

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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America on the Austro-Hungarian Empire and considering that the Republic of Panama has expressed before in its laws and resolutions its firm willingness to lend to the United States of America all the powers and cooperation it may be capable of in the present war, making common cause with the democratic nations which are fighting to impede the predominance of the world by the Teuton powers, be it

*Resolved*, That the Republic of Panama be declared in a state of war from to-day, December 10, 1917, with the Austro-Hungarian Empire.

That the President be invested with the necessary powers to cooperate with the United States of America in the prosecution of the war in accordance with the principles of international law.

## PERU.

*Proclamation of attitude in war between United States and Germany, July 28, 1917.*

[U. S. Official Bulletin, No. 89, p. 1.]

**Address of M. Pardo, President of Peru, to Congress.**

President Wilson, in his message read before the American Congress on the 2d of last April, set forth the motives of intervention of his country in the European war and the plans pursued to save the principles of peace and justice in the world, declaring that the United States would be satisfied only when they have consolidated the faith in liberty which the nations can give, adding that they will fight for the triumph of democratic rights, for the liberty of those who are living under oppression and have no voice before their Governments, for the rights and liberties of the small nations, for the universal dominion of justice, and because the concert of all the people carry and assure peace and humanity, and may make the entire world positively free.

Peru, which in all its acts of international life has endeavored to incorporate these principles of justice in the judicial and political relations of the American people; Peru, which in a war not far back sacrificed for these ideals the blood of its sons, the richness of its treasures, and the hope of its future, can not be indifferent to the words of President Wilson, and adheres once more to such noble purposes.

The sufferings of humanity during these years of terrible war, which draws to her the more powerful and more peaceful democracy of the history, shall not have been sterile if with its effort there is raised the new building of international society upon the immovable foundation of justice and of respect to sovereignty.

Brazil, Cuba, Bolivia, and Panama have suspended their diplomatic relations with the central powers.

Uruguay has taken the initiative that the South American States may receive in their ports American warships as brother nations and not belligerents, a concept compatible with terms of benevolent neutrality, to which act my Government has adhered to with sympathy.

*Notification of breaking diplomatic relations with Germany, October 6, 1917.*

[U. S. Official Bulletin No. 131, p. 4]

Francisco Tudela, Minister for Foreign Affairs of Peru, to the Secretary of State of the United States.

WASHINGTON, October 6, 1917.

YOUR EXCELLENCY: From the beginning of the great war, in which the most powerful peoples of the world are involved, the Peruvian Government has strictly performed the duties imposed upon it by international law and has loyally maintained the neutrality of the Republic, trusting that its neutral rights would in turn be respected by the belligerents. But when the conflagration spread to the American continent, notwithstanding the efforts exerted for nearly three years by the United States Government to keep that great people out of the conflict, Peru was confronted by new duties springing from its passionate desire for the continental solidarity that has ever been the goal of its foreign policy, and by the necessity of defending its rights from the new form of maritime warfare set up by Germany.

That was the reason why, on receiving notice of the belligerency of the United States caused by the proceedings of the Berlin Government in violation of international law, the Peruvian Government, far from declaring itself neutral, recognized the justice of the stand taken by the Washington Government. And for the same reason the President of Peru, in his message to Congress, and the minister for foreign affairs, in the Chamber of Deputies, with the express approval of the Parliament, solemnly affirmed the adhesion of our country to the principles of international justice proclaimed by President Wilson.

It was the Peruvian Government's wish that the policy of the whole continent be a concerted ratification of the attitude of the Washington Government, which took up the defense of neutral interests and insisted on the observance of international law. But the course of events did not result in joint action; each country shaped its course in defense of its own invaded rights as it was individually prompted in its adherence to the principles declared by the United States.



Peru, for its part, while endeavoring to give prevalence to a uniform continental policy, maintained with the utmost firmness the integrity of its rights as a sovereign nation in the face of Germany's disregard of the principles of naval warfare. It was the defense of those rights which led it to sever its diplomatic relations with the Imperial Government as the result of an outrage for which it duly but vainly claimed appropriate reparation: the sinking of the vessel *Lorton* by a German submarine on the coast of Spain while the ship was plying between neutral ports, engaged in lawful trade, without infringing even the German rules respecting closed zones—unknown to international law.

The reluctance of the Imperial Government to meet our just demands according to the general principles of international law; the very arbitrary rules laid down by that Government; and the unsuccessful presentation of a precedent in an analogous claim favorably entertained by it—these are the facts in which Peru reads the complete lack of justice that marks the course of the German Government's policy and the sound foundation there is for the effort to check that policy, so as to establish in the world a juridical standard that will forever cause justice to prevail in international relations.

The contents of this message and the documents which I shall forward to your excellency will enable your Government to acquaint itself with the fundamental grounds upon which our attitude rests, and also with the negotiations with Germany above referred to, which the Government has now brought to an end by recalling the minister of the Republic at Berlin and delivering his passports to the representative of Germany at this capital, with the express approval of the Parliament.

I avail myself of this opportunity to tender to your excellency the assurances of my high and distinguished consideration.

FRANCISCO TUDELA.

## PORTUGAL.

*Law authorizing military intervention, November 24, 1914.*<sup>1</sup>

[Coleção Oficial de Legislação Portuguesa, 1914, 2: 591.]

PRESIDENT OF THE MINISTRY.—LAW No. 283.

In the name of the nation, the congress of the Republic decrees and has promulgated the following law:

SINGLE ARTICLE. The executive power is authorized to intervene by military measures in the present international conflict at the time and in the manner it should judge necessary for our high

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<sup>1</sup> By law No. 275, of Aug. 8, 1914, the Executive had been authorized, in view of the emergency, to take measures for "insuring order and safeguarding the national interests, as well as to meet any extraordinary emergency of an economic and financial character." This authority was