

THE DANUBE QUESTION DURING THE PERIOD OF THE VIENNA PEACE CONFERENCE AND CONGRESS OF PARIS (1855-1856)

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Abstract. *After the start of the Crimean War, one of the main objectives of the European diplomacy was the resolving of the contradictions related to the navigation on the Danube. Removing Russia from the Danube's mouth and eliminating the danger of Austria's exclusive control in the Romanian region of the river, represented important victories for Romanians, which, under the collective guarantee of the great European powers, could follow their own political destiny and meanwhile to grow economically.*

Keywords: *commercial relations, Lower Danube navigation, treaty, interest.*

1. The Great Powers and their interests at the Lower Danube within the context of the Crimean War

A quarter of a century prior to the Crimean War, the development of the Romanian Principalities' foreign trade and the entry of the Romanian ports into the major international trade routes were shadowed by the Russian occupation of the regions of the Danube's mouths. During this period, Russia – which claimed that the Danube navigation was affected by the physical obstacles that nature had created at the mouths of any river of this size – was accused that it aimed at closing the Danube navigation in favour of

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the trade in the Odessa Port, which was competing with the Romanian ports of Brăila and Galați. The situation also worsened on the background of the growth in the number and capacity of the ships docking into the Danube ports, and under these circumstances the obstacles¹ seemed even greater and the accusations directed towards Russia were proportionally growing. In the absence of competent scientific research, we are analysing the accounts of the travellers, of the foreign consuls accredited in Brăila and Galați, as well as of the crews of the Austrian paddle steamers that were sailing weekly to the Danube in search for cheap products in the Principalities².

In the first half of the 19th century, the western European countries reached a high degree of development due to the technological discoveries and industrial policy that favoured and encouraged their application. The English agriculture could no longer satisfy the needs of its own population, which had significantly increased. The existence of the customs protection – previously justified – made no sense any more, as at the beginning of the 19th century it did not match the interests of the majority any longer. “In their turn, the manufacturers, who dominated a large part of the public opinion, did not demand industrial protection; however, they requested the reduction of taxes on cereals, with the purpose to improve life standards, as well as the decrease of the industrial products' prices, which allowed them to conquer the global market step by step”³. While the English production, which supplied the majority of the population, was impressively developing, the leaders were improving the existing outlets and seeking for new ones at the same time. The cautious politics of colonial and commercial expansion was becoming England's main concern. Thus, the

¹ When analysing the hydrographical conditions of the Danube, we notice that it carries a huge quantity of silt and it flows into an enclosed sea that lacks strong tides. According to the Adrianople Treaty, the island of Sf. Gheorghe, where the town of Sulina is situated, along with the other islands of the Danube, should not be inhabited. However, the Russians built a quarantine station at the south-east end of the Letea Island and a little later they built the town of Sulina, where they declared themselves rulers. At the opposite end of Sf. Gheorghe isle, at the entrance to the channel, the Russians built another quarantine station. The rest of the Sf. George Island is a desolate swamp.

² Ardeleanu, 2011, 113, 136-137.

³ Băicoianu, 1917, 44-45.

English discovered the shores of the Black Sea and the Danube region in particular; these were areas with productive agricultural capacity, offering vast prospects to the expansionist interests of the English industrial production⁴. The old English principle “he who controls the water controls the land”⁵ was now of interest to the Romanian Principalities, too, as their interests coincided with the interests of Romanians. American historian David B. Funderburk⁶ noticed that the Romanian-British commercial relations had been continually amplifying and diversifying, as the Danube ports steadily developed.

Austria, which held the quasi-monopoly of the traffic on the Danube under the circumstances of the steam-boat introduction and of the freedom to export Romanian grains to the "Turkish Empire" (introduced through the Adrianople Treaty), more than ever sought to keep this water non-Russian. Beyond the line of the Austrian ships there were the Russian quarantines, and Austria knew very well that if its rival Russia had not been defeated in the would-be war, it might remain in the Principalities. Moreover, through its diplomatic skilfulness, Austria represented "Germany's economic burst towards the East" at the time and, by defending the German economic interests in the East, it came into more political prominence in the empire whence Napoleon I had banished her⁷.

But just like Austria, the English came across the Russian political domination on the Danube, which made Ștefan Zeletin exaggerate in asserting that: "the hurdles in the trade operations made England unleash the Crimean War"⁸. Radu Florescu considered that the controversial issue of the "Sulina Channel"⁹ deserved an in-depth approach in the study of the Crimean War's history, as the western Christian powers also had on their diplomatic agenda regulations regarding the conditions of navigation to the productive agricultural regions of the Romanian Principalities.

⁴ Băicoianu, 1917, 46-47.

⁵ Botez; Kirițescu, 1905, 20.

⁶ Funderburk, 1982, 427.

⁷ Iorga, 1913 [There is also a curated edition, with an introductory study and index by Victor Spinei. Iași: European Institute, 1998], 248-249.

⁸ Zeletin, 1925, 43.

⁹ Florescu, 1999, 300. See also Florescu, 1964, 46-67.

Yet this war¹⁰ had other causes. Russia, encouraged by its victories against the Ottoman Empire deemed this moment suitable for the consolidation of its eastern politics. The liberation of the holy places – which had been the cause of arguments between the Catholic states and Orthodox Russia – was the alleged reason chosen by the latter to trigger the war in 1853¹¹. Tsar Nicholas I, who relied on Austria's gratitude and underestimated the military power of France – reckoning that the latter, shaken by the revolution, would not step in – took into account a possible intervention of Great Britain alongside the Ottomans. The Tsarist diplomatic body did not consider even for a moment a possible intervention of Piedmont or Prussia, as they had their own problems to solve, regarding their state unification. "Austrian loyalty, the very fulcrum of the Tsarist diplomacy, was the weak point of the Crimean War". Austria drew Prussia and the German Confederation on its side while Piedmont¹², willing to draw Europe's attention on the Italian question, joined them¹³.

In July 1853, Palmerston¹⁴ wrote to earl Aberdeen¹⁵ that "the invasion of the Romanian Principalities is a *cassus belli* for the sultan and we cannot advise him to stay passive. But caution and tactics are needed, as it is not recommended that he venture in sending an army north of the Danube".

¹⁰ Iorga, 1913, 248 explains the outbreak of the war: „The Crimean War started the day after the Russians left the Principalities, quite unexpectedly for everybody. It is not a war that anybody would have desired. Diplomacy prevents wars sometimes, but oftentimes, through its finesse, it provokes them. This war of 1853 was started exclusively by diplomacy".

¹¹ Băicoianu, 1917, 48.

¹² Ciachir, 1996, 43.

¹³ Demorgny, 1911, 80.

¹⁴ Henry John Temple 3rd Viscount Palmerston, British politician, member of the Tory Party (from 1807) and of the Whig Party (from 1830), was prime-minister during the periods 1855-1858, 1859-1865 and a promoter of the British colonial interests (particularly of the expansion in China). Hostile to France and particularly to Russia, in the "Eastern Question" he was an advocate of maintaining the integrity of the Ottoman Empire.

¹⁵ George Hamilton-Gordon 4th Earl of Aberdeen was the British prime-minister during the period 1852-1855 and in this capacity he made a government coalition, but his indecision shattered the peace-keeping efforts, resulting in Great Britain's involvement in the Crimean War. Being constitutionally responsible for the British generals' mistakes during the war, he resigned in 1855.

The Ottoman Empire, feeling supported and taking the invasion of the Principalities as an excuse, declared war on Russia in September 1853. Following the destruction of the Ottoman fleet at Sinope (November 1853) – which secured the supremacy of the Tsarist Empire in the Black Sea – England and France signed a military treaty with Turkey in March 1854, and declared war on Russia next month¹⁶. On the 31st of March 1854, Earl Clarendon claimed in the House of Lords that the Crimean War, the goal of which was "to control and reject Russia's unjustified aggression" was a "battle of civilisation against barbarism, with the purpose to maintain the independence of Europe"¹⁷.

However, in order to avoid simultaneous military operations on three fronts – on the Danube, in Caucasus and Crimea – the Russian commandment decided to withdraw the troops from the Principalities, starting from July 19th 1854. Their place was taken by the Austrian forces, under the convention with Turkey (Boiagy-Koy¹⁸, 1854). Under these circumstances, the Austrian administration could enforce its authority at the mouths of the Danube without hindrance, according to its interests as a great power¹⁹.

The representatives of the allied countries met several times during the war, with the purpose to warn Russia on the European nature of the Eastern Question. In this regard, the first meeting took place in Vienna, on the 5th of December 1853, when it was decided that Austria's minister of Foreign Affairs, Buol Schauenstein and the ministers plenipotentiary of England and France would meet the following year, on the 8th of August, to establish the issues that the future treaty of peace had to regulate²⁰ through its "Four items": 1) the cession of the Romanian Principalities, of the three districts in Bessarabia and of the Chilia channel; 2) the freedom of navigation on the Danube according to the principles of the Congress of Vienna, 1815; 3) the

¹⁶ Ciachir, 1996, 44.

¹⁷ Seton-Watson, 1937, 328.

¹⁸ On the 2nd of June 1854, the Court of Vienna managed to sign a convention with the Ottoman Empire at Boiagi-Koy, which provided that: "The Emperor of Austria pledges to make use of all diplomatic and any other means, in order to obtain the evacuation of the foreign occupation army from the Danubian Principalities and, if needed, to send the necessary troops to attain this goal".

¹⁹ Suciu, 2005, 36.

²⁰ Demorgny, 1911, 193.

relinquishment of the protectorate on Christians in Turkey and on the Romanian Principalities, which should be organised under the collective guarantee of the Contracting Powers; 4) the neutrality of the Black Sea and the confirmation of a regime of freedom for this sea²¹.

On the 28th of December 1854, the accredited ambassadors to the Imperial Court of Vienna "addressed a memorandum to Prince Gorchakov, requesting the freedom of navigation on the Lower Danube" and the provision of a permanent trade-union authority²² that would have "the right and the power to eliminate all the obstacles that Russia might raise in the freedom of navigation on the Sulina channel²³". The Russian official showed his principled agreement regarding the items for which the western powers demanded Russia's agreement in order to overcome the state of conflict²⁴.

2. The Conference of the Ambassadors in Vienna (March 1855)

On the occasion of the opening of the Conference of the Ambassadors in Vienna on the 15th of March 1855²⁵, count Buol of Schauenstein specified right from the start that: "the premises for peace were agreed upon, which have been deemed requisite in order to ensure security and compel Russia to accept them. These conditions were communicated beforehand to a Russian delegate who accepted them and showed his interest to accept and adopt them as starting points for the negotiations"²⁶.

During the session of the 21st of March 1855, the representative of Austria, Count Anton Von Prokesch-Osten presented a project drafted as a memorandum in 6 points. The representative of Ballplätz recommended that articles 108-116 of the Final Act of the Vienna Congress of 1815 should be the guidelines in establishing the principles regarding the navigation on the Lower Danube, from the point where the river becomes

²¹ Băicoianu, 1917, 52; Seton-Watson, 1937, 332.

²² *The Danube Question. Documents and Papers*, 1883, 128.

²³ Suciu, 2005, 38.

²⁴ *History of Romanians*, VII, tom. I, 2003, 430.

²⁵ The protocols of the Vienna Conference comprising the debates on the "Danube Question" can be found in Sturdza, 1904.

²⁶ Băicoianu, 1917, 52-53.

common to Austria and the Ottoman Empire to its flowing into the Black Sea. Such an arrangement would become, from this date onward, part of the European public law, guaranteed by all the contracting parties. The application of these principles would be done with a view to facilitating the trade and navigation in order that on this part of the Danube there should be no obstacles of any kind. Russia was compelled to remove the quarantine measures on the Sulina channel and not to build any military units in the Delta – a territory declared neutral²⁷. In order to remove the natural obstacles existing on the Lower Danube, drainage and reclamation works were to be made, with the purpose to allow heavy ships to reach Galați and Brăila. The compliance with these provisions was guaranteed by the great powers of Europe. They were to appoint delegates to examine the localities and present to the powers participating at the conference a report on the points and natural obstructions that impeded the navigation on the Lower Danube²⁸.

At the same time, the Contracting Powers had to appoint delegates in a European trade union, with a view to institute a legislation and a river police on the lower course of the Danube²⁹. The delegates of Austria, Russia and Turkey – riparian states – had to set-up a permanent Commission for the Lower Danube navigation, which would put into practice the decisions of the European trade union. This commission could only be dissolved by means of the mutual agreement of its members. The trade union had to lay the basis of a set of river- and sea navigation regulations and of an instruction project which would serve as a guideline and rule for the commission made from the delegates of the three riparian states³⁰.

Count Prokesch-Osten's memorandum led to vivid debates among the participants and was lingeringly negotiated by the ambassadors of Great Britain (Lord John Russel), France (Baron of Bourqueney), Turkey and Russia (Prince Gorchakov) accredited to Vienna, without reaching any conclusions or drawing up a final document fully agreed on by all the parties.

Chancellor Gorchakov rejected the memorandum, claiming that Russia had observed the freedom of navigation for all the flags

²⁷ Gogeanu, 1970, 41.

²⁸ Gogeanu, 1970, 41-42.

²⁹ *Memoire sur la question du Danube*, [191?], 6.

³⁰ Manolescu, 1941, 49-50; Geffcken, 1883, 9-10; Kaeckenbeeck, 1918, 85-88.

transiting the river, removing, to all possible extent, the obstacles at the mouths of the Danube. The chancellor deemed the term "trade union" improper for the mixed commission, considering that the latter trespassed against Russia's interests, and he rejected the idea of a European control at the mouths of the river. In the opinion of the Russian minister plenipotentiary the memorandum had two sides: a political side and a commercial one – this idea being admitted by the Austrian minister plenipotentiary Bourqueney – under the circumstances of the impossibility to "objectify a question raised to the rank of a European guarantee while the trade union was nothing else but the representative of all the states involved"³¹.

As regards Article five of the memorandum, which stipulated that the delegates of the riparian states assembled within the commission would be the executive power of the European trade union, Lord John Russell, on behalf of England, insisted on the necessity of a British delegate's presence in the executive commission, as his country had major European trade interests on the Danube. Turkey's representative, although he had no ideas of his own during the negotiations, supported the opinion of Great Britain's minister plenipotentiary³².

Prince Gorchakov was against the idea of the Danube Delta becoming neutral, claiming that "he will never give his consent to a combination that smells like an indirect exploration"³³.

After a prolonged confrontation of ideas between the representatives of the great powers, they finally signed a protocol in six points. It comprised a series of provisions that largely anticipated the stipulations of later conventions. Thus, the Contracting Powers agreed that the principles governing the navigation on rivers crossing several states would also apply to the lower course of the Danube, from the place the river became common to Austria and Turkey up to the sea. It was also stipulated that drainage works would be performed on the river up to Galați and Brăila, with a view to enabling the navigation of heavy ships. The European Mixed Commission, made from delegates of the contracting parties, guaranteed the execution of these works as well as the ultimate control on the application of the Danube

³¹ Gogeanu, 1970, 42-43.

³² Gogeanu, 1970, 43.

³³ Băicoianu, 1917, 52.

navigation principle³⁴. Furthermore, a riparian executive commission was established, made from the delegates of the three riparian states: Austria, Turkey and Russia³⁵.

We notice that, following the protocol of March 23rd 1855, the Danube was going to be divided into two main sectors: the Upper Danube, where the freedom of navigation was ensured only by the riparian states – Austria, Bavaria and Wurtemberg – and the Lower Danube, which was going to fall under the administration of an executive commission of the riparian states and of a European trade union³⁶. This was an exemption from the Vienna Treaty's principles, which provided a unique regime for all navigable courses of international rivers. This³⁷ exemption was requested by Austria, who wanted to remain the only governor of the navigation on the Upper Danube.

3. The Congress of Paris and the Danube's Regime

On the background of the Vienna Conference, which had set the premises for the future peace negotiations, Count Esterhazy, Austria's ambassador to Sankt-Petersburg, threatened Russia on the severance of diplomatic relations, "if it did not accept the peace conditions set in Vienna". On the 16th of December 1855, an agreement between the allied powers and Russia, regarding the premises for the peace negotiations, was signed in Sankt-Petersburg, and on the 1st of February 1856, in the prospect of the conference, a preliminary protocol was signed in Vienna, to be used as theme of the debates³⁸.

Thus, a step forward was taken, as the Vienna project of preliminary discussions began with the assertion that "the freedom of the Danube and its mouths shall be efficiently ensured through European institutions wherein the European powers shall be equally represented, besides the particular positions of the riparian states, which shall be regulated according to the principles set through the Act of the Vienna Congress in matters of river navigation".

³⁴ Gogeanu, 1970, 43.

³⁵ *Memoire sur la question du Danube*, [191?], 6.

³⁶ *Memoire sur la question du Danube*, [191?], 6-7.

³⁷ *Memoire sur la question du Danube*, [191?], 7.

³⁸ Gogeanu, 1970, 44.

Following the Sankt-Petersburg agreement, Russia foresaw that by signing the peace she will lose her right as a riparian country and this is why it did not insist anymore on the idea of establishing a European commission in the form of a trade union. In exchange, the representatives of England and France took over this idea in order to develop it on their own³⁹.

By insisting on their "Danubian" policy, in harmony with the European powers' policy to give maximum validity to the river navigation freedom - acknowledged as a major European interest in the case of the Danube, too - the Romanian Principalities served the interests of the international communities, which coincided with their own interests in this matter. This had been a feature of the Romanian nation's development: serving the ideals of the community and advancing through its attitude towards the foreign politics⁴⁰. Thus, when the issue of analysing and discussing the Romanian Principalities' state of affairs was raised, the great powers supported them. Obviously, the great powers were not at all disinterested, because, as we have seen so far, both the eastern empire – on one side – and Austria, France and England on the other side had economic, political and strategic interests in the Danubian region⁴¹.

The Tsarist politics of strengthening Russia's positions in the Balkans were opposed to the interests of the British bourgeoisie. France was also afraid of Russia, although it had trade interests in the countries of Levant⁴². And Austria, leading the same opportunistic politics, had advantages to gain from either Russia or Turkey, depending on which side the balance tilted. The purpose of the Habsburg monarchy was to maintain the Romanian Principalities under a regime similar to that which they had been subject to under the Ottoman Empire⁴³.

The Treaty of Paris was preceded by a period of negotiations that highlighted the great powers' desire to fulfil their goals. In the "Danube II" project of preliminary peace discussions - signed in Vienna on the 20th of January/ 1st of February 1856 by the representatives of Austria, France, Great Britain, Russia and

³⁹ Gogeanu, 1970, 44.

⁴⁰ Sofronie, 1939, 4.

⁴¹ Seftiuc; Cârțână, 1972, 36.

⁴² Filitti, 1915, 45.

⁴³ Gogeanu, 1970, 46.

Turkey - it was stipulated that the freedom of the Danube and its mouths would be ensured through European institutions wherein the Contracting Powers shall be equally represented⁴⁴.

In Count Buol de Schauenstein's opinion, the grounds for peace were laid – "deemed requisite with a view to providing guarantees for the future security and to putting an end to a state of affairs that had forced Russia to resort to hostilities against most of Europe ". These peace conditions were communicated beforehand to the Russian delegate. He took note and stated he was authorised to agree to all the principles imposed and was ready to adopt them as starting point for the negotiations. Consequently, the freedom of navigation on the Danube would be ensured through efficient means, under the control of a permanent trade-union authority⁴⁵.

This is what the Austrian minister plenipotentiary declared one month prior to the Congress of Paris, wherein he would drastically change his position, on the background of Austria's exclusive administration of the Upper Danube since March 1855. Despite the opposition of England and France, Austria managed to leave the Upper Danube out of the treaty, under the alleged reason that this part of the Danube was of interest for the riparian countries only. The freedom of navigation on this sector had already been ensured through the treaty signed in 1851 by Austria, Bavaria and Wurtemberg⁴⁶. Emperor Francis Joseph's instructions to his representatives at the Congress – Baron Hubner and Count Buol – stated that there had to be "a clear distinction between the question of Sulina and the question of the Danube itself. As regards the former, all the powers have equal rights, while in the case of the latter only the riparian states have a word to say"⁴⁷.

Within this context, the Congress of Paris tried to give a solution to the Danube question. The allied powers – France and England in particular – "did their best to make the Danube a European river and to put its freedom of navigation under Europe's guarantee"⁴⁸. During the session of March the 6th, England imposed its point of view and made all efforts to remove Russia

⁴⁴ Sturdza, 1904, 24.

⁴⁵ Băicoianu, 1917, 52-53.

⁴⁶ *La Commission Européenne du Danube et son Œuvre de 1856 à 1931*, 1931, 7-8.

⁴⁷ Hajnal, 1920, 71-72.

⁴⁸ Kogălniceanu, 1882, 16.

from the mouths of the Danube and to put this river under these states' domination, as proof that the decisive role in establishing the European Commission of the Danube was not to be played by the riparian countries, but by the very forces that signed the peace treaty⁴⁹.

Napoleon III's France was not only a supporter of Russia's removal from the mouths of the Danube and of the expansion to the Balkan Peninsula and the straits, but also an advocate of the two Romanian Principalities' union⁵⁰. During the session of March the 6th, Count Walewski proposed, on behalf of his country, the set-up of a European Commission at the mouths of the Danube, which could only be dissolved by mutual agreement. This commission had the task to draw up a set of river – and sea navigation and police regulations, as well as to execute the necessary works⁵¹.

Count of Schauenstein, Austria's minister plenipotentiary, objected that "the enforcement of the regulations about to be supervised by the Commission can only take into account the interests of the navigation on the Lower Danube"; that "the navigation on the Upper Danube has not led to any conflicts between the stakeholders and there are no justifiable reasons to extend the Commission's authority"⁵².

The minister plenipotentiary of France replied on the spot: "The Congress is concerned with a general question regarding the navigation on the river; this question was presented as such in the document that served as a basis for the negotiations. The text of the proposed articles does not raise any ambiguities and sufficiently shows the nature of this commission's duties"⁵³.

The conflicting discussions went on during the session of March 12th 1856 (Protocol no. 8)⁵⁴. Count Buol kept supporting the

⁴⁹ Lungu, 2002, 56.

⁵⁰ Sofronie, 1939, 4.

⁵¹ Sturdza, 1904, 26.

⁵² Sturdza, 1904, 27.

⁵³ Kogălniceanu, 1882, 21.

⁵⁴ Protocols of the Conference of Paris with discussions referring to the question of the Danube and the attitude of the European diplomats, in Sturdza, 1904, 12-23; for the provisions of the Treaty of Paris regarding the Danube Question, see Sturdza, 1904, 32-34; Holtzendorff, 1884, 139-141; *La Commission Européenne du Danube et son Œuvre de 1856 à 1931*, 411-413; Demorgny, 1911, 317-318.

theory according to which the exclusive river-navigation right should be reserved to the riparian states only. But Count Walewski and the Earl of Clarendon did not agree with this restrictive point of view. France's minister plenipotentiary claimed that: "all the Contracting Powers will see to the free navigation on the Danube"⁵⁵.

Austria's opinion that the riparian states should have the administration of the Danube was essentially right; however, in this situation it was not supported by the care for the real interests of the riparian countries, but it had to serve exclusively Austria's purpose to dominate the entire river⁵⁶, under the circumstances of Austria's domination of the Danube up to Turnu Severin, while Wallachia, Moldavia and Serbia, being under foreign domination, could not enforce their point of view.

Count Buol stated that the government of his country agreed to comply with the provisions of the Vienna Treaty of 1815 (article 109), but only on the condition that the riparian powers "shall be called to focus" on the river-navigation and river-police regulations and to "supervise their enforcement". Moreover, he requested that, in order to "keep the spirit and terms of the Vienna Congress", both the European Commission of the Danube and its successor, the Permanent Danube Commission of the riparian states, should limit their "works to the Lower Danube and to the river's mouths"⁵⁷.

Therefore, there were two theses regarding the set-up of a navigation regime on the Danube: "the first one, referring to the exclusive river-navigation right reserved to the riparian states only", supported by Austria's minister plenipotentiary, disproved "with no less energy" by the representatives of France and England⁵⁸. The second one was supported by these two representatives, who thought that the internationalisation of the entire course of the Danube was the only sustainable solution to be put into practice.

Count Clarendon was even more downright in his statements: "By remaining the sole administrator of the Upper Danube and participating in the navigation on the upper side of the river,

⁵⁵ Sturdza, 1904, 21-22.

⁵⁶ Seftiuc; Cârțână, 1972, 39.

⁵⁷ Kogălniceanu, 1882, 21.

⁵⁸ Kogălniceanu, 1882, 21.

Austria would gain particular and exclusive benefits which the Congress could not welcome"⁵⁹.

The great powers (England and France) could not allow Austria to be the sole party with benefits from the administration of this navigation route, as they had interests in this respect, too. Earl Clarendon warned with the possibility of excluding Austria from the negotiations, "if it keeps opposing the programme of the Congress in its entirety".

Under these circumstances, when seeing that its restrictive claims are not accepted, Austria had to withdraw them. "Count Buol announced that he had received instructions from his Court, on the subject of the second point regarding the Danube; he stated that Austria had adhered to the complete application of the principles set through the Congress of Vienna, both for the upper and for the lower part of the Danube, on the mere condition that this measure be confuted with the previous duties assumed *bona fide* by the riparian states. Consequently, he proposes a rewrite of the river-navigation and river-police regulations, which should meet the principle of free navigation stipulated in the preliminary protocol, taking these pledges into account for a specified period"⁶⁰. This statement was deemed important and was annexed to the protocol of the meeting; debates were adjourned for the next session.

During the session of March the 27th, Count Walewski read the articles referring to the regime of the river, which were subsequently included in the text of the peace treaty that ended the Crimean War. "Thus, the principle of free navigation on the Danube on its entire course was officially declared European interest, being part of the European public law and put under the collective guarantee of Europe"⁶¹.

The agenda of the Congress of Paris in 1856 included, among other issues, the question of organising the Romanian Principalities, which had become an international question. The congress opened the path towards the union of the Principalities, it consolidated their autonomy and they were put under the collective guarantee of the great powers; thus the unilateral Tsarist protectorate was abolished. The Romanian Principalities remained

⁵⁹ Kogălniceanu, 1882, 22-23.

⁶⁰ Kogălniceanu, 1882, 25-26.

⁶¹ Kogălniceanu, 1882, 26-27.

under the suzerainty of The Porte, which had no right to interfere with their domestic affairs and pledged to respect the full freedom of cults, legislation, trade and navigation. The Principalities were allowed to have a national army for their internal security, as well as for the defence of their borders; in case of domestic upheavals, The Porte could not intervene without the consent of the guarantor powers⁶².

As far as the political issues were concerned, a new stage was inaugurated for the Principalities, a stage of "decisive fight between the desires and will of the Romanians, on one hand, and the tendencies of the great powers, on the other hand; though divergent in their views, the great powers were naturally oriented towards compromises that were not always favourable to the Romanians"⁶³.

Besides these provisions – of major importance for the future of the Romanian Principalities – the Treaty of Paris signed on the 30th of March 1856⁶⁴ comprised 5 articles regarding the free navigation on the Danube. They were an actual statute of the river, which would largely remain in force and govern the activities related to the navigation on the Danube until the outbreak of the First World War⁶⁵.

Article 15 of the treaty provided that the principles that came from the act of the Vienna Congress regarding the navigation of the rivers that separated or crossed the states would also be applied on the Danube, as well as its mouths⁶⁶. It was obvious that a distinction was made between the river and its mouths and this provision did not exist in the said document of 1815.

The consecration of the principle of navigation freedom was first of all due to favour the commercial relations between states, to boost traffic on the Danube on the background of the rise of the steam power, which allowed the entering of heavy ships up on the river. Thus, not only the interests of the riparian states were established, but also the interests of some of the non-riparian states, such as France, England and Sardinia⁶⁷.

⁶² Stanciu, 2001, 48.

⁶³ Berindei, 1995, 118.

⁶⁴ The treaty was signed by the representatives of seven states: Austria, France, Great Britain, Prussia, Russia, Sardinia and Turkey.

⁶⁵ Florescu, 1975, 53.

⁶⁶ Sturdza, 1899, 4.

⁶⁷ Gogeanu, 1970, 49-50.

The river navigation could not be subject to any hindrance or royalty, to any toll founded solely on the navigation on the river or upon the goods which might be onboard the vessels. The police- and quarantine regulations would be drawn-up in such way as to favour the transit of the ships to the best possible extent. With the exception of such regulations, no other hindrance of any kind shall be brought upon the free navigation⁶⁸. This final provision of Article 15 was an acknowledgement of the sovereignty of the Danubian states on their river domain⁶⁹. We cannot state the same about the provisions of Article 16 of the Treaty of Paris, which instituted a commission that would bear the name "European Commission" and included non-riparian states with full rights: Austria, France, Great Britain, Prussia, Russia, Sardinia and Turkey. The set-up manner of this commission appointed on a two-year period disclosed the great powers' tendency to disregard the rights and interests of the Romanian Principalities, the rightful owners of the Danube's mouths⁷⁰. Alleging reasons that the riparian countries did not have the money and the technical means to maintain the Lower Danube navigable would not withstand criticism. The authors of the Commission realised its frailness and this is why they provided a two-year term for its operation; after this period, its duties would be taken over by the permanent Danube Commission of the riparian states⁷¹.

England and France knew about Austria's ambitions regarding the navigation monopoly on the Danube. The fear that Austria might adopt an obstruction policy forced the two non-riparian powers to include it in the European Commission of the Danube, wherein it would have a major word to say, considering that Turkey was weakened and its external influence was decreasing⁷².

In the opinion of the Italian lawyer Catellani, the navigation regime subject to the great powers' control was motivated by "Turkey's negligence in terms of notoriety, added to its weakness and precarious condition, which Europe could not miss; besides, the latter could not abandon the river regime to Russia – which lost

⁶⁸ Petrescu; Sturdza, 1888-1901,1075-1088.

⁶⁹ Bădulescu *et alii*, 1957, p. 137.

⁷⁰ *The Danube Question. Documents and Papers*, 1883, 1075-1088.

⁷¹ Gogeanu, 1970, 51.

⁷² Gogeanu, 1970, 51-52.

its riparian-state status – nor to Austria, which thus would have had an arbitrary control over other states crossed by the river"⁷³.

The role of this Commission was to decide upon and execute the necessary works below Isatcha, with a view to clearing the mouths of the Danube and the neighbouring parts of the sea from sands and other impediments which obstructed them, in order to put that part of the river and the said parts of the sea in the best possible state for navigation⁷⁴.

The same article also included an attempt to solve the problem of the necessary funds for the reclamation works and for the construction of buildings to ensure the proper navigation conditions, as well as to levy tolls on river navigation from all flags.

Great Britain's delegate in the European Commission of the Danube noticed that: the proposed works to be carried out by the Commission must be paid in advance by the Turkish treasury, and the various materials delivered by the Turkish government must be regarded from this point of view. The fact that the powers represented in the Commission must contribute with amounts of money for the necessary works is not consented upon. If The Porte does prove that it is incapable of paying the advance amounts it has promised, the instructions of other governments shall be sought⁷⁵.

We notice that through these advance payments Turkey was securing a privileged position within the European Commission of the Danube, although the measures taken in this respect were not deemed positive by the Turkish government. Here is what the documents of the time say about this matter: "as the advance payment for the works of the Commission is made by Turkey, any measure aimed at diminishing the immediate expenses is a real relief for it"⁷⁶.

Through Article 17 of the Treaty of Paris a second Commission was instituted, the permanent Danube Commission of the riparian states, according to the provisions of Article 108 of the final Vienna act of 1815: the powers whose states are separated or

⁷³ Catellani, 1883, 55.

⁷⁴ Sturdza, 1913, 2.

⁷⁵ S.A.N.I.C., roll 336, 212.

⁷⁶ S.A.N.I.C., roll 336, 212.

crossed by the same navigable river pledge to regulate by mutual agreement all matters related to the said river"⁷⁷.

This commission – made from the delegates of Austria, Bavaria, The High Porte and Württemberg (one delegate for every power) – was supplemented with the commissioners of the three Principalities (Moldavia, Wallachia, Serbia), whose appointment would be approved by The Porte. Unlike the European Commission of the Danube, this second commission would be permanent. Its mission was: 1) to draw up regulations for the river navigation and for the river police; 2) to remove any and all impediments that might occur and oppose the application of the Vienna Treaty provisions on the Danube; 3) to order and put to practice the necessary works on the entire course of the river; 4) to supervise the navigability sustentation of the Danube and of the contiguous sea regions, after the dissolution of the European Commission of the Danube⁷⁸.

We notice in the provisions of Article 17 that the Danube was deemed a unitary river, undivided into sectors, and the navigation regulations were going to be set accordingly. As members of this commission, the riparian states had the right to draw-up river-navigation and river-police regulations. Such a competence came from exerting the principle of state sovereignty of the riparian powers – a principle that even the non-riparian powers did not challenge. As we have previously seen, the permanent Danube Commission of the riparian states was also in charge with executing the works of removing the natural obstructions that existed on the entire course of the river. This provision entailed an overlap of the duties of the two commissions. Both of them had to manage the sector where the river flowed into the sea, which resulted in an actual confusion regarding the competences. This was yet another clue for the uselessness and frailness of the European Commission of the Danube⁷⁹.

According to Article 18 of the Treaty of Paris, both commissions had a two-year term to achieve their goals. At the end of this period, they would gather in a conference in order to assess their activity, and afterwards the European Commission of the Danube was to be dissolved. Since that moment, the permanent

⁷⁷ Gligor, 1971, 71.

⁷⁸ Sturdza, 1913, 2.

⁷⁹ Gogeanu, 1970, 52-53.

Danube Commission of the riparian states would enjoy the same powers as those held up till then by the European Commission of the Danube⁸⁰.

D. Nenițescu considered that the two-year term given for the Commission's activity was assumingly a mistake, out of several reasons. Firstly, the large quantity of works that were going to be executed on its sector could not be finished within such a short period. The general level of technology at the time had to be considered, too. The second reason was that, after setting the two-year term, the interested states realised the inefficiency of the term and started to extend the Commission's terms of operation by turns, which resulted in the violation of the principles laid in the final act of Vienna and of the 1856 Congress of Paris⁸¹.

Subsequent to 1856, when Russia lost its access to the mouths of the Danube, "Austria turned out to be extremely persistent and even aggressive at times" in its attempt to obtain hegemony on the entire river⁸². These increasing tendencies of interference could not be overlooked by England and France, which had major interests in the trade on the river. They could not accept Austria's prevalence, after having driven away the same tendencies of Russia, by means of war. Hence, these two states' politics of maintaining their influence through this European Commission of the Danube, whose operation term they sought to extend as much as possible. As a matter of fact, dissensions between the great powers soon occurred, on the occasion of discussing the river-navigation and river-police regulations drawn-up by the members of the Commission, assembled in Vienna.

Article 19 of the Treaty of Paris was a double violation of the Danubian states' sovereignty, as it did not take into consideration their right as riparian states and forced them to accept the entrance and anchorage of foreign war ships in the waters of the river. This article did not limit the tonnage of these ships and it only specified that they would be "light"; the great powers justified these provisions through "the necessity of ensuring the enforcement of the regulations"⁸³.

⁸⁰ A.M.A.E., vol.11, 1.

⁸¹ Nenițescu, 1903, 57-58.

⁸² Lungu, 2002, 156.

⁸³ Sofronie, 1939, 64.

The application of the international law principles to the river navigation on the mouths of the Danube marked a new stage in the evolution of the European trade circuit, in drawing the Lower Danube towards the European market, which implicitly led to its economic development⁸⁴.

The Austrian diplomats thought it was wise to limit the application of the navigation-freedom principle only to the Lower Danube, as in case Austria had not managed to counter-balance the Anglo-French meddling on the Danube, the interference of France and England would not have been possible, at least on the upper course of the river. In a telegram sent to London, Colonel Stokes stated: "Now that Russia is moved away from the mouths of the Danube, the whole river, on its entire course, must fall under the influence of Austria, in less than a year starting from now (1856). However, Austria's interest was that the river navigation should be kept safe. At the moment, Austria already has a complete system of ships spread from Vienna to Trieste and all across the Levant"⁸⁵.

Great Britain thought that "caution" was needed as regards Austria's manifest exclusiveness at the Lower Danube. Austria kept making statements regarding the general welfare, while its monopoly on the major navigation companies had the goal to "exclude any other forms on the Danube"⁸⁶. In case The Porte did not provide the necessary funds for the execution of the Commission's works, the general opinion was that Austria would not renounce its monopoly without raising claims upon the instruments at the mouths of the Danube.

Austria was fighting for supremacy on the Lower Danube, believing that the existence of this Commission of the riparian states would entail "allowing international boats to operate in the trade, while the Austrian companies – which now have the monopoly on the trade – would not manage to uphold themselves against these ships"⁸⁷.

Great Britain was interested in the existence of "a free port somewhere on the Lower Danube" due to the numerous benefits that it might bring for the English trade⁸⁸. In April 1856, Charles

⁸⁴ A.M.A.E., vol.11, 2.

⁸⁵ S.A.N.I.C., roll 333, 330.

⁸⁶ S.A.N.I.C., roll 336, 106.

⁸⁷ S.A.N.I.C., roll 336, 337.

⁸⁸ S.A.N.I.C., roll 333, 54.

Cunningham, English Consul, stated: "it is ultimately important for us to obtain a convenient site on the Lower Danube to build a warehouse where all the grains from Bulgaria, Moldavia and Wallachia could be stored and subsequently exported with no second payment". The Romanian Principalities opposed this desideratum, although England considered that "there were only three powers that had a particular interest in this regard: Turkey, Austria and England"⁸⁹. On this background, the English delegates believed that the founding of a free port should be made against the will of the Principalities. At the same time, Charles Cunningham stated that "Austria seems to oppose the founding of a free port on the Danube, as it has no major interests in the grain trade. At any rate, Austria would not have any trade benefits from its import operations. Any benefit would favour the British trade, while building a free port would be to the detriment of Austria's trade. Except for England and Austria, no other country has such a major interest in the trade on the Danube"⁹⁰

Following the research on the documents from the England Microfilm Collection of 1856-1861, we have not found any other mentions regarding the achievement of founding a free port on the Danube for the grain trade.

Having researched the debates between the representatives of the seven European countries, we could easily notice their conflicting interests. Turkey wanted "the improvement of the Danube navigation, as this measure also involved an improvement of the situation of the countries under its domination". England believed that "The Porte has a major mercantile interest on the Danube. It seems that the desiderata of The Porte, of France, Sardinia, England make up a majority". But this majority actually consisted in the manifestation of the hegemonic tendencies of these states on the Danube, to the detriment of the riparian states⁹¹.

The above assertions are also supported by the subsequent situation of 1858, when another question was raised: the signing of the Danube-related documents by Turkey, not by the Romanian Principalities. In the light of the documents of the time, the British Government adopted the following position: "the question is not that Turkey is signing on behalf of Wallachia at present, but that it

⁸⁹ S.A.N.I.C., roll 333, 54-55.

⁹⁰ S.A.N.I.C., roll 333, 56.

⁹¹ S.A.N.I.C., roll 333, 417.

is enforcing its decisions without the agreement of the Principalities or even without an opportunity for the latter to express their reasons for disagreement"⁹².

The conclusions of the English consuls – reflected in the documents – show that there was already a clearly-shaped distinction between the countries with interests in the rapid development of the trade on the Danube and the countries whose interest was to "restrict it to Sulina or Sfântul Gheorghe" channel⁹³.

The Romanian Principalities admitted the positive role of the Paris Congress decisions and did not hesitate to oppose the expansionist tendencies of foreigners, as well as the violations of the respective provisions. They believed that in this commission they could find the maximum guarantee for the defence of their economic and political interests on the way of their powerful expansionist neighbouring empires. The Danubian Principalities also had economic, political and strategic interests on the river, but they did not have and could not use any means for the improvement of the navigable course of the Danube, as they were dependant on foreign powers⁹⁴.

Constantin Băicoianu noted: if we consider that the duration of the European Commission of the Danube "embodied the presence of foreign interests at the mouths of the Danube" and that it was "set on too short a term" and if we also take into account the "effect of these mistakes", we can understand "why on every term-extension some powers – now Austria, then Russia – did not give up except in exchange for a concession" from the principles of the 1815 Congress of Vienna, from the Treaty of Paris and from the small riparian states⁹⁵.

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⁹² S.A.N.I.C., roll 52, 51.

⁹³ S.A.N.I.C., roll 339, 243.

⁹⁴ Seftiuc; Cârțână, 1972, 41-42.

⁹⁵ Băicoianu, 1917, 59-60.

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