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International Law Documents

Neutrality

Breaking of Diplomatic Relations

War

With Notes

U.S. Naval War College (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S.

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

The note denounces the attacks of German submarines on neutral vessels as violations of international law and of The Hague convention. It recalls that the Bolivian minister to Berlin was on board the Holland-Lloyd liner *Tubantia* when that vessel was sunk in neutral waters a year ago. The note concludes:

Your excellency will understand that although we regret the breach of diplomatic relations between Bolivia and the German Empire, such relations have become insupportable under existing circumstances. In consequence your excellency will find herewith passports for yourself and the members of your legation.

The note declares that German subjects and property will enjoy all liberties guaranteed by law, provided that they do not commit any act of delinquency, either collectively or as individuals.

BRAZIL.

*Order that complete neutrality be observed during the war of the German Empire against the French Republic and the Empire of Russia.*¹

[Decree N. 11,038 of Aug. 4, 1914.]

The President of the Republic of the United States of Brazil:

The Federal Government having received official notification from the Government of the German Empire that it finds itself in a state of war with the French Republic and the Empire of Russia.

Resolved, That there be faithfully and rigorously observed and carried out by the Brazilian authorities the rules of neutrality set forth in the circular² which accompanied the decree n. 11,037, of the 4th of the current month and year, as long as the said state of war shall last.

Rio de Janeiro, August 4, 1914, 93d of the independence and 26th of the Republic.

HERMES R. DA FONSECA.

FREDERICO AFFONSO DE CARVALHO.

¹ Similar decrees were issued as follows: No. 11,066, war between Great Britain and Germany, Aug. 12, 1914; No. 11,068, France and Austria-Hungary, Aug. 17, 1914; No. 11,069, Austria-Hungary and Russia, Aug. 17, 1914; No. 11,092, Japan and Germany, Aug. 24, 1914; No. 11,118, Austria-Hungary and Serbia, Aug. 31, 1914; No. 11,122, Austria-Hungary and Belgium, Sept. 3, 1914; No. 11,199, Great Britain and Austria-Hungary, Oct. 7, 1914; No. 11,353, Great Britain and Turkey, Nov. 11, 1914; No. 11,590, Italy and Austria-Hungary, May 24, 1915; No. 11,684, Italy and Turkey, Aug. 24, 1915; No. 11,751, Great Britain and Bulgaria, Oct. 22, 1915; No. 11,763, Italy and Bulgaria, Oct. 27, 1915; No. 11,984, Portugal and Germany, Mar. 10, 1916.

² International Law Topics, 1916, p. 10.

Unloading, in Brazilian ports, of merchandise destined to Brazil and located on board of captured ships.

[Decree N. 11,093 of Aug. 24, 1914.]

The President of the Republic of the United States of Brazil :

Considering the advisability of favoring, as far as possible, the supplying of the markets of Brazil, facilitating the entrance of merchandise destined to them ;

Considering, also, the practice followed previously by Brazil, as neutral, in occasions of war between foreign powers ;

Resolved, to include in article 20 of the rules of neutrality, established by the decree n. 11,037,¹ of the 4th of the current month, also the case in which the merchant ship, captured by any one of the belligerents, comes or is brought to a Brazilian port to discharge the merchandise destined to Brazil, the said article remaining drawn up as follows :

Article 20. The captures made by a belligerent may only be brought to a Brazilian port in case of unseaworthiness, stress of weather, lack of fuel or provisions, or in case of discharge of merchandise destined to Brazil, and, also, under the conditions provided hereinbelow in Article 21. The prize must depart as soon as the cause or causes of her arrival cease. Failing that departure the Brazilian authority will notify the commander of the prize to leave at once, and, if not obeyed, will take the necessary measures to have the prize released with her officers and crew, and to intern the prize crew placed on board by the captor. Any prize entering a Brazilian port or harbor, except under the aforesaid five conditions, will be likewise released.

Add after the article 21 the following single paragraph :

In any one of the hypotheses of the Articles 20 and 21 the Brazilian Government reserves to itself the right to demand the disembarking from on board the prizes of the merchandise destined to Brazil.

Rio de Janeiro, August 24, 1914, 93d of the independence and 26th of the Republic.

HERMES R. DA FONSECA.

LAURO MÜLLER.

Declares without effect article 24¹ of the rules of neutrality which accompanied the decree N. 11037, of August 4 of the current year.

[Decree N. 11209A of Oct. 14, 1914.]

The President of the Republic of the United States of Brazil :

There being difficulties in the practical execution of the dispositions of the article 24 of the rules of neutrality which accompanied the decree N. 11037, of the 4th of last August.

Resolved, To declare without effect article 24 of the same general rules of neutrality during the time which the present state of war may last between various powers.

¹ International Law Topics, 1916, p. 13.

Rio de Janeiro, October 14, 1914, Ninety-third of the independence and twenty-sixth of the Republic.

HERMES R. DA FONSECA.

LAURO MÜLLER.

Declares of public necessity, as long as the European war shall last, the taking over of the ships of the national merchant marine.

[Decree N. 11806 of Dec. 9, 1915.]

The President of the Republic of the United States of Brazil :

Considering that coasting navigation can not be carried on save by national ships (Constitution, art. 13, single paragraph) ;

That, therefore, it is a necessity of public order to take precautions, so that the national merchant marine may not disappear or be reduced to the point of not being able to lend the service to which the Federal Constitution destined it ;

That these precautions are imposed, at the present moment, by the Government finding itself in the presence of a well-defined case of defense of the State (law of Sept. 9, 1826, art. 1, n. 1 ; decree n. 4956 of Sept. 9, 1903, art. 2, n. 1) defense of vital economic interests, and especially of the existing juridical and constitutional order ;

Considering, also, that the present condition of the country, with the calamity of the drought in different States of the North, demands exceptional increase in the means of transportation, either in order to attend to those who, leaving the afflicted zone, where they do not find means of subsistence, seek refuge in other points of the Republic, or that succor may be furnished, in provisions of first necessity or in materials for public works ;

That the sending of succor in times of famine or of extraordinary calamity, as is the drought, with which the interior of the north is suffering cruelly, is a case of public necessity, in the terms of the law which defined it (law of Sept. 9, 1826, art. 1, 3°), and consequently authorizes the disappropriation permitted by the federal constitution, article 72, section 17, as exception to the assurance given by it to the right of private property, in its fullness ;

Considering, also, that the sale of national ships to foreigners might, by the ulterior destination which shall be given them, alter the situation of scrupulous neutrality which Brazil resolved to maintain in the war in which at present various friendly nations find themselves involved ;

That in the abnormal situation in which the civilized world finds itself it behooves the Government of the union to have the greatest care and all vigilance, in order to avoid international frictions which might compromise the cordiality of the relations of perfect friendship in which fortunately we live with other peoples ;

Considering, finally, that the national merchant marine might, eventually, become auxiliary of the navy, and that, consequently, to prevent its dissolution is providing for the defense of the State;

And using the attributes which article 48, n. 1, of the constitution confers upon him,

Decrees:

ART. 1. There is declared of public necessity, as long as the present European war shall last, the taking over of the ships of the national merchant marine.

ART. 2. The taking over will be carried out by the attorney of the Republic before the federal justice in the terms of the law in effect.

Rio de Janeiro, December 9, 1915, ninety-fourth of the independence and twenty-seventh of the Republic.

WENCESLAU BRAZ P. GOMES.

CARLOS MAXIMILIANO PEREIRA DOS SANTOS.

LAURO MÜLLER.

ALEXANDRINO FARIA DE ALENCAR.

JOÃO PANDIÁ CALOGERAS.

A. TAVARES DE LYRA.

JOSÉ CAETANO DE FARIA.

JOSÉ RUFINO BEZERRA CAVALCANTI.

*Notification of breaking of diplomatic relations with Germany
April 11, 1917.*

RIO JANEIRO, April 11, 1917.

Considering that the inquiry and the conclusions cabled by the legation at Paris on the subject of torpedoing of the steamer *Parana* established the fact that the *Parana* was proceeding under reduced speed, was illuminated outside and inside, including the shield with the name "Brazil," and

Considering that the steamer received no warning to stop, according to the unanimous deposition of the crew, and

Further, that the steamer was torpedoed and was shelled five times, and that the submarine made no attempt to save life,

Then, in the presence of such aggravating circumstances and in accord with the note of February 9 and the telegram of February 13, sent by the Brazilian Government to the legation at Berlin, the Brazilian Government severs relations with Germany.

Note on revocation of neutrality, June 4, 1917.

[United States Official Bulletin, No. 37.]

JUNE 4, 1917.

MR. SECRETARY OF STATE: The President of the Republic has just instructed me to inform your excellency's Government that he has approved the law which revokes Brazil's neutrality in the war

between the United States of America and the German Empire. The Republic thus recognized the fact that one of the belligerents is a constituent portion of the American Continent and that we are bound to that belligerent by traditional friendship and the same sentiment in the defense of the vital interests of America and the accepted principles of law.

Brazil ever was and is now free from warlike ambitions, and while it always refrained from showing any partiality in the European conflict, it could no longer stand unconcerned when the struggle involved the United States, actuated by no interest whatever but solely for the sake of international judicial order, and when Germany included us and the other neutral powers in the most violent acts of war.

While the comparative lack of reciprocity on the part of the American Republics divested until now the Monroe doctrine of its true character, by permitting of an interpretation based on the prerogatives of their sovereignty, the present events which brought Brazil even now to the side of the United States at a critical moment in the history of the world are still imparting to our foreign policy a practical shape of continental solidarity, a policy, however, that was also that of the former régime whenever any of the other sister friendly nations of the American Continent was concerned. The Republic strictly observed our political and diplomatic traditions and remained true to the liberal principles in which the nation was nurtured.

Thus understanding our duty and Brazil taking the position to which its antecedents and the conscience of a free people pointed, whatever fate the morrow may have in store for us, we shall conserve the constitution which governs us and which has not yet been surpassed in the guaranties due to the rights, lives, and property of foreigners.

In bringing the above-stated resolution to your excellency's knowledge, I beg you to be pleased to convey to your Government the sentiments of unalterable friendship of the Brazilian people and Government.

I avail myself of the opportunity to reiterate to your excellency the assurances of my highest consideration.

DOMICIO DA GAMA.

Declaration of war against Germany, October 26, 1917.

[United States Official Bulletin, No. 145, p. 6.]

The Department of State has been informed that at 6.20 o'clock Friday afternoon the Brazilian Senate unanimously voted the following resolution which had been approved by the Chamber at 3 o'clock:

A state of war between Brazil and the German Empire, provoked by the latter, is hereby recognized and proclaimed, and the President of the

Republic, in accordance with the request contained in his message to the National Congress, is hereby authorized to take such steps for the national defense and public safety as he shall consider adequate, to open the necessary credits and to authorize the credit operations required. All previous measures to the contrary are hereby revoked.

BULGARIA.

Neutrality declaration, July 29, 1914.

[Russian Orange Book, No. 1.]

No. 52.—The Chargé d’Affaires in Serbia to the Minister of Foreign Affairs.

[Telegram.]

NISH, 16 (29th) July, 1914.

To-day the minister of Bulgaria, in the name of his Government, informed Pachitch that Bulgaria would observe neutrality.

STRANDTMAN.

Notification of hostilities with Serbia, October 12, 1915.

[London Times, Oct. 14, 1915, p. 9, f.]

SOFIA, October 12, 1915.

This evening the Ministerial *Narodni Prava* publishes the following:

Near Biogradchik yesterday (Monday, Oct. 11, 1915) morning Serbian troops, without any cause, attacked our forces.¹ In reply to this foolish provocation our troops, in order to defend themselves better, captured, after a short conflict, the heights of Kitka, in Serbian territory. The fighting lasted from 7 a. m. until 6 p. m.

Notification of existence of war with Serbia, October 14, 1915.

[London Times, Oct. 15, 1915, p. 9, d.]

ATHENS, October 14, 1915.

The Bulgarian minister announced to-day to the Greek Government that, in consequence of Serbian attacks at two points on

¹“ATHENS, October 11, 1915.

This afternoon the Bulgarians began the attack on Serbia at Kadibogas, a point in the direction of Kniashevatz.” (London Times, Oct. 13, 1915, p. 9, f.)

“The Serbian Legation in London learned yesterday (Oct. 12, 1915), from Nish, that during Monday (Oct. 11, 1915) the Bulgarians had begun to attack in the direction of the Vlasma.” (London Times, Oct. 13, 1915, p. 9, f.)

“BUCHAREST, October 12, 1915.

According to telegrams from the frontier, the Bulgarians opened hostilities against Serbia on Monday (Oct. 11, 1915) at 4 a. m. by bombarding a train carrying munitions.” (London Times, Oct. 14, 1915, p. 9, f.)