

Regulation of Traffic

The United States maintains its basic juridical rights of free access to Berlin. These are clearly established and recognized by the Soviet Government. As every reasonable and practical person knows, rail, road, barge and air traffic must be subject to some degree of regulation. Let me repeat the statement of Marshal Zhukov on June 29, 1945:

“It will be necessary for vehicles to be governed by Russian road-signs, military police, and documents checking, but no inspection of cargo—Soviets not interested in what is being hauled, how much or how many trucks are moving.”

The United States agreed to this position and we still agree. We do not assert freedom of access means absence of reasonable regulations, but precaution cannot be distorted to mean imposition of restrictions to the point where the principle of free access is completely strangled. The United States will not permit the Soviet Government to use the agreed principle of reasonable regulation as a measure to cloak the threat of force designed to force the United States to abandon Berlin to single domination and rule by the Soviet Union.

RESPONSIBILITY FOR INJURIES TO UNITED NATIONS OFFICIALS

Count Folke Bernadotte was assassinated in Jerusalem on September 17, 1948, while on tour as United Nations Mediator in the Palestine dispute. Colonel André P. Serot, a United Nations observer, was murdered at the same time. Ralph Bunche, personal representative of the Secretary General of the United Nations, immediately reported the incident to Moshe Shertok, Foreign Minister of the Provisional Government of Israel. Dr. Bunche said the act was committed by “Jewish assailants” and was “an outrage against international community and unspeakable violation of elementary morality.” He continued:

This tragic act occurred when Count Bernadotte, acting under the authority of United Nations, was on official tour of duty in Jerusalem, and in presence of liaison officers assigned to him by the Jewish authorities. His safety, therefore, and that of his lieutenants under the ordinary rules law and order was a responsibility of Provisional Government Israel whose armed forces and representatives control and administer the area.

This act constitutes a breach of the truce of utmost gravity for which Provisional Government Israel must assume full responsibility. . . .¹

It will be noted that the responsibility of the Government of Israel was attributed to the facts that the assassination took place in an area controlled and administered by the armed forces of that government and that

¹ Message from Representative of Secretary General to Israeli Foreign Minister, Sept. 17, 1948, Department of State Bulletin, Vol. XIX, No. 482 (Sept. 26, 1948), p. 399.

that government had assigned liaison officers to assure the victims' safety. Although it was noted that the act was effected by "Jewish assailants," there was no charge of complicity by the Israeli Government. Dr. Bunche added, however, in his note: "In this connection I feel obliged to record view that prejudicial and unfounded statements concerning truce supervision attributed to you and Colonel Yadin as having been made at your press conference in Tel Aviv Thursday September sixteen, and as reported in *Palestine Post* September 17 are not the kind of statements which would be calculated to discourage reprehensible acts this kind."

Apparently the Israeli Government recognized its responsibility because Mr. Shertok at once cabled the Secretary General of the United Nations: "Outraged by abominable assassination of United Nations Mediator, Count Bernadotte, and observer, Colonel Serot, by desperadoes and outlaws who are execrated by entire people of Israel and Jewish community of Jerusalem. Government of Israel is adopting most vigorous and energetic measures to bring assassins to justice and eradicate evil." Major Aubrey Eban, the Israeli Government's representative before the Security Council, issued a statement on September 18 expressing his government's "horror and grief" at the murder and adding:

Since the tragedy took place in territory under the occupation of the forces of Israel, the Security Council will soon be informed of measures, most drastic and far reaching in character, with the aim of bringing the criminals to justice and of reaching out with the hand of lawful authority into any circles wherein a degree of responsibility for such events may be found. There can be no other response to this tragedy than to rededicate ourselves wholeheartedly to a concerted effort to achieve an early peaceful adjustment.²

At the emergency meeting of the Security Council held in Paris on September 18 to consider the matter, Dr. Philip C. Jessup, representative of the United States, said that the authorities concerned were now most sharply reminded of their responsibility to discharge their duty of controlling the lawless members of their own group, and Trygve Lie, Secretary General of the United Nations, remarked:

Count Bernadotte and Colonel Serot were the sixth and seventh United Nations representatives killed in the line of duty during hostilities in the Middle East. Their murder came as a climax to a series of grave incidents which reflected an unprecedented and intolerable lack of respect for the dignity and authority of the United Nations. Their murder can only be interpreted as a direct act of attempted interference with the effort of the United Nations to settle the Palestine question.

He added that these murders demanded an answer to what should be done in the future to protect those serving the United Nations in such operations

² *United Nations Bulletin*, Oct. 1, 1941, Vol. 5, pp. 756, 763.

as the one in the Holy Land. He hoped that no steps would be left untaken to prevent another tragedy of this kind happening.³

Since statements have appeared in the press questioning the propriety of Dr. Bunche's statement, especially that part attributing responsibility to the Provisional Government of Israel, a consideration of the responsibility under international law for injuries to international officials seems pertinent. Cases involving such responsibility have not been frequent in the past, but as the number of international officials operating in disturbed parts of the world have increased, the number of such cases has also increased. As the Secretary General noted, seven United Nations officials have lost their lives in Palestine, one of them an American citizen, Consul General Thomas C. Wasson, United States representative on the Security Council Truce Commission in Palestine. The other United Nations officials who have lost their lives in Palestine include three Frenchmen, Commandant René de Labarrière, Lieutenant-Colonel Joseph Queru, and Captain Pierre Jeannel, and one Norwegian, Ole Helge Bakke.⁴

The records of diplomacy indicate numerous cases concerning the arrest, assault, or assassination of high officials of national governments, in foreign territory or with complicity of foreign governments. As illustration, note may be taken of the arrest of the Czar's ambassador, Mattweof, in England in 1708, the assault upon the secretary of the French Legation in Philadelphia in 1784, the attack by Boxers upon the legations in Peiping with complicity of the Chinese Government in 1900, resulting in the assassination of the German Minister and the Chancellor of the Japanese Legation, the assassination of the Austrian Archduke Franz Ferdinand at Sarajevo with suspected complicity of the Serbian Government on June 28, 1914, the assassination of Sir Lee Stack, Sirdar of the Sudan, by Egyptian terrorists in 1922, the murder of United States Vice Consul Imbrie in Iran in 1924, the assassination of Japanese General Nakamura in Manchuria, on June 28, 1931, the assassination of Austrian Chancellor Dollfuss in Vienna with suspected complicity of the German Government on July 25, 1934, and the murder of King Alexander of Yugoslavia and French Foreign Minister Barthou in Marseilles with suspected complicity of the Hungarian Government on October 9, 1934.⁵

³ *Ibid.*, p. 762.

⁴ *Ibid.*, p. 757.

⁵ Moore, *Digest of International Law*, Vol. 4, p. 622 ff.; Vol. 5, p. 514; Hackworth, *Digest of International Law*, Vol. 4, pp. 507 ff., 708 ff.; Harvard Research Draft Conventions on Diplomatic Privileges and Immunities, Art. 17, and on Legal Position and Functions of Consuls, Art. 15 (a), this JOURNAL, Supp., Vol. 26 (1932), pp. 90 ff., 313 ff.; Clyde Eagleton, "The Responsibility of the State for the Protection of Foreign Officials," this JOURNAL, Vol. 19 (1925), p. 293; Q. Wright, *Enforcement of International Law* (Urbana, 1916), p. 75 ff.; E. C. Stowell, "The Imbrie Incident," this JOURNAL, Vol. 18 (1924), p. 768; Arthur K. Kuhn, "The Assassination of King Alexander," this JOURNAL, Vol. 29 (1935), p. 87.

In these cases the state of the injured person usually demanded formal amends, heavy indemnities, and punishment of the guilty parties. Sometimes a demand for opportunity to investigate the causes of the incident on the spot were added. Such demands, particularly the last, were often resisted, and in some instances led to war. An analysis of these cases and the diplomatic discussions concerning them suggest the following:

1. The injury or assassination of a national official of high rank in foreign territory or with complicity of a foreign government is an offense against the law of nations. The state in whose territory the offense takes place should apprehend and punish the guilty persons, other states should cooperate in apprehending and turning over such persons to the appropriate tribunal, and if national criminal jurisdiction proves inadequate, an international criminal jurisdiction should be established with suitable competence. The latter conclusion flows from the discussion and action within the League of Nations after the Marseilles incident concerning crimes of "terrorism" and the establishment of an international criminal court for the trial of such crimes.⁶

2. Such crimes against the law of nations, while often referred to as "political crimes" are not to be regarded as "political offenses" in the sense of that term in extradition treaties. Persons suspected of such offenses should not be given asylum by third states, but should be punished or extradited. While such offenses are sometimes difficult to distinguish from the "political offenses" usually excepted from extradition, there has been a tendency to confine the latter to cases where killings or other acts of violence occur incidentally to military operations by insurgent forces and to exclude individual assassinations which would be contrary to the laws of war. Since the assassination of President Garfield, the United States has customarily included in its extradition treaties a provision that the murder or assassination, or attempt at such act, of the head of the state, certain other high officials, and members of their families, shall not be deemed a "political offense."⁷

3. The state in whose territory such an injury or assassination takes place is presumed to be responsible. It should make formal amends and pecuniary reparation to the injured state unless it can demonstrate that it was employing the degree of diligence which its special duties of protection required. In accordance with this principle, if the official is injured incidentally to operations of lawful war, both belligerents may escape responsi-

⁶ See Geneva Conventions on Terrorism and on an International Criminal Court, Hudson, *International Legislation*, Vol. 7, pp. 862, 878; Hudson, *International Tribunals* (Washington, 1946), p. 183; Q. Wright, "The Law of the Nuremberg Trial," this *JOURNAL*, Vol. 41 (1947), p. 57.

⁷ Moore, *Digest of International Law*, Vol. 4, p. 352 ff.; Hackworth, *Digest of International Law*, Vol. 4, p. 45 ff.; Harvard Research Draft Convention on Extradition, Art. 5 (b), this *JOURNAL*, Supp., Vol. 29 (1935), p. 113 ff.

bility. Furthermore, if a state is the victim of insurrection or aggression and the official is killed or injured in the area held by the insurgents or the aggressor, the state with territorial jurisdiction may escape responsibility. If, on the other hand, the injury takes place as a consequence of justifiable acts of reprisal or self-help by another state, the state in whose territory the incident has occurred, and which by its wrongful conduct has opened itself to such measures by other states, cannot escape responsibility for the injury.⁸

4. If the injury or assassination results from an act of aggression by a government other than the government of the territory where it takes place, the aggressor government, and not the government of the territory, is responsible. If the injury results from the acts of insurgents who are subsequently successful and become the recognized government of a state, that state is responsible.⁹

5. If the government of a state is guilty of direct participation or complicity in such an injury or assassination taking place in its own or foreign territory, its responsibility is established, and the reparations which it is obliged to pay may be greater than if its responsibility arose only from negligence.¹⁰

The case of Count Bernadotte differs from most of the precedents in several ways. In the first place he was an official, not of a particular nation, but of the United Nations, an international organization. In the second place, the incident took place in a territory not under the sovereignty of any recognized state. The city of Jerusalem had formerly been under British mandate and since termination of that mandate in the spring of 1948, it had been the scene of active fighting between Jews and Arabs, though the area in which the assassination took place was actually under Jewish control. The plan which had been recommended by the United Nations General Assembly contemplated the establishment of an international régime for Jerusalem, excluding it from either the proposed Jewish or Arab state.

Another peculiarity of the situation was that the Government of Israel, in *de facto* control of the area, had not been generally recognized. The

⁸ Harvard Research Draft Convention on Responsibility of States for Damages done in their Territory to the Person and Property of Foreigners, Arts. 12, 14, this JOURNAL, Special Supp., Vol. 23 (1929), pp. 193 ff., 196 ff.; Clyde Eagleton, "Responsibility for Damages to Persons and Property of Aliens in Undeclared War," Proceedings, American Society of International Law, 1938, p. 127 ff.; Q. Wright, "Responsibility for Losses in Shanghai," this JOURNAL, Vol. 26 (1932), p. 586 ff., and "Legal Problems in the Far Eastern Conflict," Institute of Pacific Relations, 1941, p. 74 ff.

⁹ Harvard Research Draft Convention on Responsibility of States, Arts. 13(b), 14, *loc. cit.*, p. 195 ff.; Q. Wright, *loc. cit.*, above, note 8.

¹⁰ Charges of complicity by the government aggravated the claims in the cases of the Chinese Boxers (1900), and the assassinations at Sarajevo (1914) and Marseilles (1934), noted above, note 5.

Soviet Union and the United States had accorded it *de facto* recognition, and it had been permitted to plead its case in the United Nations. The establishment of Israel as a state had been contemplated in the resolutions of the General Assembly.

Finally, the *de facto* Israeli authorities had assumed the duty of protecting Count Bernadotte by authorizing liaison officers to accompany him. Respect for, and protection of his activities, was also implied by the terms of the truce which had been agreed upon by the Israeli Government. While there is no evidence of complicity by the Israeli Government, the evidence seems clear that the assassination was the work of Jewish extremists, apparently members of the so-called "Stern gang" whose murderous activities had been continuing for a long time and, while formally condemned by the Israeli Government, had not been systematically suppressed.

Attention may be given to these peculiarities of the case, especially the duty of states and governments to protect international officials, and the nature of the responsibility of the Government of Israel taking into consideration its peculiar status, the duties it had assumed, and the peculiar status of the area where the event took place.

The United States has denied that officials of international organizations enjoy the privileges and immunities of diplomatic officers under customary international law. It has contended that such privileges and immunities, insofar as they exist, grow only from special treaties.¹¹ Other governments have taken a less rigorous position, and it has been suggested that, while international officials do not enjoy precisely the same privileges and immunities as diplomatic officers, they, in principle, enjoy those privileges and immunities essential for the carrying on of their functions, such as special protection against violence.¹² The issue as to the existence of such prerogatives under customary international law is of only secondary importance, since the officials of the leading international organizations have, in fact, been accorded certain privileges and immunities by the treaties constituting the organization, by supplementary conventions and by the legislation of states in which these organizations function.¹³

The United Nations Charter provides that the Organization shall enjoy, in the territory of each of its members, such privileges and immunities as are necessary for the fulfillment of its purposes, and the representatives of the members and officials of the organization shall enjoy such privileges and immunities as are necessary for the independent exercise of their

¹¹ Hackworth, *Digest of International Law*, Vol. 4, p. 419 ff.

¹² C. Van Vollenhoven, "Diplomatic Prerogatives of Non-Diplomats," this JOURNAL, Vol. 19 (1925), p. 469; Suzanne Basdevant, *Les Fonctionnaires Internationaux* (Paris, 1931), reviewed in this JOURNAL, Vol. 26 (1932), p. 199; Martin Hill, *Immunities and Privileges of International Officials* (Washington, 1947), reviewed in this JOURNAL, Vol. 42 (1948), p. 520.

¹³ *Annual Digest of Public International Law Cases*, 1925-26, p. 325.

functions in connection with the Organization.¹⁴ In pursuance of this provision a general Convention on Privileges and Immunities of the United Nations was approved by the General Assembly on February 13, 1946, and has to date been acceded to by 28 of the members. The United States has not yet acceded to this convention, but it has accepted the Headquarters Agreement which went into effect November 21, 1947. Congress also enacted the International Organizations Immunities Act on December 29, 1945, applicable not only to the United Nations but also to other international organizations in which the United States participates. All of these instruments provide not only for immunities of the major officials of the international organizations dealt with, but also for protection of those agencies and their officials by the state in which they function.¹⁵

Notice should be taken of one important case involving the responsibility of a state to protect international officials, that of General Tellini, an Italian officer assassinated with two of his aides while engaged as a member of a commission sent by the Conference of Ambassadors to survey the boundary between Greece and Albania in 1923. Mussolini at once made severe demands upon Greece, including formal amends, heavy reparation, punishment of the guilty, and permission for an Italian commission to investigate on the spot. On failure of Greece promptly to respond, he authorized the bombardment and occupation of the Greek island of Corfu. The incident was considered on the initiative of Greece in the League of Nations Council, but in deference to the primary interest of the Conference of Ambassadors, in whose service General Tellini was at the time, that body assumed jurisdiction, sent an investigating commission to the spot, and found that Greece had been negligent in failing to provide adequate police, in failing to respond to information that the commission was subject to special dangers, and in failing to pursue the criminals.¹⁶ Mussolini's

¹⁴ United Nations Charter, Art. 105.

¹⁵ See United Nations, Report of Secretary General, 1948, p. 109 ff.; World Peace Foundation, *International Organization*, Vol. 1, pp. 348, 514. The text of the General Convention and other documents is printed in Martin Hill, *op. cit.* See also Supplement to this JOURNAL, p. 1. The text of the Headquarters Agreement is printed in *International Organization*, Vol. 2, p. 164 ff.; also in Supplement to this JOURNAL, p. 8. The text of the United States International Organizations Immunities Act is printed in this JOURNAL, Supp., Vol. 40 (1946), p. 85. For text of Modus Vivendi concerning immunity of League of Nations officials in Switzerland, signed Sept. 10, 1926, see Hudson, *International Legislation*, Vol. 1, p. 224.

¹⁶ The Conference of Ambassadors asserted in a communication to the League of Nations that "it is a principle of international law that States are responsible for political crimes and outrages committed within their territory," on which M. Hanatoux of France commented in the Council that this would not be true unless the words "for the repression of" were inserted after "responsible." A committee of jurists set up by the League of Nations Council to answer certain questions which arose from the case declared: "The responsibility of a State is only involved by the commission in its territory of a political crime against the persons of foreigners, if the State has neglected

demands were, with some modification, supported, the indemnities were paid, and Italy withdrew from Corfu. The case was treated as though Italy, rather than the Council of Ambassadors, were the offended party, the procedure of Mussolini was far from exemplary, and the reparations paid by Greece were exorbitant. Nevertheless, the case does indicate the responsibility of a state to give suitable protection to international officials functioning in its territory.

While the status of Jerusalem, where the assassination of Count Bernadotte took place, had not been definitely determined, the responsibility of the Provisional Government of Israel seems to be clear from the fact of its military occupation and its acceptance of responsibility for protection of the mission before the event. The fact that the assassins were extremist adherents of the Jewish state would not in itself make that state responsible unless there were evidence of complicity. The responsibility of Israel flowed from negligence or lack of due diligence, rather than from participation or complicity in the crime.

Although the Israeli Government had not been generally recognized, it had a *de facto* status and the promise of acquiring a *de jure* status which gave it some position as a subject of international law capable of being responsible under that law. Instances exist where *de facto* governments have been required to make amends as, for example, the demands made by the United States upon the Huerta Government of Mexico after the Tampico incident in 1914. The Huerta Government had not then, nor did it acquire, more than *de facto* status.¹⁷

In the cases referred to where high national officials have been injured or assassinated, the offended state has usually measured the reparation demanded, not only by the requirements of suitable indemnity to the injured person or his family, but also by the requirement of ample indemnity for the injured prestige of the state. The idea of punitive, exemplary, or deterrent damages has also frequently played a part. The damages, in short, unless determined by arbitration, have usually been fixed by political considerations, including the character and power of the injured state, rather than by any legal principle. They have varied greatly according to the

to take all reasonable measures for the prevention of the crime and the pursuit, arrest and bringing to justice of the criminal. The recognized public character of a foreigner and the circumstances in which he is present in its territory entail upon the State a corresponding duty of special vigilance on his behalf." League of Nations Official Journal, Vol. 4, pp. 1294, 1297; Vol. 5, p. 524; Q. Wright, "Opinion of Commission of Jurists in Janina-Corfu Affair," this JOURNAL, Vol. 18 (1924), pp. 536, 543.

¹⁷ Hackworth, Digest of International Law, Vol. 2, p. 420. The refusal of General Huerta to respond to these demands led to the occupation of Vera Cruz by the United States.

political circumstances, and the exorbitant demands frequently made have undoubtedly contributed to war rather than to peace.¹⁸

In international law, however, there can be little doubt but that states are responsible for failure to exercise due diligence to prevent, or for participation or complicity in, such acts of terrorism, and their failure to discharge this responsibility involves a duty to make formal amends, to repair the damages so far as money can do so, and to punish the guilty individuals.¹⁹ The United Nations would seem justified in making demands upon the Israeli Government in accordance with these principles.

Another aspect of the problem involves the responsibility of the United Nations to protect its agents and to compensate them, or their families, if it fails in its duty of protection. A state frequently affords special protection to its national agents in performing services in areas of unusual danger, but the responsibility to do so and the consequences of failure to give protection are questions of municipal, not of international law. The parallel responsibility of an international organization is, however, a question of international law.

In recognition of this responsibility Secretary General Lie has urged that he be provided with armed guards to protect United Nations agencies abroad, and a Security Council resolution, initiated by the representative of the Argentine Government, expressed the grief of the Council at Count Bernadotte's death, requested that the United Nations flag be kept at half-mast for three days, and authorized appropriations to cover all expenses connected with Count Bernadotte's death and interment.²⁰ Further provision for the family of Count Bernadotte and of other agents of the United Nations who have lost their lives in its service would seem to be in order. International organizations cannot expect to secure or retain the services of competent personnel unless they assume the responsibility for protecting them, and as the importance of international organization, especially in the political field, increases, this duty will doubtless become more burdensome. This responsibility should be recognized, quite apart from the right of the United Nations, or other international organizations, to demand suitable reparation from the state in whose territory international

¹⁸ H. C. Wang, "Measures of Reparation for International Delinquencies" (Doctor's dissertation, University of Chicago, 1927), published in part, "Responsibility of States for International Delinquencies," *Tsing Hua Journal*, Vol. 7 (1932), pp. 1, 14. Arbitral tribunals have seldom allowed punitive or exemplary damages. Marjorie M. Whiteman, *Damages in International Law* (Washington: Department of State, 1937), Vol. 3, p. 1874; E. M. Borchard, *The Diplomatic Protection of Citizens Abroad* (New York, 1919), p. 419.

¹⁹ Borchard, *op. cit.*, pp. 222-23; Whiteman, *op. cit.*, Vol. 1, pp. 23 ff., 80 ff., 136 ff.

²⁰ United Nations Bulletin, Vol. 5 (Oct. 1, 1948), p. 763. On proposal for armed guards, see also Annual Report of Secretary General, 1948, p. xvii, and Recommendations of Commission to Study the Organization of Peace, United Nations Guards, Sept., 1948.

officials or representatives fail to enjoy the protection which national states or *de facto* governments should accord them.

QUINCY WRIGHT

THE DANUBE RÉGIME AND THE BELGRADE CONFERENCE

The Belgrade Conference of August, 1948, has added another and very unhappy chapter to the already long history of the régime of navigation on the Danube. For the Danube, flowing from the Black Forest to the Black Sea, has, as Europe's greatest river,¹ at all times played a great rôle in the commerce between Central and Eastern Europe, and has been of great importance, too, to Western Europe.

In the history of the Danube régime there may be distinguished four periods. Just as the principle of freedom of navigation on inland waterways in general found expression in bilateral treaties, long before the decree of the French Convention of November 16, 1792, and the Vienna Congress, so also the first period of the history of the Danube régime begins with bilateral treaties.²

A general regulation of freedom of navigation on international rivers³ (rivers traversing or separating more than one sovereign state) was achieved by Articles 108–116 of the Vienna Congress Acts of June 9, 1815.⁴ But these articles contain only principles which shall form the basis of international conventions concerning specific rivers.

The second period (1856–1920) begins with Articles 15–21 of the Paris Peace Treaty of March 30, 1856.⁵ Article 17 created the Permanent Riparian Commission and the provisional European Danube Commission. But it was the latter, continuously prolonged and reaffirmed in its competence,⁶ which became permanent and survived until the second World War.

¹ Apart from the Volga.

² The oldest are the Dutch-Turkish Capitulations of 1680. For a list from 1680 to 1920, see P. M. Ogilvie, *International Waterways* (New York, 1920), pp. 188–199.

³ Principal works on this topic: E. Carathéodory, *Du droit international concernant les grands cours d'eau* (1861); Ed. Engelhardt, *Du régime conventionnel des fleuves internationaux* (Paris, 1879); Van Eysinga, *Évolution du droit fluvial international 1815–1919* (Leyden, 1919); *idem*, *Les fleuves et les canaux internationaux* (Leyden, 1924); G. Kaeckenbeeck, *International Rivers* (London, 1918); Lederle, *Das Recht der internationalen Gewässer* (Mannheim, 1920); H. Wehberg, *Die Fortbildung des Fluss-Schiffahrtsrechts im Versailles Friedensvertrage* (Berlin, 1919); Rich. Hennig, *Freie Ströme* (Leipzig, 1926); H. Triepel, *Internationale Wasserläufe* (1931); Winiarski, "Principes généraux du droit fluvial international," *Hague Academy of International Law, Recueil des Cours*, 1933, Vol. III, p. 79 ff.

⁴ Martens, *Nouveau Recueil des Traités*, Vol. II, p. 436.

⁵ Martens, *Nouveau Recueil Général*, Series I, Vol. XV, p. 770.

⁶ See, particularly, London Conference, March 13, 1871, Arts. 4–7 (Martens, *op. cit.*, Ser. I, Vol. XVIII, p. 303); Berlin Congress Act, July 13, 1878 (Martens, *op. cit.*, Ser. II, Vol. III, p. 449); Convention of London, March 10, 1883 (Martens, *op. cit.*, Ser. II, Vol. IX, p. 392). See also D. A. Sturdza, *Recueil des documents relatifs à la liberté de navigation du Danube* (Berlin, 1904).