.[1]'

V. *Conference of London*, 1867

The draft Treaty brought forward by Lord Stanley at the first sitting (May 7) may be considered in the light of a programme. It was the outcome of an exchange of views which had been proceeding between the Powers since April 24. Lord Stanley stated on that occasion that he had already had the honour of communicating it to the plenipotentiaries. It differs considerably from a first draft telegraphed on May 3 to the British representatives at Paris, Berlin, Vienna, St. Petersburg, and the Hague for communication to the Governments to which they were accredited.[2]

VI. *Conference of London*, 1871

There was no defined programme, beyond a statement by the British Secretary of State for Foreign Affairs, to the effect that the Conference had been accepted by all the Powers which were parties to the Treaty of 1856, with the object of discussing the proposals to be made by Russia for revision of the stipulations of the said Treaty with respect to the neutralization of the Black Sea. He added that this unanimity was a brilliant proof that the Powers recognized it to be an essential principle of the Law of Nations that none of them could free itself from the engagements of a Treaty, nor modify its stipulations, except in consequence of the assent of the Contracting Parties, by means of a friendly understanding. Thereupon he proposed to the plenipotentiaries to sign a pro-

[1] B. & F. S. P. xlvi. 65.

[2] B. & F. S. P. lx. 499. See also O. E. Ollivier, *L'Empire Libéral*, Paris, 1895, etc., ix. 336.

tocol to that effect, which he then laid before the Conference. Lord Granville had also proposed beforehand the signature of a protocol setting forth that no Power could in future 'denounce' a Treaty without the consent of the other parties concerned. But it had already been agreed, at the suggestion of Gortchakoff, that the Luxemburg Conference, at which no reference was made to previous diplomatic correspondence, would be a good precedent to follow.

The Russian plenipotentiary pointed out that various events had already brought about modifications of the Treaty, and that circumstances had changed the situation and rendered it desirable to revise the stipulations of 1856 regarding the navigation of the Black Sea.[1]

VII. *Congress of Berlin*, 1878

The invitation addressed to the Marquis of Salisbury by Count Münster, German ambassador in London, to meet in Congress at Berlin in order to discuss the stipulations of the Treaty of San Stefano, also said[2] :—

> 'Le Gouvernement de Sa Majesté, en faisant cette invitation au Gouvernement de Sa Majesté Britannique, entend qu'en l'acceptant le Gouvernement de Sa Majesté Britannique consent à admettre la libre discussion de la totalité du contenu du Traité de San Stefano, et qu'il est prêt à y participer.'

As the invitation to the other Powers was no doubt worded in the same manner, the Treaty in question is to be regarded as having formed the programme on that occasion.

VIII. *Conference of Berlin*, 1884–5

The programme of this Conference is to be found in an address delivered by Prince Bismarck at the first meeting,

[1] B. & F. S. P. lxi. 1193.
[2] B. & F. S. P. lxix. 830.

on November 15, 1884, in the following words,[1] with respect to the freedom of trade :—

'Le programme de la Conférence ne porte que sur la liberté du commerce dans le Bassin du Congo et ses embouchures. En conséquence, le Gouvernement de S. M. l'Empereur aura l'honneur de soumettre aux délibérations de la Conférence un projet de Déclaration traitant de la liberté du commerce dans cette partie de l'Afrique ; lequel projet renferme les propositions suivantes :

'Toute Puissance qui exerce ou qui exercera des droits de souveraineté dans cette région y donnerait libre accès à tous les pavillons sans distinction. Elle ne pourrait y concéder de monopoles, ni introduire un traitement différentiel. Seraient prohibées toutes les autres taxes que celles perçues à titre de rétribution pour des dépenses faites dans l'intérêt du commerce.

'Toutes les Puissances exerçant des droits ou de l'influence dans les territoires qui forment le Bassin du Congo et son embouchure prendraient l'obligation de concourir à la suppression de l'esclavage dans ces pays, de favoriser et d'aider les travaux des Missions, les institutions servant à instruire les indigènes et à leur faire comprendre et apprécier les avantages de la civilisation.

'Le Congrès de Vienne, en proclamant la liberté de navigation sur les fleuves qui parcourent le territoire de plusieurs États, a voulu empêcher la séquestration des avantages inhérents à un cours d'eau. Ce principe a passé dans le droit public, en Europe et en Amérique. Or, le Gouvernement Allemand se rallierait volontiers à des propositions tendant à régler, en dehors de la Conférence, la question de la liberté de navigation sur tous les fleuves de l'Afrique. Mais le programme de la Conférence étant circonscrit à la liberté de la navigation sur le Congo et le Niger, le projet d'Acte Provisoire de Navigation que le Gouvernement de S. M. l'Empereur aura l'honneur de présenter à la Conférence ne concernera que ces deux fleuves et leurs affluents.

'Ce projet a été calqué sur les Articles CVIII à CXVI de l'Acte Final du Congrès de Vienne de 1815, les Articles XV, XVI et XIX du Traité de Paris de 1856, l'Acte de Navigation du Danube de 1857, l'Acte Public relatif à la navigation des embouchures du Danube de 1865, et sur les Traités identiques conclus, en 1853,

[1] B. & F. S. P. lxxv and lxxvi. 1181.

entre la France, la Grande-Bretagne et les États-Unis d'Amérique d'une part, et la Confédération Argentine de l'autre, pour assurer la libre navigation du Parana et de l'Uruguay.

'Le principe fondamental de ce projet est d'assurer pleine et entière liberté de navigation à tous les pavillons et la franchise de toutes autres taxes que celles prélevées dans un but de rétribution pour des travaux nécessités par les besoins de la navigation même.

'Le développement naturel du commerce en Afrique fait naître le désir bien légitime d'ouvrir à la civilisation les territoires inexplorés et inoccupés à l'heure qu'il est. Pour prévenir des contestations qui pourraient résulter du fait d'une nouvelle occupation, les Gouvernements de France et d'Allemagne ont pensé qu'il serait utile d'arriver à un accord relativement aux formalités à observer pour que des occupations nouvelles sur les côtes de l'Afrique soient considérées comme effectives . . .

'Ce n'est qu'en vue de l'avenir que j'aurai l'honneur de soumettre à la Conférence un projet de déclaration portant que, désormais, la validité d'une nouvelle prise de possession sera subordonnée à l'observation de certaines formes, telles que la notification simultanée, afin de mettre les autres Puissances à même de reconnaître tel acte ou de formuler leurs objections.

'Pour qu'une occupation soit considérée comme effective, il est, de plus, à désirer que l'acquéreur manifeste, dans un délai raisonnable, par des institutions positives, la volonté et le pouvoir d'y exercer ses droits et de remplir les devoirs qui en résultent.'

It was added that proposals outside the scope laid down in the programme contained in the invitations would not entail on the Conference the obligation of discussing them. This programme is given in a note of October 8 from the German Chargé d'Affaires to the British Secretary of State, in these words:—

'1. Liberté du commerce dans le bassin et les embouchures du Congo.

'2. Application au Congo et au Niger des principes adoptés par le Congrès de Vienne en vue de consacrer la liberté de la navigation sur plusieurs fleuves internationaux, principes appliqués plus tard au Danube.

'3. Définition des formalités à observer pour que des occupa-

tions nouvelles sur les côtes de l'Afrique soient considérées comme effectives.'

Of this the foregoing address is a development, not the whole of which seems to have been communicated beforehand.

IX. *First Hague Peace Conference*, 1899

The programme was contained in Count Muravieff's circular of December 30, 1898, to the diplomatic representatives at St. Petersburg, which stated the subjects to be discussed under eight heads, and ended thus :—

'Il est bien entendu que toutes les questions concernant les rapports politiques des États et l'ordre de choses établi par les traités, comme en général toutes les questions qui ne rentreront pas directement dans le programme, adopté par les Cabinets, devront être absolument exclues des délibérations de la Conférence.' [1]

X. *Conference of Algeciras*, 1906

The programme was founded on an exchange of notes signed at Paris on July 8, 1905, between M. Rouvier, président du Conseil, ministre des Affaires étrangères, and Prince von Radolin, German ambassador, and on an 'Accord' signed by the same on September 28 of the same year.

'Paris, le 8 juillet 1905.

'Le gouvernement de la République s'est convaincu, par les conversations qui ont eu lieu, entre les représentants des deux gouvernements, tant à Paris qu'à Berlin, que le gouvernement impérial ne poursuivrait, à la conférence proposée par le Sultan du Maroc, aucun but qui compromît les légitimes intérêts de la France dans ce pays, ou qui fût contraire aux droits de la France résultant de ses traités ou arrangements et en harmonie avec les principes suivants :

'Souveraineté et indépendance du Sultan ;

'Intégrité de son empire ;

'Liberte économique sans aucune inégalité ;

[1] W. Evans Darby, *International Tribunals*, 4th ed., London, 1904, p. 642.

'Utilité de réformes de police et de réformes financières dont l'introduction serait réglée pour une courte durée par voie d'accord international;

'Reconnaissance de la situation faite à la France au Maroc, par la contiguïté, sur une vaste étendue, de l'Algérie et de l'Empire chérifien, et par les relations particulières qui en résultent entre les deux pays limitrophes ainsi que par l'intérêt spécial qui s'ensuit pour la France à ce que l'ordre règne dans l'Empire chérifien.

'En conséquence, le gouvernement de la République laisse tomber ses objections premières contre la conférence et accepte de s'y rendre.'

'Paris, le 8 juillet 1905.

'Le gouvernement de la République acceptant de se rendre à la conférence proposée par le Sultan du Maroc, le gouvernement impérial m'a chargé de vous confirmer ses déclarations verbales aux termes desquelles il ne poursuivra aucun but qui compromette les légitimes intérêts de la France au Maroc, ou qui soit contraire aux droits de la France résultant de ses traités ou arrangements et en harmonie avec les principes suivants[1]:—'

[Here follow the paragraphs from *Souveraineté* to *chérifien* in the preceding document.]

This exchange of letters was followed by the following declaration:—

'Le gouvernement de la République et le gouvernement allemand conviennent:

'1° De rappeler à Tanger simultanément leurs missions actuellement à Fez aussitôt que la conférence se sera réunie;

'2° De faire donner au Sultan du Maroc des conseils par leurs représentants, d'un commun accord, en vue de la fixation du programme qu'il proposera à la conférence sur les bases indiquées dans les lettres échangées sous la date du 8 juillet 1905 entre le président du Conseil, ministre des Affaires étrangères, et l'ambassadeur d'Allemagne à Paris.'[2]

Agreement signed 28 *September*, 1905, *by M. Rouvier and the Prince von Radolin, &c.*

'Les deux gouvernements se sont mis d'accord pour proposer

[1] A., Tardieu, *La Conférence d'Algésiras*, Paris, 1907, p. 482.
[2] Ibid., p. 483.

au Sultan le projet de programme suivant élaboré en conformité des principes adoptés dans l'échange de lettres du 8 juillet.'

[Here follows the programme of reforms, in four articles.]

Note agreed on between the commissioners of the French and German Governments.

'Paris, le 28 septembre 1905.

'Les négociations entre la France et l'Allemagne concernant le projet de programme de la conférence sur les affaires marocaines viennent d'aboutir.

'L'accord s'est fait sur un programme qui comprend : organisation de la police ; règlement concernant la surveillance et la répression de la contrebande des armes ; réforme financière consistant principalement dans l'institution d'une Banque d'État ; étude d'un meilleur rendement des impôts et de la création de nouveaux revenus ; enfin fixation de certains principes destinés à sauvegarder la liberté économique . . .

'Les deux gouvernements se sont mis d'accord pour demander à l'Espagne si elle accepterait que la ville d'Algésiras fût choisie comme lieu de la réunion de la conférence.

'En ce qui concerne les questions de l'emprunt et du port, elles ont été réglées de la manière suivante :'

[Here follow the regulations in detail.]

'III. Le projet de programme et la proposition concernant le lieu de réunion de la conférence vont être soumis sans délai, par les deux gouvernements, à l'adhésion du Sultan et à celle des puissances signataires de la Convention de Madrid ou y ayant adhéré.

'Dès que les propositions concernant le programme et le lieu de la conférence auront été soumises au Sultan, les deux missions quitteront Fez pour retourner à Tanger.'[1]

XI. *Second Hague Peace Conference*, 1907.

The programme was as follows :—

'Programme proposé par le Gouvernement impérial de Russie aux Gouvernements conviés à la Deuxième Conférence de la Paix.

(Extrait de la Circulaire de mars/avril 1906.)

'1. Améliorations à apporter aux dispositions de la Convention relative au règlement pacifique des conflits internationaux

[1] Tardieu, *La Conférence d'Algésiras*, p. 485.

en ce qui regarde la Cour d'Arbitrage et les Commissions Internationales d'Enquête.

'2. Compléments à apporter aux dispositions de la Convention de 1899 relative aux lois et coutumes de la guerre sur terre, entre autres concernant l'ouverture des hostilités, les droits des neutres sur terre etc., Déclarations de 1899 . . .

'3. Elaboration d'une Convention relative aux lois et usages de la guerre maritime. . . .'

[The points to be discussed are stated in what follows.]

In addition, however, to the subjects mentioned in this programme certain other subjects were also brought forward.

XII. *International Naval Conference, London,* 1908–9

The programme is given in a circular dispatch of Sir Edward Grey to the diplomatic representatives of His Britannic Majesty at Berlin, Madrid, Paris, Rome, St. Petersburg, Tokio, Vienna, and Washington (to which the Hague was afterwards added) proposing that a Conference should meet in London to determine the generally recognized principles of International Law to be applied by the International Prize Court which it was intended should be created under the twelfth convention of the Second Hague Peace Conference. It was proposed that the following questions should form the programme of the Conference: —

(a) *Contrebande.*
(b) *Blocus.*
(c) *Voyage continu.*
(d) *Destruction des prises neutres.*
(e) *Assistance hostile.*
(f) *Militarisation en haute mer.*
(g) *Transfert de pavillon.*
(h) *Caractère ennemi.*

In accordance with a suggestion made in this circular the various Governments exchanged memoranda explaining what was in their opinion the correct rule of Inter-

national Law applicable to each of the foregoing subjects. These memoranda, accompanied by observations thereon, served as the basis for the deliberations of the Conference.

XIII and XIV. *Conferences of London*, 1912–13; *Conference of Bucarest*, 1913

No definite programme was laid down beforehand in either instance. It was understood that the object was to settle the terms on which peace might be restored between the belligerents; and these terms were gradually worked out in the course of the Conferences. A very important point to be determined at the Conference of Bucarest was the distribution of territories in the Balkans, which was mentioned at the second sitting.

4. Representation of the Powers

I. *Congress of Vienna*, 1814–15

(1) Eight Powers, signatories of the Treaties of Paris of May 30, 1814, were represented; (2) plenipotentiaries of Sovereign States of Europe, except those of Germany, which did not sign the Treaties of Paris; (3) plenipotentiaries of Princes and Sovereign States of Germany who signed the Federal Act; (4) plenipotentiaries of German former potentates who had been mediatised; (5) plenipotentiaries of former sovereigns, communities, private persons, and pretenders.

For the Eight Powers:—

Austria. Metternich, minister for Foreign Affairs, and von Wessenberg, Privy Councillor.

Spain. Gomez-Labrador, Councillor of State.

France. Talleyrand, minister for Foreign Affairs; Dalberg, minister of State; Latour du Pin, envoy extraordinary and minister plenipotentiary to the King of the Netherlands; Noailles, colonel in the French Service.

Great Britain. Castlereagh,[1] Secretary of State for Foreign Affairs; Wellington,[2] Privy Councillor; Clancarty, President of the Committee of the Privy Council for Trade and Colonies; Cathcart, ambassador to the Emperor of Russia; Stewart, Privy Councillor, Lieutenant-General and designated as ambassador to the Emperor of Austria (when the committee for the Affairs of Switzerland was set up, Stratford-Canning was added for that purpose alone).

Portugal. Palmella, member of the Council; Saldanha de Gama, member of the Council; Lobo da Silveyra, member of the Council.

Prussia. Hardenberg, Chancellor of State; Wilhelm von Humboldt, envoy extraordinary and minister plenipotentiary to the Emperor of Austria.

Russia. Razumoffski, Privy Councillor and Senator; Stackelberg, Privy Councillor and envoy extraordinary and minister plenipotentiary to the Emperor of Austria; Nesselrode, Privy Councillor and Secretary of State for Foreign Affairs. Stein, Anstett, and Capo d'Istria attended certain committees only. Pozzo di Borgo, ambassador at Paris, was also present.

Sweden. Löwenhielm, envoy extraordinary and minister plenipotentiary to the Emperor of Russia.

It is scarcely necessary to give the names of the other plenipotentiaries. Practically the affairs of the Congress were managed by the four Great Powers, Austria, Great Britain, Prussia, and Russia, with whom France was ultimately associated, while the framing of the constitution of the German Empire was controlled mainly by Austria and Prussia, who consulted, however, the minor states of Germany on this point.

[1] To Feb. 15, 1815. [2] Feb. 1 to Mar. 24, 1815.

II. *Conference of London*, 1830–33

The Powers represented and their plenipotentiaries were: *Austria*, Esterhazy, ambassador, and afterwards also Wessenberg; *France*, Talleyrand, ambassador; *Great Britain*, at first Aberdeen, afterwards Palmerston, Secretaries of State for Foreign Affairs; *Prussia*, Bülow, envoy and minister; *Russia*, Matuszewicz, envoy and minister, also Lieven, ambassador, afterwards; *Holland*, Falck, minister plenipotentiary, and Baron H. de Zuylen de Nyeveldt, special envoy;[1] *Provisional Government of Belgium*, S. van de Weyer and H. Vilain.[2] Of these the former was afterwards appointed envoy and minister to Great Britain, and received full-powers dated August 22, 1831, to negotiate and sign a Treaty of Peace with Holland. The plenipotentiaries of the Five Great Powers did not require full-powers until they came to sign the Treaty of November 15, 1831, with the Belgian plenipotentiary.

III. *Conference of London*, 1850–52

The Powers which took part in this Conference and their representatives were: *Great Britain*, Palmerston and afterwards Malmesbury, Secretaries of State for Foreign Affairs; *Austria*, the chargés d'affaires A. B. Koller and afterwards Baron Kübeck; *Denmark*, Reventlow and afterwards Bille, ministers; *France*, Drouyn de Lhuys and afterwards Walewski, ambassadors; *Russia*, Brunnow, minister; *Sweden and Norway*, J. G. Rehausen, minister; and eventually for *Prussia*, Bunsen, envoy and minister. It does not appear that any full-powers were produced until the Treaty which was the result of the Conference came to be signed.

[1] These plenipotentiaries, on August 4, 1831, delivered a copy of their full-powers authorizing them to enter into negotiation with the Conference for a Treaty of Separation between Holland and Belgium. *Nouv. Rec. de Traités*, xi. 225.

Ibid. x. 216, 220; see also B. & F. S. P. xviii.

IV. *Congress of Paris*, 1856

The plenipotentiaries were: *Austria*, Buol, minister for Foreign Affairs and President of the Council, Hübner, envoy and minister; *France*, Walewski, minister for Foreign Affairs, Bourqueney, envoy and minister at Vienna; *Great Britain*, Clarendon, Secretary of State for Foreign Affairs, Cowley, ambassador; *Prussia*, Manteuffel, President of the Council and Minister for Foreign Affairs, Hatzfeldt, envoy and minister; *Russia*, Alexis Orloff, aide-de-camp of the Emperor, Brunnow, envoy and minister to the German Confederation; *Sardinia*, Cavour, President of the Council and Minister of Finance, Villamarina, envoy and minister; *Turkey*, Aali Pasha, Grand Vizier, Djemil Bey, ambassador at Paris and Turin. They were all provided with full-powers, which were produced at the first sitting.

V. *Conference of London*, 1867

The Powers which took part in this Conference were those which had settled the affairs of Belgium, together with Belgium, Holland and Luxemburg, and Italy, which last Power was invited as having attained the rank of a Great Power. Spain also asked to be admitted, but was refused on the ground that it was then too late to alter the constitution of the Conference.[1] The plenipotentiaries of the Powers were their diplomatic representatives, except that two Luxemburg functionaries were appointed *ad hoc* by the King of Holland. They were: for *Austria*, Apponyi, ambassador; *Belgium*, Van de Weyer, envoy and minister; *France*, La Tour d'Auvergne, ambassador; *Great Britain*, Stanley, Secretary of State for Foreign Affairs; *Italy*, d'Azeglio, envoy and minister; *Holland and Luxemburg*, Bentinck, envoy and minister, Tornaco, President of the Government of the Grand Duchy, Servais, vice-president

[1] O. E. Ollivier, *L'Empire Libéral*, ix. 335.

of the Council of State; *Prussia*, Bernstorff, ambassador; *Russia*, Brunnow, ambassador. The object, as defined beforehand, being the conclusion of a Treaty, the plenipotentiaries were provided with full-powers, which they produced before the business of the Conference was embarked upon.

VI. *Conference of London*, 1871

This Conference was confined to the Powers which were parties to the Treaty of Paris of 1856. The plenipotentiaries who took part in it were: *North Germany*, Bernstorff, ambassador; *Austria*, Apponyi, ambassador; *France*, Broglie, plenipotentiary *ad hoc*; *Great Britain*, Granville, Secretary of State for Foreign Affairs; *Italy*, Cadorna, envoy and minister; *Russia*, Brunnow, ambassador; Turkey, Musurus Pasha, ambassador. As at the Conference of 1867, the plenipotentiaries were provided with special full-powers, which were verified in the course of the first sitting.

VII. *Congress of Berlin*, 1878

To this Congress were convoked the Powers which were parties to the Treaty of Paris of 1856.

The following were the plenipotentiaries of the Powers:—

Germany, Bismarck, Chancellor of the Empire; Bülow, Secretary of State at the department of Foreign Affairs; Hohenlohe-Schillingsfürst, ambassador at Paris; *Austria-Hungary*, Andrássy, Minister for Foreign Affairs and of the Imperial Household; Karolyi, ambassador at Berlin, Haymerle, ambassador at Rome; *France*, Waddington, Minister for Foreign Affairs, Saint-Vallier, ambassador at Berlin, Desprez, minister plenipotentiary of the first class, director of Political Affairs at the ministry for Foreign Affairs; *Great Britain*, Beaconsfield, First Lord of the Treasury and Prime Minister, Salisbury, Secretary

of State for Foreign Affairs, Odo Russell, ambassador at Berlin; *Italy*, Corti, Minister for Foreign Affairs; de Launay, ambassador at Berlin; *Russia*, Gortchakoff, Chancellor of the Empire, Schouvaloff, ambassador in London, d'Oubril, ambassador at Berlin; *Turkey*, Sadoullah Bey, ambassador at Berlin, A. Caratheodory Pasha, Minister of Public Works, and Mehemed Ali Pasha, General. The plenipotentiaries were provided with full-powers, which were handed by them to the secretary of the Congress, at the first sitting, with the exception of the Turkish representatives, whose full-powers had not yet arrived.

VIII. *Conference of Berlin*, 1884–5

To this Conference were convoked the Great Powers of Europe, the United States of America, Turkey, Belgium, Denmark, Holland, Portugal, and Sweden and Norway. The plenipotentiaries of the Powers were for the most part their diplomatic representatives at Berlin, but *Germany* was represented by Bismarck, Chancellor of the Empire, Hatzfeldt, Secretary of State for Foreign Affairs, Busch, Under-Secretary of State for Foreign Affairs, Küsserow, Privy Councillor of Legation; *Austria-Hungary*, Széchényi, ambassador; *Belgium*, van der Straten-Ponthoz, minister plenipotentiary, and Lambermont, envoy and minister, secretary-general of the Ministry for Foreign Affairs at Brussels; *Denmark*, de Vind, minister: *Spain*, Benomar, minister; *United States of America*, Kasson, minister, and Sanford, plenipotentiary; *France*, Courcel, ambassador; *Great Britain*, Malet, ambassador; *Italy*, de Launay, ambassador; *Netherlands*, van der Hoeven, minister; *Portugal*, Penafiel, minister, and Serpa Pimentel, councillor; *Russia*, Kapnist, minister plenipotentiary; *Sweden and Norway*, Bildt, minister; *Turkey*, Said Pasha, ambassador. Diplomatic agents accredited at Berlin were regarded as endowed with the necessary

authority for representing their Governments; and only those plenipotentiaries who were accredited *ad hoc* were expected to produce full-powers.[1] Nevertheless the Acte Général states that all the plenipotentiaries were 'munis de pleins pouvoirs, qui ont été trouvés en bonne et due forme'. The fact is that the British plenipotentiary had previously been provided with full-powers, dated October 24, 1884, for the specific purpose of the Conference, including the signing of a Treaty, &c.; and it is to be presumed that all the other plenipotentiaries were furnished with full-powers.

IX. *First Hague Peace Conference*, 1899

The Powers convoked were those represented at St. Petersburg by regularly accredited agents, to which were added Montenegro, Luxemburg, and Siam. Besides the plenipotentiaries, many of the delegations included professors of international law, naval and military men, and junior diplomatists. The list of names is too long to be given here. The plenipotentiaries were provided with full-powers. At the second sitting of the Conference they were requested to deposit them at the Bureau.

X. *Conference of Algeciras*, 1906

The Powers invited to this Conference were those which were parties to the Convention of Madrid of 1880. The plenipotentiary delegates were the following:—*Germany*, Radowitz, ambassador at Madrid, Tattenbach, envoy and minister at Lisbon (formerly at Tangier); *Austria-Hungary*, Welsersheimb, ambassador at Madrid, Bolesta-Koziebrodski, envoy and minister at Tangier; *Belgium*, Joostens, envoy and minister at Madrid, Buis-

[1] B. & F. S. P. lxxv. 1180. Statement of Prince Bismarck: 'Les Agents Diplomatiques accrédités à Berlin sont, d'ailleurs, considérés comme ayant les pouvoirs nécessaires pour représenter leurs gouvernements à la conférence.'

seret-Steenbecque de Blarenghien, envoy and minister at Tangier; *Spain*, Almodóvar del Río, Minister for Foreign Affairs, Pérez-Caballero y Ferrer, envoy and minister at Brussels; *United States of America*, Henry White, ambassador at Rome, S. R. Gummere, envoy and minister at Tangier; *France*, P. Revoil, ambassador at Berne, E. Regnault, minister plenipotentiary (at first only as technical delegate); *Great Britain*, A. Nicolson, ambassador at St. Petersburg (formerly envoy and minister at Tangier); *Italy*, Visconti-Venosta, former ambassador, G. Malmusi, envoy and minister at Tangier; *Morocco*, Mohammed Ben el Arbi Ettorès, Sultan's Delegate at Tangier, Mohammed Ben Abdesselam el Mokri, minister of Expenditure, Mohammed es Seffar, Abderrahman Bennis, plenipotentiaries *ad hoc*; *Netherlands*, H. Testa, envoy and minister at Madrid; *Portugal*, Tovar, envoy and minister at Madrid, Martens Ferrão, envoy and minister at Tangier; *Russia*, Cassini, ambassador at Madrid, B. Bacheracht, minister at Tangier; *Sweden*, R. Sager, envoy and minister at Madrid and Lisbon.

The plenipotentiaries were provided with full-powers.

XI. *Second Hague Peace Conference*, 1907

Invitations were addressed to forty-seven States, including those of South America which had not been invited to the Conference of 1899.

Besides the plenipotentiary delegates of the Powers which were represented, there were numerous naval, military, and legal delegates and secretaries; but it seems unnecessary to give the names here.

All the plenipotentiaries were provided with full-powers.

XII. *International Naval Conference, London*, 1908–9

The plenipotentiary delegates to this Conference were:—*Germany*, Kriege, legal adviser to the Ministry of Foreign Affairs; *United States of America*, Rear-Admiral Stock-

ton, G. G. Wilson, professor at Brown University and Reader in International Law at the Naval War College and at the University of Harvard; *Austria-Hungary*, C. T. Dumba, envoy and minister; *Spain*, Maura y Gamazo, Deputy to Parliament; *France*, Louis Renault, legal adviser to the Ministry for Foreign Affairs; *Great Britain*, Lord Desart, King's Advocate; *Italy*, G. Fusinato, deputy; *Japan*, Vice-Admiral T. Sakamoto, Chief of the Department of Naval Instruction, E. Yamaza, councillor of Embassy; *Netherlands*, Vice-Admiral J. A. Röell, formerly minister of Marine; *Russia*, Taube, adviser at the Ministry for Foreign Affairs. Besides these plenipotentiaries there were many other delegates, naval, diplomatic, and legal, whose names are not here given.

All these plenipotentiaries were provided with full-powers.

XIII. *Conferences of London*, 1912–13

At these Conferences there attended on behalf of the Turks and the Allies the following plenipotentiaries:—*Turkey*, Osman Nizamy Pasha, formerly ambassador at Berlin, Rechid Pasha, minister for Commerce and Agriculture, formerly ambassador at Berlin, Salih Pasha, Senator and *interim* minister of Marine. The Conference being unable to come to a settlement was suspended on Dec. 24 and when it reassembled on May 17 the two last-named plenipotentiaries were replaced by Batzaria Effendi, senator and minister of Public Works, and Ahmed Rechid Bey, legal adviser of the Sublime Porte; *Greece*, Etienne Skouloudis, formerly minister for Foreign Affairs, Jean Gennadius, envoy and minister in London, Georges Streit, envoy and minister at Vienna, and E. Venizelos, President of the Council of Ministers and minister for War, the last named only for the first part of the Conference; *Bulgaria*, Stoyan Danev, President of the Sobranié, Michel Madjarov, envoy and minister in London, and Stephane Paprikow, minister of

State; *Montenegro*, Jean Popovitch, formerly chargé d'affaires at Constantinople, Louis Voïnovich, ex-minister of Justice, and, in the first phase of the Conference only, Lazare Mionchekovitz, late chargé d'affaires at Constantinople; *Serbia*, Stoyan Novakovich, former President of the Council, André Nikolich, President of the Skupshtina, Milenko Vesnich, envoy and minister at Paris, and at the resumed Conference only, Jean Pavlovich, formerly minister at Sofia.[1]

XIV. *Conference of Bucarest*, 1913

The following were the plenipotentiaries[2]:—

Rumania, Maïoresco, President of the Council and minister for Foreign Affairs, Marghiloman, minister of Finances, Take Jonesco, minister of the Interior, C. G. Dissesco, minister of Worship and Public Instruction, General Coanda, Inspector-general of Artillery, Colonel Christesco, Vice-chief of the General Staff; *Greece*, E. Venizelos, President of the Council, minister of War, D. Panas, minister plenipotentiary, N. Politis, professor of International Law at the University of Paris, Captain Ath. Exadactylos, Captain C. Pali; *Montenegro*, General Serdar Yanko Voukotich, President of the Council, minister of War, J. Matanovich, former chargé d'affaires at Constantinople; *Serbia*, N. P. Pashich, President of the Council, minister for Foreign Affairs, M. G. Ristich, envoy and minister at Bucarest, M. Spalaïkovich, envoy and minister, Colonel K. Smilianich, Lieut.-Colonel Kalafatovich; *Bulgaria*, D. Tontcheff, minister of Finance, Major-General I. Fitcheff, Chief of the General Staff, S. Ivantchoff, former Vice-president of the Sobranié, S. Radeff, Lieut.-Colonel on the Staff, C. Stancioff.

The plenipotentiaries were provided with full-powers.

[1] *Nouv. Rec. Gén.*, 3e série, viii. 16.

[2] Ibid. 61.

5. Election of President

I. *Congress of Vienna*, 1814–15

On a written proposal made by Talleyrand, French First Plenipotentiary, Metternich, Austrian minister for Foreign Affairs, was elected president.[1]

II and III. *Conferences on the Affairs of Belgium, London*, 1830–33, *and on Danish Affairs, London*, 1850–52

On these two occasions the British Secretary of State for Foreign Affairs took the chair as a matter of course, apparently without formal election.

IV. *Congress of Paris*, 1856

Count Walewski, French minister for Foreign Affairs, was elected president on the motion of the Austrian First Plenipotentiary.[2]

V and VI. *Conferences of London*, 1867 and 1871

On the first of these occasions Stanley, the British Secretary of State for Foreign Affairs, was elected president on the motion of Count Apponyi, Austrian ambassador;[3] on the second occasion Lord Granville, British Secretary of State, was elected on the motion of Musurus Pasha, Turkish plenipotentiary;[4] possibly the latter made the motion as being *doyen d'âge* of the Diplomatic Body.

VII. *Congress of Berlin*, 1878

Prince Bismarck was elected president, on the motion of Count Andrássy, First Plenipotentiary for Austria-Hungary.[5]

[1] B. & F. S. P. ii. 565; D'Angeberg, p. 359.
[2] B. & F. S. P. xlvi. 63.
[3] B. & F. S. P. lx. 497.
[4] B. & F. S. P. lxi. 1193.
[5] B. & F S. P. lxix. 887.

VIII. *Conference of Berlin*, 1884–5

Count de Launay, Italian ambassador, and *doyen d'âge* of the Diplomatic Body, proposed to entrust the presidency to Prince Bismarck, in accordance with precedent. The Prince accepted, but asked leave to be replaced by one of the other German plenipotentiaries in case other business or the state of his health should prevent his attendance.[1]

IX. *First Hague Peace Conference*, 1899

The Netherlands minister for Foreign Affairs, who opened the Conference, moved that the presidency should be conferred on the Russian First Plenipotentiary, Staal, ambassador in London, as representing the sovereign on whose initiative the Conference had been convoked.[2] Staal then proposed that the Netherlands First Delegate, a former minister for Foreign Affairs, should be appointed honorary president.

X. *Conference of Algeciras*, 1906

The German First Plenipotentiary Delegate, Radowitz, ambassador at Madrid, proposed that the Spanish First Plenipotentiary Delegate, Almodóvar del Río, minister for Foreign Affairs ('Ministro de Estado'), should be president.[3]

XI. *Second Hague Peace Conference*, 1907

The Netherlands Minister for Foreign Affairs, Van Tets van Goudriaan, opened the Conference, and proposed that the Russian First Delegate, Nelidow, ambassador at Paris, should be president.[4] The Netherlands minister for Foreign Affairs was appointed honorary president, and the Netherlands First Delegate, de Beaufort, *effective* vice-president.

[1] B. & F. S. P. lxxv. 1180.

[2] *Conférence Internationale de la Paix, La Haye*, 1899, p. 10.

[3] *Protocoles et Comptes Rendus de la Conférence d'Algésiras*, 1906, p. 8.

[4] *Actes et Documents*, i. 49.

XII. *International Naval Conference, London,* 1908–9

The British Secretary of State for Foreign Affairs, Sir Edward Grey, opened the Conference. On the motion of Renault, French plenipotentiary, as *doyen d'âge*, seconded by Kriege, German plenipotentiary, Lord Desart, British plenipotentiary, was offered and accepted the presidency.[1] But when the Conference went into committee, the chair was taken by Renault, on the motion of Kriege.[2]

XIII. *Conferences of London on Balkan Affairs,* 1912–13

The presidency was entrusted in rotation to the first plenipotentiaries of the Powers represented at the Conferences, in the usual alphabetical order of the Powers.

XIV. *Conference of Bucarest,* 1913

On the motion of the First Delegate of Serbia, the presidency was entrusted to the First Delegate of Rumania.[3]

6. Appointment of Secretariat

I. *Congress of Vienna,* 1814–15

Gentz, the Austrian publicist, acted as Secretary of the Congress.

II and III. *Conferences of London,* 1830–33 and 1850–52.

The protocols do not record the appointment of secretaries.

IV. *Congress of Paris,* 1856

The president nominated Benedetti, director of political affairs at the Ministry for Foreign Affairs, as protocollist.[4]

[1] *Proceedings*, &c. [Cd. 4555], 128. [2] Ibid. 153.
[3] *Nouv. Rec. Gén.*, 3e série, viii. 20.
[4] B. & F. S. P. xlvi. 64.

V. *Conference of London*, 1867

The president nominated the Hon. Julian Fane, secretary of the British embassy at Paris, as protocollist.[1]

VI. *Conference of London*, 1871

The president appointed the Hon. Wm. Stuart, minister plenipotentiary at Buenos Ayres, as protocollist.[2]

VII. *Congress of Berlin*, 1878

The president nominated Radowitz, German minister at Athens, as secretary of the Congress, with de Moüy, first secretary of the French embassy at Berlin, Busch, councillor of legation, Holstein, councillor of legation, and Count Bismarck, secretary of legation, as assistant-secretaries. The archives of the Congress were placed under the direction of Lothar Bucher, a privy councillor of legation at the German Ministry for Foreign Affairs.[3]

VIII. *Conference of Berlin*, 1884–5

The president nominated as secretaries Raindre, French councillor of embassy, Count William Bismarck, and Dr. Schmidt, a vice-consul attached to the German Ministry for Foreign Affairs.[4]

IX. *First Hague Peace Conference*, 1899

On the proposal of the president there were appointed a secretary-general, an assistant secretary-general, six secretaries, and two technical secretaries.[5]

X. *Conference of Algeciras*, 1906

The president nominated as secretaries Ramon Piña y Millet, *Chef de Section*, chief private secretary of the Ministry for Foreign Affairs, and P. de Margerie, French

[1] B. & F. S. P. lx.
[2] B. & F. S. P. lxi. 1194.
[3] B. & F. S. P. lxix. 887.
[4] B. & F. S. P. lxxv. 1180.
[5] *Conférence Internationale de la Paix, La Haye*, 1899, p. 11.

councillor of embassy at Madrid; and as assistants in the secretariat, Manuel G. Hontoria, second secretary of the Spanish embassy at Paris, and Jaime de Ojeda, a third secretary of embassy employed at the Ministry for Foreign Affairs.[1]

XI. *Second Hague Peace Conference*, 1907

The president nominated a secretary-general, a drafting secretary-general, and twenty secretaries.[2]

XII. *International Naval Conference, London*, 1908–9

The president, after ascertaining the wishes of each Delegation, appointed H. Norman (Great Britain) as secretary-general; and twelve secretaries.[3]

The United States took the second place in the French alphabetical order, and each Power represented furnished a member of the secretariat, France and Great Britain furnishing two each.

XIII. *Conferences of London*, 1912–13

Each delegation nominated one secretary, with the exception of Montenegro, whose delegates did not nominate any one. The *Secretariat* was as follows: *Bulgaria*, S. Tchaprachikov; *Greece*, A. C. Vouros, first secretary of the Greek Legation at London; *Serbia*, S. Y. Grouich, Serbian chargé d'affaires at London; *Turkey*, Divan Bey Noradounghian, first secretary of Turkish Embassy at Paris. At the second Conference Vouros was replaced by A. Rizo-Rangabé. On the proposal of the President it was agreed to invite Sir E. Grey to appoint an English official to the secretariat, who should direct it and form a link (*trait d'union*) between the Conference and the British

[1] *Protocoles et Comptes Rendus de la Conférence d'Algésiras*, 1906, p. 8.

[2] *Actes et Documents*, i. 52.

[3] *Proceedings, &c.* [Cd. 4555], 130.

Government. In response to this invitation H. Norman was added to the secretariat on Dec. 6.

XIV. *Conference of Bucarest*, 1913

On the proposal of the president, the secretariat was composed as follows: Principal secretary, A. Pisoski, minister plenipotentiary, and Rumanian diplomatic agent at Cairo; assistant secretary, J. O. Filitti, director of political affairs at the Ministry for Foreign Affairs, aided by N. E. Lahovary, a secretary of legation. The secretaries designated by the delegations of other Powers to assist them in their work were D. Svilokossich, a first secretary of legation, and M. Gavrilovich, secretary at the Serbian Ministry for Foreign Affairs; Th. Papazoff, legal adviser to the Bulgarian delegation, and Michel Tsamados, secretary of the Hellenic delegation.[1]

7. Formation of Committees

I. *Congress of Vienna*, 1814–15

In addition to the special conferences of the *Four Powers* (Austria, Great Britain, Prussia, and Russia) the *Five Powers* (France besides the above), and the *Eight Powers* (Portugal, Spain, and Sweden being added to the others), the following committees were set up:—

(*a*) *Verification of full-powers.* It was decided by the Eight Powers that the members of this Committee should be chosen by lot; and the lot fell upon Great Britain, Prussia, and Russia.

(*b*) *Committee on German Affairs.* This Committee, suggested by the four Great Allied Powers, and appointed by the German States themselves, originally consisted of Metternich and Wessenberg for Austria, Hardenberg (Prince) and Humboldt for Prussia, Wrede for Bavaria, Münster and Hardenberg (Count) for Hanover, de Linden for Württemberg, with G. F. de Martens as secretary-general. At the third sitting Wintzingerode

[1] *Nouv. Rec. Gén.*, 3e série, viii. 20.

was added for Württemberg. This committee held thirteen sittings from October 14 to November 16, 1814. It was reconstituted in May 1815, with the same members for Austria, Prussia, and Hanover, Schulenburg and Globig for Saxony, Rechberg for Bavaria, Turkheim for Hesse-Darmstadt, Plessen, Keller, Minkwitz, Smidt and von Berg as deputies for the princes and free cities, Berstett for Baden, Gagern for the Netherlands and Luxemburg, Bernstorff for Denmark and Holstein. Württemberg was not represented, but acceded to the *Acte de la Confédération Germanique* on June 10.[1] This committee held eleven sittings from May 23 to June 10, 1815.

(*c*) *Affairs of Switzerland.* This committee, created by the four Great Allied Powers, originally consisted of Humboldt (Prussia), Stratford-Canning and Stewart (Great Britain), Wessenberg (Austria), Stein and Capo d'Istria (Russia). A French representative was subsequently added. It held thirteen sittings from November 14, 1814, to March 13, 1815, and reported to the committee of the Five Great Powers.

(*d*) *The Statistical Committee*, of which the functions were to determine what territories had been conquered from Napoleon and his allies, and to evaluate the said territories according to population, not only numerically, but also qualitatively, was appointed by the four Great Allied Powers. The French representative was added at the request of France.[2] The members were: Dalberg (France), Clancarty (Great Britain), Münster (Hanover), Wessenberg and Hofrath Wacken[3] (Austria), Legationsrath Jordan[3] and Reichsrath Hoffmann[3] (Prussia), Anstett[4] (Russia). G. F. de Martens was secretary of this committee. It held six sittings, and reported to the committee of the Five Great Powers.

[1] D'Angeberg, 1445. [2] D'Angeberg, 561.
[3] Not a plenipotentiary.
[4] Nominated at the third meeting; not a plenipotentiary.

(*e*) *Slave Trade.* This committee, appointed by the Committee of Eight Powers, consisted of Castlereagh and Stewart (Great Britain), Talleyrand (France), Gomez-Labrador (Spain), Palmella, Saldanha and Lobo (Portugal), Nesselrode (Russia), Löwenhielm (Sweden), Binder[1] in place of Metternich. Owing to the opposition of Spain and Portugal it never met as a committee; but four conferences were held, in which Castlereagh took the leading part.

(*f*) *Free navigation of rivers.* This committee was nominated December 14, 1814,[2] by the plenipotentiaries of the Eight Powers and consisted at first of Dalberg (France), Humboldt (Prussia), Clancarty (Great Britain), and Wessenberg (Austria). On February 2, 1815,[3] the committee decided to invite Van der Spaen (Holland), Wrede (Bavaria), Berckheim (Baden), Türckheim (Hesse-Darmstadt), and Gagern (Nassau) to join it. G. F. de Martens was secretary of the committee. It held twelve meetings from February 2 to March 24, 1815. It reported to the plenipotentiaries of the Eight Powers.

(*g*) *Relative rank of European Powers and their diplomatic agents.* This committee, appointed by the plenipotentiaries of the Eight Powers on December 10, 1914, consisted of Latour du Pin (France), Cathcart (Great Britain), Palmella (Portugal), Gomez-Labrador (Spain), Löwenhielm (Sweden), Humboldt (Prussia), Stackelberg (Russia), Wessenberg (Austria). It reported on January 16,[4] and the report was discussed on January 20[5] and on February 9,[6] when the report was referred back, and a fresh report, presented on March 19,[7] was adopted.[8] This forms the well-known 'Règlement sur le rang entre les agents diplomatiques'.

[1] Nominated at the third meeting; not a plenipotentiary.
[2] B. & F. S. P. ii. 578; D'Angeberg, 503, 527.
[3] D'Angeberg, 693.
[4] B. & F. S. P. ii. 604; D'Angeberg, 612.
[5] D'Angeberg, 660.
[6] B. & F. S. P. ii. 629; D'Angeberg, 735.
[7] D'Angeberg, 933.
[8] B. & F. S. P. ii. 179; D'Angeberg, 939.

(*h*) *Drafting Committee.* This was appointed on March 6, 1815,[1] by the plenipotentiaries of the Five Powers, and consisted of Wessenberg (Austria), Clancarty (Great Britain), Humboldt (Prussia), Anstett [2] (Russia), Latour du Pin (France), with Besnardière (France) and Gentz (Austria) as chief draftsmen. But on March 12 [3] the composition of this committee was changed. Stackelberg (Russia) was substituted for Anstett, who became a third chief draftsman, while Gomez-Labrador (Spain), Löwenhielm (Sweden) and Saldanha (Portugal) were added.

Committees were also appointed to investigate (*i*) the claims of the Infanta Maria Luisa to the Grand-Duchy of Tuscany; (*k*) the affairs of the King of Sardinia; (*l*) various claims to the Duchy of Bouillon.[4]

II. *Conference of London*, 1830–33

It does not appear that any committee, even a drafting committee, was appointed on this occasion.

III. *Conference of London*, 1850–52

Nor on this occasion was a committee of any sort appointed.

IV. *Congress of Paris*, 1856

It was decided to appoint a mixed commission,[5] composed of two Turkish, two Russian, one British, and one French commissioner, to verify, and if necessary to rectify, the Asiatic frontiers of Russia and Turkey. A drafting committee was appointed to frame articles, destined to

[1] B. & F. S. P. ii. 651; D'Angeberg, 898. A committee was appointed on February 7 to draw up a plan for the Treaty which reported on February 10; D'Angeberg, 707, 737.

[2] Not a plenipotentiary.

[3] B. & F. S. P. ii. 664; D'Angeberg, 911.

[4] See, on this subject, *The Congress of Vienna*, No. 153 of this series.

[5] Protocol No. 4, Mar. 4, 1856.

be inserted in the Treaty of Peace, to serve as the basis of a convention to be concluded on the subject of the Principalities. This Committee consisted of Buol (Austria), Bourqueney (France), and Aali Pasha (Turkey),[1] and Bourqueney presented the report at the next sitting of the Congress,[2] when it was again discussed, and, after amendment, was adopted.[3] The same committee was requested to draft the text of provisions respecting Serbia.

A general drafting committee was appointed,[4] consisting of Aali Pasha and of the Second Plenipotentiaries of Austria, France, Great Britain, Russia, and Sardinia. Bourqueney was *rapporteur*.

A committee was appointed to frame an instrument to take the place of the Convention of July 13, 1841, relative to the closure of the Straits[5] of the Bosporus and Dardanelles. It consisted of the First Plenipotentiaries of Prussia and Turkey and the Second Plenipotentiaries of France, Great Britain, Russia, and Sardinia.

A committee consisting of the Second Plenipotentiaries of the Powers represented was appointed to draft the preamble of the Treaty.[6]

V and VI. *Conferences of London*, 1867 and 1871

It does not appear that any committees were appointed.

VII. *Congress of Berlin*, 1878

A drafting committee was set up at the eighth sitting.[7] It consisted of Hohenlohe (Germany), Haymerle (Austria), Desprez (France), Odo Russell (Great Britain), de Launay (Italy), d'Oubril (Russia), Caratheodory Pasha (Turkey),

[1] Prot. No. 7. Mar. 10.
[2] Prot. No. 8, Mar. 12.
[3] Prot. No. 9, Mar. 14.
[4] Ibid.
[5] Prot. No. 11, second sitting of Mar. 18, 1856. (B. & F. S. P. xlvi.)
[6] Prot. No. 12, Mar. 22.
[7] Prot. No. 8, eighth sitting, June 28.

one member for each Power represented at the Congress. Desprez was the *rapporteur* of this committee.

A committee for the demarcation of frontiers was also appointed, consisting of Hohenlohe (Germany), Haymerle (Austria), Saint-Vallier (France), Odo Russell (Great Britain), de Launay (Italy), Schouvaloff (Russia), Mehemed Ali Pasha (Turkey). Hohenlohe was president of this committee.[1]

VIII. *Conference of Berlin*, 1884–5

At the second meeting on November 19 a commission was appointed to ascertain the meaning to be attached to the phrase 'territoires constituant le Bassin du Congo et ses affluents' in the 'Projet de Déclaration relative à la Liberté du Commerce dans le Bassin du Congo et ses Embouchures', annexed to the protocol of the first meeting. It was proposed that it should consist of the plenipotentiaries of Germany and the States more directly interested, which had been included in the first invitation to the Conference, namely, Belgium, Spain, the United States of America, France, Great Britain, the Netherlands, and Portugal. It was to present a report on this topic, and to be entitled to call on the delegates of the Governments represented at the Conference for information. The plenipotentiaries also offered the services of the assistant delegates. The plenipotentiaries alone were to have the right of discussion in the commission, but the latter might obtain the necessary information from any quarter. It was proposed likewise that the assistant delegates belonging to other Powers might also attend the sittings of the commission. The report of the commission was discussed at the third meeting (November 27). Some amendments were adopted and reserved for a drafting committee to be set up later. Others were referred back to the commission, on which it was agreed that each Power should

[1] Prot. No. 9, of June 29.

be represented. It was also agreed that the commission should nominate the members of the drafting committee.

At the fourth meeting (December 1), the text of the 'Déclaration relative à la Liberté du Commerce dans le Bassin du Congo, ses Embouchures et Pays circonvoisins', and the 'Rapport fait au nom de la Commission chargée d'examiner le Projet de Déclaration concernant la Liberté du Commerce dans le Bassin du Congo et de ses affluents', were brought up.

At the fifth meeting (December 18), the 'Rapport de la Commission chargée d'examiner les projets d'Actes de Navigation pour le Congo et le Niger', prepared by the commission, which had occupied several of its sittings, was presented and discussed. The records of the commission were kept in the form of *procès-verbaux*.

At the sixth meeting of the Conference (December 22), the 'Proposition du Comité de Rédaction pour un Article Additionnel à la Déclaration relative à la Liberté du Commerce dans le Bassin conventionnel du Congo' was brought forward.[1]

The seventh and eighth meetings (January 7 and 31) were mainly devoted to the consideration of the 'Projet de Déclaration relative aux formalités à observer pour que des Occupations nouvelles sur les Côtes d'Afrique soient considérées comme effectives', and the 'Rapport' of the commission on the said 'Projet'. Lambermont was requested to prepare the *Acte Final*. At the ninth meeting the expression *Acte Général* was preferred, and the draft, together with a 'Rapport sur quelques modifications nouvelles du texte, sur la Neutralité et les dispositions générales ainsi que sur la forme définitive des décisions émanées de la Conférence', was discussed and adopted.

[1] B. & F. S. P. lxxv to p. 1257, continued lxxvi. 1021.

IX. *First Hague Peace Conference*, 1899

At this Conference three committees were set up:—

First, to deal with the first four questions on the programme (see p. 48).

Second, to deal with the next three questions on the programme.

Third, to deal with the eighth question on the programme.

Each of the first and second committees was divided into two sub-committees.

First sub-committee of the first committee to deal with questions 1, 2, and 3 of the programme, the second to occupy itself with questions 1, 2, and 4 of the programme. Thus naval and military aspects of the questions were treated separately.

The two sub-committees of the second committee discussed questions 5 and 6, and question 7 of the programme respectively.

The third committee had no sub-committee, but after fourteen meetings it was transformed into an examination committee to settle the text of the report.

The Conference consisted of one hundred delegates, including technical delegates.

The first committee, besides honorary presidents, president, vice-president, and vice-presidents of the first and second sub-committees (ten in all), consisted of forty-six members.

The second committee, besides honorary presidents, president and vice-president, and vice-presidents of the first and second sub-committees (nine in all), consisted of sixty-seven members.

The third committee, besides honorary presidents, president and vice-presidents (nine in all), consisted of fifty-nine members.

Thus it is evident that many delegates must have sat on more than one of the committees.

The president and vice-president of the Conference always, and the honorary presidents of the third commission frequently, attended the sittings, and other members of the Conference sometimes attended and spoke. The place of the president of the examination committee was frequently taken by the president of the third committee.

Each committee and sub-committee had its own *rapporteur* and drafting committee.

Towards the close of the Conference a drafting committee to prepare the *Acte Final* was formed.

X. *Conference of Algeciras*, 1906

At this Conference sittings in committee of the whole were held for a preliminary examination of the questions on the programme. The decisions adopted in committee were then referred to a drafting committee, consisting of Pérez-Caballero (Spain), Tattenbach (Germany), Malmusi (Italy), Regnault (French technical delegate), and Mokri (Morocco). The text prepared by them was afterwards discussed at an official meeting of the Conference. At the second meeting in committee Bacheracht (Russia), Buisseret (Belgium), and Abderrahman Bennis (Morocco) were added to the drafting committee. At the fourth meeting in committee Martens Ferrão (Portugal) was added to the drafting committee. At the sixth meeting in committee it was decided that the drafting committee should henceforth consist of the second delegates of all the Powers, with the right for delegates of Powers which had no second delegates to attend its sittings. Sir Arthur Nicolson announced that he would send to the drafting committee the secretary of his delegation. At the sixteenth official meeting it was decided to revise all the texts adopted by the Conference and combine them in a General Act. This task was entrusted to a special commission composed of Pérez-Caballero (Spain), Regnault (France),

and Klehmet (Germany). This commission had added to its number Cherisey (France) as secretary.

XI. *Second Hague Peace Conference*, 1907

At this Conference four committees were set up. The first committee discussed:—1° Améliorations à apporter aux dispositions de la convention relative au règlement pacifique des conflits internationaux; 2° Commissions d'enquête internationales et questions connexes; 3° Questions relatives aux prises maritimes.

It was divided into two sub-committees, one of ninety-nine, the other of eighty-eight members, each with a president, vice-president, secretary, and *rapporteur*.

The second committee was occupied with:—1° Améliorations à apporter à la Convention de 1899 relative aux lois et coutumes de la guerre sur terre; 2° Déclarations de 1899; 3° Droits et devoirs des Neutres sur terre; Ouverture des hostilités. There were two sub-committees, one of eighty-one, the other of eighty-four members.

The third committee devoted its attention to:—1° Bombardement des ports, villes et villages par une force navale; 2° Pose des torpilles, etc.; 3° Régime auquel seraient soumis les bâtiments des belligérants dans les ports neutres; 4° Compléments à apporter à la Convention de 1899 pour l'adaptation à la guerre maritime des principes de la Convention de Genève de 1864, revisée en 1906. It was divided into two sub-committees.

The fourth committee was occupied with:—1° Transformation des bâtiments de commerce en bâtiments de guerre; 2° La propriété privée sur mer; 3° Le délai de faveur; 4° Contrebande de guerre; 5° Blocus; 6° Destruction par force majeure des prises neutres; 7° Dispositions relatives à la guerre sur terre qui seraient applicables également à la guerre maritime.

As the whole number of delegates and technical dele-

gates did not exceed one hundred and seventy, it is clear that many delegates must have sat on more than one of these committees and sub-committees.

There was also a drafting committee, with twenty-nine members, of which the president was the president of the Conference, Nelidow; but the real work was performed by a sub-committee of seven members, with Renault (France) as president.

There was also a committee for the reception of addresses, consisting of de Beaufort (Netherlands) as president and four members.

XII. *International Naval Conference, London*, 1908–9

It was not found necessary to set up committees to deal with separate portions of the programme, but, after four sittings of the Conference had been held, it went into committee of the whole body, with L. Renault (France) as chairman. Eleven meetings in committee were held, from December 14, 1908 to February 19, 1909. An examining committee was appointed at the second meeting in committee (December 16), consisting of ten members.[1] Renault was named *rapporteur*. Sillac and Clauzel were appointed to act as its secretaries, turn and turn about.

A special juridical committee of ten members was appointed January 15 to study the question of what constitutes 'enemy character' of ships and cargoes.[2]

A drafting committee was formed, consisting of ten members:—

L. Renault was appointed *rapporteur-général* to the Conference.

XIII. *Conferences of London*, 1912–13

No committees were formed, except a committee to draw up a précis of each sitting for communication to the press.

[1] [Cd. 4555], 178. [2] [Cd. 4555], 189.

XIV. *Conference of Bucarest*, 1913

A drafting committee was appointed, consisting of:—Radeff for Bulgaria, Politis for Greece, Spalaïkovich for Serbia, Matanovich for Montenegro, Pisoski, Filitti, and General Coanda as military delegate, for Rumania.

8. Records (Protocols, Procès-verbaux, Comptes rendus)

I. *Congress of Vienna*, 1814–15

The records are styled *protocoles*. There was, as a rule, no enumeration of the plenipotentiaries who were present. No mention was generally made of the protocol of the previous sitting being read and approved at the Conferences of the *Four Powers* and those of the *Five Powers*, but this was done on most occasions at the Conferences of the *Eight Powers*.

II. *Conference of London*, 1830–33

The records are styled *protocoles*. Each opens with the enumeration of the plenipotentiaries who were present, and there is no record of the reading or approval of the protocol of the previous meeting.

III. *Conference of London*, 1850–52

The records are styled *protocoles*. The plenipotentiaries who were present are sometimes enumerated, sometimes not. There is no mention of the reading or approval of the protocol of the preceding meeting.

IV. *Congress of Paris*, 1856

The records are styled *protocoles*. The plenipotentiaries present at each meeting are enumerated. At the opening of each meeting the protocol of the previous meeting was read and approved.

V. *Conference of London*, 1867

The records are styled *protocoles*. The names of those present are given. The protocol of the previous sitting was read, approved, and signed.[1]

VI. *Conference of London*, 1871

The records are styled *protocoles*. Enumeration was made of the plenipotentiaries who were present. The signature of the protocol of the previous meeting took place at the beginning. It is sometimes recorded that the protocol of the previous meeting was read and approved.

VII. *Congress of Berlin*, 1878

The records are styled *protocoles*. The members present were enumerated. At the second meeting, after the protocol of the previous meeting had been read and approved, it was agreed that for the future the protocol should be printed and distributed beforehand, which would enable it to be taken as read. If a member had asked to have a change made, the secretariat would read it out at the beginning of the meeting. But if any member asked to have the whole read, that was to be done. After that, the entry is usually: 'the protocol of the previous sitting was adopted.'

VIII. *Conference of Berlin*, 1884–85

The records are styled *protocoles*, and the same procedure with respect to reading was adopted as in 1878. The members present were enumerated. The signature of the protocol of the previous meeting took place before business commenced.

IX. *First Hague Peace Conference*, 1899

The records are styled *procès-verbaux*. There was no enumeration of the delegates present at any meeting,

[1] B. & F. S. P. lx. 497.

whether a full meeting or a sitting of a committee or sub-committee. The *procès-verbaux* were simply 'adopted' at the ensuing meeting.

X. *Conference of Algeciras*, 1906

The records are styled *procès-verbaux*. They simply state that all the delegates were present, and add the names of any who were prevented from attending. Then comes the entry that the *procès-verbal* was read and adopted, but sometimes its reading was deferred to a later meeting. Thus at the fifth full meeting the *procès-verbaux* of the second, third, and fourth were approved. The *comptes rendus* of the sittings in committee make no mention of reading or approval.

XI. *Second Hague Peace Conference*, 1907

The same procedure as to *procès-verbaux* as in 1899.

XII. *International Naval Conference, London*, 1908–9

The records are styled *procès-verbaux*. There is no mention of their having been read and approved, and there is no enumeration of the delegates present.

XIII. *Conferences of London*, 1912–13

The records are styled *protocoles*. They commence with an enumeration of the delegates present. At the opening of each sitting the protocol of the previous sitting was read and adopted.

XIV. *Conference of Bucarest*, 1913

The records are styled *protocoles*. They commence with an enumeration of the plenipotentiaries who were present. At the opening of a sitting the protocol of the previous sitting was read and approved.

9. Treaty, *Acte Final*, *Acte Général*, Declaration

I. *Congress of Vienna*, 1814–15

This Congress was wound up by the signature of an instrument beginning with the following preamble :—

'Au nom de la très-sainte et indivisible Trinité.

'Les Puissances qui ont signé le Traité conclu à Paris, le 30 mai 1814, s'étant réunies à Vienne, en conformité de l'art. XXXII de cet acte, avec les princes et États leurs alliés, pour compléter les dispositions dudit Traité, et pour ajouter les arrangements rendus nécessaires par l'état dans lequel l'Europe est restée à la suite de la dernière guerre, désirant maintenant de comprendre dans une transaction commune les différents résultats de leurs négociations, afin de les revêtir de leurs ratifications réciproques, ont autorisé les plénipotentiaires à réunir dans un instrument général les dispositions d'un intérêt majeur et permanent, et à joindre à cet acte, comme parties intégrantes des arrangements du Congrès, les traités, conventions, déclarations, règlements et autres actes particuliers, tels qu'ils se trouvent cités dans le présent Traité ; et ayant les susdites Puissances nommé plénipotentiaires au Congrès, savoir : S.M. l'empereur d'Autriche, roi de Hongrie et de Bohême, le sieur Clément-Wenceslas-Lothaire, prince de Metternich-Winnebourg-Ochsenhausen, chevalier de la Toison d'Or, etc., etc.' [detailing his other decorations and official functions, and so on with the whole list of sovereigns and plenipotentiaries].

'Ceux de ces plénipotentiaires qui ont assisté à la clôture des négociations, après avoir exhibé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de placer dans le dit instrument général et de munir de leur signature commune les articles suivants :' [Here follow Arts. I to CXVII].

'Art. CXVIII. Les Traités, Conventions, Déclarations, Règlements et autres Actes particuliers qui se trouvent annexés au présent Acte, et nommément :

'1° Le Traité entre la Russie et l'Autriche, du 21 Avril/3 Mai 1815 ; 2° Le Traité entre la Russie et la Prusse, du 21 Avril/3 Mai 1815 ; [and fifteen other treaties] . . .

sont considérés comme parties intégrantes des arrangements du Congrès, et auront partout la même force et valeur que s'ils étaient insérés mot à mot dans le Traité général.'

Thus, all of these seventeen separate instruments are to be regarded as forming part of the Treaty of Vienna.

Art. CXXI provides for the ratification of the Treaty and the exchange of ratifications.

A copy of the Treaty was to be deposited in the Archives of the Court and State of S.M. Impériale et Royale Apostolique at Vienna, in case one or other of the Courts of Europe should consider it desirable to consult the original text.

Then follows the usual clause: 'En foi de quoi, etc. Fait à Vienne, le 9 Juin de l'an de grâce 1815,' with the signatures in the French alphabetical order of the names of the Powers, excepting Spain. Spain acceded, fully and without reserve, by a declaration of May 7, 1817; and Sweden signed with the reserve of Arts. CI, CII, and CIV.

II. *Conference of London*, 1830–33

The final result of this Conference was not attained until 1839, when a Treaty was signed in London on April 19, between Belgium and Holland, respecting the separation of their respective territories. Arts. I to VI lay down the limits of Belgium and Holland, and Art. VII is as follows:—

'La Belgique, dans les limites indiquées aux articles I, II et IV, formera un État indépendant et perpétuellement neutre. Elle sera tenue d'observer cette même neutralité envers tous les autres États.'

This article is transcribed word for word from Art. VII of the Treaty of November 15, 1831, between Austria, France, Great Britain, Prussia, Russia, and Belgium, by Art. XXV of which

'Les Cours d'Autriche, de France, de la Grande-Bretagne,

de Prusse et de Russie, garantissent à S. M. le Roi des Belges l'exécution de tous les articles qui précèdent.'

In pursuance of this article, the Five Powers also concluded with the Netherlands on the same day a Treaty of which the following articles are important :—

'ART. I. — S. M. le roi des Pays-Bas, grand-duc de Luxembourg s'engage à faire immédiatement convertir en Traité avec S. M. le roi des Belges les articles annexés [1] au présent acte, et arrêtés d'un commun accord sous les auspices des Cours de France, d'Autriche, de la Grande-Bretagne, de Prusse et de Russie.[2]

'ART. II. — S. M. le roi des Français, S. M. l'empereur d'Autriche roi de Hongrie et de Bohême, S. M. la reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, S. M. le roi de Prusse, et S. M. l'empereur de toutes les Russies déclarent que les articles mentionnés dans l'article qui précède sont considérés comme ayant la même force et valeur que s'ils étaient insérés textuellement dans le présent acte, et qu'ils se trouvent ainsi placés sous la garantie de Leurs dites Majestés.'

On the same day a Treaty was concluded between Belgium and the Five Powers, Article I of which states that their Majesties

'déclarent que les articles ci-annexés et formant la teneur du Traité conclu en ce jour entre S. M. le Roi des Belges et S. M. le Roi des Pays-Bas, grand-duc de Luxembourg, sont considérés comme ayant la même force et valeur que s'ils étaient textuellement insérés dans le présent Acte, et qu'ils se trouvent ainsi placés sous la garantie de Leurs dites Majestés.'[1]

Art. II declares that the Treaty of November 15, 1831, between the same High Contracting Parties is no longer binding on them.

[1] These are Arts. I to XXIV of the Treaty between Belgium and the Netherlands cited above, which were derived from the Treaty of November 15, 1831, between the Five Powers and Belgium, which again had been derived from the twenty-four articles agreed to by the Five Powers at the forty-ninth sitting of the Conference of October 14, 1831. *Nouv. Rec. Gén.* xi. 323.

[2] D'Angeberg, 1822. The order in which the Powers are named is in accordance with the French copy.

The XXIV articles are annexed, of which Art. IV states that the King of the Netherlands, Grand-duke of Luxemburg, shall possess certain territories, either as part of Luxemburg or as annexed to Holland; viz. that portion of Luxemburg which did not pass to Belgium, and a certain portion of Limburg.[1]

Consequently the Five Powers by Treaty guarantee in 1839 the existence of Belgium as an independent and perpetually neutral State.

III. *Conference of London*, 1850–52

This Conference resulted in a Treaty, of which the preamble states that the Queen of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the Prince President of the French Republic, the King of Prussia, the Emperor of All the Russias, and the King of Sweden and Norway,

'considérant que le maintien de l'intégrité de la Monarchie Danoise, lié aux intérêts généraux de l'équilibre européen, est d'une haute importance pour la conservation de la paix, et qu'une combinaison qui appellerait à succéder à la totalité des États actuellement réunis sous le sceptre de S. M. le Roi de Danemarck la descendance mâle, à l'exclusion des femmes, serait le meilleur moyen d'assurer l'intégrité de cette monarchie, ont résolu, à l'invitation de S. M. Danoise, de conclure un Traité, afin de donner aux arrangements relatifs à cet ordre de succession un gage additionnel de stabilité par un acte de reconnaissance européenne.'[2]

Next come the enumeration of the Heads of the contracting States, the names of their plenipotentiaries, and the articles of the Treaty, of which Art. IV provided that the High Contracting Parties reserved to themselves to bring the Treaty to the knowledge of the other Powers

[1] *Vide* G. F. de Martens, *Recueil des Traités et Conventions*, etc., xii. 86, 90.

[2] B. & F. S. P. xli. 13.

and invite them to accede to it. There follows a ratification clause; and the remainder is in accordance with the usua forms.

IV. *Congress of Paris*, 1856

This Congress resulted in (1) the conclusion of a Treaty between Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, for the re-establishment of peace.[1] Austria and Prussia, it will be remembered, had not been belligerents; (2) a Convention[2] between the same Powers respecting the Straits of the Dardanelles and Bosphorus, renewing the Convention of July 13, 1841, with certain modifications of detail not affecting the principle on which that Convention was based;[3] (3) a Convention between Russia and Turkey, limiting their respective Naval Forces in the Black Sea; (4) a Convention between Great Britain, France, and Russia respecting the Åland Islands;[4] (5) a Treaty between Great Britain, Austria, and France guaranteeing the independence and integrity of the Ottoman Empire, (April 15);[5] (6) a Declaration respecting Maritime Law, signed by the plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, assembled in Congress at Paris, April 16;[6] (7) a Convention between Great Britain, France, and Sardinia on the one part and Turkey on the other, extending the term previously stipulated for the evacuation of the Ottoman territory.[7]

[1] B. & F. S. P. xlvi. 8. [2] Ibid. xlvi. 18. [3] Ibid. xlvi. 22.

[4] Ibid. xlvi. 25. All these four treaties were dated March 30.

[5] Ibid. xlvi. 26.

[6] From protocol No. 24, sitting of April 16, 1856. 'Sur la proposition de M. le Comte de Walewski, et reconnaissant qu'il est de l'intérêt commun de maintenir l'indivisibilité des quatre principes mentionnés à la Déclaration signée en ce jour, MM. les Plénipotentiaires conviennent que les Puissances qui l'auront signée ou qui auront accédé ne pourront entrer, à l'avenir, sur l'application du droit des neutres en temps de guerre, en aucun arrangement qui ne repose à la fois sur les quatre principes objet de la dite Déclaration.'

[7] Ibid. xlvi. 27.

Preamble of (1).

'Au nom de Dieu Tout-Puissant.

'Leurs Majestés la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande [and the other sovereigns], animées du désir de mettre un terme aux calamités de la guerre, et voulant prévenir le retour des complications qui l'ont fait naître, ont résolu de s'entendre avec Sa Majesté l'Empereur d'Autriche sur les bases à donner au rétablissement et à la consolidation de la paix, en assurant, par des garanties efficaces et réciproques, l'indépendance et l'intégrité de l'Empire Ottoman.

* * * * * * * * * *

'Lesquels se sont réunis en Congrès à Paris.

'L'entente ayant été heureusement établie entre eux, Leurs Majestés la Reine, etc., considérant que, dans un intérêt européen, S. M. le Roi de Prusse, signataire de la Convention du 13 Juillet 1841, devait être appelée à participer aux nouveaux arrangements à prendre, et appréciant la valeur qu'ajouterait à une œuvre de pacification le concours de Sa dite Majesté, l'ont invitée à envoyer des Plénipotentiaires au Congrès . . .

'Art. X. — La Convention du 13 Juillet 1841, qui maintient l'antique règle [1] de l'Empire Ottoman relative à la clôture des Détroits du Bosphore et des Dardanelles, a été revisée d'un commun accord.

'L'Acte conclu à cet effet et conformément à ce principe entre les Hautes Parties Contractantes, est et demeure annexé au présent Traité, et aura la même force et valeur que s'il en faisait partie intégrante.

'Art. XIV. — Leurs Majestés l'Empereur de Toutes les Russies et le Sultan ayant conclu une Convention à l'effet de déterminer la force et le nombre des bâtiments légers, nécessaires au service de leurs côtes, qu'elles se réservent d'entretenir dans la Mer Noire, cette Convention est annexée au présent Traité, et aura même force et valeur que si elle en faisait partie intégrante. Elle ne pourra être ni annulée ni modifiée sans l'assentiment des Puissances signataires du présent Traité.[2]

[1] This expression seems to have been used for the first time in the Anglo-Turkish Treaty of January 5, 1809, which was inserted by the Turks to protect themselves against the recurrence of incidents like the passage of the Dardanelles by Admiral Duckworth in 1806.

[2] This wording justified the insistance of Great Britain on the

'ART. XXXIII. — La Convention conclue en ce jour entre LL. MM. la Reine, etc., relativement aux Îles d'Aland, est et demeure annexée au présent Traité, et aura même force et valeur que si elle en faisait partie.'

V. *Conference of London*, 1867

This Conference ended with the signature of the Treaty of May 11, 1867, between Great Britain, Austria, Belgium, France, Italy, Netherlands, Prussia, and Russia.[1]

PREAMBLE. — 'Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, prenant en considération le changement apporté à la situation du Grand-Duché par suite de la dissolution des liens qui l'attachaient à l'ancienne Confédération Germanique, a invité LL. MM. la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, etc., à réunir leurs Représentants en Conférence à Londres, afin de s'entendre avec les plénipotentiaires de S.M. le Roi Grand-Duc, sur les nouveaux arrangements à prendre dans l'intérêt général de la paix.

'Et leurs dites MM., après avoir accepté cette invitation, ont résolu d'un commun accord de répondre au désir que S.M. le Roi d'Italie a manifesté de prendre part à une délibération destinée à offrir un nouveau gage de sûreté au maintien du repos général.

'En conséquence, LL. MM. de concert avec S. M. le Roi d'Italie, voulant conclure dans ce but un Traité, ont nommé, etc.

'ART. I.—S.M. le Roi des Pays-Bas, Grand-Duc de Luxembourg, maintient les liens qui attachent le dit Grand-Duché à la Maison d'Orange-Nassau, en vertu des Traités qui ont placé cet État sous la souveraineté de S. M. le Roi Grand-Duc, ses descendants et successeurs.

'Les droits que possèdent les Agnats de la Maison de Nassau sur la succession du Grand-Duché, en vertu des mêmes Traités, sont maintenus.

'Les Hautes Parties Contractantes acceptent la présente déclaration et en prennent acte.

'ART. II. — Le Grand-Duché de Luxembourg, dans les limites déterminées par l'Acte annexé aux Traités du 19 avril 1839,

declaration of principle prefixed to the Convention of 1871. See below, p. 89.

[1] B. & F. S. P. lvii. 32.

sous la garantie des Cours de la Grande-Bretagne, d'Autriche, de France, de Prusse et de Russie, formera désormais un État perpétuellement neutre.

'Il sera tenu d'observer cette même neutralité envers tous les autres États.

'Les Hautes Parties Contractantes s'engagent à respecter le principe de neutralité stipulé par le présent Article.

'Ce principe est et demeure placé sous la sanction de la garantie collective [1] des Puissances signataires du présent Traité, à l'exception de la Belgique, qui est elle-même un État neutre.

'ART. VI. — Les Puissances signataires du présent Traité constatent que la dissolution de la Confédération Germanique ayant également amené la dissolution des liens qui unissaient le Duché de Limbourg collectivement avec le Grand-Duché de Luxembourg à la dite Confédération, il en résulte que les rapports, dont il est fait mention aux Articles III, IV et V du Traité du 19 avril 1839,[2] entre le Grand-Duché et certains territoires appartenant au Duché de Limbourg, ont cessé d'exister, les dits territoires continuant à faire partie intégrante du Royaume des Pays-Bas.'

This article was proposed as an addition to the Treaty by the Netherlands plenipotentiary at the second sitting of the Conference, and was definitely adopted at the third sitting, May 10.

Various amendments were made to the articles forming the original draft, in the course of the discussions.

VI. *Conference of London*, 1871

The following protocol was signed at the first sitting of this Conference, January 17, 1871 [3]:

'Les Plénipotentiaires de l'Allemagne du Nord, de l'Autriche-Hongrie, de la Grande-Bretagne, de l'Italie, de la Russie, et de la Turquie, réunis aujourd'hui en Conférence, reconnaissent que c'est un principe essentiel du droit des gens qu'aucune Puissance ne peut se délier des engagements d'un Traité, ni en modifier les

[1] The insertion of 'collective' has been held to differentiate this guarantee from that given in Art. II of the Treaty of 1839 with Belgium (*supra*, p. 83). See Appendix, No. X.

[2] B. & F. S. P. xxxvii. 1321.

[3] B. & F. S. P. lxi. 1198.

stipulations, qu'à la suite de l'assentiment des Parties Contractantes, au moyen d'une entente amicale. En foi de quoi les dits Plénipotentiaires ont signé le présent Protocole.

'Fait à Londres, ce 17 janvier 1871.

BERNSTORFF.
APPONYI.
GRANVILLE.
CADORNA.
BRUNNOW.
MUSURUS.
BROGLIE.'[1]

le 13 mars 1871

The Treaty signed at the conclusion of this Conference, on March 13, begins with the following preamble[2]:—

'Au nom de Dieu Tout-Puissant.

'S. M. la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, etc., ... ont jugé nécessaire de réunir leurs Représentants en Conférence à Londres, afin de s'entendre, dans un esprit de concorde, sur la révision des stipulations du Traité conclu à Paris le 30 mars 1856, relatives à la navigation de la Mer Noire, ainsi qu'à celle du Danube; désirant en même temps assurer dans ces contrées de nouvelles facilités au développement de l'activité commerciale de toutes les nations, les Hautes Parties Contractantes ont résolu de conclure un Traité, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir: etc.

'ART. I.— Les Articles XI, XIII et XIV du 30 mars 1856, ainsi que la Convention spéciale conclue entre la Sublime Porte et la Russie, et annexée au dit Article XIV, sont abrogés et remplacés par l'Article suivant.[3]

[1] The French plenipotentiary was not able to present himself at the Conference until this date.

[2] B. & F. S. P. lxi. 7.

[3] XI. Neutralization of the Black Sea, and perpetual interdiction to war-ships.

XIII. Prohibition to Russia and Turkey in regard to maintenance or construction of naval arsenals on the coasts of the Black Sea.

XIV. Annexing to the Treaty the Convention between Russia and Turkey respecting the number of light armed vessels to be maintained by the two Powers respectively, and declaring that it cannot be annulled or modified without the consent of the Powers who are parties to the present Treaty. (B. & F. S. P. xlvi. 12.)

'Art. II.—Le principe de la clôture des Détroits des Dardanelles et du Bosphore, tel qu'il a été établi par la Convention séparée du 30 mars 1856, est maintenu, avec la faculté pour S. M. le Sultan d'ouvrir les dits Détroits en temps de paix aux bâtiments de guerre des Puissances amies et alliées, dans le cas où la Sublime Porte le jugerait nécessaire pour sauvegarder l'exécution des stipulations du Traité de Paris du 30 mars 1856.'

Simultaneously with the conclusion of the Treaty of March 13 between the Powers, a Convention was signed by the plenipotentiaries of Russia and Turkey, of which the tenor is contained in Art. I, as follows[1]:—

'La Convention Spéciale conclue à Paris entre S. M. l'Empereur de Toutes les Russies et S. M. Impériale le Sultan, le $\frac{18}{30}$ mars de l'an 1856, relative au nombre et à la force des bâtiments de guerre des deux Hautes Parties Contractantes dans la Mer Noire, est et demeure abrogée.'

This Convention was communicated to the Conference on the exchange of the ratifications of the main Treaty on May 15, 1871.

VII. *Congress of Berlin*, 1878

This Congress produced the Treaty of July 13, 1878, for the settlement of Affairs in the East.

The preamble is as follows:—

'Au nom de Dieu Tout-Puissant.

'S. M. la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, etc., désirant régler dans une pensée d'ordre Européen, conformément aux stipulations du Traité de Paris du 30 mars 1856, les questions soulevées en Orient par les événements des dernières années et par la guerre dont le Traité Préliminaire de San Stéfano a marqué le terme, ont été unanimement d'avis que la réunion d'un Congrès offrirait le meilleur moyen de faciliter leur entente.[2]

'Leurs dites MM. et le Président de la République Française ont en conséquence nommé pour leurs Plénipotentiaires, savoir: etc.

[1] B. & F. S. P. lxi. 12.

[2] B. & F. S. P. lxix. 749.

'ART. I.—La Bulgarie est constituée en Principauté autonome et tributaire sous la suzeraineté de S. M. I. le Sultan; elle aura un Gouvernement Chrétien et une milice nationale.'

Art. II defines the territories of which the Principality of Bulgaria will be composed.

Arts. III–XII relate to the choice of a Prince, the preparation of a constitution (*Règlement Organique*), the provisional administration by a Russian Commissioner, commercial arrangements, &c.

Art. XIII provides for the formation of the province of Eastern Rumelia, the boundaries of which are fixed by Art. XIV. Arts. XV to XXII contain other provisions applicable in the province.

By Art. XXIII a better administration is ensured to the Island of Crete and to other portions of Turkey in Europe for which the Treaty does not provide a separate organization [e. g. Macedonia].

Art. XXIV promises to Greece the mediation of the Great Powers, in case of necessity, for a rectification of frontier.

Art. XXV sanctions the occupation and administration of Bosnia and Herzegovina by Austria-Hungary.

Art. XXVI recognizes the independence of Montenegro; Art. XXVII abolishes all religious disabilities in that country; Arts. XXVIII and XXIX lay down the new frontiers of Montenegro, and Articles XXX–XXXIII contain other provisions relating to the said Principality.

Art. XXXIV recognizes the independence of Serbia under conditions respecting religious liberty specified in Art. XXXV, and Art. XXXVI defines the new boundaries. Other Arts. (to XLII) contain additional provisions respecting Serbia.

By Art. XLIII the independence of Rumania is recognized subject to conditions contained in the two following Articles relative to religious liberty, and to the retrocession to Russia of a portion of Bessarabia.

Arts. XLVI to LI contain other stipulations regarding Rumania.

Arts. LII–LVII relate to the navigation of the Danube and the European Commission of the Danube.

Arts. LVIII–LX concede to Russia certain Turkish territories in Asia, and restore to Turkey the valley of Alaschkerd and the town of Bayazid ceded to Russia by the Treaty of San Stefano; Turkey cedes to Persia the town and territory of Khotour.

By Art. LXI Turkey undertakes to carry out reforms in Armenia, and to notify the Powers from time to time of the measures taken to effect them.

Art. LXII promises religious liberty throughout the Turkish Empire, recognizes the right of protection over religious and charitable institutions, and promises to maintain the *status quo* as regards the Holy Places and the monks of Mount Athos.

Lastly, Art. LXIII confirms the Treaties of Paris (1856) and London (1871) in so far as their provisions are not abrogated or modified by the preceding stipulations.[1]

VIII. *Conference of Berlin*, 1884–5

The conclusions arrived at during this Conference are summed up in a 'General Act', which has the form of a Treaty, as will be seen.

[Preamble]

'Au Nom de Dieu Tout-Puissant.

'S. M. la Reine du Royaume-Uni, de la Grande-Bretagne et d'Irlande, Impératrice des Indes, etc. . . . et S. M. l'Empereur des Ottomans, voulant régler dans un esprit de bonne entente mutuelle les conditions les plus favorables au développement du commerce et de la civilisation dans certaines régions de l'Afrique, et assurer à tous les peuples les avantages de la libre navigation sur les deux principaux fleuves africains qui se déversent dans l'Océan Atlantique . . ., ont résolu, sur l'invitation qui leur a été

[1] B. & F. S. P. lxix. 749.

adressée par le Gouvernement Impérial d'Allemagne, d'accord avec le Gouvernement de la République Française, de réunir à cette fin une Conférence à Berlin et ont nommé pour leurs Plénipotentiaires, savoir : etc.

'Lesquels, munis de pleins pouvoirs, qui ont été trouvés en bonne et due forme, ont successivement discuté et adopté—

'1. Une Déclaration relative à la liberté du commerce dans le Bassin du Congo, ses embouchures et pays circonvoisins, avec certaines dispositions connexes ;

'2. Une Déclaration concernant la Traite des Esclaves . . .

'3. Une Déclaration relative à la neutralité des territoires compris dans le bassin conventionnel du Congo ;

'4. Un Acte de Navigation du Congo . . .[1]

'5. Un Acte de Navigation du Niger . . .[2]

'Et ayant jugé que ces différents documents pourront être utilement coordonnés en un seul instrument, les ont réunis en un Acte Général composé des Articles suivants' :—

These *Actes* and *Déclarations* form Chapters I–VI and are followed by Chapter VII containing 'Dispositions Générales'. An important stipulation in advance of ratification is

'En attendant, les Puissances signataires du présent Acte Général s'obligent à n'adopter aucune mesure qui serait contraire aux dispositions du dit Acte.'

The Treaty therefore came into force, negatively as it were, from the date of signature.[3]

IX. *First Hague Peace Conference*, 1899

The results of this Conference were summed up by an *Acte Final*, in which were enumerated the following Conventions and Declarations :—

'I. Convention pour le règlement pacifique des conflits internationaux ; II. Convention concernant les lois et coutumes de la

[1] See *International Rivers*, No. 149 of this series.

[2] See the same.

[3] B. & F. S. P. lxvi. 4. The British copy has been used, so that the sovereign of Great Britain is mentioned first.

guerre sur terre; III. Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 août, 1864; Trois Déclarations concernant [various prohibitions].'

The second Convention had annexed to it a *Règlement* described in its title. By Art. I the contracting parties undertook to give to their armed forces instructions in conformity with the *Règlement*; and Art. II made the provisions of the *Règlement* binding on the contracting Powers in case of war between two or more of them, and the said provisions were to cease to be binding on them from the time when, in a war between contracting Powers, a non-contracting Power joins one of the belligerents.

Art. II of Convention III was identical in effect.[1]

The Conference unanimously adopted the following Resolution :—

'La Conférence estime que la limitation des charges militaires qui pèsent actuellement sur le monde est grandement désirable pour l'accroissement du bien-être matériel et moral de l'humanité.'

Lastly, the Conference 'emitted' certain *vœux* or recommendations, six in number, of which the first (touching a revision of the Convention of Geneva) was voted unanimously, and the others with slight dissension; there is no record of abstensions.[2]

X. *Conference of Algeciras*, 1906

This Conference wound up with the signature of an *Acte Général* and a *Protocole Additionnel*, both dated April 7.

To the *Acte Général* is prefixed the enumeration of the

[1] Ratification, not signature only, gives binding force to a Convention. It is necessary therefore to examine the list of ratifications in order to ascertain whether the parties to a war are bound by these two Conventions. A similar condition was inserted in each of the three declarations, which also required ratification.

[2] A. Pearce Higgins, *The Hague Peace Conference, &c.*, Cambridge, 1909.

Heads of States who were parties to it, after which is placed the following preamble :—

'S'inspirant de l'intérêt qui s'attache à ce que l'ordre, la paix et la prospérité règnent au Maroc, et ayant reconnu que ce but précieux ne saurait être atteint que moyennant l'introduction de réformes basées sur le triple principe de la souveraineté et l'indépendance de Sa Majesté le Sultan, de l'intégrité de Ses États et de la liberté économique sans aucune inégalité, ont résolu, sur l'invitation qui Leur a été adressée par Sa Majesté Chérifienne, de réunir une Conférence à Algéciras pour arriver à une entente sur lesdites réformes, ainsi que pour examiner les moyens de se procurer les ressources nécessaires à leur application, et ont nommé pour Leurs Délégués Plénipotentiaires, savoir :' etc.

'Lesquels, munis de pleins pouvoirs qui ont été trouvés en bonne et due forme, ont, conformément au programme sur lequel Sa Majesté Chérifienne et les Puissances sont tombées d'accord, successivement discuté et adopté :

'I. Une Déclaration relative à l'organisation de la police ;

'II. Un Règlement concernant la surveillance et la répression de la contrebande des armes ;

'III. Un Acte de concession d'une Banque d'État marocaine ;

'IV. Une Déclaration concernant un meilleur rendement des impôts et la création de nouveaux revenus ;

'V. Un Règlement sur les Douanes de l'Empire et la répression de la fraude et de la contrebande ;

'VI. Une Déclaration relative aux Services Publics et aux Travaux Publics ;

'et, ayant jugé que ces différents documents pourraient être utilement coordonnés en un seul instrument, les ont réunis en un Acte Général composé des Articles suivants :' . . .

These articles, to the number of 119, are arranged in six chapters, to which are added four others. By Art. CXX the Powers undertake to bring their legislation, if necessary, into harmony with the engagements entered into by the *Acte Général*. Art. CXXI provides for ratification. By Art. CXXII it is agreed that the *Acte* shall come into force so soon as all the ratifications have been deposited at Madrid. Art. CXXIII confirms all the

existing treaties, conventions, and arrangements between Morocco and the Powers, except where they are in conflict with the *Acte*.

A single original was signed, to be deposited in the archives of the Spanish Government, and certified copies were to be transmitted to the Powers.

The Additional Protocol authorized the Italian minister at Tangier, *doyen d'âge* of the Diplomatic Body, to take the necessary steps to procure the accession (*adhésion*) of the Sultan, the Moorish plenipotentiaries having declared their inability to sign without first obtaining the Sultan's answer on certain points which they had felt bound to refer to him for his instructions.[1]

XI. *Second Hague Peace Conference*, 1907

The *Acte Final* of this Conference is drawn up in precisely the same form as that of the Conference of 1899 (see p. 93).

To it were annexed the text of fourteen Conventions and a Declaration. The first part of the preamble to the 'Convention pour le règlement pacifique des conflits internationaux' is identical with that of 1899; the latter part states the reasons rendering a new Convention desirable.

The various Conventions follow, some repeating those of 1899, some modifying them, others new.

The 'Déclaration relative à l'interdiction de lancer des projectiles et des explosifs du haut de ballons', of 1899, was renewed *for a period extending to the close of the Third Peace Conference.* It was signed neither by Germany, Austria-Hungary, Denmark, Ecuador, Spain, France, Great Britain, Guatemala, Italy, Japan, Mexico, Montenegro, Nicaragua, Paraguay, Rumania, Russia, Serbia, Sweden, Switzerland, Turkey, nor Venezuela.

[1] *Protocoles et Comptes Rendus de la Conférence d'Algésiras*, Paris and Nancy, 1906, pp. 258, 286.

The Declarations of 1899 prohibiting the use of Asphyxiating or Deleterious Gases and prohibiting the use of expanding bullets still remain in force as regards the Powers which signed them.

The Conference declared unanimously that it recognized the principle of obligatory arbitration, and that certain disputes, especially those relating to the interpretation and application of international Treaty stipulations, were suitable for submission to unrestricted obligatory arbitration.

With regard to the limitation of armaments the Conference adopted the following resolution :—

'La Deuxième Conférence de la Paix confirme la Résolution adoptée par la Conférence de 1899 à l'égard de la limitation des charges militaires ; et, vu que les charges militaires se sont considérablement accrues dans presque tous les pays depuis ladite année, la Conférence déclare qu'il est hautement désirable de voir les Gouvernements reprendre l'étude de cette question.'

There follow four recommendations (*vœux*).

Lastly, the Conference recommended the convocation of a third Conference after an interval similar to that which separated the first and second, and called attention to the necessity of preparing the work of such third Conference long enough beforehand to ensure the authority and rapidity indispensable to its deliberations. It was suggested that a committee should be appointed two years before the probable date, to prepare a programme, and, furthermore, propose a method of organization and rules of procedure.

XII. *International Naval Conference, London*, 1908–9

The 'Déclaration relative au Droit de la Guerre Maritime' which embodies the results of this Conference is probably so entitled as the counterpart of the Declaration of Paris, annexed to the Treaty of March 30, 1856. But in form it is a Treaty.

It opens with the enumeration of the High Contracting Parties.

Next comes the preamble, as follows :—

'Considérant l'invitation par laquelle le Gouvernement Britannique a proposé à diverses Puissances de se réunir en Conférence afin de déterminer en commun ce que comportent les règles généralement reconnues du droit international au sens de l'article 7 de la Convention du 18 octobre 1907, relative à l'établissement d'une Cour internationale des prises ; . . .

'Ont nommé pour Leurs Plénipotentiaires, savoir : Sa Majesté l'Empereur d'Allemagne,[1] Roi de Prusse, etc.

'Lesquels, après s'être communiqué leurs pleins pouvoirs, etc., sont convenus de faire la présente Déclaration :

'Disposition préliminaire. Les Puissances Signataires sont d'accord pour constater que les règles contenues dans les chapitres suivants répondent, en substance, aux principes généralement reconnus du droit international.'

Then follow seventy-one articles divided into nine chapters.

Art. LXXI lays down that this Declaration, to be dated February 26, 1909, is open for signature by all the plenipotentiaries up to June 30. Only one original is to be signed, and copies are to be transmitted to the signatory Powers.

XIII. *Conferences of London*, 1912–13

On May 17/30 the Treaty of Peace, which was the outcome of these Conferences between the Delegates of Turkey and the Balkan League,[2] was concluded between Greece, Bulgaria, Montenegro, and Serbia on the one part, and Turkey on the other.

Enumeration of the High Contracting Parties, followed by a preamble :—

'Animés du désir de mettre fin au présent état de guerre et de

[1] This is not the correct title, which is *Empereur Allemand* (*Deutscher Kaiser*).

[2] *Nouv. Rec. Gén.*, 3e série, viii. 16, from the Greek copy.

rétablir des relations de paix et d'amitié entre leurs Gouvernements et leurs sujets respectifs, ont résolu de conclure un Traité de Paix et ont choisi à cet effet pour leurs Plénipotentiaires : etc.

Art. I. Peace declared 'à perpétuité'.

By Art. II the Sultan cedes to the Allies all the territory of Turkey in Europe west of a line drawn from Enos on the Aegean Sea to Midia on the Black Sea, with the exception of Albania.

Art. III leaves to the six Great Powers the demarcation of the frontiers of Albania and all other questions concerning Albania.

Art. IV cedes Crete to the Allies.

Art. V leaves it to the six Great Powers to decide the destiny of all the Turkish islands of the Aegean Sea, except Crete and the peninsula of Mount Athos.

By Art. VI the Sultan and the allied sovereigns leave questions of a financial character and territorial cessions mentioned above to the international commission convoked at Paris.

Art. VII. Questions relating to prisoners of war, jurisdiction, nationality, and commerce to be regulated by separate conventions.

Final Article. Ratifications to be exchanged in London within the shortest possible interval.

'En foi de quoi,' etc.

XIV. *Conference of Bucarest*, 1913

The Treaty of Peace which was arranged at this Conference was signed 28 July/10 Aug. 1913.

The preamble is :—

'Traité de paix.

'LL. MM. le Roi de Roumanie, le Roi des Hellènes, le Roi de Montenegro et le Roi de Serbie, d'une part, et S. M. le Roi des Bulgares, d'autre part, animés du désir de mettre fin à l'état de guerre actuellement existant entre Leurs pays respectifs, voulant, dans une pensée d'ordre, établir la paix entre Leurs peuples si

longtemps éprouvés, ont résolu de conclure un Traité définitif de paix. LL. dites MM. ont, en conséquence, nommé pour LL. Plénipotentiaires, savoir: etc.'[1]

Art. I. Peace declared.

Art. II. Future frontier between Bulgaria and Rumania.

Art. III. Future frontier between Bulgaria and Serbia.

Art. IV. Questions relating to the former Serbo-Bulgarian frontier to be regulated in accordance with the agreement between the two High Contracting Parties recorded in the Protocol annexed to the present article.

Art. V. Future frontier between Greece and Bulgaria.

Art. VI. The signature of the Treaty to be at once notified to the respective Head-Quarters. On the morrow of the notification the Bulgarian Government to place its army on a peace footing.

Art. VII. Evacuation of Bulgarian territory, old as well as new, to commence immediately after the demobilization of the Bulgarian army, and to be completed at latest in a fortnight. The zone of demarcation of the Rumanian army during this interval is laid down.

Art. VIII. So long as the occupation of Bulgarian territory lasts, the different armies will retain the right of requisitioning supplies, which must be paid for in coin. They will have the free use of railways for all purposes without indemnifying the local authority. Wounded and sick to be under the protection of the armies.

Art. IX. Prisoners of war to be mutually restored as soon as possible after the exchange of ratifications. Cost of maintenance of prisoners to be repaid by the State to which they belong.

Art. X. Ratifications to be exchanged at Bucarest in fifteen days or earlier if possible.

[1] *Nouv. Rec. Gén.*, 3e série, vii. 61, from the Rumanian copy.

10. Who signs, and order of Signature.

I. *Congress of Vienna*, 1814–15

During the Congress of Vienna the protocols of the Five Great Powers, even after the signature of the 'Règlement sur le rang des agents diplomatiques', of March 19, 1815, were signed *pêle-mêle*. Those of the Eight Powers who were parties to the Treaty of Paris of May 30, 1815, were at first signed *pêle-mêle*, but after March 19 the signatures were in alphabetical order of the French names of the Powers.

The Treaty of Vienna was signed only by the plenipotentiaries of the Eight Powers who were still at Vienna, with the exception of Spain, in the alphabetical order of the French language. But Spain acceded to the Treaty May 7, 1817. This order was adopted by agreement, in spite of the provision of the Règlement that in instruments and treaties between more Powers than one, who admit the *alternat*, the order of signature shall be determined by lot. Is it to be inferred that in 1815 some of the Eight Powers did not accord the *alternat* to all the others?

Sweden signed with the reservation of Articles CI, CII, and CIV, relating to the possession of the principality of Lucca by the Infanta Maria Luisa (CI), the reversion thereof to the Grand Duke of Tuscany, in case of the failure of her male descendants, of herself or her male descendants obtaining another establishment or succeeding to another branch of the dynasty to which they belonged (CII), and the re-establishment of Ferdinand IV on the throne of the Two Sicilies (CIV).[1]

II. *Conference of London*, 1830–33

The protocols were signed by all the plenipotentiaries, nearly always in the following order: Austria (First

[1] D'Angeberg, 1433.

Plenipotentiary), France, Prussia, Russia (First Plenipotentiaries), Austria (Second Plenipotentiary), Great Britain, Russia (Second Plenipotentiaries). On the three occasions when Netherland plenipotentiaries were present, they signed after France.

The Treaty of November 15, 1831 was signed in the following order: Belgium, Austria (two), France, Great Britain, Prussia, Russia (two).

The treaties of 1839 were signed as follows:—1st, between the Five Powers and Belgium:[1] left column, the Powers in French alphabetical order, right column, Belgium; 2nd, between the same and Holland,[2] left column, the Powers in the same order, right column, Holland; 3rd, a Treaty, comprising the same provisions, was signed between Belgium and Holland alone.[3]

III. *Conference of London*, 1850–52

The first two protocols of this Conference were signed in the following order: Chargé d'affaires of Austria, Danish minister, French ambassador, British Secretary of State for Foreign Affairs, Russian minister, Swedish and Norwegian minister. The third was not signed by the Austrian chargé d'affaires, but he signed the fourth. The protocol of the final meeting of April 28, 1852, was signed by the Prussian plenipotentiary also, after the British Secretary of State.

The Treaty of May 8 was signed on the left hand by the plenipotentiaries of all the signatory Powers, except the plenipotentiary of Denmark, who signed by himself on the right hand. The *alternat* was duly observed, each plenipotentiary signing at the head of the column the copy destined for his Government.

[1] B. & F. S. P. xxvii. 1000. [2] Ibid. 992.
[3] Ibid. xxxvii. 1320.

IV. *Congress of Paris*, 1856

The protocols were signed in the French alphabetical order of the Powers represented. The Treaty was signed in the same order, but with the usual observation of the *alternat.*

V, VI, VII. *Conferences of London*, 1867 *and* 1871 *Congress of Berlin*, 1878

Protocols signed by the plenipotentiaries in the usual alphabetical order. *Treaties* signed by the plenipotentiaries in alphabetical order, one copy for each Power, but with strict observance of the *alternat.*

VIII. *Conference of Berlin*, 1884–5

Protocols signed in the usual alphabetical order, except that the German plenipotentiaries signed last. *General Act* signed by the plenipotentiaries in the usual order, with strict observation of the *alternat.*

IX. *First Hague Peace Conference*, 1899

The *procès-verbaux* of the *séances plénières* of the committees and sub-committees were not signed. The *Acte Final*, of which there was only a single copy, was signed by the plenipotentiaries in the usual alphabetical order.

Conventions and Declarations were also signed, in a single copy, by the plenipotentiaries in the usual alphabetical order.

X. *Conference of Algeciras*, 1906

The *procès-verbaux* of *séances plénières* and of sittings in committee were signed by the president and countersigned by the secretaries.

The *Acte Général* and the *Protocole Additionnel*, of which there was only one copy each, were signed by the plenipotentiaries in the usual alphabetical order.

XI. *Second Hague Peace Conference*, 1907

The *procès-verbaux* of *séances plénières* were signed by the president and countersigned by the secretary-general and drafting secretary-general. The *procès-verbaux* of committees and sub-committees were not signed.

The *Acte Final*, of which there was only a single copy, was signed by the plenipotentiaries in the usual alphabetical order.

The Conventions and a Declaration, similarly dealt with.

XII. *International Naval Conference*, 1908–9

The *procès-verbaux* of *séances plénières* were signed by the president and countersigned by the secretary.

Those of sittings in committee were not signed.

The Declaration, of which there was only a single copy, was signed by the plenipotentiaries in the usual alphabetical order.

XIII. *Conferences of London*, 1912–13

Procès-verbaux

The Treaty between Turkey and the Balkan Powers was signed by the plenipotentiaries of the belligerents.[1] The Greek copy shows the Greek signatures in the left column, those of the other High Contracting Parties in the right column in the usual alphabetical order. This seems to be a way of arranging the *alternat* adopted on this particular occasion.[2]

XIV. *Conference of Bucarest*, 1913

The five copies of the protocols seem to have been signed by the plenipotentiaries in somewhat unusual order, to judge by the Rumanian copy. In that copy the signature of the President comes first, then those of the

[1] *Nouv. Rec. Gén.*, 3e série, viii. 19.

[2] In the Bulgarian copy the Bulgarian signatures appear in the left column, those of the other High Contracting Parties in the right column in the usual alphabetical order.

Bulgarian, Greek, Montenegrin, Serbian, and the remainder of the Rumanian plenipotentiaries.[1]

Of the Treaty there were five copies. The Bulgarian signatures are in the right column, those of Rumania, Greece, Montenegro, and Serbia on the left. This also is printed from the Rumanian copy.[2]

11. Ratifications, and their Exchange.

I. *Congress of Vienna*, 1814–15

On December 15, 1815 the plenipotentiaries of Austria, Great Britain, Prussia, and Russia held a meeting in Paris for the purpose of deciding on the forms to be adopted for the ratification of the Treaty of Vienna, and also for instruments of accession thereto and acceptance of such accession. As the second Treaty of Paris modified to a certain extent the territorial arrangements of the Treaty of May 30, 1814, and of the Treaty of Vienna, it was considered advisable that the ratification of the latter of these should precede the ratification of the Treaty of November 20. It was decided further that, as there were eight existing copies of the Treaty of Vienna, including the copy deposited in the Austrian archives, the insertion (according to the usual practice) of the text in the instruments of ratification might be dispensed with. A form of ratification was drawn up as follows:

'Les puissances qui avaient signé le traité de Paris du 30 mai 1814 s'étant réunies à Vienne, en conformité de l'article xxxii de cet acte, avec les princes et états, leurs alliés, pour compléter les dispositions de cette transaction, il a été conclu et signé, en la ville de Vienne, le neuf Juin de la présente année 1815, entre l'Autriche, la France, la Grande-Bretagne, le Portugal, la Prusse, la Russie et la Suède un traité général et commun en huit exemplaires originaux, tous de mot à mot les mêmes et entièrement conformes entr'eux, dont sept exemplaires pour chacune des sept puissances signataires, et le huitième exemplaire se

[1] *Nouv. Rec. Gén.*, 3e série, viii. 22. [2] Ibid. viii. 65.

trouve déposé en exécution de l'article cxxi de cet acte, aux archives de cour et d'état à Vienne, pour servir de titre commun tant aux signataires ci-dessus mentionnés qu'aux autres Puissances et états accédans, et le dit traité général ayant été revêtu entre autres signatures de celle de Nos ministres plénipotentiaires et de ceux de S. M. le Roi du royaume-uni de la Grande-Bretagne et d'Irlande: S. M. l'Empereur de Russie, etc.

'Nous, après avoir lu et examiné tant le traité général du 9 juin 1815 que les traités, conventions, déclarations, règlemens et autres actes cités dans le cxviii article et joints à la transaction commune lesquels sont, les uns et les autres, censés insérés ici de mot à mot, les avons trouvés en tout point, conformes à Notre volonté. En conséquence, Nous les avons approuvés, confirmés et ratifiés, comme par les présentes Nous les approuvons, confirmons et ratifions, promettant, tant en notre nom qu'en celui de Nos héritiers et successeurs, d'en accomplir fidèlement le contenu.

'En foi de quoi, Nous avons signé et fait munir de notre sceau les actes de ratification en sept expéditions conformes, dont une sera réunie au traité déposé, comme titre commun, aux archives impériales à Vienne, et les six autres seront échangés avec les six puissances signataires, entre lesquelles expéditions la présente sera échangée contre les actes de ratification de S. M. le Roi du royaume-uni de la Grande-Bretagne et d'Irlande fait en double, pour qu'un exemplaire de ratification de sa part soit également joint au traité commun déposé à Vienne, et que l'autre soit remis aux archives d'état et de notre maison impériale.

'Fait à . . . le . . . de l'an de grace 1815.'[1]

Louis XVIII's ratification was signed December 7, 1815.

II. *Conference of London*, 1830–33

The Ratifications of the Treaty of November 15, 1831, by Austria, Prussia, and Russia are to be found in *Nouveau Recueil de Traités*, &c., nouv. série, t. iv, p. 15. That of the Emperor Francis I, of March 21, 1832, is in Latin. Those of the King of Prussia, of January 7, 1832, and of Russia, dated January 18 (o. s.), 1832, are both in French.

[1] G. F. de Martens, *Nouv. Rec. de Traités*, ii. 484. From Klüber, *Acten des Wiener Congresses*, Heft 21, pp. 213–22.

All three are signed by the sovereign and countersigned by the responsible minister.

III. *Conference of London*, 1850–52

The Ratifications of Austria, Denmark, France, Great Britain, Prussia and Sweden and Norway were exchanged at the Foreign Office, London. The protocol does not specifically mention the fact of exchange, but records that the Russian plenipotentiary explained the causes of the delay in making out the Emperor's Ratifications, but added that he was instructed to inform the Conference of H.M.'s complete accession (*adhésion*) to all the stipulations of the Treaty of May 8. It is signed by all the plenipotentiaries in the French alphabetical order of the States they represented.[1]

IV. *Congress of Paris*, 1856

Ratifications were exchanged at Paris on April 27, 1856. Those of the Convention between Russia and Turkey limiting their respective Naval Forces in the Black Sea, and of the Convention between Great Britain, France and Russia respecting the Åland Islands, were exchanged on the same date as the above.

Those of the Treaty between Great Britain, Austria, and France, guaranteeing the independence and integrity of the Ottoman Empire, were exchanged at Paris, April 29, 1856.

The Declaration of Paris respecting Maritime Law was not ratified, no stipulation for a Ratification being contained in that instrument.

V. *Conference of London*, 1867

The Ratifications were exchanged in London on May 31, 1867, and a 'Certificate of Exchange of the Ratifications of the Treaty of May 11, 1867' was drawn up, and signed and sealed by the plenipotentiaries.[2]

[1] B. & F. S. P. xlii. 1066. [2] B. & F. S. P. lx. 510.

VI. *Conference of London*, 1871

The Ratifications were exchanged in London on May 15, 1871, and the fact was recorded in the following *procès-verbal d'échange* :—

'Les Soussignés s'étant réunis afin de procéder à l'échange des ratifications du Traité conclu et signé le 13 mars 1871, entre Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Sa Majesté l'Empereur d'Allemagne,[1] Roi de Prusse, Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie, le Chef du Pouvoir Exécutif de la République Française, Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur de toutes les Russies, et Sa Majesté l'Empereur des Ottomans, pour la révision des stipulations du Traité du 30 mars 1856, relatives à la navigation de la Mer Noire, ainsi qu'à celle du Danube ; et les ratifications respectives ayant été soigneusement collationnées et trouvées en bonne et due forme, l'échange en a eu lieu aujourd'hui dans les formes usitées.

'Les Plénipotentiaires de Russie et de la Sublime Porte ont en même temps échangé les Ratifications de la Convention qui a été conclue entre leurs Cours respectives le 13 mars, pour abroger les stipulations de celle signée à Paris le $\frac{18}{30}$ mars 1856, relative au nombre et à la force des bâtiments de guerre des Puissances Riveraines dans la Mer Noire, et ont communiqué cette Convention à la Conférence d'après les termes du Protocole No. 5 du 13 mars.

'En foi de quoi les Soussignés ont signé le présent Procès-Verbal d'Échange, et y ont apposé le cachet de leurs armes.

'Fait à Londres, le 15 mai 1871.[2]

(L. S.) GRANVILLE.
(L. S.) BERNSTORFF.
(L. S.) WOLKENSTEIN.[3]
(L. S.) BROGLIE.
(L. S.) CADORNA.
(L. S.) BRUNNOW.
(L. S.) MUSURUS.'

[1] This is not the correct title.

[2] B. & F. S. P. lxi. 10, from the British copy.

[3] Chargé d'affaires.

VII. *Congress of Berlin*, 1878

The Ratifications were exchanged at Berlin, when a *procès-verbal* was signed much in the same form as that of 1871, but with the following addition :—

'L'Ambassadeur de Turquie, tout en exprimant les regrets de la Sublime Porte de ce que les instruments de ratification Turcs n'ont pu être expédiés à temps, annonce qu'il est autorisé à déclarer que Sa Majesté l'Empereur des Ottomans a également ratifié le Traité du 13 juillet 1878, et qu'Elle le considère comme valable à partir de la date d'aujourd'hui.[1]

'Sadoullah Bey annonce en outre qu'il sera procédé à l'échange des instruments de ratification Turcs dans un délai de 15 jours.

'En foi de quoi les Soussignés ont dressé le présent Procès-Verbal, qu'ils ont revêtu du sceau de leurs armes.

'Fait à Berlin, le 3e jour du mois d'août de l'an 1878.'

Signatures, in French alphabetical order, with observance of the *alternat*. The German signature was that of the Second Plenipotentiary ; the chargés d'affaires of Austria-Hungary and Russia, who signed for their respective countries, had not been plenipotentiaries.[2]

VIII. *Conference of Berlin*, 1884–5

The Ratifications of all the signatory Powers, except the United States, which did not ratify, having been deposited at Berlin, a meeting of the German Under-Secretary of State for Foreign Affairs and another German diplomatic official, with the resident diplomatic representatives of the other Powers, was held on April 19, 1886, when a protocol was signed by all present.

[1] The Turkish Ratification was dated Constantinople, August 1, 1878, and was exchanged at Berlin, August 28, 1878.

[2] B. & F. S. P. lxix. 768, from the British copy.

'Étaient présents: pour l'Allemagne, M. le Comte de Bismarck-Schönhausen, Sous-Secrétaire d'État; M. de Kusserow, Envoyé Extraordinaire et Ministre Plénipotentiaire;

'Pour l'Autriche-Hongrie: Son Excellence M. le Comte Széchényi, Ambassadeur Extraordinaire et Plénipotentiaire; &c.

'Les Puissances qui ont pris part à la Conférence de Berlin ayant toutes, à l'exception des États-Unis d'Amérique, ratifié l'Acte Général de cette Conférence, signé à Berlin le 26 février 1885, et ayant adressé leurs ratifications au Gouvernement de l'Empire d'Allemagne, qui les a fait déposer aux archives Impériales, et en a donné avis aux autres Puissances Signataires, les Soussignés, autorisés à cet effet par leurs Gouvernements respectifs, se sont réunis au Ministère des Affaires Étrangères à Berlin pour dresser Acte de Dépôt de ces ratifications, ainsi qu'il a été convenu à l'Article 38 dudit Acte Général.

'Le Comte de Bismarck expose en peu de mots le motif de la réunion à laquelle il a convié les Représentants des Puissances qui ont ratifié l'Acte Général du 26 février 1885. Il donne lecture de l'Article 38 de l'Acte Général, et fait observer que le délai prévu au premier alinéa dudit Article a été prolongé, d'un commun accord, à la demande du Gouvernement d'Autriche-Hongrie.'

There follows a paragraph explaining that the United States, not having ratified, can nevertheless hereafter accede to the *Acte* in accordance with the provisions of Article 37; and that the stipulations of the *Acte Général* preserve their full force between all the signatory Powers, and bind them to each other in virtue of their respective Ratifications.

'Les Représentants de l'Autriche-Hongrie, etc., etc., ayant déclaré qu'ils partageaient cette manière de voir, et qu'ils étaient autorisés à procéder, dans les conditions exposées par le Comte de Bismarck, à la formalité prévue dans l'Article 38 de l'Acte Général, les ratifications sont produites, et après examen, trouvées en bonne et due forme, le Comte de Bismarck déclare que ces documents resteront d posés, conformément aux prescriptions de l'Article 38, dans les archives du Gouvernement de l'Empire d'Allemagne.

'Les autres membres de la réunion lui donnent acte de ce dépôt.

'En foi de quoi a été dressé le présent Protocole, dont une copie certifiée sera adressée, par les soins de l'Empire d'Allemagne, à chacune des autres Puissances ayant ratifié l'Acte Général du 26 février 1885.

'Fait à Berlin, lu, et approuvé le 19 avril 1886.'[1]

(Signatures, those of the German members coming last.)

IX. *First Hague Peace Conference*, 1899

The various Conventions and Declarations had to be separately ratified, and the Ratifications deposited at The Hague. A *procès-verbal* of the deposit of each Ratification was to be drawn up, of which a certified copy was to be sent to all the Powers represented at the Conference.

X. *Conference of Algeciras*, 1906

By Art. 121 of the *Acte Général* the Ratifications of the signatory Powers had to be deposited at Madrid by December 31, 1906. A *procès-verbal* of the deposit of Ratifications was signed on December 31, 1906: it recorded that, the accession of His Shereefian Majesty to the General Act of the Conference having been communicated through the Government of His Most Catholic Majesty to the Governments of the other Powers, this accession had, in conformity with the Additional Protocol of the said Act, taken the place of Ratification, so far as regarded Morocco.

XI. *Second Hague Peace Conference*, 1907

The arrangements for the Ratification of the Conventions and Declarations were the same as in respect of the Conventions and Declarations of the First Hague Peace Conference.

[1] B. & F. S. P. lxxvi. 4 n.

XII. *International Naval Conference, London,* 1908–9

The Ratifications of the Declaration of London were to be deposited in London as soon as possible.

XIII. *Conferences of London,* 1912–13

The Treaty of Peace between Turkey and the Balkan allies was never ratified.

XIV. *Conference of Bucarest,* 1913

The Ratifications of the Treaty of Peace and its annexes by Rumania, Greece, Serbia, and Bulgaria were exchanged at Bucarest August 12/25, 1913, and a *procès-verbal* in quadruplicate was signed, one for each Power.

The instruments of ratification of the King of Montenegro in quadruplicate were dispatched to the Serbian minister at Bucarest, together with full-powers to proceed to their exchange with the representatives of the other States. The exchange was effected at Sinaia August 17/30, 1913, and was recorded in a *procès-verbal d'échange.*[1]

12. Accession (*Adhésion* and *Accession*).

I. *Treaty of Vienna,* 1815

The Treaty of Vienna of 1815 provided in Art. CXIX that:—

'Toutes les Puissances qui ont été réunies au Congrès, ainsi que les princes et les villes libres qui ont concouru aux arrangements consignés ou aux actes confirmés dans ce Traité général, sont invités à y accéder.'[2]

The form of accession prescribed by the meeting of plenipotentiaries of Austria, Russia, Great Britain, and Prussia, held at Paris on November 4, 1815, was the following:—

'S. M. le Roi de Sardaigne (Württemberg, etc.) ayant été

[1] *Nouv. Rec. Gén.*, 3e série, viii. 73.

[2] B. & F. S. P. ii. 55; D'Angeberg, 1432.

amicalement invitée par S. M. l'Empereur d'Autriche, tant en son nom qu'en celui de LL. MM. II. RR. le Roi de France, le Roi du Royaume-Uni de la Grande-Bretagne et d'Irlande, S.A.R. le prince-régent des royaumes de Portugal et du Brésil, le Roi de Prusse, l'Empereur de toutes les Russies, et le Roi de Suède et de Norwège, à accéder au Traité de Paris du 30 mai 1814 et au traité signé en la ville de Vienne le 9 juin de la présente année 1815 entre les Puissances ci-dessus dénommées, lequel traité a été fait et signé en huit exemplaires originaux, tous mot à mot les mêmes et entièrement conformes entr'eux, dont sept exemplaires, [une] pour chacune des sept Puissances signataires, et le huitième exemplaire se trouve déposé, en exécution de l'article cxxi de cet acte, aux archives de Cour et d'État à Vienne pour servir de titre commun tant aux signataires ci-dessus mentionnés qu'aux autres Puissances et États accédans;

'Et Sa dite Majesté le Roi de Sardaigne, après avoir eu communication tant dudit traité commun du 9 juin, que des traités, conventions, déclarations, règlemens et autres actes cités dans le cxviii^e article et joints au dit instrument général, voulant donner à LL. MM. II. RR. toutes les preuves de confiance et d'amitié qui sont en son pouvoir, a muni, à cet effet, de ses pleins-pouvoirs le Sieur . . ., pour, en son nom, donner acte de cette accession, lequel, en conséquence, déclare que S. M. le Roi de Sardaigne accède, par le présent acte, aux dits Traités, Conventions, Déclarations, Règlemens et autres actes cités dans le cxviii^e article; lesquels actes sont, les uns et les autres, censés insérés ici de mot à mot, en s'engageant formellement et solennellement, non seulement envers S. M. [l'Empereur de Russie] mais aussi envers toutes les autres Puissances et États qui, soit comme signataires, soit comme accédans, ont pris part aux engagemens de l'Acte du Congrès, à concourir de son côté à l'accomplissement des obligations contenues au dit Traité, qui peuvent concerner S. M. le Roi de Sardaigne. Le présent acte d'accession sera ratifié dans les trois mois qui suivront la remise de l'acte d'acceptation, et, avant l'expiration dudit terme, il sera procédé à l'échange des instrumens de ratification, de l'accession d'une part, et de ratification de l'acceptation d'autre part, lesquels instrumens seront expédiés en double, l'une des expéditions devant servir de titre entre les parties accédantes et acceptantes, et l'autre expédition devant être réunie au traité général du 9 juin 1815 déposé à Vienne.

'En foi de quoi nous, plénipotentiaire de S. M. le Roi de Sardaigne, avons, en vertu de nos pleins-pouvoirs, dont copie vidimée restera ci-jointe, signé le présent acte d'accession.

'Fait à . . . le . . .'

(Suit signature.)

'Acte d'acceptation de l'accession au traité de Vienne du 9 juin 1815, p. e. entre l'Autriche et la Sardaigne.

'Comme S. M. le Roi de Sardaigne a accédé au traité complémentaire du traité de Paris du 30 mai 1814, conclu et signé à Vienne le 9 juin 1815, par l'acte d'accession délivré par le Sieur . . ., muni des pleins-pouvoirs de Sa dite Majesté le Roi de Sardaigne, duquel acte d'accession la teneur suit ici mot à mot (Fiat insertio de l'acte d'accession) :

'S. M. l'Empereur d'Autriche a autorisé le soussigné, son ministre d'État et des Affaires Étrangères, à accepter formellement la dite accession, S. M. I. et R. A. s'engageant réciproquement envers S. M. le Roi de Sardaigne à concourir de Son côté à l'accomplissement des obligations contenues au dit traité, qui peuvent concerner Sa dite M. Impériale.

'Le présent acte d'acceptation sera ratifié dans le terme de trois mois, et avant l'expiration du dit terme il sera procédé à l'échange des instrumens respectifs de ratification de l'accession et de l'acceptation, lesquels instrumens seront expédiés au double, l'une des expéditions servant de titre entre les parties accédantes et acceptantes, et l'autre expédition devant être réunie au traité général du 9 juin 1815, déposé à Vienne.

'En foi de quoi nous, ministre d'État de S. M. l'Empereur d'Autriche, avons signé le présent acte d'acceptation et y avons fait apposer le cachet de nos armes.

'Fait à Vienne, le . . . de l'an de grâce . . .'[1]

(Suit signature.)

Other Acts of Accession are :—

Saxe-Coburg-Saalfeld, July 31, 1815.
Bremen, Sept. 1, 1815.
Liechtenstein, Oct. 18, 1815.

[1] *Nouv. Rec. de Traités*, ii. 487. In a foot-note the author gives the text of the acceptation by George III (in English) of the accession of the Prince of Schwarzburg-Sondershausen (in French), dated April 11, 1816. It was signed by the Prince Regent.

Reuss, Oct. 18, 1815.
Netherlands, Oct. 20, 1815.
Hamburg, Nov. 17, 1815.
Schwarzburg-Sondershausen, Nov. 19, 1815.
Saxe-Gotha, Dec. 1, 1815.
Frankfort, Dec. 3, 1815.
Lübeck, Dec. 7, 1815.
Saxe-Weimar, Dec. 15, 1815.
Schwartzburg-Rudolstadt, Dec. 20, 1815.
Saxe-Coburg-Meiningen, Dec. 21, 1815.
Two Sicilies, Feb. 1, 1816.
Hanover, May 26, 1816.
Baden, July 15, 1816.
Sardinia, Oct. 15, 1816.
Mecklenburg-Strelitz, June 2, 1817.
Spain, June 7, 1817.
Parma and Piacenza, Jan. 25, 1818.
Hesse-Darmstadt, March 1, 1818.
Mecklenburg-Schwerin, March 10, 1818.
Saxony, March 10, 1818.
Württemberg, April 14, 1818.
Waldeck-Pyrmont, April 15, 1818.
Denmark, April 20, 1818.
Tuscany, April 22, 1818.
Hesse-Cassel, Jan. 11, 1819.
Bavaria, May 7, 1820.

II. *Treaties of* 1839 *respecting Belgium.*

No accession clause.

III. *Treaty of London, May* 8, 1852

'ART. IV. — Les Hautes Parties Contractantes se réservent de porter le présent Traité à la connaissance des autres Puissances, en les invitant à y accéder.'[1]

The Protocol of the Exchange of Ratifications (June 19, 1852) among other things declares that :

'Prenant ensuite en considération le mode d'exécution de l'Article IV, les Plénipotentiaires ont été d'avis de réserver à la Cour de Danemark l'initiative mentionnée au dit Article.

'Le Plénipotentiaire Danois, sans vouloir préjuger la décision de son Gouvernement, a prévenu qu'il était dans la nécessité de demander à cet égard des instructions spéciales.'[2]

A Russian memorandum on this matter, enclosed in a dispatch from the Russian Minister for Foreign Affairs to the chargé d'affaires in London, August 18, 1852,[3] proposes to utilize the form of accession to the Treaty for the Suppression of the Slave Trade, or for the Protection of Literary Property; and also that each Power acceding should deliver a single *Acte d'Accession*, to be deposited in the Copenhagen archives, and that the Court of Copenhagen should in return deliver the *Acte d'Acceptation*. Denmark agreed to this.

It was then proposed to leave to the Danish Government the choice of the Powers to which the invitation should be addressed.[4] Denmark thereupon desired that its invitations should be supported by a similar invitation from each of the signatory Powers, and furnished a list of the Powers to which it should be addressed.[5]

The accessions of various Powers bore the following dates :—

Württemberg, Nov. 28, 1852.

Sardinia, Dec. 4, 1852.

[1] B. & F. S. P. xli. 15. [2] B. & F. S. P. xlii. 1066.
[3] Ibid. xlii. 1083. [4] Ibid. xlii. 1092. [5] Ibid. xlii. 1086.

Two Sicilies, Dec. 4, 1852.
Spain, Dec. 6, 1852.
Tuscany, Grand-Duke of, Dec. 6, 1852.
Saxony, Dec. 9, 1852.
Oldenburg, Dec. 10, 1852.
Hanover, Dec. 11, 1852.
Electoral Hesse, Dec. 16, 1852.
Netherlands, Dec. 20, 1852.
Belgium, Dec. 28, 1852.
Portugal, March 19, 1853.

But Bavaria, Baden, Hesse-Darmstadt, Mecklenburg-Schwerin, Mecklenburg-Strelitz, and Saxe-Weimar declined to answer until the Diet had pronounced itself, and referred to Art. VI of the *Acte Final* of Vienna of May 15, 1820.[1]

Denmark was at first disposed to invite the German Confederation to accede, Austria and Prussia having approved that course,[2] but eventually resolved neither to ask its accession nor even to communicate the Treaty to the Confederation.[3]

IV. *Treaty of Paris*, 1856

There is no accession clause in the Treaty itself, but what is known as the Declaration of Paris contained the following clause :—

'Les Gouvernements des plénipotentiaires soussignés s'engagent à porter cette Déclaration à la connaissance des États qui n'ont pas été appelés à participer au Congrès de Paris, et à les inviter à y accéder.'

The only important Power which has not yet acceded to the Declaration of Paris is the United States of America.

[1] B. & F. S. P. xli. 1075 n. The article referred to may be found in B. & F. S. P. vii. 399, and in D'Angeberg, 1790.
[2] B. & F. S. P. xlii. 1104.
[3] Ibid. xlii. 1145.

V, VI, and VII. *Conferences of London*, 1867 *and* 1871, *and Congress of Berlin*, 1878

No accession clause.

VIII. *Acte Général of Berlin*, 1885

Art. 37

'Les Puissances qui n'auront pas signé le présent Acte pourront adhérer à ses dispositions par un Acte séparé.

'L'adhésion de chaque Puissance est notifiée, par la voie diplomatique, au Gouvernement de l'Empire d'Allemagne, et par celui-ci à tous les États signataires ou adhérents.

'Elle importe de plein droit l'acceptation de toutes les obligations et l'admission à tous les avantages stipulés par le présent Acte général.'[1]

Notification is also to be made to Powers that had acceded, as well as to those who had ratified. It is clear from this that *adhésion* and *accession* are identical in their effects. But provision should have been made for the usual *Acte d'Acceptation*.

The United States Government, not having ratified the *Acte Général*, which had been signed by their plenipotentiaries, belongs to the class of Powers which can accede. *Vide* Protocol of Deposit of Ratifications (*supra*, p. 110).

IX. *First Hague Peace Conference*, 1899

1. 'Convention pour le Règlement Pacifique des Conflits Internationaux.

'ART. LIX. — Les Puissances non-signataires qui ont été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention. Elles auront à cet effet à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

'ART. LX. — Les conditions auxquelles les Puissances qui n'ont

[1] B. & F. S. P. lxxvi. 19.

pas été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention formeront l'objet d'une entente ultérieure entre les Puissances contractantes.'

2. 'Convention pour l'adaptation à la guerre maritime des Principes de la Convention de Genève du 22 août 1864.

'ART. XIII.—Les Puissances non-signataires, qui auront accepté la Convention de Genève du 22 août 1864, sont admises à adhérer à la présente Convention. Elles auront, etc. (as in Art. LIX of Convention (1)).'

There is nothing corresponding to Art. LX of Convention (1).

3. 'Convention concernant les Lois et Coutumes de la Guerre sur Terre.'

Art. IV is identical with Art. LIX of Convention (1). There is nothing corresponding to Art. LX of Convention (1).

X. *Acte Général of Algeciras*, 1906

The *Acte Général* contained no accession clause, but it was stated in the Additional Protocol that the accession of His Shereefian Majesty to the General Act should be communicated through His Most Catholic Majesty's Government to the Governments of the other signatory Powers, and that such accession should have the same effect as if the Moorish Delegates had affixed their signatures to the General Act and should take the place of ratifications by His Shereefian Majesty.

XI. *Second Hague Peace Conference*, 1907

1. Convention pour le règlement pacifique des Conflits internationaux.

'ART. XCIII. — Les Puissances non signataires qui ont été conviées à la Deuxième Conférence de la Paix pourront adhérer à la présente Convention.

'La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion, qui sera déposé dans les archives dudit Gouvernement.

'Ce Gouvernement transmettra immédiatement à toutes les autres Puissances conviées à la Deuxième Conférence de la Paix une copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

'ART. XCIV. — Les conditions auxquelles les Puissances qui n'ont pas été conviées à la Deuxième Conférence de la Paix pourront adhérer à la présente Convention formeront l'objet d'une entente ultérieure entre les Puissances contractantes.'

2. 'Convention concernant la limitation de l'emploi de la force pour le recouvrement de dettes contractuelles.

'ART. IV. — Les Puissances non signataires sont admises à adhérer à la présente Convention.'

The rest is identical with §§ 2 and 3 of Convention I, Art. XCIII.

3. 'Convention relative à l'établissement d'une Cour internationale des prises.

'ART. LIII. — Les Puissances désignées à l'article XV et dans son Annexe sont admises à signer la présente Convention jusqu'au dépôt des ratifications prévu par l'alinéa 2 de l'Article précedent.

'Après ce dépôt, elles seront toujours admises à y adhérer, purement et simplement.'

Then follows § 2 of Convention 1, Art. XCIII, and finally :

'Celui-ci [i.e. 'la Puissance qui désire adhérer'] enverra, par la voie diplomatique, une copie certifiée conforme de la notification et de l'acte d'adhésion à toutes les Puissances désignées à l'alinéa précédent, en leur faisant savoir la date où il a reçu la notification.'

XII. *International Naval Conference London*, 1908–9

'Déclaration relative au droit de la guerre maritime.

'ART. LXX. — Les Puissances représentées à la Conférence Navale de Londres, attachant un prix particulier à la reconnaissance générale des règles adoptées par elles, expriment l'espoir que

les Puissances qui n'y étaient pas représentées adhéreront à la présente Déclaration. Elles prient le Gouvernement Britannique de vouloir bien les inviter à le faire.'

§ 2 is the same as in Art. XCIII of Hague Convention I of 1907, except that 'Britannique' is substituted for 'des Pays-Bas', and § 3 is identical with § 3 of that article. § 4 runs thus :—

'La situation des Puissances adhérentes sera, en tout ce qui concerne cette Déclaration, assimilée à la situation des Puissances signataires.'

XIII and XIV. *Conferences of London*, 1912–13, *and Conference of Bucarest*, 1913

The Treaties concluded on these two occasions contain no accession clause.

APPENDIX

I. *Armistice of April 23, 1814*

CONVENTION entre Monsieur, fils de France, frère du Roi, lieutenant général du royaume de France, et la Grande-Bretagne, l'Autriche, la Russie et la Prusse, signée à Paris, le 23 avril 1814, et ratifiée le même jour.[1]

Les puissances alliées, réunies dans l'intention de mettre un terme aux malheurs de l'Europe, et de fonder son repos sur une juste répartition de forces entre les États qui la composent ; voulant donner à la France, revenue à un gouvernement dont les principes offrent les garanties nécessaires pour le maintien de la paix, des preuves de leur désir de se placer avec elle dans des relations d'amitié ; voulant aussi faire jouir la France, autant que possible, d'avance, des bienfaits de la paix, même avant que toutes les dispositions en aient été arrêtées, ont résolu de procéder, conjointement avec S. A. R. Monsieur, fils de France, frère du roi, lieutenant général du royaume de France, à une suspension d'hostilités entre les forces respectives et au rétablissement des rapports anciens d'amitié entre elles.

S. A. R. Monsieur, fils de France, frère du roi, lieutenant général du royaume de France, d'une part, et S. M. l'Empereur d'Autriche, roi de Hongrie et de Bohême, pour lui et ses Alliés d'autre part, ont nommé en conséquence des plénipotentiaires pour convenir d'un acte, lequel, sans préjuger les dispositions de la paix, renferme les stipulations d'une suspension d'hostilités, et qui sera suivi, le plus tôt que faire se pourra, d'un Traité de paix, savoir :

S. A. R. Monsieur, fils de France, frère du roi, lieutenant général du royaume de France, M. Charles Maurice *de Talleyrand*, prince de Bénévent, etc.,

[1] This Convention was concluded on the same date, directly and separately, though in identical terms, between France and each of the allied Powers. The plenipotentiaries were : for France, Talleyrand, Prince de Bénévent; for Austria, Prince Metternich ; for Spain, Don José García de Leon y Pizarro, Spanish Minister in Prussia ; for Great Britain, Viscount Castlereagh, Earl of Aberdeen, and Viscount Cathcart ; for Prussia, Baron von Humboldt ; for Russia, Count Razumowski and Count de Nesselrode. Portugal acceded to it by an instrument dated May 8, 1814. (D'Angeberg, 156 *n.*)

Et S. M. l'Empereur d'Autriche, roi de Hongrie et de Bohême, M. Clément-Wenceslas-Lothaire, prince *de Metternich-Winnebourg-Ochsenhausen*, etc.,

Lesquels, après l'échange de leurs pleins pouvoirs, sont convenus des articles suivants:

Art. I. — Toutes les hostilités sur terre et sur mer sont et demeurent suspendues entre les puissances alliées et la France, savoir: pour les armées de terre, aussitôt que les généraux commandant les armées françaises et places fortes auront fait connaître aux généraux commandant les troupes alliées qui leur sont opposées qu'ils ont reconnu l'autorité du lieutenant général du royaume de France; et, tant sur mer qu'à l'égard des places et stations maritimes, aussitôt que les flottes et ports du royaume de France, ou occupés par les troupes françaises, auront fait la même soumission.

Art. II. — Pour constater le rétablissement des rapports d'amitié entre les puissances alliées et la France, et pour la faire jouir, autant que possible, d'avance, des avantages de la paix, les puissances alliées feront évacuer par leurs armées le territoire français, tel qu'il se trouvait le 1er janvier 1792, à mesure que les places occupées encore hors de ces limites par les armées françaises seront évacuées et remises aux alliées.

Art. III. — Le lieutenant général du royaume de France donnera en conséquence aux commandants de ces places l'ordre de les remettre dans les termes suivants, savoir: les places situées sur le Rhin, non comprises dans les limites de la France du 1er janvier 1792, et celles entre le Rhin et ces mêmes limites, dans l'espace de dix jours, à dater de la signature du présent acte. Les places du Piémont et dans les autres parties de l'Italie qui appartenaient à la France, dans celui de quinze jours; et toutes les autres places sans exception, qui se trouvent occupées par les armées françaises, de manière à ce que la remise totale puisse être effectuée jusqu'au 1er juin prochain. Les garnisons de ces places sortiront avec armes et bagages, et les propriétés particulières des militaires et employés de tout grade. Elles pourront emmener l'artillerie de campagne, dans la proportion de trois pièces par chaque millier d'hommes, les malades et blessés y compris.

La dotation des forteresses, et tout ce qui n'est pas propriété particulière, demeurera et sera remis en entier aux Alliés, sans qu'il puisse en être distrait aucun objet. Dans la dotation

sont compris non seulement les dépôts d'artillerie et de munitions, mais encore toutes autres provisions de tout genre, ainsi que les archives, inventaires, plans, cartes, modèles, etc., etc., etc.

D'abord après la signature de la présente Convention, des commissaires des puissances alliées et français seront nommés et envoyés dans les forteresses pour constater l'état où elles se trouvent, et pour régler en commun l'exécution de cet article.

Les garnisons seront dirigées par étage sur les différentes lignes dont on conviendra pour leur rentrée en France.

Le blocus des places fortes en France sera levé sur-le-champ par les armées alliées. Les troupes françaises faisant partie de l'armée d'Italie ou occupant les places fortes dans ce pays ou dans la Méditerranée seront rappelées sur-le-champ par S. A. R. le lieutenant général du royaume.

Art. IV. — Les stipulations de l'article précédent seront appliquées également aux places maritimes, les puissances contractantes se réservent toutefois de régler dans le Traité de paix définitif le sort des arsenaux, vaisseaux de guerre armés et non armés qui se trouvent dans ces places.

Art. V. — Les flottes et les bâtiments de la France demeureront dans leur situation respective, sauf la sortie des bâtiments chargés de missions; mais l'effet immédiat du présent acte à l'égard des ports français sera la levée de tout blocus par terre ou par mer, la liberté de la pêche, celle du cabotage, particulièrement de celui qui est nécessaire pour l'approvisionnement de Paris et le rétablissement des relations de commerce, conformément aux règlements intérieurs de chaque pays; et cet effet immédiat, à l'égard de l'intérieur, sera le libre approvisionnement des villes et le libre transit des transports militaires ou commerciaux.

Art. VI. — Pour prévenir tous les sujets de plaintes et de contestations qui pourraient naître à l'occasion des prises qui seraient faites en mer après la signature de la présente Convention, il est réciproquement convenu que les vaisseaux et effets qui pourraient être pris dans la Manche et dans les mers du Nord après l'espace de douze jours, à compter de l'échange des ratifications du présent acte, seront, de part et d'autre, restitués; que le terme sera d'un mois, depuis la Manche et les mers du Nord jusqu'aux îles Canaries, de deux mois jusqu'à l'équateur, et enfin de cinq mois dans toutes les autres parties du monde, sans aucune exception, ni autre distinction particulière de temps et de lieu.

Art. VII. — De part et d'autre, les prisonniers, officiers et soldats de terre et de mer, ou de quelque nature que ce soit, et particulièrement les otages, seront immédiatement renvoyés dans leurs pays respectifs, sans rançon et sans échange. Des commissaires seront nommés réciproquement pour procéder a cette libération générale.

Art. VIII. — Il sera fait remise par les co-belligérants, immédiatement après la signature du présent acte, de l'administration des départements ou villes actuellement occupés par leurs forces, aux magistrats nommés par S. A. R. le lieutenant général du royaume de France. Les autorités royales pourvoiront aux subsistances et besoins des troupes, jusqu'au moment où elles auront évacué le territoire français ; les puissances alliées voulant, par un effet de leur amitié pour la France, faire cesser les réquisitions militaires, aussitôt que la remise au pouvoir légitime aura été effectuée.

Tout ce qui tient à l'exécution de cet article sera réglé par une Convention particulière.

Art. IX.—On s'entendra respectivement, aux termes de l'article deux, sur les routes que les troupes des puissances alliées suivront dans leur marche, pour y préparer les moyens de subsistance ; et des commissaires seront nommés pour régler toutes les dispositions de détail, et accompagner les troupes jusqu'au moment où elles quitteront le territoire français.

En foi de quoi, les plénipotentiaires respectifs ont signé la présente Convention, et y ont fait apposer le cachet de leurs armes.

Fait à Paris, le 23 avril de l'an de grâce 1814.

Signé : le prince *de Bénévent* ; le prince *de Metternich*.[1]

Article additionnel.

Le terme de dix jours admis en vertu des stipulations de l'article trois de la Convention de ce jour pour l'évacuation des places sur le Rhin, et entre ce fleuve et les anciennes frontières de la France, est étendu aux places, ports et établissements militaires, de quelque nature qu'ils soient, dans les provinces unies des Pays-Bas.

Le présent article additionnel aura la même force et valeur comme s'il était textuellement inséré à la Convention de ce jour.

[1] D'Angeberg, 156 ; B. & F. S. P. i. 143.

En foi de quoi, les plénipotentiaires respectifs l'ont signé et y ont fait apposer le cachet de leurs armes.

Fait à Paris, le 23 avril de l'an de grâce 1814.

Signé: le prince *de Bénévent*; le prince *de Metternich*.

ARTICLE SECRET.

Les places fortes qui doivent être évacuées par la France étant débloquées aussitôt après la signature de la présente Convention, toutes les réquisitions de la part des commandants de ces places devront cesser. Les propriétés publiques et privées des dites places seront conservées intactes; celles qui auraient été distraites et qui existent encore, en tout ou en partie, seront restituées. Cette dernière stipulation est particulièrement applicable à la banque de Hambourg. Le gouvernement français s'engage à donner les ordres nécessaires pour l'exécution de cet article.

Le présent article secret aura la même force et valeur que s'il était inséré mot à mot à la Convention patente de ce jour.

En foi de quoi, les plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait à Paris, le 23 avril de l'an de grâce 1814.

Signé: le prince *de Talleyrand*; le prince *de Metternich*.[1]

II. *Negotiations for an armistice between the Japanese and Russian Armies in Manchuria, 1905*

Les plénipotentiaires japonais et russes à Portsmouth, après s'être entendus sur les conditions de la paix, établirent le protocole suivant sur l'armistice:

Les soussignés, plénipotentiaires du Japon et de la Russie, dûment autorisés à cet effet par leurs gouvernements respectifs, sont d'accord sur les termes suivants de l'armistice entre les belligérants qui restera en vigueur jusqu'à l'exécution du traité de paix:

1° Une certaine distance (zone de démarcation) sera fixée pour séparer le front des armées des deux puissances en Mandchourie ainsi que dans la région du Toumien;

2° La force navale d'un des belligérants ne devra pas bombarder le territoire appartenant ou occupé par l'autre;

[1] B. & F. S. P. i. 160.

3° Les prises maritimes ne seront pas interrompues par l'armistice;

4° Pendant la durée de l'armistice, aucun renfort ne devra être envoyé sur le théâtre de la guerre. Ceux qui sont en route venant du Japon ne devront pas être envoyés au nord de Moukden et ceux venant de Russie ne devront pas être envoyés au sud de Kharbine;

5° Les commandants de l'armée et de la marine des deux puissances détermineront après entente les conditions de l'armistice en se conformant aux principes énumérés ci-dessus;

6° Les deux gouvernements donneront l'ordre à leurs commandants de mettre ce protocole à exécution, immédiatement après la signature du traité de paix.

Portsmouth, le 1er septembre 1905.

Signé: WITTE. Signé: KOMOURA.
ROSEN. TAKAHIRA.

La paix fut signée le 5 septembre 1905, à 3 h. 50 de l'après-midi.[1]

III. *Full-Powers. British*

(*signature*) George R. I.

George, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, etc., etc., etc.

To all and singular to whom these Presents shall come, Greeting!

Whereas, for the better treating of and arranging any matters which are now in discussion, or which may come into discussion, between Us and..... We have judged it expedient to invest a fit person with Full-Power to conduct negotiations on Our part; Know ye, therefore, that We, reposing especial Trust and Confidence in the Wisdom, Loyalty, Diligence, and Circumspection of Our..... have named, made, constituted and appointed, as We do by these Presents name, make, constitute and appoint him Our undoubted Commissioner, Procurator, and Plenipotentiary; Giving to him all manner of Power and Authority to treat, adjust and conclude with such Minister and Ministers as may be vested with similar Power and Authority on the part of..... any Treaty....., Convention or Agreement between Us and..... and to sign for Us, and in Our name, every thing so agreed

[1] N. Ariga, *La Guerre Russo-Japonaise*, p. 548.

upon and concluded, and to do and transact all such other matters as may appertain thereto, in as ample a manner and form, and with equal force and efficacy, as We Ourselves could do, if personally present: Engaging and Promising, upon Our Royal Word, that whatever things shall be so transacted and concluded by Our said Commissioner, Procurator, and Plenipotentiary, shall, subject if necessary to Our Ratification, be agreed to, acknowledged and accepted by Us in the fullest manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto, as far as it lies in Our power.

In witness whereof We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court of St. James, the ..... day of ..... in the Year of Our Lord, One Thousand, Nine Hundred and ..... and in the ..... Year of Our Reign.

IV. *'Règlement' of the International Peace Conference of 1907 (adopted at the 2nd Séance Plénière, 19 June)*

Article premier.

La Deuxième Conférence de la Paix est formée de tous les Plénipotentiaires et Délégués techniques des Puissances signataires ou adhérentes des Conventions et Actes signés à la Première Conférence de la Paix de 1899.

Article 2.

Après la formation de son Bureau, la Conférence constituera des Commissions pour l'étude des questions comprises dans son programme.

Les Plénipotentiaires des Puissances sont libres de s'inscrire dans les listes de ces Commissions selon leurs propres convenances et de désigner les Délégués techniques qui y prendront part.

Article 3.

La Conférence nomme le Président et les Vice-Présidents de chaque Commission. Les Commissions nomment leur Secrétaire et leur Rapporteur.[1]

[1] The appointment of a *rapporteur* is undesirable. See p. 130, note 2.

ARTICLE 4.

Chaque Commission aura la faculté de se diviser en Sous-Commissions qui constitueront elles-mêmes leur Bureau.

ARTICLE 5.

Un Comité de Rédaction pour la coordination des Actes votés par la Conférence et leur composition finale sera également nommé par la Conférence au début de ses travaux.

ARTICLE 6.

Les membres des Délégations sont tous autorisés à prendre part aux délibérations dans les séances plénières de la Conférence, ainsi que dans les Commissions dont ils font partie. Les membres d'une même Délégation peuvent se remplacer les uns les autres.

ARTICLE 7.

Les membres de la Conférence assistant aux séances des Commissions dont ils ne font pas partie n'ont le droit de prendre part aux délibérations que sur une autorisation *ad hoc* des Présidents des Commissions.

ARTICLE 8.

Dans les scrutins, chaque Délégation ne dispose que d'une voix.

Le vote a lieu par appel nominal, opéré dans l'ordre alphabétique des Puissances représentées.[1]

ARTICLE 9.

Toute proposition d'une résolution ou d'un vœu à discuter par la Conférence doit, en règle générale, être remise par écrit au Président, imprimée et distribuée avant d'être mise en discussion.

ARTICLE 10.

Le public pourra être admis aux séances plénières de la Conférence.[2] Des cartes seront distribuées à cet effet par les soins du Secrétariat-Général avec l'autorisation du Président.

Le Bureau peut toujours décider que la publicité n'aura pas lieu pour des séances déterminées.

ARTICLE 11.

Les procès-verbaux des séances plénières de la Conférence et des Commissions donnent un résumé succinct des délibérations.

[1] Voting ought to be strictly limited to the purpose of ascertaining whether unanimity exists or not, and as a general rule should be avoided.

[2] This is wholly unsuitable.

Ils seront remis en épreuve aux membres de la Conférence en temps utile et ne seront pas lus au commencement des séances.

Chaque délégué a le droit de demander l'insertion *in extenso* de ses déclarations officielles, d'après le texte remis par lui au Secrétariat, et de faire des observations sur les procès-verbaux.

Les rapports[1] des Commissions et Sous-Commissions seront imprimés et distribués avant d'être mis en discussion.

ARTICLE 12.

La langue française est reconnue comme langue officielle pour les délibérations et les Actes de la Conférence.

Les discours prononcés dans une autre langue seront résumés oralement en français par les soins du Secrétariat-Général, d'accord avec l'orateur lui-même.[2]

V. *'Règlement' of the International Naval Conference, held in London, December 1908—February 1909*

(1) Les Délégués plénipotentiaires ou non-plénipotentiaires ont, les uns comme les autres, le droit de prendre la parole dans les délibérations de la Conférence.

(2) Les secrétaires des Délégations peuvent accompagner les membres de leur Délégation à toutes les séances de la Conférence.

(3) Les séances de la Conférence ne sont pas publiques. Ses délibérations restent strictement confidentielles.

(4) La langue française est reconnue comme langue officielle pour les délibérations et les actes de la Conférence. Les discours prononcés dans une autre langue seront résumés oralement en

[1] There ought to be no report, but only a *procès-verbal*, which ought to be circulated in proof before discussion.

[2] This règlement was found in practice not to work satisfactorily. It left too much power to the chairmen of committees, and to the *rapporteurs*. The office of the latter is a continental parliamentary institution, and is not suited to a diplomatic assembly. In fact, so much was this felt on all hands that in the *Acte final*, which expressed the opinion that before the next meeting of a Peace Conference a preparatory Committee should be set up by the Governments to select subjects capable of international regulation and to prepare a programme for mature consideration by them beforehand, it was proposed that the Committee should also be empowered to propose a method of organization and of procedure for the Conference itself. (*Ce comité serait, en outre, chargé de proposer un mode d'organisation et de procédure pour la Conférence elle-même.*)

français par les soins du secrétariat, d'accord avec l'orateur lui-même.

(5) Toute nouvelle proposition et tout amendement à discuter par la Conférence doivent, en règle générale, être remis par écrit au Président. Si la proposition ou l'amendement n'a pu être distribué avant la séance, la Conférence ne peut s'opposer à une demande d'ajournement à une séance ultérieure.

(6) La Conférence siège en séance plénière ou en Commission.

(7) Les procès-verbaux des séances plénières de la Conférence donnent un résumé succinct des délibérations. Ils seront remis en épreuve aux membres de la Conférence en temps utile et ne seront pas lus au commencement des séances. Chaque délégué a le droit de demander l'insertion *in extenso* de ses déclarations officielles, d'après le texte remis par lui au secrétariat, et de faire ses observations sur les procès-verbaux. Les rapports des Commissions seront distribués avant d'être mis en discussion.[1]

(8) Des séances des Commissions il ne sera dressé aucun procès-verbal sans l'autorisation du Président de la Commission. S'il est dressé des procès-verbaux, les dispositions de l'article précédent sont applicables.

(9) A la fin de chaque séance, le Président fait approuver par la Conférence l'ordre du jour de la séance suivante. L'ordre du jour ainsi fixé ne peut être modifié que par une décision de la Conférence.[2]

VI, VII, VIII, IX. *Forms of Ratification*

VI. British

GEORGE, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, etc., etc., etc. To all and singular to whom these Presents shall come, Greeting!

[1] See note on p. 130 for the objection to any report other than the *procès-verbal.*

[2] It seems that something ought to be added regarding the signature of the *procès-verbaux* by the plenipotentiaries at the beginning of the following sitting, and also respecting the method of choosing the president of a Commission (or Committee).

At Vienna *procès-verbaux* were kept of the sittings of (1) the eight Powers signatories of the Treaty of May 30, 1814, (2) the Five Great Powers, (3) of the Commissions. It seems better to make this procedure a rule, instead of leaving the point to be decided by the president of each Commission.

Whereas a..... between Us and..... was concluded and signed at..... on the..... day of..... in the year of our Lord one thousand nine hundred and..... by the Plenipotentiaries of Us and of..... duly and respectively authorized for that purpose, which..... is, word for word, as follows:

(Inseratur[1] —texts —)

We, having seen and considered the..... aforesaid, have approved, accepted, and confirmed the same in all and every one of.....Articles and Clauses, as We do by these Presents approve, accept, confirm, and ratify..... for Ourselves, Our Heirs and Successors; engaging and promising upon Our Royal Word that We will sincerely and faithfully perform and observe all and singular the things which are contained and expressed in the..... aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our power. For the greater testimony and validity of all which, We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which we have signed with Our Royal Hand.

Given at Our Court of St. James, the..... day of..... in the year of Our Lord one thousand nine hundred and..... in the..... year of Our Reign.

(*Signed*) George R.I.

VII. German

WIR WILHELM

von Gottes Gnaden

DEUTSCHER KAISER, KÖNIG VON PREUSSEN u.s.w.

Urkunden und bekennen hiermit: Nachdem von Unserem Bevollmächtigten und dem Bevollmächtigten..... am....., in..... ein Vertrag zwischen..... und..... über..... unterzeichnet worden ist, und nachdem dieser Vertrag, der wörtlich also lautet:

(Text of Treaty)

Uns vorgelegt und von Uns geprüft und in allen Stücken Unseren Absichten gemäss befunden worden ist, so erklären Wir, dass Wir den vorstehenden..... Vertrag genehmigen und ratifizieren, auch versprechen, ihn erfüllen und ausführen zu lassen.

[1] Here the whole text has to be inserted.

Zu Urkund dessen haben Wir die gegenwärtige Ratifikationsurkunde vollzogen und mit Unserem Insiegel versehen lassen.

Gegeben ..... den .....

(Signed) WILHELM, I. R.

Countersigned by the Secretary of State for Foreign Affairs.

VIII. FRENCH

[Name of the President]

Président de la République Française.

A tous ceux qui ces présentes lettres verront,

Salut:

Un ..... dont la teneur suit:

(Text)

AYANT vu et examiné le dit .....

Nous l'avons approuvé et approuvons en vertu des dispositions de la Loi votée par le Sénat et la Chambre des Députés;

DÉCLARONS qu'il sera accepté, ratifié et confirmé, et PROMETTONS qu'il sera inviolablement observé.

EN FOI DE QUOI, Nous avons donné les présentes, revêtues du Sceau de la République.

A PARIS [date]

(L.S.) ..... signé:

Par le Président de la République:

Le Ministre des Affaires Étrangères:

(Countersigned.)

IX. UNITED STATES

[Name of the President]

President of the United States of America.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That whereas a Treaty between the United States of America and ..... providing for ..... was concluded and signed by their respective Plenipotentiaries at ..... on the ..... day of ....., one thousand nine hundred and ....., a true copy of which Treaty is word for word as follows:

(Text of Treaty)

AND WHEREAS, the Senate of the United States by their resolution of ..... (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said Treaty;

NOW THEREFORE, be it known that I, ..., President of the United States of America, having seen and considered the said Treaty, do hereby, in pursuance of the aforesaid advice and consent of the Senate, ratify and confirm the same and every article and clause thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington this ..... day of ..... in the year of Our Lord one thousand nine hundred and ....., and of the Independence of the United States of America the one hundred and .....

L.S. (Signed)

By the President—

[name]

Secretary of State.

X. *Collective Guarantee*

Important debates took place subsequently in both Houses of Parliament respecting the implications of the word 'collective' after 'garantie' in Art. II, 4th paragraph, of the Luxemburg Treaty.[1]

The addition of this paragraph was insisted on at the sitting of May 7, 1867, by the Prussian plenipotentiary, who had previously expressed the hope of seeing the same guarantee given by the Powers to the neutrality of Luxemburg as is enjoyed by that of Belgium.[2] Count Bismarck had stipulated as a condition *sine quâ non* of the withdrawal of the Prussian garrison that the Powers should at the same time give a European guarantee for the neutrality of Luxemburg such as already existed in the case of Belgium. It is clear, therefore, that the Prussian plenipotentiary regarded the form of words proposed by him, in accordance with his instructions, as having the effect of guaranteeing the neutrality of Luxemburg, with the same consequences and to the same extent and effect as the formula adopted in 1839 in the case of Belgium. And Lord Stanley on the same occasion had previously remarked that the terms in his draft referring to the neutrality of Luxemburg

[1] See p. 88.

[2] B. & F. S. P. lx. 399.

were identical with those which declare the neutrality of Belgium in Art. VII of the Annexe to the Treaties of April 19, 1829. Thus it is evident that his intention was to confer on Luxemburg the same neutral status as was enjoyed by Belgium. And he seems to have held that an engagement on the part of the High-Contracting Parties to respect that neutrality was sufficient to ensure its not being violated.

The Russian, French, and Italian plenipotentiaries, in supporting the proposed addition to Article II of the draft Treaty, all used the expression *garantie collective*, while the Austrian plenipotentiary spoke merely of *la neutralité garantie*. Lord Stanley declared that he preferred the article as originally drafted, without the Prussian amendment, but he undertook to refer the proposition to the Cabinet.[1] At the second meeting of the Conference he announced that Her Majesty's Government assented to 'the principle of placing the Grand Duchy under a collective guarantee'. Thereupon, the Belgian plenipotentiary 'pointed out that he had already stated on a former occasion that the neutrality of Belgium is placed by another title under the guarantee 'of each of the Powers who signed the Treaties of 1839'.[2] But the protocol of the previous meeting does not record his having made such a statement. Nor does it appear that any of the other plenipotentiaries replied to him on this point.

On May 9, 1867, Lord Stanley, speaking in the House of Commons, in reply to a question, said that Great Britain, 'in common with the rest of the signatories of the treaty of 1839, guaranteed the Grand Duchy of Luxemburg to the King of Holland in the most full, absolute and unqualified manner, . . . and all that we have done is to adapt that engagement to the changed circumstances of the times. . . . In doing so we have not incurred any fresh responsibility; we have rather limited and defined it: indeed, I conceive that, so far from increasing, we have narrowed the responsibility which formerly rested on this country in connection with Luxemburg, whatever the amount of that responsibility may have been.'[3]

On May 13 the Earl of Derby informed the House of Lords that it had 'been settled that for all future time that territory should be neutralized; . . . that all the Powers shall agree to

[1] B.& F. S. P. lx. 499, 500. [2] Ibid. 503, 504.
[3] Hansard, vol. 187, p. 266.

recognize that neutrality; that the Grand Duchy shall be placed under the collective guarantee of all the Powers'. In reply to Lord Stanley of Alderley, who suggested that 'the effect of the guarantee was that this country might be called upon to enforce the new treaty of Luxemburg by force of arms in case of any breach of the neutrality of that territory committed by a third Power', the Earl of Derby said further: 'The guarantee is not a joint and separate guarantee, but is a collective guarantee, and does not impose upon this country any special or separate duty of enforcing its provisions. It is a collective guarantee of all the Powers of Europe.'[1]

The subject was again discussed in the House of Commons on June 14, when Lord Stanley said: 'Further, the guarantee now given is collective only. That is an important distinction. It means this, that in the event of a violation of neutrality all the Powers who have signed the treaty may be called upon for their collective action. No one of these Powers is liable to be called upon to act singly or separately. It is a case, so to speak, of "limited liability". We are bound in honour—you cannot place a legal construction upon it—to see in concert with others that these arrangements are maintained. But if the other Powers join with us, it is certain that there will be no violation of neutrality. If they, situated exactly as we are, decline to join, we are not bound single-handed to make up the deficiencies of the rest. Such a guarantee has obviously rather the character of a moral sanction to the arrangements which it defends than of a contingent liability to make war. It would, no doubt, give a right to make war, but it would not necessarily impose the obligation. That would be a question to consider when the occasion arose.'[2]

Lord Derby, speaking in the House of Lords on June 20, said: 'The guarantee of the possession of Luxemburg to the King of Holland was a joint and several guarantee similar to that which was given with regard to the independence and neutrality of Belgium; it was binding individually and separately upon each of the Powers. That was the nature of the guarantee which was given with regard to Belgium and with regard to the possession of Luxemburg by the King-Duke. Now a guarantee of neutrality is very different from a guarantee of possession. If France and Prussia were to have a quarrel between themselves, and either

[1] Hansard, vol. 187, p. 379.

[2] Ibid., p. 1922.

were to violate the neutrality of Luxemburg by passing their troops through the Duchy for the purpose of making war on the other, we might, if the guarantee had been individual as well as joint, have been under the necessity of preventing that violation, and the same obligation would have rested on each guarantor; but as it is we are not exposed to so serious a contingency, because the guarantee is only collective—that is to say, it is binding only upon all the Powers in their collective capacity; they all agree to maintain the neutrality of Luxemburg, but not one of those Powers is bound to fulfil the obligation alone. That is a most important difference, because the only two Powers by which the neutrality of Luxemburg is likely to be infringed are two of the parties to the collective guarantee; and therefore, if either of them violate the neutrality, the obligation on all the others would not accrue.'

Lord Clarendon said: 'I look upon our guarantee in the case of Belgium as an individual guarantee, and have always so regarded it; but this is a collective guarantee. No one of the Powers, therefore, can be called upon to take single action, even in the improbable case of any difficulty arising.'

Earl Granville was of opinion that 'what we have heard this evening is scarcely in accordance with the interpretation generally given to a guarantee of this sort'.

The Duke of Cleveland 'had heard with equal surprise and pain the attempt that had been made to fritter away that responsibility' [i.e. of the collective guarantee].

The Duke of Argyll said: 'Supposing France were to invade Luxemburg, he desired to know whether or not Prussia would have the right to call upon the other Powers, parties to the guarantee, to drive France from that position? According to the interpretation given by the noble Earl at the head of the Government, no such right would exist, because, according to the noble Earl, France being one of the guaranteeing Powers, and herself creating the wrong, would release the other Powers from their engagement. But, if this were the fact, did it amount to an engagement at all?'

The Earl of Derby replied that the difference between a several and a collective guarantee, in respect of the obligation imposed upon the co-guaranteeing Powers, was quite well understood.

Earl Russell wound up the debate by saying that he did not put the same interpretation upon the Treaty as the Earl of Derby

did. His belief was that if France were to violate the Treaty and invade Luxemburg, the other Powers who were parties to the Treaty would feel bound to call upon France to retire.[1]

On July 4, in the House of Lords, the Earl of Derby, in reply to Lord Houghton, said: 'I believe that if there be one thing more clear than another it is the distinction between a collective guarantee and a separate and several guarantee. A several guarantee binds each of the parties to do its utmost individually to enforce the observance of the guarantee. A collective guarantee is one which is binding on all the parties collectively; but which, if any difference of opinion should arise, no one of them can be called upon to take upon itself the task of vindication by force of arms. . . . In the year 1831 a Conference of the Five Great Powers laid down twenty-five [twenty-four] Articles, which were to determine the relations between Belgium and Holland, and were to form the basis of a treaty between those two countries. The Powers who were parties to that Conference of 1831 bound themselves to uphold, not collectively, but severally and individually, the integrity of the treaty. That was a separate and individual guarantee. . . . In 1839, after a treaty had been made between Belgium and Holland embodying the main provisions of the treaty of 1831, a separate one was entered into between the Five Powers and Belgium, in which the obligations of the former treaty of 1831 were repeated and renewed, and the Five Powers bound themselves separately to maintain the integrity of Belgium, its neutrality and independence.'[2] Lord Derby then quoted by way of illustration Art. VII of the Treaty of Paris of 1856: 'Leurs Majestés s'engagent, chacune de son côté, à respecter l'indépendance et l'intégrité territoriale de l'empire Ottoman: garantissent en commun la stricte observation de cet engagement: et considéreront, en conséquence, tout acte de nature à y porter atteinte comme une question d'intérêt général'[3]. . . 'if that engagement was binding, as I understood the noble Lord [Houghton] contends, upon each of the Powers separately, I say there was no occasion for the second treaty whatever. The very existence of the second treaty admits the insufficiency of its predecessor, and is couched in these terms: "Les Hautes Parties

[1] Hansard, vol. 188, p. 143.

[2] The wording of this guarantee is at p. 82.

[3] Lord Derby did not quote the French text, but gave an English rendering of it.

contractantes garantissent solidairement entre elles l'indépendance et l'intégrité de l'Empire Ottoman, consacrées par le Traité conclu à Paris, le 30 mars 1856."'[1] By this separate Treaty the Three Powers separately and individually guarantee the same thing which a fortnight before had been collectively guaranteed by the Seven Powers. The Three Powers found it necessary to sign a Treaty which should express an obligation upon each, because the previous Treaty was not binding separately and severally upon all the signatory Powers.[2]

The most recent statement on this subject is contained in a telegram of August 2, 1914, from Sir Edward Grey to Sir F. Bertie: 'M. Cambon asked me about the violation of Luxemburg. I told him the doctrine on that point laid down by Lord Derby and Lord Clarendon in 1867.'[3]

The view expressed by Lord Stanley in the House of Commons and by the Earl of Derby in the House of Lords has been adversely criticized by Hall[4] and Oppenheim.[5]

For comparison there are here appended the more important portions of the 'Déclaration des Puissances portant reconnaissance et garantie de la neutralité perpétuelle de la Suisse et de l'inviolabilité de son territoire' of November 20, 1815, which was signed by Austria, France, Great Britain, Portugal, Prussia, and Russia:—'les Puissances signataires de la déclaration de Vienne[6] font, par le présent acte, une reconnaissance formelle et authentique de la neutralité perpétuelle de la Suisse, et elles lui garantissent l'intégrité et l'inviolabilité de son territoire dans ses nouvelles limites, telles qu'elles sont fixées, tant par l'acte du Congrès de Vienne que par le Traité de Paris de ce jour, et telles qu'elles le seront ultérieurement, conformément à la disposition du 3 novembre ci-joint en extrait, qui stipule en faveur du corps helvétique un nouvel accroissement de territoire à prendre sur la Savoie pour arrondir et désenclaver le canton de Genève . . .

'Les Puissances signataires de la déclaration du 20 mars reconnaissent authentiquement par le présent acte que la neutralité et

[1] Treaty between Great Britain, Austria, and France, April 15, 1856. B. & F. S. P. xlvi. 26.

[2] Hansard, vol. 188, p. 972.

[3] R. B. Mowat, *Select Treaties and Documents* in *Oxford Pamphlets*, p. 18.

[4] *International Law*, 6th edit., p. 338.

[5] *International Law*, 2nd edit., p. 602.

[6] Of Mar. 20, 1815.

l'inviolabilité de la Suisse et son indépendance de toute influence étrangère sont dans les vrais intérêts de la politique de l'Europe entière.'[1]

It may be useful to recapitulate the wording used on these various occasions. It will be observed that in the Treaties of 1839 with Holland and Belgium the formula is 'placés sous la garantie de leurs dites Majestés', and Lord Derby maintained that this was a joint and several guarantee.

In the Treaty of Paris of March 30, 1856, the wording was: 'Leurs Majestés s'engagent chacune de son côté à respecter l'indépendance et l'intégrité de l'Empire Ottoman, garantissent en commun la stricte observation de cet engagement, et considéreront, en conséquence, tout acte de nature à y porter atteinte comme une question d'intérêt commun', while by the Treaty of April 15, Art. I, 'Les Hautes Parties Contractantes garantissent solidairement entre elles l'indépendance et l'intégrité de l'Empire Ottoman, consacrées par le Traité conclu à Paris, le 30 mars 1856. Art. II. Toute infraction aux stipulations du dit Traité sera considérée par les Puissances signataires du présent Traité comme *casus belli*. Elles s'entendront avec la Sublime Porte sur les mesures devenues nécessaires, et détermineront sans retard entre elles l'emploi de leurs forces militaires et navales.'

The engagement respecting Switzerland is that 'Les Puissances font par le présent acte une reconnaissance formelle et authentique de la neutralité perpétuelle de la Suisse, et elles lui garantissent l'intégrité et l'inviolabilité de son territoire . . .'

Finally, in the case of Luxemburg: 'Les Hautes Parties Contractantes s'engagent à respecter le principe de neutralité stipulé par le présent Article. Ce principe est et demeure placé sous la sanction de la garantie collective des Puissances signataires du présent Traité, à l'exception de la Belgique, qui est elle-même un État neutre.'

[1] D'Angeberg, p. 1640.

XI. *Act of Accession on the part of the Germanic Confederation to the Territorial Arrangements concerning the Grand Duchy of Luxemburg, contained in the first seven Articles of the Annexe to the Treaties of 19 April 1839 between the Great Powers and the King of the Netherlands, Grand Duke of Luxemburg, and between the Great Powers and the King of the Belgians, signed at London, April 19, 1839.*[1]

Les Plénipotentiaires des Cours de la Grande-Bretagne, d'Autriche, de Belgique, de France, des Pays-Bas, de Prusse et de Russie, ayant signé aujourd'hui les Traités conclus entre les Cinq Cours et Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, entre Leurs Majestés le Roi des Belges et le Roi des Pays-Bas, Grand Duc de Luxembourg, et entre les Cinq Cours et Sa Majesté le Roi des Belges, les Plénipotentiaires ont jugé à propos que les Plénipotentiaires d'Autriche et de Prusse, munis des Pleins Pouvoirs de la Diète de la Confédération Germanique, fussent invités à accéder, au nom de la dite Confédération, aux dispositions concernant le Grand Duché de Luxembourg, contenues dans les Traités susdits.

En conséquence, les Plénipotentiaires d'Autriche et de Prusse, représentant la Diète en vertu des susdits Pleins Pouvoirs, déclarent, que la Confédération Germanique accède formellement aux arrangements territoriaux concernant le Grand Duché de Luxembourg, contenus dans les Articles I, II, III, IV, V, VI, et VII de l'Annexe des Traités conclus en ce jour entre les Cinq Cours et Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, et entre les Cinq Cours et Sa Majesté le Roi des Belges, ainsi que dans les Articles correspondans du Traité signé en même tems entre Sa Majesté le Roi des Belges et Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg. Et ils prennent envers les Cours de la Grande-Bretagne, d'Autriche, de Belgique, de France, des Pays-Bas, de Prusse, et de Russie, au nom de la Confédération Germanique, l'engagement que celle-ci se conformera en tout aux stipulations renfermées dans les dits Articles, dont la teneur suit mot à mot, en tant qu'elles peuvent concerner la Confédération Germanique.

[Here follows the text of the seven Articles.]

[1] B. & F. S. P. xxvii. 1002.

Les Plénipotentiaires de la Grande-Bretagne, d'Autriche, de Belgique, de France, des Pays-Bas, de Prusse, et de Russie, en vertu de leurs Pleins Pouvoirs, acceptent formellement, au nom de leurs Cours respectives, la dite Accession de la part de la Confédération Germanique.

Le présent Acte d'Accession sera ratifié par les Cours de la Grande-Bretagne, d'Autriche, de Belgique, de France, des Pays-Bas, de Prusse, et de Russie, ainsi que par la Confédération Germanique, moyennant un Arrêté de la Diète, dont expédition sera faite au nombre des copies nécessaires. Et les Actes de Ratification respectifs seront échangés à Londres dans l'espace de six semaines à dater de ce jour, ou plus tôt si faire se peut, et en même tems que se fera l'échange des Ratifications des trois Traités susdits.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Acte d'Accession, et y ont apposé le cachet de leurs Armes.

Fait à Londres, le 19 avril, l'an de grâce 1839.

(L. S.) PALMERSTON.
(L. S.) SENFFT.
(L. S.) SYLVAIN VAN DE WEYER.
(L. S.) H. SEBASTIANI.
(L. S.) DEDEL.
(L. S.) BÜLOW.
(L. S.) POZZO DI BORGO.
(L. S.) SENFFT.
(L. S.) BÜLOW.

XII. *Conference of Madrid respecting the Right of Protection in Morocco, May–July*, 1880.[1]

1. *Place of meeting.* Madrid was proposed by Lord Salisbury 'both on account of its comparative proximity to Morocco and in consideration of the interest which the Spanish Government and people take in the affairs of that country'.

2. *Armistice.* Not required.

3. *Programme.* This consisted of the demands presented by the Government of Morocco, which had been presented at a meeting of the Foreign Representatives in that country held at Tangier on July 19, 1879.[2]

4. *Representation of the Powers.* The representatives were those of the Powers which had representatives in Morocco.

[1] B. & F. S. P. lxxi. 814.
[2] Ibid. 783.

They were: for *Germany*, Count de Solms-Sonnewalde, Envoy Extraordinary and Minister Plenipotentiary at Madrid; for *Austria-Hungary*, Count Ludolf, Envoy Extraordinary and Minister Plenipotentiary at Madrid; for *Belgium*, M. Anspach, Envoy Extraordinary and Minister Plenipotentiary at Madrid; for the *United States*, General Fairchild, Envoy Extraordinary and Minister Plenipotentiary at Madrid; for *Spain*, M. Cánovas del Castillo, President of the Council of Ministers; for *France*, Admiral Jaurès, Ambassador at Madrid; for *Great Britain* (and *Denmark*), Mr. Sackville West, British Envoy Extraordinary and Minister Plenipotentiary at Madrid; for *Italy*, Count Greppi, Envoy Extraordinary and Minister Plenipotentiary at Madrid; for *Morocco*, Sid Mohammed Varges, Minister for Foreign Affairs and Ambassador Extraordinary; for the *Netherlands*, M. de Heldewier, Minister Resident at Madrid; for *Portugal*, Count de Casal Ribeiro, Envoy Extraordinary and Plenipotentiary at Madrid; for *Sweden and Norway*, M. Akerman, Minister Resident at Madrid.

5. *Diplomatic Language.* The language used at the Conference was French. The Moorish representative used Arabic, which was translated into French.

6. *President.* The German Minister, on the ground of alphabetical order (Allemagne heading the list of Powers represented), proposed that M. Cánovas del Castillo, as representative of the Power at whose capital the Conference was held, should be invited to be President; and this proposal was unanimously accepted.

7. *Secretariat.* The President proposed as secretaries M. Figuera, a Minister Plenipotentiary acting as Sub-Director at the Foreign Ministry; and M. Muro, a chargé d'affaires, Director of the Archives of the Ministry; and, as assistant-secretaries, M. Villa-Urrutia, a Secretary of Legation, and M. Osma, attaché. It will be observed that all of these were Spanish officials.

8. *Precedence.* It does not appear that any question was raised as to precedence.

9. *Order of Proceedings.* At the first meeting the President asked the members to present their full-powers. The programme of demands of Morocco and other papers were deposited at the bureau of the secretaries, to be printed and delivered to the members. At the beginning of each sitting the *procès-verbal* of the previous sitting was read and approved.

10. *Committees.* It does not appear that any committees were set up.

11. *Records.* The record of each sitting is headed 'Protocole', but in the Protocol the record is spoken of as '*procès-verbal*'.

12. *Treaty, &c.* The proceedings resulted in a Convention, the draft of which, prepared by the secretaries, was read at the meeting of June 28. Articles XVI and XVIII were reserved for further discussion, which took place on June 30. On that occasion a new wording of Article XVI was adopted with unanimity; and Article XVIII, in a new form, was adopted with the reservation that the exceptional arrangement which was made by it (namely, that the Convention should come into force from the date of signature) should not form a precedent.

Article XVI was further modified at the meeting of July 2, in order to meet the views of the Italian Government.

13. *Signature.* The convention was signed on July 3, in thirteen copies, one for each of the Powers represented. The British representative signed only once, although he represented Denmark also. The signatures were appended in alphabetical order, except that each representative signed first the copy which was destined for his own Government, in accordance with the recognized rules of the *alternat*.

14. *Ratifications.* The ratifications were to be exchanged at Tangier with the least possible delay; and this formality was completed on May 1, 1881. The causes of this delay are not stated.

15. *Accession.* The Russian Government, by a letter addressed to the Minister for Foreign Affairs of Morocco, dated April 4, 1881, signified the adherence of Russia to this convention.[1]

XIII. *Treaties of Zürich* (1859), *Prague* (1866), *Vienna* (1866), *Frankfort* (1871), *San Stefano* (1878).

(A) *Treaty of Zürich, between France and Sardinia of the one part, and Austria of the other part,* 1859.

1. *Place of meeting.*—Zürich was no doubt chosen as being situated in neutral territory, easily accessible to all parties.

2. *Armistice.*—The proposal[2] for an armistice came from the

[1] B. & F. S. P. lxxi. 639 *n*.

[2] O. E. Ollivier, *L'Empire Libéral*, iv. 226.

Emperor of the French, who sent General Fleury to Verona with an autograph letter to the Austrian Emperor on July 6. The latter accepted the proposal on the following morning. A conference ensued on July 8 between the commissioners of the three Powers, which resulted in the conclusion of the armistice. The Emperor of the French then proposed to the Emperor of Austria a personal interview in order to treat of peace, which took place at Verona on July 11. It ended in a verbal agreement as to the bases of peace (preliminaries). These were drafted by the Emperor of the French on his return to head-quarters, and dispatched, together with a covering letter, by the hands of Prince Napoleon. It was during the discussion of the preliminaries that the Emperor of Austria suggested Zürich as the place for the negotiation of the definitive treaty. He also introduced some modifications into the draft, and signed it. Thus worded, it was signed by the Emperor of the French and by the King of Sardinia.

The armistice[1] was signed at Villa Franca, July 8, 1859, between Austria of the one part, and France and Sardinia of the other part. It provided for a suspension of hostilities, to end without notice on August 15.

A neutral space was left between the two lines of demarcation of the respective belligerent armies, which were strictly defined, excepting the frontier of Tirol between the Stelvo and Tonale Passes, which was to form a line of delimitation common to the belligerent armies. Beyond the Po the line of demarcation was formed by the Austrian coast of the Adriatic, comprising the islands depending on it, down to the southern end of Dalmatia, but excluding the islands occupied by French troops.

The railways from Verona to Peschiera and Mantua were to be available for provisioning those two places, on condition that the provisioning of Peschiera was completed within two days. During the suspension of arms, the works at Peschiera were to remain as they were at the date of the Convention. Merchant vessels of whatever flag were to be permitted to navigate the Adriatic freely.

3. *Preliminaries.*—Preliminaries[2] were concluded at Villa Franca on July 11.

[1] *Nouv. Rec. Gén.* vi. 513–38; B. & F. S. P. xlix. 362; Strupp, *Urkunden zur Geschichte des Völkerrechts*, i. 271 (treaty only).

[2] B. & F. S. P. xlix. 93.

An Italian Confederation was to be created, under the honorary presidency of the Pope. Austria ceded Lombardy to France with the exception of the fortresses of Mantua and Peschiera. The Emperor of the French was to hand over the ceded territories to the King of Sardinia. Venetia, remaining under the Austrian crown, was to form part of the Italian Confederation.

The Grand Duke of Tuscany and the Duke of Modena were to re-enter their dominions, granting a general amnesty. The two Emperors were to ask the Pope to introduce indispensable reforms into his dominions. A complete amnesty was accorded on both sides to persons involved in recent events in the territories of the belligerent parties.

4. *Representation of the Powers.*—For the conclusion of peace between France and Austria, the former was represented by Baron de Bourqueney, Senator, and the Marquis de Banneville; the latter by Count Karolyi, Chamberlain and Minister Plenipotentiary, and Baron von Meysenberg, Minister Plenipotentiary and Aulic Councillor.[1]

The treaty signed simultaneously between France and Sardinia for the transfer of Lombardy to the latter was negotiated between the above-mentioned French representatives and Chevalier Des Ambrois, Vice-President of the Council of State, Senator and Vice-President of the Sardinian Senate, and Chevalier Jocteau, Minister Resident to the Swiss Confederation, on the part of Sardinia.[2]

Finally, a treaty of peace between all three Powers was signed at the same time by the same plenipotentiaries.[3]

5. *Diplomatic Language, &c.*—The diplomatic language employed was French. No protocols of the negotiations have been published, but it is to be presumed that no president was appointed. There appears to have been no secretariat, nor were committees to be set up; the junior members of the missions probably drafted the articles.

The ratifications of all three treaties were exchanged at Zürich on November 21, it having been provided that this formality should take place in fifteen days after signature, or earlier if possible.

[1] B. & F. S. P. xlix. 364. [2] Ibid. 371. [3] Ibid. 377.

(B) *Treaty of Prague, between Austria and Prussia,* 1866[1]

1. *Place of meeting.*—Prague in Bohemia, in Austrian territory occupied by the Prussian armies.

2. *Armistice.*—A suspension of arms was concluded on July 19, and was prolonged to August 2. A convention of armistice was signed at Nikolsburg, July 26, preliminaries of peace having already been signed there on that day (see below). The convention provided for the immediate cessation of hostilities between the Austrian and Saxon troops on the one side and the Prussian troops on the other; and an armistice of four weeks was to begin on August 2.

During the continuation of the armistice the Prussian troops were to keep to a territory bounded on the west by the line Egra, Pilsen, Tabor, Neuhaus, Zlabinds, Zhaim, the boundary to the south being formed by the river Thaya to its junction with the River March, then by the latter river to Napajedl, and finally by a direct line thence to Oderberg. A radius of two miles round Olmütz, and of one mile round Josephstadt, Königgrätz, and Theresienstadt, not to be occupied by Prussian troops; and the said fortresses to have the right of procuring provisions within those radiuses.

A military road from Olmütz to Meseritsch by Weisskirchen to be placed at the disposal of the fortress, and not to be occupied by the Prussian army. The military roads of Meissau–Scheitelsdorf–Wittingau to Tabor and Malatschka–Skalitz–Napajedl to be at the disposal of the Prussian troops, with a two-mile radius of occupation. The Prussian troops to have the right of using all the communications by land, by water, and by railways, excepting the section of the Prerau–Trübau railway in so far s it traverses the fortress radius of Olmütz.

The Austrian troops not to pass the line of demarcation fixed on July 22 until the rear of the Prussian troops should have passed the Thaya.

The sick remaining in the parts of the territory evacuated by the Prussian troops to remain where they were, as well as their doctors and attendants. No obstacle to be placed in the way

[1] B. & F. S. P. lvi. 1029–32; *Nouv. Rec. Général,* xviii. 319; Strupp, *Urkunden,* &c., i. 245 (only the treaty).

of their conveyance to their country, either during or after the armistice.

The maintenance of the Prussian army to be provided by the occupied provinces; and no money contributions to be levied by the Prussians. The property, stores, and provisions of the Austrian state not to be seized by the Prussians, excepting those of which possession had been taken by them before the commencement of the armistice.

In the interval from July 27 to August 2, the Austrian-Saxon troops to remain everywhere half a mile from the demarcation agreed to on July 22 (see above), in so far as that line was situated on the left bank of the Danube; and the said line of demarcation not to be passed by the Prussians.

The signatories were, for Austria, Count von Degenfeld, Master of the Ordnance; and, for Prussia, Baron von Moltke. Both were furnished with full-powers.

3. *Preliminaries.*—These[1] were concluded at Nikolsburg on July 26. They preceded the armistice convention of the same day (see above).

The negotiators were: for Austria, Count Aloisius Karolyi and Baron Adolphus von Brenner-Felsach; for Prussia, Count von Bismarck-Schönhausen, President of the Council and Minister for Foreign Affairs.

The content was as follows: With the exception of the Lombardo-Venetian kingdom, the territory of the Austrian monarchy to remain intact.

The Emperor of Austria recognizes the dissolution of the Germanic Confederation, and consents to a new organization of Germany without the participation of the empire of Austria. He promises to recognize the closer union to be founded by the King of Prussia to the north of the River Main, and consents to the states south of that line entering into a union, the relations of which with the North-German Confederation are to be the subject of an ulterior agreement between the two parties.

The Emperor of Austria transfers to the King of Prussia all his rights over Schleswig and Holstein, reserving the right of the people of Northern Schleswig to be again united to Denmark if they express a desire to be so by a vote freely given.

[1] *Nouv. Rec. Général,* xviii. 317; B. & F. S. P. lvi. 1029.

War indemnity of 40,000,000 thalers. The territorial state of the kingdom of Saxony to remain unaltered.[1]

The King of Prussia undertakes to prevail on the King of Italy to approve the preliminaries of peace and the armistice based thereon, as soon as the Venetian kingdom shall have been handed over to the King of Italy by the Emperor of the French.

Ratifications to be exchanged at Nikolsburg in the space of two days at the latest. Immediately after the exchange of ratifications, plenipotentiaries to meet at a place to be hereafter named, to conclude peace on the basis of this preliminary treaty.

Besides the armistice now to be concluded, similar armistices to be concluded with Bavaria, Württemberg, Baden, and Hesse-Darmstadt.

4. *Treaty of peace.*—This[2] was signed on August 23, 1866. For the conclusion of peace between Austria and Prussia, the former was represented by Baron Adolphus von Brenner-Felsach, Privy Councillor and Envoy Extraordinary and Minister Plenipotentiary; the latter by Baron Charles von Werther, Chamberlain, Privy Councillor and Plenipotentiary.

The Emperor of Austria accedes on his part to the union of the Lombardo-Venetian kingdom with the kingdom of Italy, without any other burdensome condition than the liquidation of the debts charged on the ceded territory, in accordance with the precedent of the Treaty of Zürich.

Prisoners of war to be set at liberty immediately on both sides. (Provision was made for this by a special protocol.)

The main provisions of the preliminary treaty are embodied word for word. Other clauses relate to arrangements as to Federal and Austrian property necessitated by the dissolution of the old Germanic Confederation.

Previously existing treaties and conventions, so far as not affected by the dissolution of the old Germanic Confederation, are revived.

Ratifications to be exchanged at Prague within the space of

[1] These bases had been settled at Paris between Napoleon III and Goltz, the Prussian Ambassador, on July 14, and dispatched simultaneously to the Prussian head-quarters and to Vienna, and reached Nikolsburg on the 17th. Ollivier, *L'Empire Libéral*, viii. 471.

[2] B. & F. S. P. lvi. 1050-7; *Nouv. Rec. Général*, xviii. 344.

eight days, or sooner if possible. They were exchanged on August 30.

The texts of the armistice, the preliminaries, and the treaty of peace[1] were in German. No protocols of the proceedings on either occasion have been published.

(C) *Treaty of Vienna between Austria and Italy*, 1866.

1. *Place of meeting.*—Vienna.

2. *Armistice.*—A convention of armistice[2] was signed at Cormons, in Austrian territory, on August 12.

It was to begin at midday on August 13, and to last four weeks, i.e. to September 9: hostilities could not be resumed without ten days' notice. If no notice were given, it would be regarded as prolonged.

The limits to be occupied by the troops of the belligerents were accurately defined. The fort of Cavanella on the Adige was not to be occupied by the troops of either party.

The provisioning of Venice to be free. Prisoners to be exchanged. Austria will send hers to Udine; Italy hers to Peschiera.

3. *Preliminaries.*—The place of these was taken by Art. II of the treaty of peace between Austria and Prussia, and Art. VI of the preliminaries of peace between the same parties, by which Venetia was recognized by Austria as destined to be united with the kingdom of Italy.[3]

4. *Treaty of Peace.*—Signed October 3, 1866.—For the conclusion of peace,[4] Austria was represented by Count Felix Wimpffen, Chamberlain and Envoy and Minister Plenipotentiary on extraordinary mission; Italy by Count Menabrea, Senator.

The greater part of the treaty is merely a development of the arrangements as to pecuniary matters, railways, officers and functionaries of the respective nationalities, necessitated by the transfer of territory; the confirmation or revision of pre-existing treaties and conventions, and an amnesty clause.

[1] Strupp, *Urkunden zur Geschichte des Völkerrechts*, i. 245.

[2] *Nouv. Rec. Général*, xviii. 403; B. & F. S. P. lvi. 699; Strupp, *Urkunden*, 274.

[3] See *Nouv. Rec. Général*, xviii. 345 and 318.

[4] *Nouv. Rec. Général*, xviii. 405; B. & F. S. P. lvi. 700.

Ratifications were to be exchanged in fifteen days, or earlier if possible. They were exchanged at Vienna on October 12.

The texts of both Armistice Convention and Treaty of Peace were in French. No protocols of the proceedings have been published.

(D) *Treaty of Frankfort between Germany and France,* 1871.

The first treaty (May 10) was preceded by an Armistice (January 28) and a Preliminary Treaty of Peace (February 26).

(1) *Armistice.*

A convention of armistice[1] was signed at Versailles, then in the occupation of the German army, on January 28, 1871. The signatories were Count von Bismarck, Chancellor of the German Confederation, representing the Emperor of Germany,[2] King of Prussia; and M. Jules Favre, Minister for Foreign Affairs of the Government of National Defence.

Art. 1.—It was to commence, for Paris, on the same day, and for the departments three days later. It was to last for twenty-one days, so that if not renewed,[3] it would end everywhere on February 19 at midday.

The belligerent armies were to retain their respective positions, and a line of demarcation was then laid down. The right of maintaining its authority in the territory it occupied was reserved to each army; also that of employing the means judged by its commanders to be necessary for that purpose. The armistice applied equally to the naval forces of the belligerents, the meridian of Dunkerque being adopted as the line of demarcation. Captures made between the conclusion of the armistice and its notification, as well as prisoners made in engagements during the same interval, were to be restored.

Military operations in the departments of Doubs, Jura, and Côte-d'Or, as well as the siege of Belfort, were to continue

[1] B. & F. S. P. lxii. 49; *Nouveau Recueil Général*, xix. 627.

[2] German Emperor is the correct title.

[3] It was extended first to February 24, then to February 26, and finally to March 12.

independently of the armistice until an agreement should be arrived at respecting the line of demarcation in these three departments. This was done by a Convention of February 15.

ART. 2.—The object of the armistice was to allow of the free election of an Assembly to decide whether the war should be continued, or on what conditions peace should be made. It was to meet at Bordeaux.

ART. 3.—The forts forming the perimeter of the outer defences of Paris, and the war-material therein, to be handed over to the German army. The procedure to be regulated by a special protocol.

ART. 4.—During the armistice the German army were not to enter Paris. This was modified by the additional convention of Preliminaries of Peace, of February 26.[1]

ART. 5.—The guns on the walls of Paris to be dismounted, and their carriages to be removed to forts to be pointed out by a commissioner of the German army.

ART. 6.—The garrisons, consisting of regulars, *garde mobile* and naval forces, of the forts and of Paris, to be prisoners of war, excepting a division of 12,000 men which the military authorities in Paris would retain for internal service. The prisoners of war to lay down their arms, which were to be handed over, but the said troops to remain inside the city. At the expiration of the armistice, if peace was not concluded by that time, all the military men confined in Paris were to give themselves up as prisoners of war. Officers to keep their arms.

ART. 7.—The National Guard to keep its arms; the same concession being made to the *gendarmerie*, the *garde républicaine*, customs-officers, and firemen. The total numbers in this category not to exceed 3,500 men. All the bodies of *francs-tireurs* to be disbanded by an order of the French Government.

ART. 8.—Immediately after the signature of these presents, and before possession was taken of the forts, the Commander-in-Chief of the German armies to afford all facilities for preparing the provisioning of Paris and bringing to the city the goods destined therefor.

ART. 9.—After the delivery of the forts and the disarmament of the walls and the garrison, stipulated in Articles 5 and 6, the provisioning of Paris shall take place freely by rail and water. The provisions destined for this purpose might not be drawn

[1] B. & F. S. P. lxxii. 64, 65.

from the districts occupied by the German troops unless permission were given by the commanders of the latter.

ART. 10.—Every person desiring to leave Paris to be provided with a permit issued by the French military authorities and *visé* by the German outposts.

ART. 11.—The city of Paris to pay a municipal war contribution of 200,000,000 francs. This payment to be made before the fifteenth day of the armistice; and the mode of payment to be determined by a German and French mixed commission.

ART. 12.—During the armistice nothing to be withdrawn from public securities which might serve as pledges for the recovery of war contributions.

ART. 13.—The introduction into Paris of arms and munitions, or of materials suitable for their manufacture, to be prohibited during the period of the armistice.

ART. 14.—The exchange of prisoners of war made by the French army since the commencement of the war to be proceeded with immediately. For this purpose the French authorities to deliver to the German military authorities of Amiens, le Mans, Orleans, and Vesoul, without delay, a list of names of German prisoners of war. The liberation of German prisoners of war to be effected at the points nearest to the frontier. The German authorities to hand over at the same points, and without delay, to the French military authorities a similar number of French prisoners of corresponding ranks. The exchange was to extend to civilian prisoners, such as captains of merchant ships and French civilian prisoners interned in Germany.

A postal service for unclosed letters between Paris and the departments to be organized through the quarters-general at Versailles.

By Art. 4 of an annexe to this armistice convention, signed at Versailles, Jan. 29, arms, field-pieces, and *matériel* were to be delivered to the German military authorities within fifteen days, and deposited by the French authorities at Sevran. A list of the armaments and of the *matériel* to be furnished by the French authorities before February 4. The carriages of the guns on the ramparts to be removed before the same date.

Subsequent Conventions.—A Convention of demarcation[1] between the French Northern army and the German army was signed on Jan. 31, 1871.

[1] B. & F. S. P. lxxii. 54; *Nouv. Rec. Général*, xix. 636.

A Convention[1] for the entrance and reception of the French army in Switzerland was signed at Verrières, Feb. 1, 1871, between General Herzog, General-in-Chief of the army of the Swiss Confederation, and General Clinchant, Commander-in-Chief of the First French army.

An additional convention[2] of demarcation between the army of the North and the German army at Amiens was signed on Feb. 5, 1871.

Additional articles to the Armistice Convention[3] of Jan. 28, 1871, between the German Confederation and France, for the surrender of the fortress of Belfort, were signed on Feb. 15, 1871, by Jules Favre and Bismarck.

(2) *Preliminaries.*

A preliminary treaty of peace between Germany and France[4] was signed at Versailles, on Feb. 26, 1871; and ratifications were exchanged there on March 2.

The signatories were: Count Otto von Bismarck-Schönhausen, Chancellor of the German Empire, Count Otto von Bray-Steinberg, Minister for Foreign Affairs of Bavaria, Baron August von Wächter, Minister for Foreign Affairs of Württemberg, and M. Julius Joly, President of the Council of Baden, as representatives of the German Empire, of the one part; and M. Thiers, Chief of the Executive Power of the French Republic, and M. Jules Favre, Minister for Foreign Affairs, as representatives of France of the other part.

Art. 1.—France abandons in favour of the German Empire all her right and title to the territories lying to the east of the frontier hereinafter laid down. [Details.]

Art. 2.—France to pay to the Emperor of Germany the sum of five milliards of francs.

Art. 3.—Arrangements for gradual evacuation of the French territories occupied by the German troops, to begin after the ratification of this treaty by the National Assembly.

Art. 4.—German troops not to make requisitions either in money or kind in the departments occupied by them, but they

[1] B. & F. S. P. lxii. 56; *Nouv. Rec. Général*, xix. 639.
[2] B. & F. S. P. lxii. 57; *Nouv. Rec. Général*, xix. 643.
[3] B. & F. S. P. lxii. 58; *Nouv. Rec. Général*, xix. 647, 649.
[4] B. & F. S. P. lxii. 59; *Nouv. Rec. Général*, xix. 653.

shall be fed at the expense of the French Government, in accordance with a special convention.[1]

ART. 5.—Provides for the interests of the inhabitants of the ceded territories, and for freedom of emigration.

ART. 6.—Prisoners of war to be liberated immediately after the ratification of these preliminaries.

ART. 7.—Negotiations for the definitive Treaty of Peace to be concluded on the basis of these preliminaries, to be opened at Brussels immediately after ratification of preliminaries.

ART. 8.—After the conclusion and ratification of the Treaty of Peace, the administration of the departments remaining in the occupation of the German troops to be handed over to the French authorities, but the latter will have to obey the orders of the German commanders given in the interest of the safety, maintenance, and distribution of the troops.

ART. 9.—These preliminaries give to German military authorities no right to portions of territory not at present occupied.

ART. 10.—Ratification clause.

(3) *Final Treaty.*

This was signed at Frankfort, May 10.[2]

In accordance with Art. 7 of the Preliminaries, a meeting of plenipotentiaries for the conclusion of the definitive Treaty of Peace took place at Brussels on March 28.[3] France was represented by Baron Baude, French minister at Brussels, and M. de Goulard, member of the National Assembly, assisted by two commissioners, M. de Clercq and General Doutrelaine. Germany was represented by Herr von Balan, minister at Brussels, and Count Harry von Arnim, Envoy Extraordinary and Minister Plenipotentiary to the Pope, with the envoys of Bavaria, Württemberg, and Baden who were named in the Preliminaries.

The first meeting was occupied solely with the presentation and verification of full-powers. It was arranged that no protocols of the discussions should be drawn up, except of meetings at which the definitive draft of an article was agreed

[1] B. & F. S. P. lxii. 65.

[2] B. & F. S. P. lxxi. 77; *Nouv. Rec. Général*, xix. 688; *Rec. des Traités, Conventions, Lois, Décrets et autres Actes relatifs à la paix avec l'Allemagne*, i. 65.

[3] G. May, *Le Traité de Frankfort*, p. 41.

to.[1] But no such agreements were arrived at. The French plenipotentiaries left Paris without any instructions, nor were any dispatched to them during their stay.[2] The discussions led to no result, and were broken off on May 4. It was thereupon agreed by Bismarck and Favre to transfer the negotiations to Frankfort, where they met on May 6.[3] Favre was accompanied by the French plenipotentiaries from Brussels, to whom M. Pouyer-Quertier was added; and Bismarck summoned on his side the German plenipotentiaries of Brussels. The discussion of the articles of the peace occupied the 7th, 8th, 9th, and 10th.[4] The only protocol that has been published is the following:[5]

'Les soussignés, après avoir entendu la lecture du Traité de paix définitif, l'ont trouvé conforme à ce qui a été convenu entre eux. En vertu de quoi ils l'ont muni de leurs signatures. Les trois articles additionnels ont été signés séparément. Il est entendu qu'ils feront partie intégrale du Traité de paix.

'Le soussigné, Chancelier de l'Empire Allemand, a déclaré qu'il se charge de communiquer le Traité aux Gouvernements de Bavière, de Wurtemberg et de Bade et d'obtenir leurs accessions.

(Signé) JULES FAVRE.
„ POUYER-QUERTIER.
„ E. DE GOULARD.

(Signé) V. BISMARCK.
„ ARNIM.'

There is also a *procès-verbal*[6] of the exchange of ratifications, drawn up in French and German, signed by the respective plenipotentiaries, of which the German copy was delivered to the French plenipotentiaries, and the French copy to the German plenipotentiaries. It is dated May 20.

Thirteen conferences[7] were held at Frankfort between July 6 and December 2, 1871, for the purposes of regulating the execution of the Treaty of Peace of May 10, and of negotiating the additional convention of December 11, 1871; and the protocols of these conferences have been published.[8] They are too voluminous to reprint here, or even to summarize.

[1] G. May, p. 43.
[2] Ibid. 44.
[3] Ibid. 59.
[4] Ibid. 61.
[5] *Recueil des Traités, &c.*, i. 76.
[6] Ibid. 76.
[7] *Nouv. Rec. Général*, xx. 799.
[8] *Recueil des Traités, Conventions, &c., relatifs à la paix avec l'Allemagne* i. 130; De Clercq, *Collection des Traités français*, x. 503–31.

The negotiators were: for France, M. de Goulard and M. de Clercq; for Germany, Count Harry von Arnim, Count Uxkull, and Herr Weber. The French text of the protocols was drawn up by M. Dutreil, and the German text by Baron von Buddenbrock.

(E) *Treaty of San Stefano*, $\frac{\textit{Feb. 19}}{\textit{Mar. 3}}$, 1878.

This was preceded by a Protocol, fixing the bases of peace, signed at Adrianople, January $\frac{19}{31}$, 1878, and by an Armistice concluded subsequently on the same day.[1]

(1) *Protocol.*

1. Bulgaria to be erected into an autonomous tributary principality, with a national Christian government and native militia. The Ottoman forces to be no longer stationed there.

2. The independence of Montenegro to be recognized, and an increase of territory to be assured to it.

3. The independence of Rumania and Serbia to be recognized. The first to receive a territorial indemnification, and the latter a rectification of frontier.

4. Bosnia and Herzegovina to receive an autonomous administration with sufficient guarantees. Similar reforms to be introduced into the other Christian provinces of Turkey in Europe.

5. Turkey to indemnify Russia for the cost of the war. The nature of this indemnity, whether territorial, pecuniary, or otherwise, to be fixed hereafter. Turkey to come to an understanding with Russia for the maintenance of Russian rights and interests in the straits of the Bosphorus and Dardanelles.

Negotiations to be at once commenced at the head-quarters of the Grand Duke for fixing the preliminaries of peace.

Hostilities to cease between the belligerent armies, including those of Rumania, Serbia, and Montenegro, as soon as these bases and an Armistice Convention are signed, the armistice to continue until the end of the peace negotiations. The commanders of the belligerent forces in Asia to be immediately informed in order that they may proceed to the conclusion of an armistice.

[1] B. & F. S. P. lxix. 726; *Nouv. Rec. Général*, 2e série, i. 240.

The Turkish Government to give orders, as soon as the armistice is signed, for the evacuation of Widdin, Ruschuk, Silistria, and Erzerum.

Signed by the Grand Duke and by Server and Namyk Pashas.

(2) *Armistice.*

An Armistice[1] between Russia and Turkey was signed at Adrianople, January $\frac{19}{31}$, 1878.

The plenipotentiaries were: for Russia, Aide-de-Camp-Général Nepokoïtchitski and his assistant, Major-General Levitsky; for Turkey, General of Division Nedjib Pasha and Brigadier-General Osman Pasha.

The conditions are stated above on p. 36.

(3) *Preliminaries of peace.*[2]

Preamble. Plenipotentiaries: for Russia, Count Nicolas Ignatiew, Aide-de-Camp-Général, Member of the Emperor's Council, and M. Alexandre Nelídow, Chamberlain and Councillor of State; for Turkey, Safvet Pasha, Minister for Foreign Affairs, and Sadoullah Bey, Ambassador at Berlin.

Art. 1. Frontier of Montenegro defined.

Art. 2. Recognition of the independence of Montenegro. Questions concerning relations between the inhabitants of adjacent portions of territory and military works to be settled by a Convention, subject to Russian and Austrian arbitration of disputed points.

Art. 3. Recognition of the independence of Serbia, and definition of the frontier.

Art. 4. Musulmans possessing property in Serbia, who desire to reside elsewhere, may retain their property.

Art. 5. Recognition of the independence of Rumania.

Art. 6. Bulgaria is to be formed into a tributary autonomous principality, with a Christian government and a national militia. The frontiers to be laid down by a special Russo-Turkish commission, in accordance with the line marked on the annexed map.

Art. 7. The Prince of Bulgaria to be elected freely by the population, and confirmed by the Sultan with the consent of the

[1] B. & F. S. P., lxix. 727; *Nouv. Rec. Général*, 2e série, iii. 241.

[2] B. & F. S. P., lxix. 732; *Nouv. Rec. Général*, 2e série, iii. 246; Strupp, *Urkunden*, &c., i. 194.

Powers. No member of the reigning dynasties of the Great European Powers may be elected.

An assembly of notables, called together before the election of the Prince, to work out the organization of the future administration, under the superintendence of a Russian Commissioner and in the presence of a Turkish Commissioner.

The introduction of the new system in Bulgaria and the supervision of its working to be confided for two years to a Russian Commissioner.

ART. 8. The Turkish army no longer to be stationed in Bulgaria, and the existing fortresses to be razed.

Until a sufficient native militia is completely formed, Russian troops shall occupy the country, and afford assistance when necessary to the commissioner. The period of occupation to be limited approximately to two years.

ART. 9. The amount of the tribute to be fixed by agreement between Russia, Turkey, and the other Powers.

ART. 10. Turkey to have the right of sending troops, munitions, and supplies through Bulgaria to the provinces beyond.

ART. 11. Mussulmans in Bulgaria (similar to Art. 4).

ART. 12. Danube fortresses to be razed. No fortresses to exist henceforth on the banks of that river, nor vessels of war to navigate its waters.

The rights, obligations, and powers of the International Commission of the lower Danube to remain intact.

ART. 13. Turkey undertakes the cost of the re-establishment of the navigability of the Soulina passage.

ART. 14. The European proposals communicated to the Turkish plenipotentiaries at the first sitting of the Conference of Constantinople (1876) to be introduced immediately in Bosnia and Herzegovina, with modifications agreed to between Turkey, Russia, and Austria-Hungary.

ART. 15. Turkey undertakes to apply the *Règlement Organique* of 1868 in Crete. A similar *Règlement* shall be introduced in Epirus, Thessaly, and other parts of Turkey in Europe for which a special organization is not provided for by the present instrument.

ART. 16. Turkey undertakes to carry out the improvements and reforms required by local needs in the provinces inhabited by the Armenians and to protect them against the Kurds and Circassians.

ART. 17. Amnesty clause.

ART. 18. Respecting Khotour and delimitation of the Turkish-Persian frontier.

ART. 19. War indemnity, and cession of territory in place of money.

ART. 20. Pending claims of Russian subjects to be settled without delay.

ART. 21. Inhabitants of districts ceded to Russia desiring to emigrate shall have three years in which to sell their real property before emigrating.

ART. 22. Right of protection of ecclesiastics, pilgrims, and monks in Turkey accorded to the Russian embassy and consulates.

ART. 23. Renewal of previously existing Treaties, Conventions, and other engagements.

ART. 24. The Bosphorus and Dardanelles to remain open in time of war as well as in time of peace to neutral merchant ships arriving from or proceeding to Russian ports.

ART. 25. Evacuation of Turkish territory in three months.

ART. 26. Administration of the provinces where Russian troops are stationed not to be restored to Turkey until the completion of evacuation.

ART. 27. No Turkish subject to suffer on account of his relations with the Russian army during the war.

ART. 28. Liberation of prisoners of war, and payment of cost of maintenance by Turkey.

ART. 29. Ratification clause.

Date of signature $\frac{\text{19 Feb.}}{\text{3 Mar.}}$, 1878.

Ratifications were exchanged at St. Petersburg Mar. $\frac{5}{17}$.

(F) *Treaty of Portsmouth between Russia and Japan*, 1905.[1]

1. *Place of meeting.* Washington was first proposed, but it was finally decided that the plenipotentiaries should meet at Portsmouth, N.H., U.S.A. Japan had at first proposed Chefoo, and Russia Paris, but neither accepted the proposal of the

[1] See, generally, *Papers relating to the Foreign Relations of the United States*, Washington, 1906; and, for details, Satow, *Guide*, &c., ii. 302, 303; Phillipson, *Termination of War*, &c., pp. 71, 94, 115, 145, 146, 148, 427, 428.

other. Japan then proposed the United States, which was agreed to.

2. *Armistice.* The first meeting of the plenipotentiaries was held on August 9, but the armistice was not concluded by them till September 1. The military armistice took effect on the 16th, and the naval armistice apparently from September 25, when the ratifications were exchanged. (Phillipson, p. 187.)

3. *Preliminaries, Programme.* There were no preliminaries, Japan not disclosing her demands before the first meeting of the plenipotentiaries.

4. *Representation of the Powers.* Russia was represented by M. Witte, Foreign Minister, and Baron Rosen, Ambassador at Washington; Japan by J. Komura, Minister for Foreign Affairs, and K. Takahira, Envoy Extraordinary and Minister Plenipotentiary at Washington.

5. *Diplomatic language.* The treaty was signed in duplicate in the French and English languages. In case of discrepancy the French text to prevail.

6. *Procedure.* At the first meeting (Aug. 8) various preliminary formalities were performed. It was agreed that secrecy should be observed; but the press managed to obtain a good deal of information, especially from the Russian side.

August 9. Exchange of full-powers. The Japanese presented a document specifying the conditions of peace demanded by the Japanese Government, twelve in number. On August 12 (next meeting) the Russian plenipotentiaries rejected four of these. Japan insisted on the cession of Sakhalin and stood out for a war indemnity, but withdrew her demands for the surrender of the Russian war-ships interned during the war, and the limitation of Russian naval forces in the Far East. Then President Roosevelt intervened and induced Russia to consent to the cession of the southern portion of Sakhalin, and persuaded Japan to abandon the demand for the war indemnity.

12. *Treaty.* This was signed on September 5, 1905.

It contains no amnesty clause. No date was specified for the restoration of peace, the word 'henceforth' being used in Art. 1; hence presumably it ought to have commenced from the date either of signature or of exchange of ratifications. But see above under Sect. 2, Armistice.

Russian subjects in the ceded portions of Sakhalin may sell their real property and retire to their own country, but, if they

elect to remain, they will be maintained and protected in the full exercise of their industries and rights of property, on condition of submitting to Japanese laws and jurisdiction. Japan to have full liberty to withdraw the right of residence or to deport from such territory any inhabitants who labour under political or administrative disability, but she is to respect fully the proprietary rights of such inhabitants.

Art. XII declares that the treaty of commerce and navigation between Japan and Russia had been annulled by the war, consequently it is agreed, pending the conclusion of a new treaty of commerce and navigation on the basis of the treaty which was in force before the war, to adopt the system of reciprocal treatment on the footing of the most favoured nation, including import and export duties, customs formalities, transit and tonnage dues, and the admission and treatment of the agents, subjects, and vessels of one country in the territories of the other.

13. *Signature.* All four plenipotentiaries signed.

14. *Ratification.* Art. XIV provided for ratification with as little delay as possible, and in any case not later than fifty days from the date of signature. The fact of ratification was to be announced to the Governments of Japan and Russia respectively through the French Minister in Tokyo and the Ambassador of the United States in Petersburg. The formal exchange of ratifications was to take place in Washington as soon as possible. They were exchanged on September 25.

15. *Good offices.* President Roosevelt expressly disclaimed the office of a mediator. His only object was to bring the parties together. It appears that Mr. Roosevelt had begun to offer his 'good offices' at least as early as November 1904. But it was not till June 8, 1905, that the Acting Secretary of State at Washington telegraphed to the Ambassador at Petersburg and to the Minister at Tokyo, that the time had come when, in the interest of all mankind, the President must endeavour to see whether it were not possible to bring the conflict to an end. He therefore urged both Governments to open direct negotiations for peace, and he suggested that the negotiations should be conducted directly and exclusively between Russian and Japanese plenipotentiaries without any intermediary. If the two Powers concerned felt that his services would be helpful in arranging the preliminaries as to time and place of meeting, he was willing to do what he properly could; but, if those

preliminaries could be arranged directly between the two Powers, or in any other way, he would be glad, as his sole purpose was to bring about a meeting which the whole civilized world would pray might result in peace. Eventually the time and place of meeting for the purpose of concluding a treaty of peace were arranged through Mr. Roosevelt. An occasion on which he intervened to remove difficulties is mentioned above under par. 6 (p. 161).

XIV. *Treaty of Brest-Litovsk, Dec.* 1917—*March* 1918.

Place of meeting.—The place of meeting was the G.H.Q. of the German Commander-in-Chief on the Eastern Front—Brest-Litovsk. The Russian plenipotentiaries on January 9 suggested the transfer of the negotiations to a neutral country; but the plenipotentiaries of the Central Powers objected, and the proposal was dropped.

Armistice.—The Russian delegates crossed the lines of the German 5th Army on November 28, 1917. On November 29 the Russian proposals were accepted. On December 2 the delegates arrived at Brest-Litovsk, and held their first formal meetings on December 3. Credentials were exchanged. After discussion, it was agreed that the Conference about an armistice should be distinguished from the Peace Congress. The conditions were discussed on December 3 and 4, and on December 5, 1917 (seven days after the Russian delegates had crossed the lines of the 5th German Army), an armistice was concluded, as from noon on December 7. The terms were published on December 15. It was to last till December 17 at noon; but was subsequently extended to noon on January 7, 1918, and again to noon on January 14. Hostilities were resumed on February 18, owing to the break-up of the Conference, and continued till the signature of the Peace (March 3).

Representation of the Powers.—The Peace Conference assembled on December 22, 1917, and sat (with adjournments, see below) till March 3, 1918.

The following Powers were represented: Russia, Germany, Austria-Hungary, Bulgaria, Turkey. Subsequently the Ukraine claimed (December 28) to be represented, and two Ukrainian

delegates were admitted to the Conference on February 1, but worked with the Russian delegation.

At the opening of the Conference *Germany* was represented by Secretary of State von Kühlmann, Ambassador von Rosenberg, Secretary of Legation von Hösch, and two army officers; a Bavarian delegate was subsequently added on the strength of an agreement of February 14, 1871. *Austria-Hungary* was represented by Minister Count Czernin, Ambassador Mérey von Kapos-Mére, Envoy von Wiesner, two members of the Legation Staff, and three army officers. *Bulgaria* was represented by Minister Popov (subsequently replaced, February 1, by the Premier, Radoslavov), two Envoys, a Councillor, and an army officer. *Turkey* was represented by Minister Achmed Nessimi, Ambassador Ibrahim Hakki, a military officer, and a Secretary. *Russia* sent a delegation of fourteen, the two principal delegates being Trotski and Jaffe. Both the army and the navy were represented on the delegation, which also contained one woman. The *Ukraine* was represented by Holubovic, superseded later by Sevejul. Two delegates of the Ukrainian Soviets were admitted to the later stages of the Conference. They sat with the Russian delegation. There was considerable discussion as to the precise status of the Ukraine delegation; whether it should be treated as representing an independent state, or as a sub-commission of the Russian delegation.

Diplomatic Language.—During the armistice negotiations the Germans used German, and the Russians Russian. During the Peace negotiations Turkish and Bulgarian were used by the Turkish and Bulgarian delegates; German, Russian, and French were also used.

Powers.—The delegates were furnished with full-powers, but on February 10 the Russian delegates announced that they had exhausted their powers and that all further proposals must be considered by their Government. This led to the temporary break-up of the Conference.

President.—The delegates were greeted by Prince Leopold of Bavaria, Commander-in-Chief on the Eastern Front. He invited Hakki, as senior delegate, to take the chair. Hakki agreed, took the chair, and, having made an address of welcome, proposed that von Kühlmann should preside. This was unanimously agreed to At the first meeting it was arranged that the leading plenipotentiaries of each of the five Powers then

represented at the Conference should preside in turn at the full meetings.

Committees.—Two Committees were constituted:

(i) on political and territorial questions;

(ii) on economic questions.

On the former Germany and Austria-Hungary were represented by the Presidents of their respective delegations, with one diplomatic and one military assessor, and two Secretaries each. It does not appear how Russia was represented on the committee. This committee discussed such things as repatriation of fugitives, methods of voting on self-determination, extent of territories affected, relations of Russian and Ukrainian delegates. After the signature of Peace between the Central Powers and the Ukraine a further committee was appointed to discuss the frontier line of the Ukraine.

The procedure in committee was on the same lines as that adopted at the general sittings, except that expert advisers were called in on special subjects.

Precedence among Members.—The usual alphabetical order of the Powers was adopted.

Records.—It was agreed that the official reports should be drawn up jointly. At the first few meetings protocols were laid on the table and discussed point by point. At the end of each session the texts of translations were compared by the Secretaries. At the later meetings the discussions were of a theoretical nature. No formal conclusions were arrived at, and the meetings were frequently adjourned. The result of the negotiations up to February 10 was not drafted into a formal protocol.

Adjournments.—The Conference was adjourned on December 28, 1917, till January 4, 1918, in order to enable the delegates to consult their respective Governments, and to give time for the other belligerents to take part in the negotiations. The Conference met again on January 9, 1918, and sat till January 20, when another adjournment of ten days took place owing to disagreement on the question of admitting Ukrainian delegates.

It was broken off on February 10, when Trotski said that the war was at an end, but refused to sign a peace, and the Russian delegates declared that their powers were exhausted. The Conference was resumed on March 1.

There were short adjournments from January 16 to January 18 (due to the illness of Count Czernin), and from February 3 to

February 6 (to enable Count Czernin and von Kühlmann to visit Berlin).

Procedure.—At first protocols were used, but latterly the procedure was mainly by verbal communications. It was suggested by the Russians that each side should set out its proposals in writing; but this was rejected. Private discussions and informal meetings for consultation were frequent, but soon after Trotski's arrival such meetings between Russian delegates and those of the Central Powers were discontinued. The Russians demanded publicity for the proceedings.

Signature.—After the renewal of hostilities (see above) and the acceptance by Russia of the ultimatum from Germany on February 24, the delegates met again on March 1, and the Treaty between the Central Powers and Russia was signed on March 3.[1]

Ratifications.—The ratifications were exchanged March 16–22.

General.—During the breach in the negotiations (February 10–March 1) communication between Russia and the Central Powers was carried on by wireless; but the Germans had a 'Commission' in Petrograd to look after their interests. When the Conference reassembled on March 1 it was only to discuss the details of a peace which had been already dictated.

[1] Peace between the Central Powers and the Ukraine was signed on Feb. 9.

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