

THE DANUBE INTERNATIONALIZATION FILE UNTIL 1878

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Abstract

The primary purpose of the present study is to analyse and present the issues related to the interests and policies of the European Great Powers during most of the 19th century regarding the control and administration of navigation on the Danube. The mere organisation of the navigation rules along this river that crosses a large portion of Central Europe towards the Black Sea cannot be the only nor the most important reason for an increased interest in its control since there are strategic implications of at least European scope at the core of this issue. As the many treaties and conventions concluded between states show, the issue of internationalising navigation on the Danube has been complicated from the beginning. The lack of agreement between the parties, the absence of a common language of dialogue, and the social, political, and national issues characteristic of the nineteenth century have often been the cause of stagnation and setbacks at the negotiating table. The establishment of the European Commission of the Danube at the end of the Crimean War in 1856 marked an important milestone in the administration of the Danube, and the Commission's mandate continued in the following years despite the omnipresent regional conflicts.

Keywords: the Danube question, the international file, the treaties and conventions relating to the Danube, The European Commission of the Danube, the Commission of the Riparian States.

Among the great European rivers, the Danube encompasses—perhaps to the highest degree—the characteristics of an international matter. The question did not concern only the navigation regime for the stream crossing Central Europe to the Black Sea. At the heart of the issue were always presumed strategic implications of at least a European scope. The navigation regulations adopted by the Congress of Vienna in 1815 for international rivers did not apply to the whole Danube at the time. For Austria, Bavaria, Württemberg and Baden, Upper and Middle Danube navigation was provided under the aegis of the German Confederation. Concerning the Lower Danube from the Iron Gates to the river's discharge into the Black Sea, treaties between Russia and the Ottoman Empire prevailed before 1854, with some Austrian navigation interference and chiefly British commercial interests, adapted to the autonomy of the Principalities of Moldavia and Wallachia. The axis of the

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Danube question's meanings, at least until 1914, relied on a European strategic motivation, highly tense during the Crimean War of 1853–1856. In that period, Russia's hegemonic ambitions were *manu militari* thwarted by France, Great Britain and, from around 1855, by Sardinia, as *allies* of the Ottoman Empire, aggressively attacked by the expansive power from the North. *Diplomatically*, the German forces, i.e., Austria and Prussia, got involved, too. Austria chose a neutrality position, which shifted towards active mediation. The armed operations began and unfolded in the Lower Danube until Russia—forced by the implications of the Austrian-Prussian convention of 20 April 1854 and of the Austrian–Ottoman convention of 14 June of the same year at Boyadji Köy¹—had to evacuate its armed forces from Moldavia and Wallachia. The Habsburg troops immediately occupied the latter with the consent and collaboration of the High Porte.² Shifting the theatre of war to Crimea did not diminish the strategic relevance of the Danube. Austria and Prussia *declared* they were *allied* in the name of the German Confederation and for Europe to know. They stated that the extension of the military operations on the right bank of the Danube and Russia's undefined occupation of Moldavia and Wallachia contradicted the significant interests they had to guard.³ Hence, the confidential negotiations between Austria, France and Great Britain in Vienna included the Danube's internationalisation among the bases of future peace (along with placing the Danubian Principalities under the collective warranty of the Great Powers, neutralising the Black Sea and ensuring the religious freedoms of the sultan's Christian subjects.⁴ Conveyed to Russia via a *memorandum* by Austria, France and Great Britain, the peace bases were adjusted, and phrases were added per the preliminary conventions between the three parties that initiated the act of 28 December 1854. Concerning the Danube, they were meant to ensure the freedom of navigation under the control of an unionised authority invested with the powers necessary to destroy the hurdles encountered at the river mouths.⁵ The agreement

¹ Through that convention, Austria and Prussia assumed—in the name of the Diet of the German Confederation in Frankfurt am Main—that the Danube was “of German interest”; Dimitrie A. Sturdza, Ghenadie Petrescu, and Dimitrie C. Sturdza, eds., *Acte și documente relative la istoria renascerei României*, vol. 2 (București: Institutul de Arte Grafice C. Göbl, 1889), 429–431 (The Convention, not the treaty, between Austria and Prussia, Berlin, 20 April 1854), 433 sqq. (Addendum to that convention).

² D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:459 sqq (The Convention between Austria and the Sublime Porte, Boyadji Köy, 14 June 1854).

³ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:470 (The Declaration made by Austria and Prussia to the German Confederation, 20 July 1854), 475. sqq (The Confederation's decision on the Austro–Prussian convention of 20 April, Frankfurt, 24 July 1854).

⁴ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:482 (Westmoreland and Bourqueney to Buol, Vienna, 8 August 1854), 483 (Buol to Westmoreland and Bourqueney, Vienna, 8 August 1854); an exchange of notes where we admitted that the peace would not last “si la navigation du Danube à ses embouchures n'est pas délivrée de toute entrave, et soumise à l'application des principes consacrées par les actes du Congrès de Vienne”.

⁵ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:560 (The memorandum of the representatives of Austria, France and Great Britain for Gorchakov, Vienna, 28 December 1854).

between Austria, France and Great Britain regarding the unionised authority was animated by the idea that—to allow the full development of Danube navigation's freedom—the Lower Danube had to be removed from the territorial jurisdiction provided by Articles 3 of the Adrianople Treaty of 1829; that jurisdiction referred to the “point from where it became thus far common to two riparian states”;⁶ it did not mention their names, but they must have been Russia and Turkey. Furthermore, when the Russian cabinet received the *memorandum* of 28 December and accepted peace negotiations, it made several observations. They included the establishment—according to the provisions of the 1815 Vienna Congress on the streams bordering or crossing several states—of a mixed commission invested with the powers necessary to destroy the hurdles encountered at the Danube's mouths.⁷

From the beginning of discussing the Danube's internationalisation, it was difficult to identify a common language, uniform or equally acceptable to the deliberating Great Powers. Significant challenges were noticed during the Vienna Conference in 1855 and most of the Paris Peace Congress in 1856. Would the topic of the deliberations by the diplomatic forums have been a simple matter of law, they would have achieved such a language according to the clauses of the *Final Act* of 9 June 1815 (the Vienna Congress), as in the preceding cases of “international rivers bordering or crossing states in the Western and Central Europe, acknowledged as mutually sovereign”. However, concerning the Danube, the political and statal issues were highly complicated in 1854–1856 and many years afterwards. The Upper and partially the Middle Danube stream crossed sovereign states. Meanwhile, the end of the Middle Danube and the Lower Danube bordered or crossed statal entities with discrepancies in terms of power and law. Whereas Russia would be removed from the river mouths through the Treaty of 30 March 1856, Turkey preserved its riparian titles to the detriment of Moldavian, Wallachian and Serbian aspirations of full sovereignty of their Danubian parts. In the case of the Danube, mostly Lower Danube, the deliberations regarding “the internationalisation of the great river” or “the freedom of navigation” untimely shifted from juridical and formal references towards highly tense political and strategic implications. Those deliberations—assumed exclusively by the Great Powers—immersed into European reasons, from the freedom of river navigation and the internationalisation of rivers to peace and the general balance of power. Rivalries of the Great Powers equally marked the same deliberations; those between Russia and Austria or Russia and Great Britain were notorious even before 1854–1856.⁸ To calm or mask as much as possible—for high reasons—the serious conflicts or rivalries, conventions between the deliberating parties were a rare

⁶ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:560.

⁷ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:561 (Gorchakov's statement on “the four points”/ “peace bases”, 7 January 1855).

⁸ Constantin Ardeleanu, *Evoluția intereselor economice și politice britanice la Gurile Dunării (1829–1914)* (Brăila: Editura Istros, 2008), 33–64.

solution found during diplomatic reunions. Until 1878, those parties did not provide a notional expression of the Danube question in diplomatic correspondence, deliberating forums, treaties, and conventions. After 1878, Romania's Danubian claims caused—more than one would admit at first glance—the intense diplomatic circulation (at the level of public debates and press and specialized texts) of this reference notion.

For the file of the Danube question, it was especially relevant to attest to its genesis and beginnings. From the perspective of a small state, such as Romania in 1878–1883, such an attestation was inevitably sought in principles and norms of the law of nations, protocols of diplomatic conferences, clauses of treaties—all approved by the European Great Powers.⁹ “Signs” of attesting to the matter do not exceed a century since the regulation of the international rivers concerned the nations and pushed the states towards the joint organization of a far-reaching and comprehensive pacifist work with beneficial effects for all.¹⁰ The first signs would have emerged at the principles level during the French Revolution, in acts of the National Convention¹¹ and “revolutionary” diplomatic endeavors regarding “great streams”, such as the Rhine.¹² Concerning the same power of principle, the freedom of navigation on the Rhine, Escaut and Meuse made the subject of specific clauses of the treaty of 30 May 1814 in Paris, approved by defeated France, on the one hand, and Austria, Great Britain, Prussia, Russia, Portugal, Spain and Sweden, on the other.¹³ The clauses were subsequently deliberated at the Vienna Congress.

⁹ *Actes relatifs au Danube. Traités, conventions, protocoles et règlements* (București: Impr. Romanul, Charles Göbl, 1882), 1–70; Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente* (București, Impr. Romanul, Charles Göbl, 1883), 1–360; Dimitrie A. Sturdza, *Recueil de documents relatifs à la liberté de navigation du Danube* (Berlin: Puttkammer & Mühlbrecht, 1904), 1–79.

¹⁰ D. A. Sturdza, *Recueil de documents*, 5 (*Introduction*, by the editor, D. A. Sturdza); the words could have also been inserted at the beginning of the work *Cestiunea Dunărei. Acte și documente*, probably also edited by D. A. Sturdza, the minister of Foreign Affairs in 1883).

¹¹ During the debates of the Provisory Executive Council of the Convention, we admitted, on principle, “que le cours des fleuves est la propriété commune et inaliénable de toutes les contrées; qu’une nation ne saurait sans injustice prétendre au droit d’occuper exclusivement le canal d’une rivière et d’empêcher que les peuples voisins qui bordent les rivages supérieurs, ne jouissent du même avantage; qu’un tel droit est un reste des servitudes féodales ou du moins un monopole odieux qui n’a pu être établi que par la force, ni consenti que par l’impuissance, qu’il est, conséquemment révoqué dans tous les moments et malgré toutes les conventions, parce que la nature ne reconnaît pas plus de peuples que d’individus privilégiés et que les droits de l’homme sont à jamais imprescriptibles”; Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 1 (excerpt from *Moniteur Universel*, no. 127, 1792).

¹² “La navigation du Rhin sera commune aux deux nations; et les autres peuples ne pourront y participer sans le consentement respectif et aux conditions agréées par l’une et par l’autre”; Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 2 (excerpt from the French note addressed to the Saint Empire’s envoys to the Congress of Rastadt, in 1798).

¹³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 5 (article 5 of the Treaty of 30 May 1814, article 3 of those “separated and secret” additional to the same treaty); see also Sturdza, *Recueil de documents*, 1 (the same articles of the treaty).

At the peace forum in the Austrian capital, the first plenipotentiary of France, Talleyrand, later proposed a commission comprising delegates of the Powers signatory of the treaty mentioned above in Paris to deliberate on the principles resulting from the clauses concerning the Rhine and the Escaut.¹⁴ There was a suggestion made, interestingly, by Russia's plenipotentiary Nesselrode to provide deliberative competencies only to the powers directly interested in the issue of the two streams. It led to the proceedings of a *Special Commission*, initially made up of representatives of Austria, France, Great Britain and Prussia, then competed by delegates expressly mandated by the Netherlands, Bavaria, Baden, Hessa-Darmstadt and Nassau. Its secretary was Georg Friedrich von Martens, a renowned specialist in "the law of nations", covered by the fate of settling the standard and general interest of river navigation freedom".¹⁵ The outcome of the 12 sessions of the *Commission*, which unfolded between 2 February and 24 March 1815, was *the Regulation on the free navigation of rivers*,¹⁶ also recorded as the 16th appendix to the *Final Act* of the Vienna Congress of 9 June of the year mentioned above.¹⁷

Articles 1–9 of *the Regulation* of "free navigation of the rivers that separate or cross various states in their navigable stream" were included in *the Final Act* of the Vienna Congress (Articles 107–116) and became general. The first article of *the Regulation* (108 in *the Final Act*) suggested the commitment and representation of states "to regulate by mutual agreement" the navigation of the stream separating or crossing them. The second article of the same *Regulation* (108 in *the Final Act*) consecrated the principle according to which "the navigation on any stream of rivers, from the point where it becomes navigable and to its discharge /.../ will be completely free and not forbidden to anyone in terms of commerce", beyond the "obligation" of conforming to the river police, "designed evenly /.../, favorable to all nations". *The system* determined that "both concerning the navigation rights or taxes and the maintenance of river police" was meant to be "if possible, the same for the entire stream". The system could even be extended if "particular" circumstances did not oppose "its tributaries and confluent rivers that separated or crossed various states on their navigable streams" (Article 3 of *the Regulation*, 110 in *the Final Act*). Such a *system* involved admitting "the navigation rights evenly"

¹⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 5 sqq. (The Congress of Vienna, the protocol of 10 December of the Committee of Eight Powers, which signed the Paris Treaty of 30 May 1814).

¹⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 6 sqq. (The Congress of Vienna, the protocols of 14 December 1814 and 16 January 1815 of the Committee of Eight Powers and the minutes of 2 February 1815 of the Commission regarding the free navigation of rivers).

¹⁶ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 6–13 (reports, with appendices, of the proceedings of the Commission regarding the free navigation), 113–123 (*Règlement concernant la libre navigation des rivières*, Vienna, 24 March 1815).

¹⁷ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 113–115 (*Règlement...*), 124–125 (excerpt from *the Final Act*); see also D. A. Sturdza, *Recueil des documents*, 2–4 (excerpt from *the Final Act*).

(Article 4 of the *Regulation*, 111 in the *Final Act*), functioning as per “similar” regulations concerning the rights/taxes mentioned above. The idea was to harmonize the responsibilities or obligations of the riparian states concerning their won engagements (Articles 5–9 of the *Regulation*, 112–116 in the *Final Act*). Under the general provisions, the “particular” or “special” regulations regarding the navigation on the Rhine, Necker, Main, Moselle, Meuse and Escaut reached the level of the same availability, “as if *textually* inserted in the *Final Act* of 9 June 1815” (Article 117 of that *Act*).

The Regulation of 24 March 1815 and *the Final Act* of the Vienna Congress became the point of reference of almost any state claiming “riparian rights of a stream meeting international criteria”.¹⁸ Concerning Romania’s claims on the Danube, 1883 references were made to the French Revolution. It was related to various beliefs shared by adepts of a national cause also legitimate by invoking the principles consecrated by the nation acting as the older sister regarding Latinity and Liberty. The French revolutionaries and the Romanian uprising leaders of 1848, 1859, 1866 and 1877 saw *the national principle* “of the unique and indivisible nation” and “the principle of citizens generating the laws” as foundations of the “new state”, with “natural and historical rights”. Such principles still encompassed, in 1883, “the century of nationalities”. They were also amended from the perspective of the theory and practice “of the positive law of nations”, also called international law. From such a perspective, the rights and obligations undertaken by states relied on treaties, as contractual and synallagmatic acts, approved by those sovereign entities. The same view excluded the full equivalence between legitimizing “natural law principles” specific to speculative and philosophical endeavors than legal exegesis and “the principles or norms of positive law”. In 1815, the presence of G. Fr. von Martens, “promotor of the positive law of nations”, already suggested the new course of the rights and obligations, mutually and rationally agreed upon between the states.¹⁹ In 1883 and subsequently, it became increasingly apparent due to ascending rationality and even cynicism specific to the power interests between states. In 1904, the *Recueil de documents relatifs à la liberté de navigation du Danube* did not include the texts of the French Revolution that invoked enthusiastically “the principle of free navigation of river streams”. One may admit that, concerning that freedom, the course of politics (*i.e.*, of the balances of power) hindered the idea of consecrating principles of another nature than that ensured by treaties or conventions between states.

In the file oriented in 1883 by Romanian officials, mostly to claim “natural and historical rights”, it was challenging to include acts or treaties approved by

¹⁸ Georges Kaeckenbeeck, *International Rivers: A Monograph Based on Diplomatic Documents* (London: Sweet, 1918), 1 sqq.; see also Joseph P. Chamberlain, *The Regime of the International Rivers: Danube and Rhine* (New York, 1923), 36–51.

¹⁹ Gheorghe Cliveti, *Prolegomene la studiul relațiilor internaționale. Epoca modernă* (București: Editura Academiei Române, 2009), 24–25.

“foreign powers”, before 1856, regarding “the navigation on the Danube”. Over time, such interpretations intensified what the Romanian specialists wrote regarding the Danube question. We identified premises or occurrences of the Danube’s internationalisation before uttering the principle of free navigation on streams “bordering or crossing several states”. The treaties between Powers with interests or confrontations “at the Danube” made increasingly more steps towards that internationalisation even during the 17th–18th centuries. It has been appreciated that “for the first time in the history of the navigation regime on the Danube”, an Austro–Ottoman Treaty, a capitulation consented to by the sultan in 1616, would have provided the possibility for the merchants of the Empire of Romans, of the Austria House and of the Kingdom of “Spains” to visit the states of the Porte and to return in peace on their ships with merchandise and money, playing 3% for sales and purchases.²⁰ That possibility or facility also made the object—following always-changing references—of other Austro–Ottoman treaties, like that of Karlowitz of 25 January 1699,²¹ that of Passarowitz of 21 July 1718 (*Instrumentum pacis...*),²² that “of commerce” (*Tractatus comercii...*) of 27 July 1718²³ or 18 September 1739 in Belgrade.²⁴ It even occurred later: on 4 August 1791 in Sistova.²⁵ The topic of commercial facilities or freedoms was the focus of Russo–Ottoman Treaties: of 18 September 1739 in Belgrade,²⁶ of 10 July 1774 in Kuchuk–Kainarji,²⁷ the peace and friendship Treaty of 8 January 1784 in Constantinople,²⁸ that of 9 January 1792 in Iași²⁹ and that of 28 May 1812 in

²⁰ Paul Gogeanu, *Dunărea în relațiile internaționale* (București: Editura Politică, 1970), 22 sqq.

²¹ Dimitrie A. Sturdza and C. Colescu-Vartic, eds., *Acte și documente relative la istoria renascerii României*, vol. 1, 1391–1841 (București: Institutul de Arte Grafice C. Göbl, 1900), 29 (Articles XIV and XV of the Treaty of Karlowitz), 22–32 (for the entire treaty).

²² D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:33 sqq. (Article 2 of the Treaty of Passarowitz).

²³ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:41–48.

²⁴ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:152 (Article 7, regarding the Danube and the Sava, of the Treaty of Belgrade).

²⁵ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:76 (Article 9 of the Treaty of Sistova); for commentaries, Gogeanu, *Dunărea în relațiile internaționale*, 25–28.

²⁶ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:112 sqq. (*Articolo nono*/Article 9, concerning the Black Sea, of the Russo–Ottoman Treaty in Belgrade, concluded on the same day as the Austro–Ottoman Treaty).

²⁷ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:129 sqq. (Article 9 of the Treaty of Kuchuk–Kainarji, mentioning, “Pour la commodité et l’avantage des deux Empires, il y aura une navigation libre et sans obstacles pour les vaisseaux marchands appartenant aux deux puissances contractantes, dans toutes les mers qui baignent leurs terres; /.../ En accordant /.../ aux sujets respectifs la liberté du commerce et de la navigation sur toutes les eaux sans exceptions, les deux Empires permettent en même temps aux marchands de s’arrêter dans leurs États”).

²⁸ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:210 (preamble of the Treaty of Constantinople, where we invoked “des avantages d’une paix solide et heureuse, du bon voisinage et du commerce établi”).

²⁹ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:223 (Article 7 of the Treaty of Iași, regarding “le commerce constituant le lien réel et durable d’une harmonie réciproque”).

Bucharest.³⁰ I only mentioned “the primary proceedings” here, which various conventions, diplomas or proclamations preceded, followed or completed.³¹ The Austro–Ottoman and Russo–Ottoman Treaties before 1815 suggested “facilities”, “privileges”, and “navigation and commerce freedoms”, explicitly or implicitly for the Danube, too. However, nothing within those treaties provided the “internationalisation” of that great stream.³² The treaties suggested acknowledging the rights of the state crossed by the river to ensure navigation for the portion of the river falling into the category of sovereign titles. The suggestion concerned the usual agreements between the Powers whose military confrontations or various interests, such as the “old Danube”, reached a strategic alignment. The Romanian statal entities were not “parties as of right” at those conventions. Imposed by Austria and Russia on the Ottoman Porte, the Treaties of up to 1815—also concerning the Danube—had a “zonal”, “temporary” availability, as they were “bilateral”, not “for all nations”. The interests of other Great Powers, i.e., France and the United Kingdom, led during and especially after the Napoleonic Wars to a change in perspective. The aim was to include the Danubian matters under the European aegis, as provided by the Vienna *Regulation* of 24 March 1815.

Four decades passed until the Danubian navigation regime followed the principles and norms of the Vienna Congress. For strict reasons concerning the disputes of the Great Powers on the organization of the post–Napoleonic peace, the southeast region of the old continent (assimilable to the geopolitical area of the “Oriental issue”), the European order foreshadowed by the peace treaties and forums of 1814–1815 did not cover it. During the great Viennese forum, Russia viciously opposed the Austro–British initiative of involving the Ottoman Empire in determining “the order and the general balance of power”. Consequently, the Great Powers undertook a *general guarantee* of the new European politico-territorial configuration but without any contractual form (i.e., treaty clauses).³³ For Emperor Alexander I and his ministers, the southeast of the continent was subjected not to the principles and norms of the European politico-territorial arrangement but to the Russo–Ottoman treaties, starting with the one of Kuchuk–Kainarji in 1774. All the issues within the area (the status of the Moldavian, Wallachian and Serbian Principalities or the fate of the sultan’s Orthodox subjects and the navigation on the Lower Danube and the Black Sea) were Russo–Ottoman matters for the discourse of the Russian Empire. The Danubian stream was thus “cut” into two primary

³⁰ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:297 sqq. (Article 4 of the Treaty of Bucharest concerning the Kilia branch and the navigation on the Danube); for commentaries, Paul Gogeanu, *Dunărea în relațiile internaționale*, 28–30; Iulian Cârțână, Ilie Seftiuc, *Dunărea în istoria poporului roman* (București, 1972), 30–32.

³¹ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:297 sqq.

³² The “Romanian file of the Danube question” of 1878/1880–1883 did not include the texts of those treaties.

³³ On detail in Gheorghe Cliveti, “Aranjamentul politico-teritorial european de la 1814–1815. Problema garanției generale”, *Anuarul Institutului de Istorie „A. D. Xenopol”* 41, (2004): 247–262.

parts.³⁴ The upper course was German-Austrian and followed the European politico-territorial arrangement of 1814–1815. The other one was considered the area of Russo–Ottoman affairs (it concerned the lower stream—the notion of a lower stream or Lower Danube was used sporadically and conventionally by including segments touching the demarcation line of the two primary parts).

The Convention of Akkerman highlighted the inclusion of the Lower Danube in that area on 7 October 1826. It mentioned the advantages and prerogatives of free navigation and commerce in all the seas and waters of the Ottoman Empire for the subjects of Russia.³⁵ The same idea was reiterated mainly through the Treaty of Adrianople of 4 September 1829. Article 7 stated trade freedom at the Black Sea and the free passage of the Straits by commercial ships.³⁶ The two diplomatic acts—the first only signed and the second enforced as the tsar’s armies defeated those of the sultan—concerned, among others, the *de jure* Russian protectorate over the Principalities of Moldavia and Wallachia. The Danube Delta was adjudicated by Russia, which moved its border with the Ottoman Empire on the Sfântu-Gheorghe branch. On the right bank, at the separation line from the Sulina branch, it was forbidden to have Ottoman dwellings at a “two-hour” distance from the stream. The commercial ships of the two neighboring powers that signed the treaty were allowed free circulation on the Danube according to their vicinity. The Russian military ships could go upstream only where the Prut discharged into the Danube.³⁷ Nothing within the treaty suggested the Lower Danube was open to the free circulation of vessels “of all nations”. We admitted the cessation of the Ottoman monopole and “free trade for the Moldavian and Wallachian inhabitants”. However, this did not mean (as often stated)³⁸ that the Romanian Principalities would have acquired “full commercial freedom”, given that the same treaty of 14 September 1829 did not provide them with the capacity of commercial international law subject. Free trade came from the foreign powers in the Danubian harbors of Galați and Brăila because the Ottomans had deserted the fortresses on the river’s left bank.³⁹ The Russian control over the Black Sea and the Ottoman Empire, under the Unkiar–Skelessy Treaty,⁴⁰ seriously affected navigation on the

³⁴ Constantin Ardeleanu, *Gurile Dunării – o problemă europeană. Comerț și navigație la Dunărea de Jos în surse contemporane (1829–1853)* (Brăila: Editura Istros a Muzeului Brăilei 2012), 11 sqq. (“Fractura” Dunării).

³⁵ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:297 sqq. 313 (Article 7 of the Akkerman Convention, explaining the 1812 Bucharest Treaty).

³⁶ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:297 sqq.

³⁷ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:319 (Article of the Treaty of Adrianople).

³⁸ Mostly by Russo-Soviet and Romanian historians after 1945.

³⁹ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:318–325 (the Treaty of Adrianople), 326–328 (A separate Adrianople act concerning the Principalities of Moldavia and Wallachia, 14 September 1829).

⁴⁰ Through the defensive alliance treaty with the Ottoman Empire, Russia ensured, at least for right years, an effective control should the Sublime Porte “claim naval and military assistance” from

Danube. Russia decided for commercial ships to have “free passage through the Straits” and go upstream and downstream on the Lower Danube. Some advantages of the Viennese shipowners, especially *Erste österreichisch-kaiserlich-königliche Donau Dampfschiffahrts Gesellschaft* (D.D.S.G.),⁴¹ also had favoring circumstances ensured by “the agreements of the Northern courts, i.e., Austrian, Russian and Prussian” in 1833 and 1835, concluded in Münchengraetz and Teplitz.⁴²

Understanding that the Western—primarily British—interests wanted to limit the radical evolution of Russia “in the Eastern issues”, Austria concluded with the United Kingdom, on 3 July 1838, a commerce and navigation treaty providing equal treatment for commercial ships, and article 6 mentioned the Danube.⁴³ However, the increasing Russian control over the lower river course made the Austrians (perhaps nostalgic over the Münchengraetz and Teplitz agreements marked by monarchic and conservative undertones and by the solidarity of Northern courts) eager to ensure free Danubian commerce and navigation, through a Convention signed on 25 July 1840 in Petersburg, by Nesselrode and Count Ficquelmont. This evolution decreased the value of the Austro–Russian Convention of recognizing and enforcing on the Danube the principles established by the Vienna Congress for the free navigation on the streams separating or crossing various states.⁴⁴ They acknowledged the free navigation on the Danube, from the point where it touched the Empire of all the Russians to its discharge into the Black Sea, including the part belonging to Austria-Hungary,⁴⁵ which showed “the Russian stratagem” of separating purely European interests from the matters decided by the Russian victories against the Ottomans. The same stratagem favoured the Odessa harbor, ensuring (per the engagements taken in 1829) the circulation of commercial ships “on Sulina”.⁴⁶ To hinder the Russian ambitions

Russia; see D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:332 sqq. (Articles 3 and 4 of the Treaty of Unkiar-Skelessy). Thus, we reconfirmed the clauses of the Treaty of Adrianople concerning the Straits and navigation (Article 2 of the Treaty of 1833).

⁴¹ Ardeleanu, *Gurile Dunării*, 12 sqq.

⁴² D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:1073–1075 (The Convention between Russia and Austria concerning the Ottoman Empire, 18 September 1833), 1074 sqq. (separate and secret articles of the Convention of Munich Graetz); for commentaries, Jacques Droz, *Histoire diplomatique de 1648 à 1919* (Paris, 1952), 326.

⁴³ Lucian Bădulescu, Gheorghe Canja, and Edwin Glaser, *Contribuții la studiul istoriei regimului internațional al navigației pe Dunăre* [The international law regime for the Danubian navigation until the Danube Convention of 18 August 1948] (București, 1957), 103 sqq. (The Treaty of 3 July 1838, signed in Vienna by Metternich and the British ambassador Lamb); for commentaries, Constantin Ardeleanu, *Evoluția intereselor economice și politice britanice la Gurile Dunării* (Brăila: Editura Istros a Muzeului Brăilei, 2008), 45.

⁴⁴ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:1075–1078 (*Convenția austro-rusă, din 25 iulie 1840*).

⁴⁵ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:1075–1078 (Article 1 of the same Convention).

⁴⁶ Ardeleanu, *Evoluția intereselor economice*, 44.

concerning the Danube and the Black Sea, the British policy counted in 1836 and several years afterwards on inviting the Sublime Porte to join *the Final Act* of the Vienna Congress, which comprised provisions on free river navigation.⁴⁷ Russia signed the Convention with Austria on 25 July 1840 to prevent the British attempts in this respect. Petersburg was aware of the British trying to invite the Porte to join the European guarantees, at least on principle.⁴⁸ When the Austro–Russian Convention was signed, the European negotiations in London regarding the Bosphorus and Dardanelles Straits were at a serious impasse. A year later, the talks ended in a convention approved by the Great Powers, as maritime states, and the High Porte. This act regulated the status of the Straits and consecrated, at least on principle, the respect of the integrity and independence of the Ottoman Empire (“*l’inviolabilité de ses droits souverains*”),⁴⁹ and it directly undermined “the Russian ambitions towards Constantinople”. Using its protectorate over the Romanian Principalities and its control of the Lower Danube and the Black Sea as bases for its ambitions, Russia faced severe implications of going against the “current” of Europe.

The bilateral agreements or the rivalries of the Great Powers and the increase in the Russian ambitions towards Constantinople, even towards Central Europe during the ‘20s –’40 of the 19th century, marked the politico-statal references in “the Danubian basin” profoundly. However, they had to particular certifying position in “the Romanian file on 1878/1880–1883” on the international navigation regime “of a great river”. The same went for the Revolutions of 1848–1849 that involved the same basin. Their programmatic acts included “points”/ “articles” regarding the freedom of the Danube, as approved by the future riparian statal entities, each according to its sovereignty.⁵⁰ For a file completed gradually during the highly tense phases of the Danube question, the preliminaries of “river internationalisation” were less relevant than the acts of the Vienna Congress and the addendums to it. Concerning the “internationalisation” of the same river, the Danubian clauses of the Treaty of 30 March 1856,⁵¹ preceded by the protocols of the Vienna Conference and accompanied by those of the Paris Congress, were

⁴⁷ Ardeleanu, *Evoluția intereselor economice*, 44.

⁴⁸ Ardeleanu, *Evoluția intereselor economice*, 44; see also Henry Hajnal, *The Danube: Its Historical, Political and Economic Importance* (The Hague, 1920), 66 sqq.

⁴⁹ D. A. Sturdza and Colescu-Vartic, *Acte și documente*, 1:1078–1080 (The Convention between Austria, France, Great Britain, Russia and the Ottoman Porte, London, 13 July 1841; the words within the preamble of the diplomatic act).

⁵⁰ See, more recently, Camil Mureșanu, Nicolae Bocșan, and Ioan Bolovan, eds., *Revoluțiile de la 1848–1849 în Europa Centrală. Perspectivă istorică și istoriografică* (Cluj-Napoca, 2000); Apostol Stan and Grigore Ploșteanu, *Utopia confederalismului pașaptist. Între vis și realitate* (București, 2001), 18–45.

⁵¹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 143 sqq. (*Articles XV–XXI du traité de Paris relatifs au Danube*); the specialists are more familiar with Sturdza, *Acte și documente*, 2:1080 sqq., thus interpretable considering the text of the Treaty of 30 March 1856.

central. During these diplomatic forums, the Great Powers deliberated on the conditions/bases “of the peace following a highly relevant conflict for the course of European history. At the end of intense deliberations, the signing parties of the treaty convened (for the future) the principles within *the Final Act* of the Vienna Congress “meant to regulate the navigation of the rivers separating or crossing several states /.../ to be applied evenly (“*également*”) to the Danube and its mouths”. The countries’ agreements were to be included in the European public law under their collective guarantee. The navigation on the river “could no longer be subjected to an obstacle or royalty, the toll or the taxing right of merchandise aboard the ships”.

The regulations of fluvial police and quarantine would favour free navigation for the safety of the riparian states (Article 15 of the Treaty of 30 March 1856). To achieve such conventions or provisions, *a commission* comprising representatives of France, Austria, Great Britain, Prussia, Russia, Sardinia and Turkey was meant to execute the works necessary downstream of Isaccea to free the Danube mouths and the adjacent sea areas from sands and other obstacles. The costs of these works justified a tax (to be determined by the vote of most commission members) under the condition “of the perfect equality for the pavilions of all nations” (Article 16 of the Treaty). *A permanent commission* comprising delegates of Austria, Bavaria, Württemberg and the Sublime Porte—one for which Power—and “commissioners of the three Danubian Principalities” (Moldavia, Wallachia and Serbia) approved by the suzerain courts elaborated “navigation and fluvial police regulations /.../, to remove the obstacles of any nature to the Danubian enforcement of the provisions of the Vienna Treaty (*sic!*) /.../, to decide on and enforce the works necessary *along the entire river* /.../, to monitor, *after the dissolution of the European Commission* (author’s italics) to maintain the navigability of the Danube mouths and the adjacent sea areas” (Article 17 of the Treaty). When the European and the riparian commissions ended the works mentioned in the previous articles, and for two years afterwards, the signatory parties of the Treaty reunited in the conferences, the idea was to dissolve the European Commission. Subsequently, the permanent riparian commission would enjoy “the same powers/prerogatives of the European Commission” (Article 18 of the Treaty). Each contracting party reserved the right to have two lightships at the Danube mouths to ensure the execution of the regulations (Article 19 of the Treaty).

In the case of the Danube, too, by formally invoking the principles and norms adopted in 1815 by the Vienna Congress regarding the rivers “bordering or crossing various states”, the navigation and river police regulations would feature increasingly particular aspects. In 1815, the “particular” rules regarding the navigation on the Rhine, Necker, Main, Moselle, Meuse and Escaut were attached to *the Final Act* of the Vienna Congress, with the same force and binding value as

the other provisions of the *Act*.⁵² *The Final Act* was approved by the “main Powers”, Austria, France, Great Britain, Prussia, Russia, Spain, Sweden and Portugal, deliberating on “general peace and order”. The particular/special river regulations were agreed upon only between the riparian states of every stream deemed “international”. The navigation regime on each such river was remotely established under the auspices “of the general order” decided by the Great Powers. The government of the Danube was placed in 1856 under the high auspices of a Treaty between Austria, France, Great Britain, Prussia, Russia, Sardinia and the Ottoman Empire; the last joined them per “the advantages of public law and the concert of Europe”.⁵³ However, though negotiated and sealed under the auspices of the excellent European policy, the Paris Treaty of 30 March 1856 consecrated “a new order”, but only for the area of the so-called Eastern question. Objectively, “the new Eastern order” appeared juxtaposed, adjacent, not subsumable as such to the “general” European ones. European rationalities operated “in the Eastern issues” following the agreed-upon guarantees for the integrity and independence of the Ottoman Empire.⁵⁴ The Porte was ready to issue a *firman* to improve the state of the Sultan’s Christian subjects. The same European rationalities were operating to neutralize the Black Sea, even for special Russo–Ottoman conventions on the number of “light” bastions on that river.⁵⁵ There was an express provision for the Danube regime that a part of the European public law should be under the guarantees⁵⁶ concerning the Principalities of Moldavia, Wallachia⁵⁷ and Serbia.⁵⁸ All such guarantees targeted “questions” mentioned in reverse order than that provided by the Paris Treaty, as “foundations” for peace negotiation, formulated—as we have seen above—as early as 1854.

At a pinch, the entire treaty of 30 March 1856 and its subsequent acts made the object of the collective guarantee of the European Powers. Regarding the Danube, those Powers placed its navigation regime under the first-rank influence of the European public law, but they also undertook commitment or obligations of

⁵² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 126 (Article 117 of *The Final Act*, Vienna, 9 June 1815).

⁵³ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1078 (Article 7 of the Treaty of 30 March 1856).

⁵⁴ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1075, 1078 (the preamble and article 7 of the same treaty).

⁵⁵ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1079 sqq. (Articles 10–14 of the same treaty).

⁵⁶ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1080 (Article 15 of the same treaty).

⁵⁷ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1082 sqq. (Articles 22–27 of the same treaty).

⁵⁸ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1083 (Articles 28–29 of the same treaty).

guarantee. It was a significant difference between the regime of the Rhine in 1815 and the Danube in 1856. Concerning the first, the warranties or the responsibilities were specific to the riparian states from the beginning. For the river discharging into the Black Sea, a significant aspect relied on the general balance of power; then, it concerned the freedom of navigation. The priority reasoning involved hindering Russia's ambitions that had caused in 1853 a conflict turning from Western into general. Such logic was considered to set the bases of peace: the solutions provided via the Paris Treaty. The same reasoning could not have received a direct reply in assuming and regulating the navigation on the Danube by riparian states. In 1856, the involvement was not equal; the most relevant were Austria, Bavaria, Württemberg and the Ottoman Empire; others were just autonomous under European guarantees, such as Moldavia, Wallachia and Serbia. It would have been hard to believe that the certified authorities of those times would have arrived at a unique regime, to be equally assumed in a contract, concerning the navigation of the entire Danubian stream. The prevalent reasoning dominated the Romanian Principalities regarding the upper river stream, focusing on neutralising the Black Sea. Concerning the cause of the general balance of power, removing Russia from the Danube Mouths was relevant. In exchange for the cities, harbors and territories listed by article 4 of the Treaty of 30 March 1856 (*"the cities and harbors of Sevastopol, Balaklava, Kamiesch, Eupatoria, Kerçi, Ieni-Kaleh, Kinburn, and other territories occupied by the allied troops"* French, British, Sardinian and Turkish)⁵⁹ and "to best ensure navigation freedom on the Danube", Russia agreed to a territorial rectification involving the annexation by Moldavia, under the suzerainty of the Porte, of the three counties in the South of Bessarabia: Cahul, Bolgrad and Ismail.⁶⁰

The prevalence of the European reasons over the competencies of the Danubian riparian states in 1856 is apparent if we go well beyond the "thread" of the clauses of the Paris Treaty. The clauses regarding the temporary character of "the European Commission at the river mouths" and "the permanence of the riparian commission" did not pass the test of time. However, the European Commission passed this test, at least until 1914, in its make-up of 1856, which Romania joined in 1878. Given the clauses of this treaty, no one noticed in the "Romanian file of 1878–1883" or in that period a certain "lack of text" from the tremendous diplomatic act of 1856, hardly hidden by Russia being removed from the Danube Mouths. "The Great Northern Court" agreed to a border rectification in Bessarabia. Still, the Paris Treaty did not mention anything about the Danube Delta, which the same "great Court" had adjudicated in 1829 after a victorious war with Turkey. The Delta was included among the territories of the Ottoman Empire in 1856 due to a deliberate Treaty

⁵⁹ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1078 (Article 4 of the same treaty).

⁶⁰ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1081 (Articles 20 and 21 of the same treaty).

concluded that year by all European Powers. The diligence of European diplomacy in the tense phases of 1870–1871 and mostly 1878–1883 concerning the Danube question was seriously affected by the lack of formal return (through treaty clauses). Regarding a much-deliberated Treaty by the Great Powers in 1856, article 16 stated that a permanent commission comprising delegates of the sovereign riparian states, Austria, Bavaria, Württemberg and Turkey, and commissioners of the Danubian Principalities, Moldavia, Wallachia and Serbia, “appointed only with the Porte’s approval”, decided on and enforced the works necessary along the entire river”. In fact, over time, all of it was false. Even the establishment of it did not come to be viable. Besides the severe lack of legal and interest-based inequalities between the parties formally nominated for far-reaching fluvial works, the riparian commission was challenged by rivalries or disputes between the Great deliberating Powers on the Danubian clauses and the entire Paris Treaty. The accentuation of rivalries, mostly Austro–Russian, concerning the Danube became visible when, during the Vienna Conference in 1855, the Habsburg Court—taking advantage of the diplomatic maneuvers of the peace bases—made clear its intention of solving the free navigation of the river towards the Black Sea. Filtered by the final provisions of the treaty above, camouflaged by its equal signing by all the deliberating powers, the intense rivalries between the same forces were rhythmically and clearly recorded by the protocols of the diplomatic reunions in Vienna in 1855, and mainly in Paris in 1856.

A *memorandum* presented by Prokesch-Osten at the reunion of plenipotentiaries in Vienna on 21 March 1855 showed the Austrian view of the Danube’s internationalisation intensely.⁶¹ The reference points of the argument concerned: the Great Powers provided the validity of the principles of free navigation and trade for the Lower Danube, from the point where it joined Austria and the Ottoman Empire; the arrangement of the Lower Danube as part of the European public law and guaranteed by all contracting powers. The reference points also included: the authorities would designate, right after concluding the peace, delegates to establish the bases of regulatory and fluvial and maritime police legislation, all submissible to the sanction of deliberating parties; the executive authority would be assigned according to the provisions of the Vienna Congress in 1815, regarding rivers, to a commission of the of navigation on the Lower Danube. Other reference points: admitting the permanent character “of the commission of the riparian states” to function in the name of Europe; Russia—which did not yet admit defeat and did not formally give up its Danubian border, gave up its quarantine on Sulina, to consider “the islands forming the Danube Delta a neutral territory”. Inevitably and promptly, for its part, Russia—through Gorchakov—sought to counter “the Austrian proposals”. Subsequently, the issues acquired two sides: political (of general and uncontested interest) and “commercial and practical”. Regarding “the second side”,

⁶¹ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:631–633 (*memorandum* annexed to Protocol no. 4, of 21 March 1855, of the Vienna Conference); see also *Cestiunea Dunărei. Acte și documente*, 131–133.

the great Northern Court claimed that we should follow its example by ensuring the navigation freedom on the Black Sea, mostly after 1829, for all “the merchant pavilions”, but the inadequacy of the “union-specific” function (“*avec un caractère scientifique et technique*”) “of the commission regulating the river navigation freedom”. This inadequacy was notifiable/verifiable at the level of inter-state relations, even for the commercial side of navigation on the Danube, where it was important not to get anything political involved.⁶² However, the relevance of the political character, for the entire approach to “the Danube question”, resided in the French and British diplomatic views, focusing on the opportunity of the presence “of the Powers’ warships”. The purpose was to ensure “the freedom of navigation at the river mouths”, where the Austrians saw “the natural access, without passing through the Straits” and of their vessels; to this eventuality, the Russians countered their refusal of admitting, at that point, “the neutralization of the Danube Delta”.⁶³ The Russian suggestion, through Gorchakov—to use the *European Commission* instead of the European “union”—was admitted in the Vienna Conference. Russia also countered British diplomacy to claim—through John Russell—the presence of the United Kingdom in that *commission* and that *of the riparian states*. With such a claim, the first British plenipotentiary sought to cut off the Russian ambitions, also amended by the French plenipotentiary, Bourqueney. They claimed to have decided, without the Ottomans, in 1829, the freedom of commercial navigation on the Black Sea. Subsequently, they thwarted the Austrians’ subtlety excess in defining the two Danubian commissions, meant to impose the role of the Habsburg empire as the primary riparian power.⁶⁴

Reprised during the Paris Peace Congress, the deliberations on “the Danubian navigation freedom” highlighted the prevalence of the European reasons concerning the particular stratagem of Russia and Austria to save or consolidate their interests on the lower river course. Defeated by “the European coalition”, Russia saw—using the text *of peace preliminaries* that it also approved on 1 February 1856 in Vienna⁶⁵—the Lower Danube border moved. To mitigate how Russia felt about this move, “the great Northern Court” tried—at the Paris Peace Forum on 25 March, when we admitted during the session protocol the *preliminaries* of Vienna⁶⁶—to object to various phrases therein. Such a phrase was

⁶² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 129 sqq. (Protocol no. 4 of the Vienna Conference); D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:628 sqq. (The same document).

⁶³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 130 sqq. (document cited); see also Sturdza, *Acte și documente*, 2:630 sqq.

⁶⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 133 sqq. (Protocol no. 5 of 23 March 1855 of the Vienna Conference); see also D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:633 sqq. (the same document).

⁶⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 137 (excerpt, only “point 2”, concerning the Danube from the text of the preliminaries, Vienna, 1 February 1856); for the entire text of the peace preliminaries, see Sturdza, *Acte și documente*, 2:908–910.

⁶⁶ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1001–1003.

“the presence at the Danube Mouths of the warships belonging to powers non-riparian of the Black Sea”, claiming that it impaired the principle of neutralization specific to the Black Sea.⁶⁷ The prompt reply by Count Walewski (the French Minister of Foreign Affairs and president of the deliberative forum) given to Count Orlov (ambassador and member of the team of Russian plenipotentiaries) that an exception agreed upon by the contracting parties was not an infraction against a principle (i.e., neutralising the Black Sea) put an end to this “incident” during the session. Even Count Buol (the Austrian plenipotentiary) mentioned that the ships of non-riparian states were entitled to station at the Danube Mouths and circulated “freely” on the neighboring sea. A Russian suggestion was made during the deliberations on the “point” concerning the Principalities in the sense that—to ensure “the free navigation on the Danube”—it would be ideal for establishing the border between two extreme limits, i.e., Hotin and Lake Salzyk directly. Lord Clarendon, the first British plenipotentiary, poignantly replied that the idea was to touch a reference point at “Waduli-Isaki, on Prut, and follow Valul lui Traian up to Lake Yalput”. He invoked the prevalence of what the allied powers had determined already. The defeated side had already agreed against any opinions contradicting such deliberative states.⁶⁸

The replies of the French and British Ministers of Foreign Affairs to the “stratagems” of Russian and even Austrian diplomacy regarding directly or just referencing “the Danube question” were highly influential at the Paris Congress. Such replies were allowed by the positions adopted by the Western Powers as main winners, as *allies*, in the war recently ended. Austria, all hyped up by its role as the foundation of the peace, received a European “lesson” on the Danube. Count Walewski presented the paragraphs referring to solving the point on the Danube, following reference points of general interest—ensuring navigation freedom for the entire river; consolidating the mandate of the European Commission; removing the obstacles against the circulation of ships up to Galați and Brăila; establishing the executive committee of all riparian states; entitling every Power contracting the peace to station “one or several lightships at the Danube Mouths”. In reply, Buol, the first Austrian plenipotentiary, reiterated the difference made by his government between the existing regime for the upper course of the river and that for its lower course.⁶⁹ The fact that Austrian diplomacy persisted in considering the mandate of the European Commission and the work of the executive committee of riparian states only for the Lower Danube went against the force of the general interest. Such interest was highlighted by the representatives of France and Great Britain at

⁶⁷ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1000 sqq.

⁶⁸ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1014 (Protocol no. 6 of 8 March 1856 of the Paris Congress); see Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 140 sqq. (fragment within the text of the same document).

⁶⁹ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1011 sqq. (Protocol no. 5 of 6 March 1856 of the Paris Congress); Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 138 sqq. (fragment of the same document).

the congress, followed by those of Prussia and Sardinia admitted at the deliberations.⁷⁰ Austria adhered hypocritically “to the entire application” of the principled comprised in *the Final Act* of the Vienna Congress on the Upper and Lower Danube, a measure to combine with previous commitments made *bona fide* by the riparian states.⁷¹ The Habsburgs adhered to the general principles of free river navigation and the inhibition of Russian ambitions concerning the impact of momentary “reservations” shown by Ottomans regarding the presence of the Powers’ lightships at the Danube Mouths.⁷² The adherence confirmed, at least indirectly, the evolution of European deliberations, energetically intensified by the French and the British to execute the Danubian clauses of the Treaty of 30 March 1856.

The priority of references to articles 15–19/22 of the Paris Treaty compared to those supported by data and notions recorded by the protocols of diplomatic reunions that preceded and accompanied or circumstantiated the signing of the said peace act by the Great Powers had its justification also in a certain way of drawing up the Romanian part of the Danube question in 1878/1880–1883 concerning the preliminaries and the internationalisation of the river. Since 1878, as an independent state and a territorial authority over the Danube Mouths, Romania had the capacity of representation at the European Commission in Galați. Until the end of 1882, the Danube policy of Carol I and his ministers referred “closely” to the clauses of the treaty mentioned above and the subsequent ones of 1871 and 1878. That reference guided Kogălniceanu’s texts of 1880–1882. Articles 15–19 of the Treaty of March 30, 1856, allowed the highlight of the legal dimension of the Danubian navigation freedom and, ipso facto, the providing a deep justificatory character to Romania’s sovereign titles over the river. During the preliminaries that began in the summer of 1882 and the works of the London Conference in February–March 1883, it was made clear to D. A. Sturdza, the Minister of Foreign Affairs, that only the fluvial navigation regime was open to legal interpretation by referring to synallagmatic acts, such as the Paris Treaty, but not the strategic implications of Danube affairs, which can be evaluated per their political and diplomatic dimension, naturally dynamic. As we pointed out, the data and notions recorded by the protocols of the diplomatic reunions of 1855–1856 were related to the same dimension. Those documents attested to dissensions rather than agreements between the Powers that would sign the Peace Treaty in Paris. The disagreements would last—with increasingly more reasons over time. Hence, the parties particularly interested in the affairs of the Lower Danube, such as Austria and Russia, frequently retorted to phrases from the protocols of the diplomatic

⁷⁰ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1021 sqq. (Protocol no. 8 of 12 March 1856 of the Paris Congress); Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 140 (fragment of the same document).

⁷¹ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1027 (Protocol no. 10 of 18 March 1856 of the Paris Congress); see also Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 141 (fragment of the same document).

⁷² D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1025 (document cited).

reunions and only sporadically, declaratively or formally to treaty clauses. As he was updated on all these matters, D. A. Sturdza included in the volume most likely edited by him *Cestiunea Dunărei. Acte și documente* (the contents of which were reprised in the more comprehensive *Recueil des documents relatifs à la liberté de navigation du Danube*) and published in Berlin in 1904 the protocols “of the diplomatic reunions” and “the sessions of the European Commission in Galați”. His authoritarian contribution to Romania’s “Danubian file”—due to the Minister of Foreign Affairs in 1882–1883—showed a historical interpretation core on legal and politico-diplomatic coordinates concerning the “river question”. Viewed globally, “The Romanian File of the Question”, comprised in the volumes edited in 1882–1883, met all the valences of a firm recognition by the officials of the Old Kingdom of the beneficial role (technical and more) played by the European Commission at the river mouths⁷³ as recorded and admitted by specialists.⁷⁴ The same “file” also met the valences of a refusal to accept the encumbrance of the Romanian state’s sovereign titles on its “Danubian part” by the harsh implications of the prevalence of the “law of force” over the “force of law”.

No sooner did the ink dry on the great act approved by Europe’s leading powers on March 30, 1856, that they required additional guarantees or explanatory clauses on the provisions following congress deliberations. On 15 April the same year, also in Paris, Great Britain, France and Austria concluded a convention to guarantee “concomitantly and separately the independence and integrity of the Ottoman Empire, provided by the Treaty of 30 March (*“Les hautes parties contractantes garantissent conjointement et séparément l’indépendance et l’intégrité de l’Empire Ottoman, consignées dans le traité conclus à Paris le 30 Mars 1856”*).⁷⁵ Wishing to guarantee against any violation of the provisions of the respective treaty, the three great powers undertook to consider it a *casus belli*. They had to agree with the Sublime Porte on the necessary measures and regulate the use of military and naval forces among themselves.⁷⁶ Such an “addendum of guarantees” seemed somehow surprising due to its reference to the explicit, active and, one by one, indivisible guarantees within the Treaty of 30 March.⁷⁷ It was justified. However, it is to be believed, by referring to subsequent acts of the same

⁷³ Dimitrie A. Sturdza, *Les travaux de la Commission Européenne des Bouches du Danube de 1859 à 1911. Actes et documents* (Vienna, 1913); Dimitrie A. Sturdza, *La Commission Européenne du Danube et son oeuvre de 1856 à 1931*, (Paris, 1931), 1–37 (especially).

⁷⁴ Dan Berindei, “La question du Danube et la Roumanie moderne (1829–1918)”, *Revue Roumaine d’Etudes Internationales* 20, no. 6 (1986): 563–572; Daniela Bușă, “Internaționalizarea Dunării, rolul CED și drepturile riveranilor (1856–1914)”, *Revista Istorică* 16, nos. 5–6 (2005): 11–24; see also the above-cited bibliographical contributions.

⁷⁵ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1089 (Article 1 of the Convention of 15 April 1856).

⁷⁶ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1089 (Article 2 of the Convention).

⁷⁷ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1086 sqq.

treaty, such as the convention concluded by the European Powers and the Ottoman Empire concerning the sovereign right of the Sultan to decide on the passage of warships through the Straits, each contracting party authorised to station only lightships at the Danube Mouths.⁷⁸ Subsequently, the convention on “the neutralization of the Black Sea”, an act approved by Russia and the Ottoman Empire on the same day of March 30, due to the need to establish the number and force of lightships, which the two parties maintained for the service of their maritime coasts concerning the Pontus.⁷⁹

The justification of the same guarantee addendum of 15 April 1856 was strengthened on the occasion of “delicate territorial delimitations” regarding precisely the region of the Danube Mouths. According to a protocol concluded in Paris by all the contracting powers of the 1856 Peace, the delimitation of the “territory to be returned to Moldavia” in the south of Bessarabia was to be carried out by 30 March 1857 at the latest.⁸⁰ At the same time, from the “logic” of the entry into force of the Straits convention, “the islands located between the different branches of the Danube at its discharge and forming the delta” were no longer “annexed to the Principality of Moldavia”, despite the implication (not explicit provision) of Article 21 of the Paris Treaty. The islands were reinstated under the immediate sovereignty of the Sublime Porte, from which they had previously been taken by Russia. Snake Island, “as an annex of the Danube Delta”, followed the same sovereignty destination, honored by the commitment of the Ottoman government to maintain “a lighthouse” on that island. Last but not least, following the same logic of enforcing the new convention of the Straits, the deadline of 30 March 1857 was imposed on the Austrian troops to evacuate from the Principalities of Moldavia and Wallachia, while the British squadron would leave the Black Sea and the Bosphorus.⁸¹ A treaty of 19 June 1857 consecrated the new geography of the Danube Mouths, highlighting that the Russo–Ottoman border observed the “geographical map” completed on 30 March 1857 by the commissioners of Kishinev, who established the limits.⁸²

⁷⁸ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1084–1086 (*Traité des Detroits*, Paris, 30 March 1856, the first annexe to the Treaty); Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 144 sqq. (*Convention dite des Detrois*; Sturdza, *Récueil de documents*, 35 sqq.; the same).

⁷⁹ D. A. Sturdza, Petrescu, and D. C. Sturdza, *Acte și documente*, 2:1086 sqq. (*Convention pour la neutralisation de la Mer Noire*, Paris, 30 March 1856); the second annexe to the Paris Peace Treaty, on the same date; the third convention concerned the Aland Islands, D. A. Sturdza, Petrescu, and D. C. Sturdza, eds, *Acte și documente*, 2:1087 sqq.

⁸⁰ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 145 sqq. (*Protocole relatif aux limites de la Russie et de la Turquie vers Bolgrade et l’Ile des Serpents, signé à Paris, le 6 janvier 1857*).

⁸¹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 145 sqq.

⁸² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 146 (*Traité entre l’Autriche, la France, la Grande Bretagne, la Prusse, la Russie, la Sardaigne et de la Turquie relatif à la delimitation, en Bessarabie, de l’Ile des Serpents et du delta du Danube, signed at Paris, 19 June 1857*).

Austria was considered “favoured” by the 15 April 15, 1856, guarantee convention and the documents concerning the south of Bessarabia, the Danube Delta and the Snake Island. Given that Russia was *de jure* and *de facto* removed from the position of Danube riparian, the Habsburg Empire only had the Ottoman Empire among the signatory powers of the Paris Treaty to decide on the navigation regulations of the just “internationalized” river. To develop the navigation and river police acts, Article 17 of the said treaty had provided for a commission which, in addition to the two empires, would include Bavaria, Württemberg and the three Danubian Principalities (via commissioners appointed in Iași, Bucharest and Belgrade, “with the approval” of the Porte). There were serious reasons for the Austrians to consider that the “affairs of the Lower Danube” would be predominantly divided between themselves and the Turks. On the Upper Danube, the agreements between the Habsburg court and the royal ones, Bavaria and Württemberg, could easily derive from the principles and regulations established by the Final Act of the Vienna Congress. It was the perpetual president of the German Confederation, of which the two kingdoms mentioned above were also a part. In addition, regarding the Lower Danube, Austria kept the advantage of militarily occupying the Principalities of Moldavia and Wallachia until around 30 March 1857, a favorable time for its attempt to increase its influence in Bucharest and mostly in Iași. The action would have severe repercussions at a given moment during the Romanian unionist movement. No one was surprised by how rapidly the Austrian cabinet summoned The Riparian Commission of the Danube for Vienna proceedings. From the first meeting, dated 29 November 29, 1856, “warmed up” by the Commission’s message of the Imperial Minister of Commerce, *Chevalier* von Taggenburg, the signs of Austro–Ottoman consensus fully prevailed. Turkey’s delegate—a said G. A. Davand—took the liberty of proposing Baron S. Blumfeld, the Austrian delegate, as president, without any debates.⁸³ From the very interested initiative of the president of *represented*, not *co-opted* governments, such as those of the Principalities, they were responsible for accurately indicating the Danube’s banks in the territories of their states during the proceedings. The word of the initiator was also important in establishing the “order of matters” to be addressed. First, as was practiced on the Elba, for the Danube to be provided with a navigation regulation or act per se, which, once established, to be put into effect immediately, without waiting for the finalization of the river police regulation. Secondly, then, to meet the detailed provisions of the river police.⁸⁴ To reach the desired results, the tasks of the Commission were divided between three committees. The primary one honored by the delegates of Austria

⁸³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 147 sqq. (The Commission of the Riparian States, Protocol no. 1, Vienna, 29 November 1856).

⁸⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 149 sqq. (Protocol no. 2 of the Commission of the Riparian States, 3 December 1856).

and Turkey assumed “the provisions on navigation” with the assumption of clarifying the naval acts and the abolition of privileges. The second committee, composed of the delegate of Bavaria, S. de Daxenberger, and the commissioner of Moldavia, P. Donici, focused on “various rights”, such as post or customs rights. The third committee, reserved for the delegate of Württemberg, A. Müller, and the commissioner of Wallachia, N. Rosetti, scrutinized the prospect of works to ensure Danube’s navigability.⁸⁵ Momentarily absent, the commissioner of Serbia, F. Christici, would be associated with the first committee if he adhered to such a division of tasks.⁸⁶ The coveted outcome was operated mostly by the first committee and manifested in *The Navigation Act* of 7 November 1857 in Vienna.⁸⁷ Before signing the document, the Austrian delegate, president of the Riparian Commission, insisted on calling it an *Act*,⁸⁸ not a *Navigation Regulation*, as the Paris Treaty of 30 March 1856 had provided.⁸⁹ Until the Commission members received mandates to sign the *Act*, a new committee made of A. Müller and Ludovic Steege (the latter replaced Donici as the Moldavian commissioner)⁹⁰ were designated to conduct preliminary studies. Such studies concerned the material exercise of the Danube navigation to finalize the full and detailed river police regulation.⁹¹ A *report* of the new committee and a *preliminary police regulation project for navigating the Danube*⁹² failed to become a full and detailed act. *The Navigation Act* was still to sign, but under the condition set by the High Porte—as the suzerain power—to have the privilege of communicating to the three Danubian Principalities the primary outcome of the commission’s proceedings, to be signed only by the sovereign riparian states, also entitled to ratifying it.⁹³ The Serbian and the Wallachian commissioners, the latter instructed from Bucharest (“*Le*

⁸⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 151 (Protocol no. 3 of the Commission of the Riparian States, Vienna, 10 December 1856).

⁸⁶ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 151.

⁸⁷ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 270–281 (unfinalized text, annexed to Protocol no. 31 of the Commission of the Riparian States, 15, 17 and 29 August 1857); D. A. Sturdza, *Récueil de documents*, 51–66 (*Acte de navigation du Danube*, Vienna, 7 November 1857).

⁸⁸ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 281 (Protocol no. 32 of the Commission of the Riparian States, Vienna, 28 September 1857).

⁸⁹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 281 (Article 17).

⁹⁰ L. Steege is first featured as a Moldavian commissioner in Protocol no. 29 of 22 June 1857 of the Commission of the Riparian States; Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 246.

⁹¹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 281 sqq. (Protocol no. 32 of the Commission of the Riparian States, 28 September 1857).

⁹² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 284–292 (*Projet préliminaire du règlement de police pour la navigation du Danube*, annex “B” to the Protocol of 16 October 1857).

⁹³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 293 sqq. (Supplement to Protocol no. 31 of the Commission of the Riparian States, Vienna, 7 November 1857).

gouvernement n'ayant reçu aucune communication de la S. < ublime > Porte, afin d'éviter une non-entente avec la Commission, vous vous abstenrez de signer)⁹⁴ accepted the Porte's condition. Only L. Steege signed as a commissioner and made various observations (*"La confirmation par la S. < ublime > Porte des commissaires, nommés par les Principautés implique d'ailleurs, ce semble, déjà leur faculté de signer et rend pour le mains superflue l'invocation < ... > d'un consentement subalterne < ... >. Le commissaire moldave en a été empêché par M.M. les délégués sous un prétexte dont il n'a point à apprécier ici la valeur sous le point de vue du droit des gens"*).⁹⁵ Austria's position was decisive in the signing incident and almost all the proceedings of the Riparian Commission. It became apparent in the stratagem of the debates and mostly in drafting *the acts*, mostly the *navigation act* of 7 November 1857, not only in French—the diplomacy language of the time—but also in German (Austria's household language).⁹⁶

Its signatory parties claimed it observed all the provisions of the Paris Treaty (*"Le traité de Paris du 30 mars 1856, ayant arrêté que les principes établis par l'Acte du Congrès de Vienne, en matière de navigation fluviale, fussent également appliquées au Danube..."*).⁹⁷ In this respect, they invoked the river navigation freedom (*"La navigation du Danube, depuis l'endroit où ce fleuve devient navigable jusque dans la mer Noire, et depuis la mer Noire jusqu'au dit endroit, sera entièrement libre sous le rapport du commerce, tant pour le transport des marchandises que pour celui des voyageurs < ... >; Tous les privilèges exclusifs de la navigation sur le Danube, ainsi que toutes les faveurs spéciales de même nature, accordés jusqu'ici soit à des sociétés ou corporations quelconques, soit à des particuliers, sont entièrement abolis < ... >"*).⁹⁸ However, *The Navigation Act* of 7 November 1857 was severely criticized by the Great Powers that did not participate in its elaboration. Immediately after the exchange of the ratification letters on 1 January 1858 between the signatory parties, the Austrian government decided to execute it⁹⁹ (but such a decision belonged to each sovereign riparian

⁹⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 294 (the same document, with annexes representing statements by F. Christici and N. Rosetti).

⁹⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 294 sqq.

⁹⁶ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 148 (Protocol no. 1 of the Commission of the Riparian States of 29 November 1856); Austria's delegation used interesting strategies for various phrases, claiming "translatability" issues.

⁹⁷ D. A. Sturdza, *Recueil de documents*, 51 (*Acte de navigation du Danube*, 7 November 1857, preamble).

⁹⁸ D. A. Sturdza, *Recueil de documents*, 51 (*Acte de navigation*, Articles 1 and 2).

⁹⁹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 299–301 (*Décret du Ministère I. et R. du commerce de l'Empire d'Autriche pour l'exécution de l'Acte de navigation du Danube en Autriche*, Vienna, 29 January 1858), 301–305 (*Ordre du Ministère I. et R. de l'Empire d'Autriche relatif à l'obtention des légitimations autrichiennes par la navigation fluviale ou le flottage*, Vienna, 29 January 1858).

state),¹⁰⁰ involving the Danubian Principalities, too.¹⁰¹ It was assumed that the Porte had agreed to it in Vienna. Prussia, as a German power, noted that it went against the purpose set by the signatory powers of the Paris Treaty.¹⁰² The Berlin cabinet highlight the procedure flaws shown by the Vienna cabinet, which failed to notify all interested parties not only on *The Navigation Act*, but on the protocols of the Riparian Commission, too.¹⁰³ Furthermore, the other signatory parties of the Paris Treaty mentioned procedural issues concerning the Riparian Commission in Vienna and the way Austria self-proclaimed the single most powerful Danubian power, against the river navigation freedom principles. From that position, the Vienna cabinet sought to reduce even the Danubian prerogatives of Bavaria and Württemberg, claiming they had not signed the Paris Treaty, unlike Austria and the Ottoman Empire. To the High Porte, it underlined the absence from Europe's concert in 1815, when the Vienna Congress enforced the principles of the river navigation freedom. Austria also insisted on the differences between "Lower and Upper Danube" from a material perspective ("*... tantes les trois embouchures < Kilia, Soulina et St. Georges > ne peuvent être passées depuis longtemps, soit en amont, soit en aval < ... >, les griefs incessants du commerce sur l'ensemblement progressif du canal de Soulina, seul praticable, pour les grands bateaux*"). It also claimed there was a difference mostly regarding the law of nations ("*le delta du Danube, cédé par la Russie < ... >, se trouvait au Congrès de Paris, dans une position exceptionnelle < ... >; les Puissances pouvaient stipuler < ... > que sur le territoire et sur la voie navigable cédés ou rétrocédés à la Turquie < ... >, des travaux seraient exécutés par les soins communs de l'Europe et que les frais en seraient couverts par un droit fixe à prélever*").¹⁰⁴ Austria's both ambitious and subtle attempt to impose its position as a Danubian riparian superpower, with the admission of the essential but temporary mission of the European Commission at the river mouths, was unexpectedly countered by the reactions of the other great powers, fervently and nuancedly invoking the clauses of treaties.¹⁰⁵

¹⁰⁰ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 310–319 (*Mémoire du gouvernement impérial d'Autriche sur le droit des états riverains du Danube de conclure, de ratifier et de mettre en exécution l'Acte de navigation du 7 Novembre 1857*, Vienna, 1858).

¹⁰¹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 299 (Gödel Lannoy-austrian consul, to the Moldavian State Secretariat, Iași, 5 May 1858).

¹⁰² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 319–328 (*Mémoire du gouvernement Royal de Prusse sur l'Acte de Navigation du Danube du 7 Novembre 1857*, Berlin, March 1858).

¹⁰³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 320 (document citted).

¹⁰⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 310 sqq. (*Mémoire du gouvernement impérial d'Autriche...*, 1858).

¹⁰⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 329 (*Analyse d'une dépêche autrichienne du 5 janvier 1858, relativement à la question de la navigation du Danube*).

At the Paris Conference, in 1858, intended to deliberate on the definitive organisation of the Romanian Principalities, the other great powers served Austria with a lesson of high consideration for the decisions of international forums, also regarding the Danube. The drafts of the convention on the organisation of the Principalities and their electoral law, respectively, had just taken shape. Meanwhile, Count Walewski, the French Foreign Minister and president of the European deliberative forum, reminded that per Article 17 of the Paris Treaty, a Riparian Commission was commissioned to draw up regulations for the navigation of the Danube and asked the plenipotentiaries of Austria, Baron Hübner, and Turkey, Fuad Pasha, if they had to communicate the proceedings of that meeting of delegates and commissioners.¹⁰⁶ The reply of the Austrian plenipotentiary, approved by the Ottoman one, was that following that treaty, the proceedings of the Riparian Commission should have been conveyed at the same time as those of the European Commission. He also stated, with Vienna's approval, that one should say it just to signal it.¹⁰⁷ It led to severe observations or critiques from the plenipotentiaries of the other powers. Lord Cowley, the British plenipotentiary, noticed flaws in the Vienna proceedings and proposed "some content and form alterations. The first purpose was to observe certain phrases or notions within the Final Act of the Vienna Congress (*"La navigation < ... > sera entièrement libre et ne pourra, sous le rapport du commerce interdite à personne"* ; *"les règlements pour la navigation du Rhin seront arrêtés d'une manière uniforme pour tous, et aussi favorable que possible au commerce de toutes les nations"*). The second goal was to amend the reference note "of the proceeding of the Riparian Commission" on "the clarification of naval acts" and the sophisticated abolishment "of privileges". The third purpose was to observe the provision Of the Paris Congress, according to which "the freedom of the Danube and its mouths would be ensured by European institutions, where the contracting powers would be equally represented".¹⁰⁸ Count Walewski and other plenipotentiaries, such as Count Hatzfeld for Prussia, Count Pavel Kiselev for Russia and Marquis Villamarina for Sardinia, adhered to Lord Cowley's observations that "the provisions of the Vienna proceeding" in 1857. Their decision did not agree with the provisions of the Paris Treaty and its proposals to modify the proceedings. It was like a chorus of European reasons. Hence, though Hübner's explicative intervention was long and referenced "the general principles of 1815" and the special regulations of river navigation and the priority of the riparian states' rights compared to

¹⁰⁶ Dimitrie A. Sturdza, Ghenadie Dobrescu, and Dimitrie C. Sturdza, *Acte și documente relative la istoria renascerei României*, vol. 7 (București, 1892), 289 (The Paris Conference, Protocol no. 14 of 9 August 1858); Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 335 (excerpt from the same document); D. A. Sturdza, *Recueil de documents*, 66 (the same).

¹⁰⁷ D. A. Sturdza, Dobrescu, and D. C. Sturdza, *Acte și documente*, 7:289 sqq. (the same document).

¹⁰⁸ D. A. Sturdza, Dobrescu, and D. C. Sturdza, *Acte și documente*, 7:297 sqq (The Paris Conference, protocol No. 18 of 16 August 1858); Sturdza, *Cestiunea Dunărei*, 335 sqq.; Sturdza, *Recueil de documents*, 68 et sqq. (Excerpt, the same document).

the non-riparian ones (repeated by Fuad-Pasha) did not have an echo.¹⁰⁹ The Austrian plenipotentiary raised the issue that, even if postponed for a few months, the finalization “of the proceeding of the Riparian Commission” attracted, according to the provisions of the Treaty of 30 March 1856, the end of the mandate of the European Commission was sharply sanctioned by the French, British, Prussian, Russian and Sardinian plenipotentiaries. They invoked, with the consent of Fuad Pasha, the consideration of the clauses respecting the great diplomatic act mentioned above, not only in the letter but also in its spirit.¹¹⁰ Moreover, the attempt of the same Austrian plenipotentiary, accompanied only by the Ottoman one, to point out that The Navigation Act of 1857 was enforced under the right of sovereignty, which his government considered indisputable and maintainable, was sanctioned by the plenipotentiaries of the other five European Powers. Their sanction had a very long-term effect on the Danube question since they supported and recorded per the protocol the *norm* according to which the enforcement of the treaties does not affect the right of sovereignty. The validity of the proceeding of the Riparian Commission was, therefore, strictly conditioned by the prior approval of all the signatory powers of the 1856 Peace.¹¹¹ It was also admitted, conclusively, that, at the 1858 Conference, under the pressure of necessities, the European Commission could not finish its proceeding stated under Article 16 of the Paris Treaty within two years, the deadline extension being imposed until the complete finalization of the proceedings.¹¹²

In the “lesson” served at the Paris Conference of 1858, Austria accused not only of the amendment of its attempt to become a Danubian riparian superpower but also the evidence of mitigating its influence over the Romanian Principalities, especially Moldavia. The Austrian diplomacy saw itself, until the summer of 1857, somehow “encouraged” by the British to accentuate that influence, with the consent of the Porte and counterbalance the ascending position adopted by France, seconded, after breaking the European alliance of 1854, by Russia, and agreed by Prussia and Sardinia in the Romanian question.¹¹³ As a result of the Franco–British

¹⁰⁹ D. A. Sturdza, Dobrescu, and D.C. Sturdza, *Acte și documente*, 7:298–303 (the same document); see also Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 336–340 (excerpt); Sturdza, *Recueil de documents*, 68–74.

¹¹⁰ D. A. Sturdza, Dobrescu, and D. C. Sturdza, *Acte și documente*, 7:304 (the same document); Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 341; D. A. Sturdza, *Recueil de documents*, 75 (excerpt).

¹¹¹ D. A. Sturdza, Dobrescu, and D. C. Sturdza, *Acte și documente*, 7:304 sqq. (the same document); Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 341 sqq.; D. A. Sturdza, *Recueil de documents*, 76 sqq. (excerpt).

¹¹² D. A. Sturdza, Dobrescu, and D. C. Sturdza, *Acte și documente*, 7:306 (The Paris Conference, Protocol no. 19 of 19 August 1858); Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 342; D. A. Sturdza, *Recueil de documents*, 77.

¹¹³ Thad Weed Riker, *Cum s-a înfăptuit România; studiul unei probleme internaționale, 1856–1866* (București, 1944), 105–125; Leonid Boicu, *Diplomația europeană și cauza română (1856–1859)* (Iași, 1978), 92–185; Gheorghe Cliveti, *România și Puterile Garante, 1856–1878* (Iași, 1988), 39–43 etc.

agreement of Osborne of 9 August 1857, the auspices believed to be favorable in Vienna for the Austrian influence on the Lower Danube and the “Romanian question” dropped dramatically.¹¹⁴ On the Romanian question, clearly, and the Lower Danube, understandably, the positions of France and Great Britain prevailed. At the same time, that of Austria and, by repercussions, of Russia mattered less and less. Concerning “the Danube”, Austria stood accused during the Paris Conference of “bad intentions” shown by *The Navigation Act* of 7 November 1857, like hindering the unification of customs legislation on the river according to the provisions of the Treaty of 30 March 1856. Austria was also accused that Vienna institutions mostly controlled navigation as they claimed exclusive riparian rights and the advantages of the Danubian Austrian society for regular merchandise and personal transport.¹¹⁵ Some addendums to the *Navigation Act* made on 1 March 1859 in Vienna by the delegation of the Riparian Commission, considering the divergent interpretations issued by the other great cabinets during the Paris Conference,¹¹⁶ worsened the critical observations. Even the three Moldavian regents undertook to protest against the way we interpreted in Vienna the instructions of the former regency of N. Vogoride for L. Steege to adhere to the *Act* of 7 November 1857, formally approved only by the delegates of the sovereign Danube states.¹¹⁷ After the Union of the Principalities in January 1859 in Iași and Bucharest, there was a protest against the commitment of the two Romanian statal entities—*confederates*, according to the provisions of the Paris Convention on 19 August 1858, *united* at least in the double election of Al. I. Cuza—to *The Navigation Act* in Vienna.¹¹⁸ And because through the Union, the officials of the Principalities wanted to enshrine a right of national sovereignty, it could be admitted that the protests of 1859 represented the first formal governmental acts of the Romanian side in the navigation of the Danube. The course of the political and statal transformations on the lower river stream already placed in anachronism—as pointed out by the Italian Cavour—*The Navigation Act* that Austria pushed for so insistently. It risked letting go of even the guarantees assumed collectively with the

¹¹⁴ Riker, *Cum s-a înfăptuit România*, 126–136; Andrei Oțetea, “L’Accord d’Osborne (9 août 1857)”, *Revue Roumaine d’Histoire* 3, no. 4 (1964): 677–696; Boicu, *Diplomația europeană*, 186–201.

¹¹⁵ Henri Hajnal, *Le droit du Danube international*, avec une Préface de Charles de Visscher (Haga, 1929), 48–53.

¹¹⁶ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 342–344 (*Articles additionnels à l’Acte de Navigation pour le Danube du 7 novembre 1857*).

¹¹⁷ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 344–347 (*Mémoire adressé par la Commission intérimaire de Moldavie aux Puissances garantes, concernant l’Acte de navigation pour le Danube*, Iași, 2 January 1858; signatory parties: V. Sturdza, An. Panu, I. Cantacuzino).

¹¹⁸ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 347–349 (*Protestation du gouvernement de Moldavie, adressée aux Puissances garantes, contre l’Acte de navigation pour le Danube, publié à Vienne le 1er janvier 1858*, Iași, 17 April 1859, signed by L. Steege!), 350–352 (*Protestation du gouvernement de Valachie, adressée aux Puissances garantes, contre l’Acte de navigation pour le Danube, janvier 1859*, Bucharest, 1859, signed by C. Scarlat Fălcoianu).

other Great Powers concerning the entire Eastern affairs.¹¹⁹ It was not allowed, the same prime minister opined, for a “first-rank” power to forget that the “knot of the Danube question” consisted in synchronizing the principles of 1814–1815 with the force of the 1856 Treaty; that, under the 1815 Treaty, the navigation of common rivers fell within the scope of European law; that, since then, the riparian states gave up, in that matter, a portion of their sovereign rights.¹²⁰

The “Danubian question” would load, further on, with data signifying the priority of the European reasons assumed by the Great Powers, under the auspices of the concert over the particular titles of the riparian states, in fact, of Austria. Vienna’s ambitions made, it is true, the unitary regulation difficult for the entire river of navigation freedom. A return to the differences between the regime of the Upper Danube and that of the Lower Danube became apparent. The mandate of the European Commission, salutary from a technical perspective, made—through implications given by the supreme inclusion of the collective evaluations and decisions of the signatory powers of the Paris Treaty—the “difference” between the Danube regime and that of other international rivers as the often-invoked example of the Rhine. Concerning the Lower Danube, susceptible and complex political and strategic matters prevailed over the formal norms and principles. Such issues were relevant in stimulating the proceedings of the European Commission, which reified in the *Public Act of Navigation of the Danube Mouths*, signed on 2 November 1865 in Galați.¹²¹ Such meaning was ascribed to the delegates of the Great Powers to draft and sign the *Public Act* with *annexes*. The first was *The Navigation and Police Regulation*, while the second was the *Tariff and Rights of Navigation to be Levied*. They all regard the river mouths, or the part subsequently called “the maritime Danube”. Great Britain and the Ottoman Empire appointed commissioners with technical and administrative skills, such as the engineer John Stokes and the governor of Tulcea, Ahmet Rassim Pasha, respectively. France and Austria delegated consuls for the maritime coast of the Danube, in the person of Edouard Engelhardt and Alfred von Kremer, respectively; Italy, Prussia and Russia appealed to their consuls general in the United Principalities, i.e., Annibal Strambio, Julius Alexander-Aloys de Saint Pierre and Henri d’Offenberg.¹²² Under the title simulated by “the convention concerning the navigation of the Danube mouths”, *the Public Act was the primary instrument approved by commissioners in Galați*.¹²³ Mandated by Article 16 of the Paris Treaty

¹¹⁹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 357–361 (Cavour, note of 12 January 1859).

¹²⁰ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 358, 360.

¹²¹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 363–369 (*Acte public relatif à la navigation des embouchures du Danube*, Galați, 2 November 1865); 369–385 (*Annexe A: Règlement de navigation et de police applicable au Bas-Danube*); 385–391 (*Annexe B: Tarif et droits de navigation à prélever à l’embouchure du Danube*); Sturdza, *Recueil de documents*, 80–89 (*Acte public...*, without *annexes*).

¹²² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 364 sqq. (*Acte public...*, preamble).

¹²³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 362 (the European Commission of the Danube, Protocol no. 175 of 26 October 1865).

to ensure the Danubian parts downstream from Isaccea had the best navigation conditions possible, the Commission completed relevant tasks after nine years of activity. The duties included two dams at the mouth of the Sulina branch and the execution of “corrections” on its course, constructing a lighthouse for the mouth of the St George branch and a marine hospital in Sulina, the temporary regulations of the navigation services of Isaccea at sea.¹²⁴ Based on such outcomes, they agreed upon the provisions regarding the material conditions and the administrative navigation regime under the two titles of *the Public Acts*.¹²⁵ Though the *Public Act* had been recorded as early as 2 December 1861, the Porte’s claims that its rights of territorial power were hindered prorogued the signing of the document’s final text for several years.¹²⁶

Recognized on transactional bases between the interested Powers and submitted to the archive of the European Commission, *the Public Act* became binding, a river law text, following the approval of the 1866 Paris Conference. Concerning the deliberations of the new diplomatic forum, implications of the United Principalities became apparent, from the demise of Prince Cuza to the success of Carol of Hohenzollern-Sigmaringen to the throne. However, those implications had yet to emerge as the Public Act came into force. After bringing some technical alterations to Article 5 in *Annexe A of the Act*, the contents of the seven deliberating parties became known “to each party, except for the one in the archive, which received the consent without any problems.”¹²⁷ Discussions or even disputes started on the term of the European Commission’s mandate following the Public Act’s approval. Just like Austria during the deliberations of 1858, Russia was now vocal through Baron Budberg. He raised the issue of the “purpose” of the European Commission, which would have “finished its assigned works”. Russia, although non-riparian, wanted to

¹²⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 363 sqq. (*Acte public...*); D. A. Sturdza, *Recueil de documents*, 80 sqq. Technical works of high quality were penned by Engineer Charles Hartley; Charles William Stewart, *A Biography of Sir Charles Hartley, Civil Engineer (1825–1915). The Father of the Danube*, 2–3 vols. (Lewiston – Queenston – Lampeter, 1989); Ștefan Stanciu, *România și Comisia Europeană a Dunării. Diplomatie, suveranitate, cooperare internațională* (Galați: Pax Aura Mundi, 2002), 69–83.

¹²⁵ In reports or during assessments of the European Commission, we underlined the technical and administrative works at the Danube mouths or “the maritime portion of the river”; *Les travaux de la Commission Européenne des Branches du Danube 1859 à 1911* (the contents of the publication indicate 1856, not 1859, as the first deadline); *La Commission Européenne du Danube et son œuvre*, 6–23, especially.

¹²⁶ “Le projet d’Acte public fut arrêté le 2 décembre 1861, mais la Turquie refusa pendant plusieurs années de l’accepter en prétendant qu’il portait atteinte aux droits de la Puissance territoriale. Cependant le besoin d’un acte international ratifié par les puissances et coordonnant les dispositions réglementaires arrêtées successivement par la Commission paraissait de plus en plus urgent, car la légalité et la force obligatoire des Règlements de la Commission n’étaient reconnues d’une manière absolue ni par les capitaines ni par les autorités étrangères D. A. Sturdza, *La Commission Européenne*, 20.

¹²⁷ D. A. Sturdza, *La Commission Européenne*, 393 sqq. (The Paris Conference, Protocol no. 3, of 28 March 1866).

support that purpose only with administrative and scientific personnel. The invocation by Drouyn de Lhuys, the French foreign minister, of the British engineer's request to extend the mandate of the European Commission by at least another three years was approved by the Prussian plenipotentiary, Goltz. Not as clearly as by the Austrian Richard de Metternich, though, due to the difficulty of securing financial support for the commissioners at the mouths of the Danube, worsened by the events in Bucharest.¹²⁸ The other deliberators accepted the proposal of Lord Cowley, the British plenipotentiary, to extend the European Commission's mandate by five years except for the Ottoman one, Fuad-Pasha, who found the new term too long. The reservation formulated by the representative of the Porte opened the way for an interesting subtlety on the part of Budberg. He asked whether, although very logical, Cowley's proposal of a five-year extension suggested something about the dissolution of the European Commission before finishing and accepting the regulation elaborated by The Riparian Commission, the two issues being inseparable, in no way "separable", in the opinion of the Austrian plenipotentiary. Instead of answering the question, Cowley, approved by Drouyn de Lhuys, stated that the "riparian act", with necessary changes, could be adopted, even after a two-year term, without implying the dissolution of the European Commission. Regarding the deadline for finalizing the regulations of The Riparian Commission, Metternich raised the issue of the difficulty of reunions due to the events in Bucharest, which determined the Vienna cabinet to consult with the other powers during the extension of the mandate of the European Commission.¹²⁹ Since it was impossible to find a solution on the spot, agreed by the other plenipotentiaries, for such a problem, Cowley's "expedient" of requesting Austria to bring forward the meeting of the Riparian Commission worked. The lord ambassador thus smoothed the ground for the presentation of a project of the delegate of her British Majesty in Galati, aiming to extend the authority of the European Commission up to Brăila.¹³⁰ For such an extension, however, no acceptance instructions were received from all the powers represented at the conference, as it occurred concerning the new five-year term of the European Commission.¹³¹ The Italian plenipotentiary, Nigra, and the Prussian one received instructions to accept the proposal to extend the authority of the European Commission to Brăila, taken by France via Drouyn de Lhuys.¹³² Therefore, Goltz and Nigra's change of mind regarding the acceptance seemed surprising, claiming that their governments considered the difficulties that the project of extending the authority of the European Commission would encounter from the riparian states of the Lower

¹²⁸ D. A. Sturdza, *La Commission Européenne*, 394 sqq. (document citted); D. A. Sturdza, *Recueil de documents*, 92 et sqq. (the same document).

¹²⁹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 395 sqq. (document citted); D. A. Sturdza, *Recueil de documents*, 94 et sqq. (the same document).

¹³⁰ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 397 sqq. (document cited); D. A. Sturdza, *Recueil de documents*, 96 et sqq. (the same document).

¹³¹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 398 (The Paris Conference, Protocol no. 6 of 24 April 1866); D. A. Sturdza, *Recueil de documents*, 98 (the same document).

¹³² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 398 sqq. (The Paris Conference, Protocol no. 7 of 2 May 1866); D. A. Sturdza, *Recueil de documents*, 99 (the same document).

Danube.¹³³ Berlin and Rome showed condescendence towards Russia, which insisted via Budberg at the Paris Conference that the five-year term of the European Commission extreme, not to be extended by any means,¹³⁴ ready to be neutral in the conflict between Prussia (Italy's ally) and Austria.

For five years, until 1871, as the mandate of the European Commission was extended, political and statal transformations occurred along the entire course of the Danube, with an impact also on river navigation, on a topic of particular interest here. Due to its defeat in the War of 1866, Austria was eliminated from the German Confederation, whose reorganization was to be oriented by Prussia towards national and statal unification. It was forced to find its escape as an empire under the dualist regime in a pact with Hungary, which implied the affirmation of a new center of significant pressure on the Upper and Lower Danube, the center of "nationalist vocation", in Budapest, in addition to the traditional one, of trade and navigation in Vienna.¹³⁵ The triumph of *the policy of the fait accompli* in Bucharest, through the arrival of Carol of Hohenzollern on the throne of the United Principalities/Romania, was an act enshrining suzerainty, which the guaranteeing powers fought hard to censor. Serbians also coveted full sovereignty, and Bulgarians strived to build their autonomous state.¹³⁶ The biggest challenge to the state of affairs in the Lower Danube and the Black Sea area was still Russia's ambition to return to an offensive policy towards the Balkans and Constantinople. In 1866, in exchange for neutrality regarding the conflict in Central Europe, Russia had obtained a promise from Prussia of a similar position if, in Petersburg—under favorable circumstances—they denounced the neutralization of the Black Sea.¹³⁷ Such "circumstances" came much closer under the impact of the Franco-German conflict of 1870–1871. The decision of the Berlin cabinet not to submit the results of the "Rhine" victory to the deliberation of a European congress served as an example for the Russian diplomacy to denounce unilaterally, through Gorchakov's circular of 19/31 October 1870, the neutralization of the Black Sea.¹³⁸ The "Russian gesture" not only cancelled the international regime of a large stretch of water and, implicitly, of the Bosphorus and Dardanelles Straits, but it called into

¹³³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 399 (The Paris Conference, Protocol no. 8 of 17 May 1866); D. A. Sturdza, *Recueil de documents*, 99 (the same document).

¹³⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 398 (The Paris Conference, Protocol no. 6 of 24 April 1866); D. A. Sturdza, *Recueil de documents*, 98 (the same document).

¹³⁵ Alan John Percivale Taylor, *The Habsburg Monarchy 1809–1918. A History of the Austrian Empire and Austria-Hungary* (New York, 1948), 141–152.

¹³⁶ Charles Jelavich and Barbara Jelavich, *Formarea statelor naționale balcanice 1804–1920* (Cluj-Napoca, 1999), 144–173.

¹³⁷ Prussia confirmed its promise through Manteuffel's mission in Petersburg, in August 1866; Alan John Percivale Taylor, *The Struggle for Mastery in Europe 1848–1918* (New York, London, 1984), 175; Gheorghe Cliveti, *România și Puterile Garante, 1856–1878* (Iași, 1988), 99.

¹³⁸ Serge Goriainow, *Le Bosphore et les Dardanelles* (Paris, 1910), 157–159.

question the very validity of all the commitments assumed collectively, by the Great Powers under the Treaty of 1856, concerning the “Eastern question”. And there was no way to ignore the Treaty’s clauses and the subsequent solutions of diplomatic conferences regarding the Danube. The need for a declaration by a European diplomatic forum became, in 1870–1871, particularly urgent. Russia, the flagrant perpetrator, agreed to summon such a forum, but only after ensuring that, on the said occasion of diplomatic deliberations, the denunciation of the neutralization of the Black Sea would be a respected *fait accompli*, even at the cost of the ostensible withdrawal from Petersburg of the circular of 19/31 October.¹³⁹ Aimed at saving at least the appearance of respect for the norm of not unilaterally denouncing international treaties, the diplomatic reunion met, in London, the requirement of deliberations on the “regime of the Danube” at the end of the five-year extension of the European Commission’s mandate.

Interestingly, in 1871, Austria-Hungary and Turkey—thus far fervent supporters of the prevalence of the Riparian Commission in running the Danubian navigation regime—agreed to propose, during the London deliberations, the extension or perpetuation of the European Commission’s mandate to counter the effects of cancelling the neutralisation of the Black Sea (“*L’Europe, aux embouchures du Danube, se présentera comme la meilleure garantie pour remplacer celle qui doit s’en aller par la modification du traité de Paris < ... >; il était de l’intérêt de la Porte de voir établie, aux embouchures du Danube, à perpétuité, une garantie européenne*”).¹⁴⁰ And, as the differences between the governments of Vienna and Budapest on the subject of the mandate of the European Commission vanished, a ministerial council, in the presence of Emperor Franz Joseph, established the instructions for Count Apponyi, plenipotentiary at the London Conference.¹⁴¹ The Dual Monarchy wished to be the new champion of the European interests at the Danube mouths embodied by the European Commission (“*La Commission Européenne resterait un rempart neutre contre une mer privée de sa neutralité et qu’elle représenterait, pour une nouvelle période déterminée, la solidarité des intérêts européens aux embouchures du Danube*”).¹⁴² The reward claimed by Vienna suggested to exempt the Upper Danube from the European surveillance and the role of decision and execution of Austria-Hungary to ensure the navigation at the Cataracts and the Iron Gates.¹⁴³ Not Austria-Hungary, but Great Britain initiated it at the London Conference presided by Lord Granville, State Secretary and president of the diplomatic forum. The British representative

¹³⁹ Taylor, *The Struggle for Mastery*, 216.

¹⁴⁰ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 402 sqq. (Prokesch-Osten to Beust, Constantinople, 3 January 1871).

¹⁴¹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 403 (Beust to Prokesch-Osten, 21 January 1871).

¹⁴² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 404 (document cited).

¹⁴³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 404 sqq.

proposed an indefinite or twenty-six-year extension of the mandate of the European Commission, the authority of which should be extended to Brăila.¹⁴⁴ The justification for the extension was—according to the diplomatic clarification of Lord Granville, aimed at ensuring the majority vote at the conference of plenipotentiaries—the time required to repay the loan contracted by the European Commission under the guarantee of Germany, Austria-Hungary, France, Great Britain, Italy and Turkey, only six powers, Russia, through Baron Brunow, considering the works at the Danube Mouths, outside the usual circle of her commercial and industrial activity.¹⁴⁵ Although agreeable to the representatives of France, the Duke of Broglie, just arrived and heard at the conference, to that of Italy, Cadorna, and even to that of Germany, Count Bernstorff, under the condition, set by him, of the favorable vote of all the participants in deliberations, the Porte denied the twenty-six-year term through Musurus-Pasha. Approved by the Russian and Austro-Hungarian plenipotentiaries, he proposed extending the mandate of the European Commission by twelve years, until 24 April 1883. The reservation of the Ottoman plenipotentiary, invoking the lack of special instructions, also caused the British proposal regarding the extension of the authority of the European Commission to Brăila to fall.¹⁴⁶ The Treaty of 13 March 1871 provided, “the Black Sea remained open, like in the past, to the commercial marine of all nations” (Article 1). The principle of closing the Bosphorus and Dardanelles Straits in times of peace, invariably determined as an old rule by the Ottoman Empire and confirmed by the Paris Treaty of 30 March 1856, remained into full force” (Article 2). Likewise, the sultan’s sovereign right involved recognizing, if necessary for the security of his kingdom, the presence of warships belonging to powers non-riparian of the Black Sea (Article 3). The European Commission’s mandate at the Danube mouths benefitted from a twelve-year extension (Article 4). The establishment, through a preliminary agreement between the riparian Powers, of the conditions for summoning the Riparian Commission (Article 5). The conclusion of an agreement between the same riparian powers concerning the works meant to remove the obstacles for the navigation at the Iron Gates, by recognizing the right of perceiving a fee for the commerce ships of any pavilion, to cover the costs of those works (Article 6). The works and establishments of the European Commission must enjoy full neutrality (Article 7). Article 8 had a special significance in highlighting the European reasons in the Danube and Black Sea question. According to it, the contracting parties renewed and reconfirmed all the provisions

¹⁴⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 407 (The London Conference, Protocol no. 3 of 3 February 1871).

¹⁴⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 407.

¹⁴⁶ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 410–412 (Protocol no. 5 of 13 March 1871), 408 sqq. (*Projet de traité*); for the conference’s protocols and the treaty project; see also D. A. Sturza, *Recueil de documents*, 100–107.

of the Paris Treaty of 30 March 1856, and their annexes not cancelled or amended by the more recent treaty signed in London.¹⁴⁷

However, no “big cabinet” involved in signing the London Treaty showed chances of the guarantees re-engaged by article 8 of that diplomatic act regarding the Danube and the provisions not yet cancelled or modified of the Paris Treaty. The deliberations of the Conference in London advanced well precisely when the German–French peace preliminaries were signed at Versailles, “exempted”, by the will of the victors, from the decision of a European diplomatic forum.¹⁴⁸ Whereas in 1866, after the war with Austria, there were reasons for justification from the *German pact* of 8 June 1815, included by the Final Act of the Vienna Congress, of a bilateral peace, from the victor to the defeated, everything was different due to the disaster suffered by France during the Second Empire, in 1870, a power that had demonstrated its skills as a helmsman of the tremendous political concert. The highly harsh peace imposed by the Germans on the French signified the circumvention of “concert diplomacy” specific to conferences on the *European order* founded in 1815 and constantly adjusted, over time, by impulses of the political and statal transformations. The 1870 failure of a *neutrals league* and the collapse of any British–Russian consensus of mediating the German–French peace proved the dawn of solving the problems between states via European decisions.¹⁴⁹ On the contrary, Bismarck’s policy involved state-to-state arrangements in a constellation with a polar position held by Germany, the rays of which only touched, for the moment, continental affairs.¹⁵⁰ The Eastern affairs remained outside, the Lower Danube and the Black Sea included, which had just been deliberated at the London Conference. The guarantees reconfirmed by Article 8 of the Treaty of 13 March 1871 concerning the remains of the Eastern Order of 1856 hardly mitigated the resounding impact of Russia’s unilateral neutralization of the Black Sea despite international clauses in this respect. That treaty made no explicit reference to the denunciation. It was “no secret” to anybody that Russian

¹⁴⁷ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 412 (Articles 4–7, concerning the Danube, within the London Treaty concluded on 13 March 1871); D. A. Sturdza, *Recueil de documents*, 108 sqq. (the same articles of the Treaty); see also Goriainow, *Le Bosphore*, 282.

¹⁴⁸ Edward Hertslet, ed., *The Map of Europe by Treaty: Showing the Various Political and Territorial Changes which Have Taken Place since the General Peace of 1814*, vol. 3 (London, 1875), 1912–1918 (*The Preliminary Peace of Versailles*, 26 February 1871). The Peace Treaty was signed by France and Germany at Frankfurt am Main on 10 May 1871 (Hertslet, *The Map of Europe*, 3:1954–1962).

¹⁴⁹ William L. Langer, *European Alliances and Alignments 1871–1890* (New York, 1950), 3–19; Pierre Renouvin, “Le XIXe siècle, II. De 1871 à 1914. L’apogée de l’Europe”, in *Histoire des relations internationales*, ed. Pierre Renouvin (Paris, 1955), 6:51–56; Taylor, *The Struggle for Mastery*, 212–218.

¹⁵⁰ Andreas Hillgruber, *Bismarcks Aussenpolitick* (Freiburg, 1972); Klaus Hildebrand, *Deutsche Aussenpolitik 1871–1918* (Munich, 1989) etc.

diplomacy saw as a point of honor for Alexander II to retake the south of Bessarabia at the northern border of the Danube mouths.¹⁵¹ On the other hand, the emancipation trends shown by Romania and Serbia and the Bulgarians' aspirations to become a state, also encouraged by the ecclesiastical-Orthodox exarchate of 1870, announced a new political geography crossed by the Lower Danube.¹⁵² The course of the political-statal transformations in the southeast—perhaps more than preventing the reignition of the French–German conflict at the Rhine (“*War in sight*”)¹⁵³—questioned the prevalence of the conservative spirit at the level of European life. It was first highlighted in 1873, during the League of the Three Emperors, only by a *modus vivendi*, not by an alliance per se between Germany, Austria-Hungary and Russia, as they tried after a few years.¹⁵⁴ And, whereas the south-Danubian Slavic nations regarded their “emancipation” mainly in the form of a “Balkan league” inspired by Moscow and Petersburg, the Romanians sought to make “steps” towards independence using their own energy. In 1870 and mostly in 1873, Prince Carol and his ministers assessed the depositions of the Great Powers (notably Germany and Austria-Hungary) concerning the eventuality of proclaiming the independence, not the kingdom.¹⁵⁵ Hence, in Bucharest, they showed real sovereign policy evidence through occasions to assert Romania’s statal name, the Principality’s right to mint coin or grant orders, refuse excesses of “consular jurisdiction”, conclude commercial convention etc.¹⁵⁶ The steps towards independence would also matter in Romania’s exceptional situation during the Great Eastern Crisis of 1875–1888, with severe repercussions for the Danubian navigable regime.

For Romania, the “crisis”, provoked by the revolts of the populations in Bosnia and Herzegovina and worsened by the aggressive impulses of Serbia and Montenegro,

¹⁵¹ N. I. Hitrova, “Rossija sosredotochkvaetsja”, in *Istoriija vneshnei politiki Rossii. Vtoraja palovina XIX veka*, ed. V. M. Hevrolina (Moscow, 1999), 73–84.

¹⁵² C. Jelavich and B. Jelavich, *Formarea statelor*, 174–178.

¹⁵³ Taylor, *The Struggle for Mastery*, 224–227.

¹⁵⁴ Taylor, *The Struggle for Mastery*, 219 sqq.; for the league of 1873, 269–272; for the league/alliance of 1881; see also Langer, *European Alliances*, 22–24, 210–212.

¹⁵⁵ Ionel Gal, ed., *Independența României. Documente, Corespondență diplomatică străină, 1853 – May 1877* (București, 1977), 2:64 sqq. (John Green to Henry Elliot, Bucharest, 7 June, and 21 July 1873), 67 (Duc de Broglie to J. Schefer, Paris, 28 November 1873), 67 (Odo Russell to Granville, Berlin, 22 December 1873).

¹⁵⁶ Gal, *Independența României*, 2:69 sqq. (Zichy Ferenc, *Instructions for G. de Kosjek*, Constantinople, 1874), 34 sqq. (I. A. Zinoviev to W. de Westmann, Bucharest, June 1874), 74 sqq. (Westmann to Ignatiev, Petersburg, 9/21 July 1874), 76–78 (Henry G. Elliot to Edward Henry Stanley Count of Derby, Constantinople, 7 September 1874), 89–91 (H.C. Vivian to lord Derby, Bucharest, 17 December 1874), 93–98 (baron Des Michels to Decazes, Bucharest, 6 January 1875), 106 sqq. (Vivian to Derby, Bucharest, 28 October 1875); George Macovescu, ed., *Independența României*, vol. 4, *Documente diplomatice 1873–1881* (București: Editura Academiei Republicii Socialiste România, 1978), 14 (V. Boerescu, circular note for the Romanian agencies abroad, Bucharest, 2/14 November 1873) etc.

by the atrocities of the Ottomans on the Bulgarian insurgents, and by the relaunch of Russian military and political interventionism towards the Danube and the Balkans, by invoking the historic mission to support the cause of the sultan's Orthodox Christian subjects, imposed, for a time, the adoption of a neutrality position.¹⁵⁷ The Romanian government gave the justification for such a position through its reference to the clauses of the 1856 Paris Treaty. Under some of those clauses, the Romanian political-statal entity (at that point the Principalities of Moldavia and Wallachia), which became the United Principalities and tried to be the Principality of Romania, still made the object of the collective guarantee of the European Powers. And as the Danube was also subject to a European confirmation, also from 1856, reconfirmed in 1871, Romania's position of neutrality was somehow also connected to that of guardian of the freedom of the Lower Danube. The highest-qualified promoter, given his History and Law expertise, of "Romania's interests at the Danube" in 1876 was Kogălniceanu, the Minister of Foreign Affairs. In his policy, approved by Prince Carol and the leader of the governing liberals, I. C. Brătianu, *autonomy and neutrality*, "guaranteed by Europe", implied Romania's independence.¹⁵⁸ Upon learning that the Austrian ship *Radetzky*, carrying Bulgarian insurgents and weapons, was crossing the Danube heading to Lom-Palanca (a Turkish village), the External Affairs in Bucharest asked for explanations from The Agency of His Apostolic Imperial and Royal Majesty.¹⁵⁹ We warned harbor captains to pay attention to any movements by foreign populations either for crossing to Turkey or to come to Romania.¹⁶⁰ In his famous note of 16/28 June, accompanied by an *explanatory memo*, the list of issues to be solved for Romania's relations with The Sublime Porte comprised those regarding "the individuality of the Romanian state and its historical name", at the border "on the Danubian talweg", the inviolability of the Romanian territory and a new delimitation of the Danubian islands". Such issues (including the Romanian representation in the diplomatic corps or recognizing the Romanian passports) were, at a pinch, related to statal autonomy and neutrality under European guarantee.¹⁶¹ The diplomatic agent in Constantinople, Iancu Ghica, received instructions to state when presenting *notes* to the

¹⁵⁷ Macovescu, *Independența României*, 4:55–57 (L. Catargiu, circular note for the Romanian agencies abroad, Bucharest, 4/16 January 1876).

¹⁵⁸ Macovescu, *Independența României*, 4:23 (Kogălniceanu, circular note, 30 April/12 May 1876).

¹⁵⁹ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 413 (Kogălniceanu, circular note, 18/30 May 1876); see also Mihail Kogălniceanu, *Documente diplomatice* eds. by George Macovescu, Dinu C. Giurescu, and Constantin I. Turcu (București, 1972), 98 (the same document).

¹⁶⁰ Macovescu, Giurescu, and Turcu, *Documente diplomatice*, 101 (Kogălniceanu to the Minister of War, 15/27 April).

¹⁶¹ Macovescu, Giurescu, and Turcu, *Documente diplomatice*, 103–105 (Kogălniceanu to N. Callimachi–Catargi, 16/28 June 1876), 106–113 (Kogălniceanu, *Memoriu*, June 1876). The note of 16/28 June was addressed to the Ottoman Foreign Minister, Safvet Pasha, and the warranting courts would decide upon it; Macovescu, *Independența României*, 4:110–113, 114–124 (note and memo to Safvet Pasha, but dated 15/27 June); see Nicolae Corivan, *Relațiile diplomatice ale României de la 1859 la 1877* (București, 1984), 308.

Porte during his meetings with Safvet Pasha, the Ottoman Foreign Minister, the neutrality of the Romanian state and the entitlement of Danube neutralization.¹⁶² Despite the challenging task of refuting the Porte's reservations,¹⁶³ the warranting powers tended to admit the reasons of the Bucharest government for Danube neutralization but not Kogălniceanu's programme of autonomy and neutrality guaranteed by Europe.¹⁶⁴ As Duc Decazes told N. Callimachi-Catargi in Paris, it was important for the high courts that Romania's attitude filled a void of the Treaty of 30 March 1856. Its clauses regarding the Danube failed to consider the river's status during a war. We ensured its neutrality, at least for the sector near the Black Sea and along the tributary states.¹⁶⁵

The reserved positions of the warranting powers in ensuring Romania's neutrality, Turkey's obstinate claims of suzerain Court and the course of international events made mostly Kogălniceanu admit the need for a change in foreign policy from the part of the princely cabinet.¹⁶⁶ However, instead of responding to the "shouts of pain" from the right bank of the Danube,¹⁶⁷ Prince Carol and the liberal government, with I. C. Brătianu as Prime Minister and N. Ionescu at the Foreign Affairs, followed the neutrality policy for some time. It is what the warranting powers wanted, just like the Ottoman Porte.¹⁶⁸ The news from Petersburg about the preparations of the tsar's troops, incited by pan-Slavist clergy and intellectual circles, mainly to the extent of the failure of the German—Austrian-Hungarian—Russian recommendation, through the Berlin *memorandum* of 1 May 1876, to reach "an understanding between the Ottomans and the Christian insurgents", perhaps also the premonitions or concerns of the Romanian leaders in Bucharest made them display a position of

¹⁶² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 414 (the same to the same, Bucharest, 16/28 June 1876); Macovescu, Giurescu, and Turcu, *Documente diplomatice*, 114 (Kogălniceanu to Iancu Ghica, Bucharest, 20 June/2 July 1876).

¹⁶³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 414 sqq., 416–418 (Iancu Ghica to Kogălniceanu, Constantinopol, 18/30 June, 19 June/1 July, 21 June/3 July, 22 June/4 July 1876).

¹⁶⁴ The Romanian diplomatic agents were instructed to address notes to the warranting powers; Macovescu, *Independența României*, 4:101 (T. Maiorescu to Bismarck, 22 June/4 July 1876), 102 sqq. (Callimachi-Catargi to Decazes, Paris, 22 June/4 July 1876).

¹⁶⁵ Macovescu, *Independența României*, 4:108 sqq. (Callimachi-Catargi to Kogălniceanu, Paris, 25 June/7 July 1876).

¹⁶⁶ Macovescu, Giurescu, and Turcu, *Documente diplomatice*, 110 (Kogălniceanu to Callimachi-Catargi, 25 June/7 July 1876); Gal, *Independența României*, 2:159 sqq. (Charles St. John to Derby, Bucharest, 11/23 July 1876).

¹⁶⁷ *Documente privind istoria României. Războiul de independență* (București, 1954), 2:292 sqq. (Kogălniceanu, the note of 20 July/1 August 1876); see also Macovescu, Giurescu, and Turcu, eds, *Documente diplomatice*, 133–136 (the same note, complete text).

¹⁶⁸ Macovescu, *Independența României*, 4:143–145 (Iancu Ghica to N. Ionescu, Constantinople, 6/18 April 1876).

neutrality, agreed by the Western powers”.¹⁶⁹ It was even encouraged by the British by recognizing the statal name of Romania¹⁷⁰ to continue its dissimulative character, also intensified by the “discretion” of Romanian–Russian back-and-forth relations due to the mission led by I. C. Brătianu at Livadia and finalised by the Convention of 4/16 April 1877, for the war at the South of Danube. The decision of Prince Carol and the liberal government (with the return of Kogălniceanu to Foreign Affairs) to sign that convention was challenging against the background of heated domestic political tensions and the lawsuit brought against the former conservative ministers of 1871–1876. The decision was also due to the assurances received from Berlin that a Russian—Austrian-Hungarian conflict was not to occur and that Europe could consent to the agreement with Russia could be agreed, even if out of dire necessity.¹⁷¹ Meanwhile, in Budapest, Russia and Austria-Hungary reached a “secret agreement” likely to attract, through its implications—even hidden from diplomatic correspondence—the orientation of the Great Powers towards “bilateral agreements”. Such an example was the Russo–British agreement signed in London in March 1877—every such agreement contravened the collective guarantees on the political-state configuration in the Lower Danube. Russia, invoking a “European mandate”, declared a “holy war” against Turkey, the maelstrom of which acquired data assiduously reconstructed and interpreted by historians, such as the Romanian Independence War. The Danube became an alignment of confrontations and large army crossings; neutrality concerned, at least until the peace of 1878, only a particular reference to “the works and prerogatives of the European Commission in Galați”.

In the circumstances of the 1877–1878 War, Austria-Hungary—using the expectative of the other non-belligerent powers—independently took over the surveillance of the navigation freedom for commercial ships on the Lower Danube—for Europe’s interests, seemingly.¹⁷² Justified only up to a certain point by its riparian capacity, the Dual Monarchy already aimed to reconsider the Danube commissions at

¹⁶⁹ Gal, *Independența României*, 2:169–171 (Fava to the Minister of Foreign Affairs Melegari, Bucharest, 3/15 September 1876), 173–175, 178 sqq. (Fred Debains to Decazes, Bucharest, 4/16 September, and 21 September/3 October 1876).

¹⁷⁰ When the diplomatic agent and general consul C.E. Mansfield present his accreditation letter; see Gal, *Independența României*, 2:178 sqq. (document citted).

¹⁷¹ Gal, *Independența României*, 2:246 (From the German Minister of Foreign Affairs <von Bülow?>, instructions from the consul in Bucharest, Friedrich Johann Alvensleben, Berlin, 5 January 1877).

¹⁷² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 432 sqq., 433–437 (Andrassy to Baron Langenau, in Petersburg and to Count Zichy in Constantinople, 6 and 22 May 1879), 433 (Gorchakov to Novikov, in Vienna, 30 April ancient style, 1877), 437 (Safvet Pasha to Zichy, Constantinople, 31 May 1875).

the war's end or, better said, when peace was signed. The Monarchy could be accused of delaying, even failing to finalize the Navigation and River Police Act of the Riparian Commission. In Vienna, it was suggested that the access of the small Danubian Principalities to independence implied a realignment of that commission, perhaps even of the European one. Romania's attitude gave reasons to suggest such a thing; by proclaiming its independence, it participated in the war in the south of the Danube. To prevent delicate eventualities, all the warranting courts—not only Austria-Hungary—avoid recognizing the proclamation of Romania's independence. Those courts' hesitation in acknowledging the Principality's independence during the peace¹⁷³ hardly hid the signs of their final defections from their collective commitments undertaken contractually in 1856 concerning the Romanian question and more. Romania decided to wage war for its independence from Turkey and to prevent serious dangers even from belligerent Russia or its "combinations" with Austria-Hungary remotely censored by Great Britain¹⁷⁴ or closely monitored by Germany.¹⁷⁵ Hence, Romania set its objectives for concluding the peace. Though the Tsarist diplomacy, through Ignatiev's special mission in Bucharest, sought to clarify specific issues to avoid the deviation of the Romanian government from a just appreciation of its situation and that of Russia,¹⁷⁶ Prince Carol and his ministers sent Colonel Eraclie Arion to Kazanlik.¹⁷⁷ Kogălniceanu instructed him on the "truce conditions". They comprised, among others, the recognition of independence, the war indemnities and the participation in peace talks, without omitting the retrocession of the Danube mouths (including the St George branch).¹⁷⁸ Russia, though, wishing to conclude a peace with Turkey in a manner invoking the Adrianople 1829 moment, imposed the conditions of truce and, as the

¹⁷³ Gal, *Independența României*, 2:7 (Decazes to Fred Debains, Paris, 23 May 1877); about the position of the warranting powers, see especially Macovescu, *Independența României*, 4:267–296 (I. Bălăceanu from Vienna, A. Degré from Berlin, Callimachi-Catargi in Paris, M. Obedenaru in Rome to Kogălniceanu), 276 sqq. (Kogălniceanu, circular note, 22 May/3 June 1877).

¹⁷⁴ Should the Porte request peace before the Russian troops forced and crossed the Balkan Mountains, "secret proposals circulated" between the cabinets of Petersburg, Vienna, and London. They concerned the autonomy of Bulgaria and Serbia (!) under Ottoman suzerainty, the regulation of Romania's independence through a general agreement; Romania's compensation with a part of Dobruja in exchange for "returning" to Russia the part of Bessarabia given up by the great Northern Court in 1856; Gal, *Independența României*, 2:38–39 (*Notice très secrète*, of 31 May/12 June 1877).

¹⁷⁵ In Berlin, they preferred combinations or agreements between Austria-Hungary and Russia, instead of confrontations that would attract Great Britain, possibly France and even Italy on the Dual Monarchy's side, with the risk of limiting the options or even isolating Germany; Leitung von Albrecht Mendelssohn, and Friedrich Thimme, *Die Auswärtige Politik des Deutschen Reiches 1871–1914* (Berlin, 1928), 55–57 (Bismarck to Wilhelm I, Berlin, 16 March 1877), 60 sqq. (Bismarck to B.E. von Bülow, State Secretary, Varzin, 30 January 1878).

¹⁷⁶ Macovescu, *Independența României*, 4:319 (Gorchakov to Kogălniceanu, 30 December 1877/11 January 1878).

¹⁷⁷ Macovescu, *Independența României*, 4:320 sqq. (*The Journal of the Council of Ministers*, Bucharest, 2/14 January 1878).

¹⁷⁸ Macovescu, *Independența României*, 4:321 sqq. (Kogălniceanu, instructions for Arion, Bucharest, 2/14 January 1878).

war's victor, the San Stefano Treaty of 19 February/3 March 1878. The full enforcement of its clauses would have come against the European interests in the Lower Danube and even the entire European Southeast.¹⁷⁹ Romania, Serbia or Montenegro had their independence recognized (Article 5 of the Treaty). Bulgaria, Rumelia included, became an autonomous Principality; from its territory, Russian troops were to cross Romania's region for two years (Article 8 of the Treaty). The fortresses on the Danube were to be destroyed; the warships were no longer allowed to sail in the waters of the principalities of Romania, Serbia and Bulgaria, except for guardships and lightships intended for river policy and customs services (Article 12). The affairs, obligations and prerogatives of the international commission of the Lower Danube were kept intact (same article 12). The Sublime Porte undertook the re-establishment of the navigation of the Sulina passage and the compensation of private individuals whose property would have suffered due to the war and the interruption of navigation on the Danube, assigning to this double expense an amount of five hundred thousand gold francs on what was owed to the Porte by the Danube Commission (Article 13), considering Turkey's financial entanglements, also agreeing with the wish of His Majesty the Sultan, the Russian Empire consented to replace the payment of the most significant part of the mentioned amounts by territorial cessions, such as the Tulcea Sanjak, i.e., the districts of Kilia, Sulina, Mahmudia, Isaccea, Tulcea, Măcin, Babadag, Hârșova, Kustendje (Constanța) and Medgidia, also the Delta Islands and the Snake Island. Not wishing to annex this territory and the islands of the Delta, Russia reserved the faculty to exchange them for the part of Bessarabia detached by the Treaty of 1856 and limited to the south by the valley of the Kilia branch and the Staroe Stambul Mouth. The question of sharing waters and fisheries was to be regulated by a Russian–Romanian commission within one year after the ratification of the Peace Treaty (Article 19).¹⁸⁰

The reactions of the Great Powers, some from the mutually convened part of Great Britain and Austria-Hungary, even threatened war due to the conclusions and clauses of the San Stefano Treaty. Those reactions led—on paths intersected by the authoritarian mediating vocation of Bismarck's Germany, even all the courts still theoretically warranting¹⁸¹—to the Berlin Congress (13 June—13 July [old style] 1878). Instead of having agreed, as in 1854–1856, on *ad hoc* conferences on negotiation bases or points for the new great diplomatic forum, with the most

¹⁷⁹ *Documente privind istoria României. Războiul de independență* (București, 1954), 9:363–367 (The San Stefano Treaty); for the clauses concerning the Danube, see also Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 438 (Articles 12–19 of the treaty) and D. A. Sturdza, *Recueil de documents*, 110 sqq.

¹⁸⁰ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 438.

¹⁸¹ Macovescu, *Independența României*, 4:345 (Kogălniceanu, circular to the Romanian agents abroad, Bucharest, 14/26 March 1878).

interested powers tacitly admitting its purpose to review the San Stefano Treaty, they indulged in bilateral agreements: the British–Russian agreement of 18/30 May 1878, the British–Ottoman agreement of 25 June/6 May and the British–Austro-Hungarian agreement of 25 May/6 June 1878, with territorial stakes to compensate the reassignment of southern Bessarabia to Russia, some of its Asian territorial acquisitions.¹⁸² They practically cancelled the Romanian side’s expectations of formal representation to the Berlin Congress and to be made justice, including on the South of Bessarabia and the Danube Delta islands. Failing to persuade Russia,¹⁸³ along which it had fought against Germany,¹⁸⁴ on the right to be a deliberating party at the future congress, the Romanian side was left with the alternative of designating Prime Minister Brătianu and the Ministry of Foreign Affairs Kogălniceanu as plenipotentiaries to the peace talks.¹⁸⁵ Their express instructions were to obtain a prohibition for Russian troops crossing the national territory from Bulgaria, a proper war indemnity, respecting the territorial integrity according to the Convention of 4/16 April 1877. They also had to obtain full ownership of the Danube islands and mouths (including the Snake Island), according to Europe’s initial decision of 1856, full recognition of independence and the warranty of neutrality. They were affected by the fact that Otto von Bismarck—the president of the Berlin Congress¹⁸⁶— denied their request to participate as plenipotentiaries in the deliberations of the great diplomatic forum. Brătianu and Kogălniceanu were only “heard” with the permission of de jure plenipotentiaries when the words often invoked, not always correctly understood, were read¹⁸⁷ regarding the independence of Romania. Insofar as they could keep up to date with the progress of the congress’s proceedings,¹⁸⁸ the two Romanian delegates realized that their country’s rights were not much considered. Its

¹⁸² Robert William Seton-Watson, *Disraeli, Gladstone, and the Eastern Question. A Study in Diplomacy and Party Politics* (New York, 1972), 375–430; Taylor, *The Struggle for Mastery*, 247–254.

¹⁸³ Macovescu, *Independența României*, 4:336 (Kogălniceanu to Iancu Ghica, in Petersburg, Bucharest, 3/15 February 1878).

¹⁸⁴ Macovescu, *Independența României*, 4:333 sqq. (Kogălniceanu to head of the diplomatic agency of Berlin, Bucharest, 3/15 February 1878).

¹⁸⁵ Macovescu, *Independența României*, 4:349 sqq. (The act through which Prince Carol fully invested I. C. Brătianu and M. Kogălniceanu, Bucharest, 26 May/7 June 1878).

¹⁸⁶ Macovescu, *Independența României*, 4:350 sqq. (I. C. Brătianu and M. Kogălniceanu to Bismarck, Berlin, 1/13 June 1878).

¹⁸⁷ Macovescu, *Independența României*, 4:356 sqq. (*Paroles prononcées par Jean Bratiano, au Congrès de Berlin, 19 juin/1 juillet 1878*); *I documentii diplomatici italiani*, 2nd series, vol. 10, 257–259 (Kogălniceanu, *Dichiarazione*, 19 June/1 July 1878), 260 (I. C. Brătianu, *Dichiarazione*, 19 June/1 July 1878).

¹⁸⁸ Macovescu, *Independența României*, 4:355 (I.C. Brătianu and Kogălniceanu, note for the *ad interim* Romanian Foreign Minister, Berlin, 19 June/1 July 1878); Stelian Neagoe, ed., *Memoriile regelui Carol I al României (De un martor ocular)*, vol. 14 (București), 48–57.

independence was to be recognized conditionally—I already stated its conditions in the previous chapter. During the same congress, the stationing of the tsar’s troops on its territory and their passage from Bulgaria were highly approved (with instalments over a year). Still, the war indemnity somehow remained in the hands of the great northern court. At the same time, the Romanian purposes at the Danube were overshadowed by various “adjustments” for the European Commission and the Riparian Commission.

As it often occurred at a large political-diplomatic forum in Berlin, the agreements between the highly represented parties—invoking general interests—prevailed over the so-called secondary-level claims, such as those of Romania targeting “various issues”. At the forum’s first meeting hosted by Germany, it was agreed that the order of deliberations would not be given by “paragraphs”/ articles of the San Stefano Treaty but by the matters in the order of their relevance.¹⁸⁹ Subsequently, the necessity of special commissions and particular discussions/meetings between the plenipotentiaries of the directly interested states became apparent. Admitting the principle that, in the plenary deliberations of the congress, the minority could not be obliged to submit to a majority vote¹⁹⁰ or to the parliamentary and general discussion procedure followed by special discussions, to ensure agreements regarding *status causae et controversiae*,¹⁹¹ only showed the urgency of issue-based commissions (*par affaires*) to execute the clauses of the solemnly concluded Treaty of 13 July 1878. However, the “force” of each clause enforcement ultimately resided in the vote or approval of the whole congress. That is why the private meetings or special commission arrangements were not oriented towards cyclical, strictly successive and definitive approaches to one issue or the other, according to the “order of importance” agreed upon since the first meeting of plenipotentiaries. The principled or content interferences of the approaches to “issues” led to convoluted proceedings unfolding. As the deliberations on Bulgaria (“the first issue”) began, others, including those regarding the Danube, were debated or interspersed. Setting the borders of the Principality of Bulgaria and staging the withdrawal of Russian troops from its territory entailed recognizing “new data” regarding river navigation. When it came to discussing the articles of the San Stefano Treaty regarding Romania, Lord Beaconsfield/Disraeli raised the

¹⁸⁹ “Tractatul de Berlin urmat de protocoalele Congresului”, more recently in Sorin Liviu Damean, *România și Congresul de pace de la Berlin (1878)* (București: Mica Valahie, 2004), 133 (Protocol no. 1 of 7/13 June 1878).

¹⁹⁰ Damean, *România și Congresul*, 137 (the same document).

¹⁹¹ Damean, *România și Congresul*, 145 sqq. (Protocol no. 2 of 17 June 1878 of the Berlin Congress). For commentaries “at the scene” on the manner of deliberations, see *Documents diplomatiques français (1871–1919)*, 1st series, vol. 2 (Paris, 1930), 328–331, 331–336 (Waddington to Dufaure, Berlin, 14 and 18 June 1878); *I documenti diplomatici italiani*, 2nd series, vol. 10, 167–170, 180–184 (Launay to Cairoli, Berlin, 13 and 17 June 1878).

issue of serious interference by Russia in the 1856 Paris Treaty. According to the British Prime Minister, the provisions of Article 19 of the San Stefano Treaty regarding Bessarabia—accounting for that “interference”—were not justified at the congress by considering an “extreme necessity”. On the contrary, they showed the error of foreseeing an exchange of territories between two states without the prior approval of the other signatory parties of the 1856 Treaty. Articles 4 and 20 of the last meant—according to the first British plenipotentiary—a commitment between the European Powers and Russia to ensure *free navigation on the Danube*; concerning this goal, the Russo–Turkish Peace Act of 1878 did not provide any guarantee. Article 4 of the 1856 Treaty stated that the Allied Powers undertook to return to the Russian Empire all the lands occupied by its troops. The condition, reinforced under Article 20 of the same treaty, was to rectify the Russian border in Bessarabia *to provide more safety to the free navigation on the Danube*.¹⁹² Given that Russia thus breached flagrantly a *commitment undertaken by Europe*,¹⁹³ Chancellor Gorchakov only invoked the general interest regarding free Danube navigation. However, to alleviate the “guilt” of which the power he represented at the congress was accused, he dared to invoke Romania’s lack of contribution to improving that navigation. Somehow forcing the note of “quibbles”, the first Russian plenipotentiary wanted to persuade his deliberative audience in 1878. He insisted that the 1856 Treaty had given Moldavia a part of Bessarabia and the Danube Delta, but, in 1857, the Great Powers returned the Delta to the Turks, thus doing Moldavia a service, as it failed to carry out the necessary works for the free access of the Sulina mouth. He also mentioned that Bessarabia was linked only to Moldavia in 1856 when the Principalities had to remain separate. He further stated that the Union of Wallachia and Moldavia went against the Paris Treaty and was consolidated in 1866 by the election of a foreign ruler. Henceforth, pointing out the dramatically different current situation, he claimed that the retrocession of Bessarabia did not impair the freedom of the Danube whatsoever.¹⁹⁴ Trying to

¹⁹² Damean, *România și Congresul*, 230 sqq. (Protocol no. 9 of 17/29 June of the Berlin Congress).

¹⁹³ The words of Lord Beaconsfield/Disraeli; Damean, *România și Congresul*, 230 sqq.

¹⁹⁴ Damean, *România și Congresul*, 231 sqq. It is difficult to say whether the first Russian plenipotentiary tried, to counter Lord Beaconsfield’s opinion, a conference “trick”, presenting the risk of bringing the deliberations on the “frontier” in the south of Bessarabia to a standstill by “simplifying” the meaning of Article 21 of the Paris Treaty, which had provided that the territory surrendered by Russia would be annexed to Moldavia. Art. 20 of the same treaty would have only concerned the southern part of the expressly delimited Prut-Dniester province/guberniya, not the Danube Delta. It is equally difficult to determine whether the same Gorchakov was “inspired” by the memorandum of the Romanian delegates or their request to take part in the deliberations of the Berlin Congress; *Adevăratele documente din corespondența diplomatică de la 5 octombrie 1877 la 15 decembrie 1878* (București: Ministerul Afacerilor Străine, 1880), 270–281, <Memorandum presented at the Berlin Congress by the plenipotentiaries of His Highness The Romanian Prince, 12/24 June 1878>; Macovescu, *Independența României*, 4:137 sqq. “I. C. Brătianu, M. Kogălniceanu to Bismarck, Berlin, 1/13 June 1878>. These

avoid complicating a matter concerning Bessarabia's borders—Emperor Alexander II saw it as a matter of honor, not ambition or interest—; Count Pyotr Shuvalov, the ambassador in London and plenipotentiary to the congress, stated that Russia waived all “territorial claims” that breached the free navigation on the Danube”. He also argued that Romania was awarded the Danube Delta for surrendering “a small piece of land”. In Gorchakov's opinion, Romania received fertile districts and a favourable harbor for commerce on/at the Black Sea.¹⁹⁵

From his position as Congress president, Bismarck stated that he saw no correlation between the freedom of the Danube claimed by the British and the retrocession of Bessarabia claimed by the Russians.¹⁹⁶ Each question would make the subject distinct diplomatic deliberations or agreements. Only the delegates of Prince Carol I, received on 19 June/1 July only to be heard by the plenum of the deliberating forum, tried to connect the two questions. In his *statement*,¹⁹⁷ Kogălniceanu used an impeccable demonstration of history and national rights to resuscitate Europe's decision of giving Moldavia the south of Bessarabia, the Danube islands and mouths in 1856. This decision was rectified in 1857 when the Great Powers agreed on granting Turkey's sovereign rights on “the Lower Danube territories”, which were also under the mandate of the European Commission.¹⁹⁸ His demonstration was somewhat disputable concerning the invocation of the Great Powers' provisions that would have charged the Danubian Principalities with guarding the Danube's freedom at its mouths in 1856” (*Les grandes puissances avaient confié en 1856 aux Principautés Danubiennes la garde de la liberté du*

documents—especially the first mentioned above—stated that Moldavia had received the south of Bessarabia, the Danube Delta, and its islands in 1856, as decided by the European powers. The same documents argued that, in 1857, the same Powers decided to place the territory at the Danube mouths—where the European Commission functioned—“under Turkey's sovereign rights”. At a pinch, the text of the Paris Treaty and that of the 1856 Congress Protocols fail to state that Moldavia received the Danube Delta unequivocally.

¹⁹⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 438–441 (excerpt from Protocol no. 9, 17/29 June); D. A. Sturdza, *Recueil de documents*, 112–116 (the same excerpt); “Tractatul de Berlin urmat de protocoalele Congresului”, 232 sqq. (the entire text of Protocol no. 9 of 17/29 June 1878, of the Berlin Congress); *Documents diplomatiques français (1871–1919)*, 1st series, vol. 2, 346 sqq. (Waddington to Dufaure, Berlin, 30 June 1878); *I documenti diplomatici italiani*, 2nd series, 10:231 sqq. (Launay to Cairoli, Berlin, 29 June 1878).

¹⁹⁶ Damean, *România și Congresul*, 234 (document cited).

¹⁹⁷ *I documenti diplomatici italiani*, 2nd series, 10:257–259 (*Dichiarazione di Kogalniceano*, annexed to Launay's report for Cairoli, Berlin, 1 June 1878).

¹⁹⁸ Damean, *România și Congresul*, 235–239 (Kogălniceanu's words included in Protocol no. 19 June/1 July of the Berlin Congress); according to the text of the same protocol, Kogălniceanu would have also read a *memorandum* (“Tractatul de Berlin urmat de protocoalele Congresului”, 235); this document concerns a document submitted to the Congress by the Foreign Minister Kogălniceanu and Prime Minister I. C. Brătianu as early as 12/24 June (see above). Though exposed based on the memorandum, Kogălniceanu's words were recorded as a *statement* within the session protocol, according to the procedure standards of diplomatic forums.

Danube à son embouchure).¹⁹⁹ Hence, Prime Minister Brătianu reminded that it was the decision of the Great European Council (*à la haute appréciation du grand conseil européen*).²⁰⁰ Consequently, the deliberating parties undertook to dissociate “the South of Bessarabia question” from “the Lower Danube question”. To get the south of Bessarabia, His Majesty, the Emperor of All Russias, had to recognize Romania’s independence. Waddington insisted on compensating Romania with the territorial extension in the south of Dobruja that reached Silistra and Mangalia.²⁰¹ The resolution of that territorial question was given a “local” character, with the “solution” left to Romanian–Russian relations. Instead, the Lower Danube question would be considered exclusively from the perspective of the general interest of Europe. When the order of the day on 2 July 1878 included the discussion of articles 12 and 13 of the Treaty of San Stefano regarding the Danube and the riparian border, Baron Haymerle—also taking advantage of the “active position” of Austria-Hungary in the triangle with Great Britain and Russia, of territorial and border arrangements regarding mainly Bulgaria—presented a newly-drafted project of the first article mentioned above. The purpose was to ensure, through a new guarantee, the freedom of navigation, the whole part of the river, starting from the Iron Gates to its discharge into the Black Sea being declared neutral; the islands and the shores belonging to that part of the river course would also be included in the neutrality. The provisions of San Stefano on the bank fortifications and the lightships intended for river police and the customs service were reiterated. The European Commission of the Lower Danube was maintained in its functions, to be exercised from Galați to the Sea, for a duration extendable after 1883, until the conclusion of a new agreement by the Great Powers. The commission’s rights, obligations and prerogatives remained untouched, and the immunities enjoyed by its establishments, works and personnel were reconfirmed. In exercising its functions, the same Commission was independent of the state’s authority to which the Danube Delta belonged, having its own insignia on the ships and establishments it owned. The financial obligations of the commission were to be regulated, and the status of its organisation was to be revised to be consistent with the new circumstances. Apart from the states participating in the Commission of Europe, according to the 1856 Paris Treaty 1856, Romania would be represented within it by a delegate. The navigation and river police regulations downstream of the Iron Gates were to be in line with those that have been or will be introduced by the European Commission for the course south of Galați; a commission delegate had to supervise the enforcement of those regulations. Any special fee favoring

¹⁹⁹ *I documenti diplomatici italiani*, 2nd series, 10:259 (Kogălniceanu, *Dichiarazione...*).

²⁰⁰ *I documenti diplomatici italiani*, 2nd series, 10:260 (*Dichiarazione di Brătianu*, annexed to Launay’s report to Cairoli, Berlin, 1 July 1878); Brătianu’s considerations were also included to Protocol no. 10 of the Congress of 19 June/1 July; see Damean, *România și Congresul*, 239 sqq.

²⁰¹ Damean, *România și Congresul*, 247 (Protocol no. 10 of 19 June/1 July 1878).

trade and communications on land near the river was excluded for the Iron Gates—Galați sector. By amending Article 6 of the London Treaty dated 13 March 1871, it was up to Austria-Hungary to execute the works intended to remove the obstacles that the Iron Gates and the Cataracts caused to navigation.²⁰²

Though subsequently amended, the Austro-Hungarian project submitted to the attention of the Congress really made history concerning the Danube question. The essential principles, as Haymerle himself assessed—the neutralization of the Danube from the Black Sea to the Iron Gates and the permanence of the European Commission; Romania's participation in the work of the Commission; the assumption by Austria-Hungary alone of the work to be done at the Iron Gates—set the whole matter away from the meaning given, in 1815, by the Vienna Congress, to the freedom of navigation of international rivers. In 1878, it became more apparent than ever before how an international river course was subject to different regimes, one for its upper side, up to the Iron Gates, another for the portion from the Gates to Galați and a third for Galați to the Black Sea. For Lord Salisbury, the principles drafted by Haymerle, although agreeable from the perspective of British politics and general interests, were still open to discussions because they constituted a whole legislation that could not be accepted at the first reading in all its details.²⁰³ Count Shuvalov—in Russia's name, which became a Danube riparian again—failed to understand the neutralization idea or the river part submissible to such a regime. Also, in Russia's name, Gorchakov sought to improve his image by stating that Bessarabia's retrocession did not influence Danube's liberalization". From the height of his position, with strategic purposes in mind, Bismarck admitted there was no contradiction between Austria-Hungary's proposal and the San Stefano articles regarding the Danube. Thus, he paved the way for the plenipotentiary of the Dual Monarchy to extract from the project discussed the primary principles, the only ones susceptible to getting the vote of the congress.²⁰⁴ A Russian counter-proposal was recorded: to invest the free navigation of the Danube with a new guarantee, recognizing the principles proclaimed by the Final Act of the Vienna Congress of 1815 and applied to the Danube through the treaties of 1856 and 1871 bearing a European interest. The Russians also wanted to demolish the fortifications along the river, from the Iron Gates to its mouths, to exclude warships from its course, apart from the lightships required by the fluvial police and the customhouse officers or the guardships at its discharge into the sea; to maintain the European Commission in its

²⁰² Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 441 sqq. (excerpt after Protocol no. 11 of 20 June/2 July of the Berlin Congress); D. A. Sturdza, *Recueil de documents*, 116 sqq. (excerpt after the same document); Damean, *România și Congresul*, 252–253; for the entire text of the protocol, 252–263.

²⁰³ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 442 (excerpt after document cited).

²⁰⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 442 sqq.; D. A. Sturdza, *Recueil de documents*, 118 (excerpt from document cited).

functions under (re)confirmed international conventions. The Russians also proposed to revise the Public Act of 2 November 1865 on the organisation of the Commission, making it consistent with the new circumstances.²⁰⁵ Though somehow justified by treating an international stream properly, this proposal only minorly hindered the project presented by Austria-Hungary. Bismarck supported it fervently, though he feigned opposing the opinion that Danube was a great artery of the German trade with the East” (*L’opinion qui représente le Danube comme la grande artère du commerce allemand avec l’Orient repose sur une fiction..., les navires, allemands venant d’en amont de Ratisbonne ne descendent pas le Danube*).²⁰⁶ Inspired, no doubt, by the chancellor president of the congress, the course of the discussions was oriented, thanks to some helpful suggestions from the French and British plenipotentiaries Waddington and Saint-Vallier, of admitting the opportunity of reading the Austro-Hungarian proposal, not before an agreement between its text and that of the Russian proposal. Until that agreement was reached between the plenipotentiaries specially appointed by the congress—Haymerle from the Dual Monarchy, Paul d’Oubril, the Russian ambassador in Berlin, Saint-Vallier from France—Bismarck wanted to present a summary of the Austro-Hungarian articles. They provided the freedom of navigation and the exclusion of warships along the entire Danubian course from the Iron Gates to its mouths. They also stipulated the duration of the European Commission, with powers up to Galați and the admission of a Romanian commissioner, allowing, as Waddington noted, to make that extension by tacit renewal. They provided compliance with navigation and river police regulations downstream of the Iron Gates. The substitution of Austria-Hungary’s riparian powers concerning the works at the Iron Gates was acknowledged.²⁰⁷ Following discussions mostly between the representatives of Austria-Hungary and Russia, another decision was taken. One year “before the expiration of the term” assigned by the Treaty of 13 March 1871 for the European Commission, the powers should agree on prolonging their authority. Furthermore, the navigation and river police regulations from the Iron Gates to Galați would be developed by the European Commission, assisted by the delegates of the riparian states.²⁰⁸ As the drafting commission of the Treaty was charged with their editing, the articles regarding the Danube no longer stirred any objections²⁰⁹ at the plenum of the congress.

²⁰⁵ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 443 sqq.; D. A. Sturdza, *Recueil de documents*, 119 sqq.; Damean, *România și Congresul*, 269 (Protocol no. 12 din 22 June/4 July 1878), 263–276, (for the entire document).

²⁰⁶ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 444; D. A. Sturdza, *Recueil de documents*, 121 (excerpt from document cited).

²⁰⁷ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 444 sqq.; D. A. Sturdza, *Recueil de documents*, 121 sqq. (document cited).

²⁰⁸ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 445; D. A. Sturdza, *Recueil de documents*, 121.

²⁰⁹ Damean, *România și Congresul*, 330 (Protocol no. 17 of 28 June/10 July 1878).

The six articles (52–57) of the Treaty of Berlin regarding the Danube showed that the formal invocation of the general principles for the navigation of international rivers was considered less than during the diplomatic forums of 1856, 1866 and 1871. It became clear that that state of things did not follow general principles, but the particular ambitions of great powers, mostly Austria-Hungary. In Berlin, Great Britain and France no longer countered frontally and decisively, as in the years mentioned above, such ambitions were openly manifested by the Habsburg diplomacy and barely dissimulated by the tsarist one. Bismarck's denial of a direct naval and commercial interest at the Lower Danube on the part of Germany²¹⁰ hardly hid the encouragement of Austria-Hungary's Danubian policies. This power had proposed a "provisory agreement" concerning the two signatory parties' railways and the Iron Gates' regularization to Serbia.²¹¹ Haymerle devised this idea in Berlin before finalizing the Treaty of 13 July 1878 clauses regarding the Danube. Though it had become a riparian of the Lower Danube again, Russia became involved in big projects, from the failed one of general guarantee on the decisions of the Berlin peace forum²¹² to the frail one of political and statal reconfiguration of the Balkan Peninsula. The great Northern court was not interested, for the moment, in the regulation of the navigation at the Lower Danube. Italy, mainly interested in the realities west of the Peninsula,²¹³ did not make any proposal. As for Turkey—defeated in the war and no longer being considered for "generous European guarantees" not even concerning Balkan territories—it did not make any content-related proposals or observations on the Danube question. Austria-Hungary's project won, though not in the form drafted by Haymerle. The guarantees ensured by navigation freedom (of European interest) were no longer distinctly and explicitly provided for the Danube from the Iron Gates to its mouths, as Haymerle proposed initially. On the contrary, they made a principled correlation to the course of an international river. For that portion of the Danube, they decided to raze all the fortifications to forbid the warships, except for "light vessels in the service of the river police and the customhouse officers"; they also allowed "the guardships of the Great Powers at the river mouths, to ascend the river as far as Galați" (Article 52 of the Treaty de la Berlin). The European Commission, where Romania was also represented, had its functions preserved to exercise them "with complete independence of the territorial authority as far as Galați" as that international institution reconfirmed all "the treaties, arrangements,

²¹⁰ Damean, *România și Congresul*, 330.

²¹¹ D. A. Sturdza, *Recueil de documents*, 125 sqq. (*Convention provisoire entre la Serbie et l'Autriche-Hongrie concernant les chemins de fer et la régularisation des Portes-de-Fer*, Berlin, 26 June/8 July 1878).

²¹² Damean, *România și Congresul*, 371 sqq., 314–317, 325 sqq., 331–334 (Protocols no. 15 of 26 June/8 July 1878, no. 16 of 27 June/9 July, no. 17 of 28 June/10 July and no. 18 of 29 June/11 July 1878 of the Berlin Congress).

²¹³ *I documenti diplomatici italiani*, 2nd series, 10:265–269, 272–281, 303–305 (Launay to Cairoli, 2, 4 and 9 July 1878).

acts and decisions relative to its rights, privileges, prerogatives and obligations” (Article 53). “One year before the expiration of the term assigned for the duration of the European Commission”, the Powers should agree “on the prolongation of their authority, or as to the modifications which they shall consider necessary to be introduced” (Article 54). The same Commission, “assisted by delegates of the riparian states”, had to draft “the regulations of the navigation of the river police, and of the surveillance between the Iron Gates and Galați” (Article 55). They also had to agree with the entitled parties to ensure the maintenance of the lighthouse located on Snake Island (Article 56). “The execution of the works for the removal of the obstacles which the Iron Gates and the Cataracts cause to the navigation is entrusted to Austria-Hungary”. Furthermore, the States “on the banks of this side of the river still afford every facility which may be necessary”. According to the provisions of the London Treaty of 13 March 1871, Austria-Hungary still had “the right to collect temporarily a tax to cover the expenses of these works” (Article 57).²¹⁴

Such treaty clauses, read in their letter and spirit by referring to the entire text of the Berlin Congress, showed not so many conclusions to a specific issue, such as the Danube question, but concessions “inspired” to the deliberative powers by the need for border changes on the lower river course. It should be noted that the Danube was not included in the “order of importance of the issues” subject to the deliberations of the diplomatic forum in the capital of Germany. At the congress, the “Danube question” was approached from other sides, under the European necessity of mitigating the power advances made by Russia through the territorial clauses imposed on Turkey at San Stefano. The re-annexation of southern Bessarabia, claimed from Petersburg in terms of a just retrocession from Romania, in its turn “compensable with territories towards the sea”, reassured Russia the quality of Lower Danube riparian, on the Chilia branch (the northern border of the area over which the European Commission exercised its mandate). The Russian precautions towards the European river institution stemmed from the reasoning/“calculation” to thwart or at least calm the reactions of the other great powers concerning the territorial clauses of the San Stefano Treaty. However, those reactions led in Berlin—apart from the one stipulating the move of the Russian border to Chilia—to significant changes/amendments to all other clauses of the Russo–Ottoman peace regarding territories in the Danubian–Pontic area or the Balkan Peninsula. Within the “game” of those changes, the so-called “definitive” clauses on the Lower Danube were also forged in Berlin. Austria-Hungary made the most profit off that game. Whereas, in 1856, 1866 and 1871, the

²¹⁴ Ministerul Afacerilor Străine, *Cestiunea Dunărei. Acte și documente*, 445 sqq.; S. A. Sturdza, *Recueil de documents*, 123 sqq. (Articles of the Berlin Treaty relative to the Danube); Damean, *România și Congresul*, 126 sqq. (the same articles).

deliberations of the international forums had restrained Austria's ambitions (Austria-Hungary's after 1867) of first riparian power of the Danube, things turned out dramatically differently at the congress hosted by powerful Germany Austria-Hungary, with impulses given to its "Danubian" policy primarily by Budapest,²¹⁵ secured, in 1878, the executive role on facilitating navigation at the Iron Gates. At the same time, it suggested the perspective of its decision-making primacy for the "fluvial section from the Gates to Galați". Regarding the state of affairs in their evolution, it should be noted that, at the Congress of Berlin, they made a first and decisive step towards imposing the "Euro-central power factor" over the "general European" factor on the regime of the Danube. The German—Austrian-Hungarian alliance of 1879 would provide that "factor" with Danube's pre-dominance advantages until at least 1914. In addition, Romania, as a small state, always claiming rights given by nature or history and consonant with the principles and norms of the freedom of the navigation of international rivers, considered the new "game of Danubian interests".

The authorities in Bucharest failed to either understand well or receive well the new features provided to "the Danube question" by the Congress of Berlin. The Romanian delegates at the peace forum kept Prince Carol I and the persons in charge of External Affairs updated with the course of deliberations, mostly the conditions for recognizing Romania's independence. The country's high officials found out from newspapers²¹⁶ and—seemingly—by the discreet and Bismarck—approved generosity of the German diplomat Radowitz²¹⁷ the contents of the entire Berlin Treaty before the expiration of the term agreed upon by the signatory parties for its publication.²¹⁸ As the protocols of the congress were published domestically or abroad, the "combinations" between the deliberating parties that counted on the "final form" of the clauses of that treaty would also be revealed. It was understood that on most of the "issues subject to high deliberation", temporary solutions were reached. Their challenging finalization entailed "conditions" for recognizing

²¹⁵ At a certain point, Carol I became persuaded that "the Hungarians want to monopolise the Danube; we could strike a deal with Austria..."; *Memoriile regelui Carol I*, vol. 17, 59 (Carol I to Carol Anton, 26 December 1880/7 January 1881); see also Regele Carol I al României. *Cuvântări și scrisori (1866–1909)*, vol. 2 (București: Institutul de Arte Grafice C. Göbl, 1909), 423.

²¹⁶ *Memoriile regelui Carol I*, 14:53.

²¹⁷ The Foreign archives in Bucharest, fond Războiul de Independență [Independence War collection], vol. 95, p. 31-42, kept a copy of the Treaty of 1/13 July ("copie certifié conforme à l'original, par autorisation Radowitz, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur d'Allemagne Roi de Prusse"); Macovescu, *Independența României*, 4:357–374. Romania received the official copy of it in August 1878; see Macovescu, *Independența României*, 4:407 sqq. (Kogălniceanu, circular note to the Romanian agents abroad, 7/19 August 1878).

²¹⁸ Bismarck had notified Vărnăv-Liteanu confidentially on the clauses with a direct interest for Romania concerning the Danube; *Memoriile regelui Carol I*, 14:49.

Romania's independence, Serbia and Montenegro, and the autonomy of Bulgaria, or works by commissions and committees, some even called "technical".²¹⁹ And the "new clauses" regarding the Danube met features of a solution of the kind shown above. The European Commission, already in existence, would operate over it, with a "chance" to make its mandate permanent. The increase in those chances was also due to the change in the behavior of Austria-Hungary, a power that, before 1878, invoked "limited time" for the European Commission and became a supporter of strengthening and extending/even making the mandate of that institution permanent. As a price for supporting the "European interest at the Danube Mouths", the Dual Monarchy clearly sought to ensure its control over the river navigation between the Iron Gates—Cataracts (where it had the unilateral responsibility of removing the obstacles from the way of the ships) and Galați. The advantages of Austria-Hungary's "new Danube policy" were, first, its rallying to the already known positions of Great Britain and France, at least tacitly consented to by Germany and Italy, regarding the river mouths, then, the countering of Russia, which (re)became riparian on Chilia.²²⁰ In Bucharest, as they learnt about the acts of the Berlin Congress, both political and press circles experienced "emotions", if not real fears, regarding the new Danubian positions of Austria-Hungary and Russia, even concerning the possibility of "harmonizing" those positions on Romania's account, through a territorial sharing.²²¹ Before and during the reunion of the peace forum hosted by the capital of Germany, I. Bălăceanu signaled from Vienna the Austro-Hungarian cabinets an interest in considering, in its "Lower Danube policy", the rights of Romania, to harmonize the interests of the Dual Monarchy with those of the small independent Principality, to thus form an insurmountable barrier against Russia's ambitions.²²² On the contrary, things would be much different after the conclusion of the Treaty of 13 July 1878. Somehow disguised by the goodwill of recognizing the independence of the Romanian state and promoting its diplomatic relations to the rank of legations, the Austro-Hungarian policy soon showed off its "ambitions" of influence/control on the Lower Danube axis, seriously contravening the sovereign titles of the small

²¹⁹ William Norton Medlicott, *The Congress of Berlin and After. A Diplomatic History of the Near Eastern Settlement, 1878–1880* (London, 1963). 133–135.

²²⁰ Șerban Rădulescu-Zoner, *Dunărea, Marea Neagră și Puterile Centrale 1878–1898* (Cluj-Napoca, 1982), 88–93.

²²¹ Kogălniceanu and C. A. Rosetti shared their fears with the French consul in Bucharest; see Carol Iancu, *Bleichroeder și Crémieux. Lupta pentru emanciparea evreilor din România la The Berlin Congress. Corespondență inedită (1878–1880)* (București, 2006), 248–250 (Bacourt to Waddington, Bucharest, 21 July 1878).

²²² Rădulescu-Zoner, *Dunărea, Marea Neagră*, 102 (Andrassy, note of 18 July 1878); see for detailed commentaries: Hajnal, *Le droit du Danube international*, 126–132; Medlicott, *The Congress of Berlin and After*, 15 sqq., 20.

Principalities, mostly the titles of the one under the scepter of Carol of Hohenzollern-Sigmaringen.²²³ As the Prince of Romania took the title of Royal Highness, the Austro-Hungarian goodwill for regulating the issue “between the princes”, with implicit superiority on the part of His Apostolic Imperial and Royal Majesty, showed “ambitions of influence”. They were thwarted, in Bucharest, by the inspiration of Foreign Minister Kogălniceanu to resort to a national act for establishing the “new condition” of Romania’s sovereign status.²²⁴ Prince Carol and his ministers enforced a sovereign state policy concerning Petersburg’s expressed manner of establishing the Romanian–Russian border on Chilia as the great northern power re-annexed the south Bessarabia. Emperor Alexander II had the express desire, intensified by the goodwill of the first recognition of Romania’s independence,²²⁵ to regain a part of the territory through a convention concluded by his cabinet and Prince Carol’s cabinet. However, his wish was met with the refusal of the political decision-makers in Bucharest, who, upon invoking the obligation to comply with Europe’s will, withdrew all the Principality’s officials and law enforcement forces from a land Europe considered Moldavian in 1856.²²⁶ As a reaction, the Russian Empire mitigated its signs of recognizing Romania’s independence;²²⁷ the bilateral relations became more estranged; “the most devout Court” multiplied its claims for the border “on Chilia”, but it breached the competencies of the European Commission. Romania also dealt with the Russian and Austro-Hungarian ambitions at the Danube in its endeavors of having its independence recognized and obtaining Kingdom status.

²²³ As the Romanian diplomatic agency in Vienna became a Legation (11/23 September 1878), the envoy extraordinary and plenipotentiary minister of Austria-Hungary in Bucharest, Count Ladislau Hoyos, submitted his accreditation letters to Prince Carol I (21 October/2 November 1878); Ion Calafeteanu, *Istoria politicii externe românești în date* (București, 2003), 182.

²²⁴ Based on the proposal of the Council of Ministers of 9/21 September 1878, Carol I took the title of Royal Highness; see Regele Carol I al României, *Cuvântări și scrisori*, tom 2, 255 (Carol I to Carol Anton, 15/27 November 1878).

²²⁵ Russia was the first Great Power to promote the Romanian representation in Bucharest to the rank of Legation, as a sign of recognising Romania’s independence, on 15/27 October 1878; baron Stuart submitted his accreditation letters to Prince Carol (Regele Carol I al României, *Cuvântări și scrisori*, 2:255). It is still disputable whether Russia or Austria-Hungary was the first to recognise Romania’s independence (see above).

²²⁶ *Memoriile regelui Carol I*, 14:63–65.

²²⁷ Baron Stuart was accredited in Bucharest under the low-rank title of “resident minister”.