

International Law Studies—Volume 17

International Law Documents

Neutrality

Breaking of Diplomatic Relations

War

With Notes

U.S. Naval War College (Editor)

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Government, the U.S. Department of the Navy or the Naval War College.

ART. 5. Besides any other goods which shall be considered as such, the following shall always be considered as legitimate prizes :

(a) Ships carrying contraband of war the value, weight, size, or freight of which amounts to more than half the value, weight, size, or freight of her cargo ;

(b) Ships on their return voyage after having carried contraband in the manner described in the preceding subclause ;

(c) Ships not included in subclauses (a) and (b), habitually employed in contraband traffic or other traffic which may be qualified as that of rendering assistance to the enemy ;

(d) Ships of enemy ownership which by their build, armament, or internal disposition and fittings may be converted into ships of war.

ART. 6. Goods not considered contraband of war, but being actually the property of the enemy or their allies, may be seized whilst on board neutral ships, whatever port they may be bound to, and shall be deposited and dealt with in accordance with the terms of the decree No. 2350 of the 20th of April, 1916, and other enactments in force.

ART. 7. In other cases which have not been provided for in this decree or other national legislation in force, the provisions bearing on the subject contained in the legislation of the allied nations, as well as the general principles of public international law shall be applicable.

ART. 8. The present decree shall come into force immediately and all legislation contrary thereto is hereby revoked.

SEAT OF THE GOVERNMENT OF THE REPUBLIC,

*14th August, 1916.*

(There follows a list containing 73 classes of articles regarded as contraband of war.)

## ROUMANIA.

*Declaration of war against Austria, 9 p. m., August 27, 1916.<sup>1</sup>*

[The Times (London) History of the War, 9:430 ; Rev. Gén., Doc., 23:197.]

Note Handed to the Austro-Hungarian Minister at Bucharest, August 27, 1916.

The Alliance concluded between Germany, Austria-Hungary, and Italy had, according to the precise statements of the govern-

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<sup>1</sup> "AMSTERDAM, August 28, 1916.

"A Vienna telegram states that last night the Roumanian Minister in Vienna visited the Austro-Hungarian Ministry of Foreign Affairs in order to present a note according to which Roumania, as from August 27, at 9 o'clock in the evening, considered herself in a state of war with Austria-Hungary." (London Times, Aug. 29, 1916, p. 7, c. See also Journ. Off., Sept. 5, 1916, p. 7959.)

ments themselves, only an essentially conservative and defensive character. Its principal object was to guarantee the allied countries against any attack from outside and to consolidate the state of things created by previous treaties. It was with the desire to harmonize her policy with these pacific tendencies that Roumania joined that alliance. Devoted to the work of her internal constitution and faithful to her firm resolution to remain in the region of the lower Danube an element of order and equilibrium, Roumania has not ceased to contribute to the maintenance of peace in the Balkans. The last Balkan wars, by destroying the status quo, imposed upon her a new line of conduct. Her intervention gave peace and reestablished the equilibrium. For herself she was satisfied with a rectification of the frontier which gave her greater security against aggression, and which, at the same time repaired the injustice committed to her detriment at the Congress of Berlin. But in the pursuit of this aim Roumania was disappointed to observe that she did not meet from the cabinet of Vienna the attitude that she was entitled to expect.

When the present war broke out Roumania, like Italy, declined to associate herself with the declaration of war by Austria-Hungary, of which she had not been notified by the cabinet of Vienna. In the spring of 1915 Italy declared war against Austria-Hungary. The Triple Alliance no longer existed. The reasons which determined the adherence of Roumania to this political system disappeared. At the same time, in place of a grouping of States seeking by common efforts to work in agreement in order to assure peace and the conservation of the situation *de facto* and *de jure* created by treaties, Roumania found herself in presence of powers making war on each other for the sole purpose of transforming from top to bottom the old arrangements which had served as a basis for their treaty of alliance.

These profound changes were for Roumania an evident proof that the object that she had pursued in joining the Triple Alliance could no longer be attained, and that she must direct her views and her efforts toward new paths, the more so as the work undertaken by Austria-Hungary assumed a character threatening the essential interests of Roumania, as well as her most legitimate national aspirations.

In the presence of so radical a modification of the situation between the Austro-Hungarian monarchy and Roumania the latter resumed her liberty of action.

The neutrality which the Royal Government imposed upon itself in consequence of a declaration of war made independent of its will and contrary to its interests was adopted, in the first instance, as a result of assurances given at the outset by the Imperial and Royal Government that the monarchy, in declaring war upon Serbia, was not inspired by a spirit of conquest, and that



it had absolutely no territorial acquisitions in view. These assurances were not realized. To-day we are confronted by a situation *de facto* from which may arise great territorial transformations and political changes of a nature to constitute a grave menace to the security and future of Roumania.

The work of peace which Roumania, faithful to the spirit of the triple alliance, had attempted to accomplish was thus rendered barren by those who themselves were called upon to support and defend it.

In adhering, in 1883, to the group of central powers, Roumania, far from forgetting the ties of blood uniting the people of her kingdom to those Roumanians who are subject to the Austro-Hungarian monarchy, saw in the relations of friendship and alliance which were established between the three great powers a precious pledge for her domestic tranquillity, as well as for the improvement of the lot of the Roumanians of Austria-Hungary. In effect, Germany and Italy, who had reconstituted their States on the basis of the principle of nationality, could not but recognize the legitimacy of the foundation on which their own existence reposed.

As for Austria-Hungary, she found in friendly relations established between her and the Kingdom of Roumania assurances for her tranquillity both in her interior and on our common frontiers, for she was bound to know to what an extent the discontent of her Roumanian population found in an echo among us, threatening every moment to trouble the good relations between the two States.

The hope that we based from this point of view upon our adhesion to the triple alliance remained unfulfilled during more than 30 years. The Roumanians of the monarchy not only never saw any reform introduced of a nature to give them even the semblance of satisfaction, but, on the contrary, they were treated as an inferior race, and condemned to suffer the oppression of a foreign element which constitutes only a minority in the midst of the diverse nationalities constituting the Austro-Hungarian State. All the injustices which our brothers were thus made to suffer maintained between our country and the monarchy a continual state of animosity, which the Government of the kingdom only succeeded in appeasing at the cost of great difficulties and numerous sacrifices.

When the present war broke out it might have been hoped that the Austro-Hungarian Government, at least at the last moment, would end by convincing itself of the urgent necessity of putting an end to this injustice, which endangered not only our relations of friendship, but even the normal relations which ought to exist between neighboring States. Two years of war, during which Roumania has preserved her neutrality, proved that Austria-Hungary, hostile to all domestic reform that might ameliorate

the life of the peoples she governs, showed herself as prompt to sacrifice them as she was powerless to defend them against external attacks. The war, in which almost the whole of Europe is taking part, raises the gravest problems affecting the national development and the very existence of States. Roumania, from a desire to contribute in hastening the end of the conflict, and governed by the necessity of safeguarding her racial interests, finds herself forced to enter into line by the side of those who are able to assure her the realization of her national unity. For these reasons she considers herself from this moment in a state of war with Austria-Hungary.

## RUSSIA.

*Note relating to declaration of war by Germany, August 2, 1914.*

[Russian Orange Book.]

No. 78.—The Minister of Foreign Affairs to the Representatives of His Majesty the Emperor Abroad.

[Telegram.]

ST. PETERSBURG, 20 July–2 August, 1914.

It is absolutely clear that Germany is already endeavoring to throw upon us the responsibility of the rupture. Our mobilization was provoked by the enormous responsibility which we should have incurred if we had not taken all precautionary measures at a moment when Austria, confining herself to *pourparlers* that were only meant to gain time, was bombarding Belgrade and proceeding to a general mobilization.

His Majesty the Emperor had undertaken, by giving his personal word to the Emperor of Germany, not to undertake any aggressive act so long as the *pourparlers* with Austria should continue. After such a guarantee, and after all the proofs of Russia's love for peace, Germany could not and had no right to doubt our declaration that we would accept with joy any pacific issue compatible with the dignity and independence of Serbia. Any other solution would be completely incompatible with our own dignity and would certainly have shaken European equilibrium by insuring the hegemony of Germany. This European, even world-wide, character of the conflict is infinitely more important than the pretext which created it. By its decision to declare war upon us at a moment when the negotiations between the powers were still being carried on, Germany has assumed a heavy responsibility.

SAZONOFF.