

The Judicial Regime of Danube Navigation between 1856- 1919

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Abstract: The basics of the judicial regime of Danube navigation, in the modern sense of the term, were inserted in the Peace Treaty in Paris, March 30, 1856, concluded at the end of Crimeea War. This judicial act of international law ended a situation in the area of the large European river where the rules were imposed by the big empires of Austria, Turkey and Russia, according to their interests. The rights and interests of the riverains such as the Romanian states, Serbia, Bulgari etc. were ignored and brutally violated. Until 1919, the European Danube Commission, institution created by the Paris Treaty, has contributed to the modernization of the lower Danube and development of navigation in this sector. This paper aims at clarifying to a certain extent the circumstances of the regulation of navigation during the reference period of time in this naval sector.

Keywords: judicial regime for navigation; Danube; the Peace Treaty 1856

1. Introduction

Until the Peace Treaty in Paris concluded on March 30, 1856, following the Crimeea war, the rules for navigation on the Danube were imposed (dictated) by Russia, Turkey and Austria, according to the interests of these empires. In fact, there was no judicial regime regarding navigation on this large European river in the modern sense of the word.

Although the principle of free navigation on running waters was proclaimed on November 22nd, 1792 by the National France Convention², on the Danube the small riverains as Romania, Serbia, Bulgaria etc. did not have a word in this matter. The economic development and relations generated by it made the principle of free navigation to have the configuration of a necessity. Still, until the treaty signed on June 9, 1815, at the end of the Vienna Congress that declared the end of Napoleon I reign, the public international law did not expressly proclaimed this principle. In article 5 of the Vienna Treaty it was mentioned that *“the navigation on Rhyne from the point where it starts to be navigable up to the sea, will be free...”* with the recommendation that the principle will be extended to other navigable water

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² „The river courses are the common and indisputable property of all the states washed by their waters.”

courses that “wash” the territory of two or more states. (Stanciu & Duță, 2003, p. XIV)

Other principles of the international river law were comprised in articles 108-117 in the Vienna Treaty. (Recueil – 1856- p. 262-316) In these texts there was mentioned that the navigation will be free for merchandise and people, with uniform and proportional taxes, irrespective of the nature of the goods, the pavilion of the ship or the system of application of the river policy of each state. Article 117 in the treaty mentioned that those principles were going to be applied for Rhyne, Neckar, Mein, Moselle, Meuse and Escaut. The Danube, the most important European was not among the water courses subject to the application of the laws in the Vienna Congress.

The rules on the free navigation on the international rivers have ended the medieval right of the states to transform sectors of the water course in private properties, with different regimes. Also, it was forbidden for the riverains to receive fees for services that did not exist and obstruct the navigation in any way. At the same time, the riverains had the obligation to set uniform rules for the entire navigable course, to maintain the navigable route on their own expense and cooperate when the river represented the border between the states.

The principle of free navigation established by the Vienna Treaty was in accordance with the idea of national state, dominant at the beginning of the 19th century, but excluded the states that were not riverains from the benefits of free navigation on the international rivers (Stanciu & Duță, 2003, p. XV). The exception of the Danube from the regime established by the Vienna Treaty find its explanation in the economic interests but more political and strategic of the great powers. Austria wanted to impose itself in front of Turkey on the lower Danube up to the Black Sea. Russia has the objective that, after the occupation of Basarabia in 1812 by the Bucharest Treaty, it would reign over the exits of the Danube. Turkey, not participant at the Vienna Congress, maintained its position of master of the lower course of the Danube. Finally, France, England, Prussia, Spain and Portugal, not riverains, did not manifest their interest for the internationalization of the Danube. We can easily observe that at the beginning of the 19th century the dispute for the supremacy at the lower basin of the Danube has as protagonists Austria, Russia and Turkey.

The lack of interest of the occidental powers regarding the situation of the Danube has determined Russia to exert pressure over Turkey and obtain authority over Sulina through a protocol signed at Constantinopol. In the same line, Russia will continue to act at the conclusion of the Ackermann Treaty (White Castle) on October 7, 1826 through which it would enhance its influence in the Balcanic area, implicitly over the Romanian states and Danube. Soon Turkey will violate the provisions of this treaty and on April 26, 1828 will start the war with Russia finalised by the treaty at Adrianopol (September 2, 1829). This treaty established

the severe loss of Turkey and, as a consequence, the increase of the Russian influence in the Balcan area in general and the Lower Danube, in particular. Thus Russia imposed its authority over the ends of the Danube.

Still the treaty had some provisions favourable for Romania in article V and annex named "*The special act for Moldova and Valahia counties*". Among others, these norms eliminated the Turkish control over the commerce of the two counties giving the Romanian ships the possibility to navigate freely and use their own ports. (Ionașcu, Bărbulescu & Gheorghe, 1975, p. 146). At the same time, because of the good will of Russia, the navigation on the Danube has become accessible for the ships under British, French, Greek etc. pavilion. In these circumstances, the Danube ends have become an interest for the European states, riverains or not.

The increase of Russia's influence in the Lower Danune and not only here, could not leave the other European powers indifferent, such as Austria, England, France. In particular, Great Britain was more and more attracted by the import of cereal from those areas at the time controlled by Russia, the English diplomacy intense promoting an European authority over the ends of the Danube that would guarantee the liberty of navigation on this river (Stanciu & Duță, 2003, p. XVI). Similar objectives were desired by France and Austria and other occidental states which already had agencies, representations, commerce chambers etc. in Galati and other ports. In the way of realising all these purposes the Russian empire was insinuated. The situation generated a complex diplomatic game, marked by disagreement that finally ended with the Crimeea war. (Ciachir & Bercan, 1984, p. 300-301).

Between March 28, 1853 and March 30, 1856, Russia confronted with an alliance formed by the United Kingdom, France, Sardinia and the Otoman Empire. Following the defeats suffered in this war, Russia accepted the peace settled by the Paris Treaty in 1856. The main provisions of the treaty consecrated the liberty of navigation in the Black sea and Danube, in this case under the supervision of the European Committee of the Danube.

2. The Regime Established by the Paris Treaty in 1856

The conclusion of the Paris Treaty in 1856 was preceded by a series of conferences, consultations and even an ultimatum to Russia by Austria in the name of the allies. With each of these occasions, the big powers have sustained their interests, sometimes coincidental, other times divergent.

Mainly, the elimination of the authority of Russia in the Black Sea was targeted, also the limitation of the influence of Austria on the superior course of the river, the assurance of the autonomy of the Romanian states (especially from England, interested in the cereal imports) and the maintenance of the existence of the Otoman Empire as a counter weight for the expansion tendencies of Russia.

Around September 10, 1855, the allies forced the entrance in Sevastopol guarded by the Russians, which represented de facto the end of the Crimeea war. Austria considered it was the moment to address the states an ultimatum in 5 points representing conditions for peace. (Bădulescu, Canja & Glaser, 1957, p. 132). The ultimatum provided that regarding the problem of the Danube *“the liberty for navigation on the Danube and its ends will be ensured effectively by commissions in which the contracting powers will be equally represented, that will be regulated according to the principles established by the Final Act of the Vienna congress regarding the river navigation”*. (Bădulescu et al., 1957, p. 132). Although the ultimatum invoked the Vienna Treaty in 1815, it ignored one of the principles established by this document, namely that the regulation and control of the navigation on the river belong only to the riverains or the document in discussion was redacted also in the name of the non riverains, such as England, France, Sardinia. Even so, Russia accepted the offer of the allies at on February 25 1856 began the Peace Conference in Paris. This took place until April 16, 1856 and the participants were: Russia, England, Austria, turkey, Sardinia and Prussia.

The issue of the navigation on the Danube was debated in several meetings, the most important being the one in March 6, 1856 because during that meeting the decisions on the provisions that have been inserted in the treaty on March 30 were taken. According to these, the navigation regime on the Danube was based on the *principle of free navigation for the commercial ships of all the riverain and non riverain states, on the entire course of the river”*. Austria opposed to this point of view invoking the fact that on the superior course of the Danube there is no conflict or misunderstanding between the interested parties. The position of Austria was attacked by England and France, especially after Austria fronted the idea that the commissions that were supposed to be established would comprise only riverain states. Apparently, such a proposition was just, but at that time its approval would not have served but to Austria that owned the Danube until Drobeta- Turnu Severin and the Romanian states, Serbia and Bulgaria, under foreign domination, could not sustain their will to be equal with the other powers.

Of course that England and France have easily deciphered the true purpose of Austria so that they insisted on the extension of the principle of free navigation on the entire course of the river and the inclusion in the commissions of the representatives of the non riverain states. Especially the representative of England firmly stated that Austria, sole possessor of the upper Danube and *participating at the navigation of the Lower Danube would have particular advantages and excessive that the Congress could not receive* (Cârțână & Seftiuc, 1972, p. 39). Finally the position of England and France prevailed and Austria was obliged to accept the application of the principle of free navigation with all its consequences, on the entire course of the Danube and the commissions would have members of the riverain and non riverain states.

Aside from these provisions regarding the navigation, the treaty contained regulations that have had a special significance for the subsequent evolution of the Romanian counties but also of the other riverain states under the domination of Austria or Turkey. Regarding this aspect, we have to have in mind that the Moldova county had the ends of the Danube with Cahul, Bolgrad and Ismail, a small part of Basarabia given to Russia by the Otoman empire in 1812 in the Bucharest Treaty.

Article 15 of the treaty established that the rules provisioned by the Vienna treaty in 1815 regulating the navigation on rivers that separate or cross the territory of many states will be applied also at the Danube, including the ends. The navigation on the river could not be subject to taxes based only on the navigation on its waters as well as the fact that the merchandise on the ship could not be taxed. The regulation on the policy and quarantine were to be established according to the principle of the free navigation and not obstruct in no way the circulation of the ships.

Article 16 of the treaty provisioned the establishment of the European Commission with the purpose of designing and executing the technical works at the ends of the Danube. The Commission had a mandate of 2 years and was constituted from the representatives of England, France, Austria, Prussia, Russia, Sardinia and Turkey. The fact that the commission had mainly representatives of the riverain states was a proof of the tendency of the great powers to ignore the rights and interests of the Romanian states, righteous owners of the ends of the Danube (Bădulescu et al., 1957, p. 149 and following).

The competence of the commission is exerted on the Isaccea – Black Sea sector. For the rest of the Danube, from the point where its navigable up to Isaccea was created the Commission of the Riverain States or the Commission of the Riverains from representatives of Austria, Bavaria, Wurtemberg, Turkey, Romanian states and Serbia but their participation, respectively Moldova, Romanian County and Serbia was under the conditions of the approval of the Otoman gate. The second commission had a permanent character, its attributions being the elaboration of the navigation regulations and river police and watch over the maintenance of the navigability in good conditions on the entire course of the Danube. Also, it was supposed to take over the attributions of the European Commission at the expiration of the mandate after 2 years expiration.

Besides the minus observed by the contemporaries and historians, judicial specialists and diplomats, the Paris treaty in 1856 has the merit of establishing for the first time a navigation regime, modern, on the Danube, on the way of multinational convention. That marked the beginning of a new period of time in which the adjacent areas at the river will enter the international change circuit.

3. The Act of Navigation on November 7, 1857

According to article 17, paragraph 1 of the Paris treaty in 1856, the members of the Commission of the riverain states have gathered in Vienna to elaborate the navigation rules and river police on the entire course of the Danube. These regulations have constituted the Act of navigation from November 7, 1857 signed by the representatives of the component states of the commission and were supposed to be applied as such.

The act instituted the clear difference between the navigation in the interior of the river and the exterior navigation between the river and the sea. The interior navigation represented the regular navigation between the ports on the same river and this type of navigation was reserved exclusively for the riverains. Articles 5 and 8 of the act instituted the free large navigation for all the ships, irrespective of the pavilion, irrespective of the fact that they belong to riverain or non riverain states with the condition that the navigation on the river was made in completion with the maritime navigation. The reservation of the interior navigation between the Danube ports to the riverain states was in appearance a just principle but under the circumstances of that period of history, it favoured only the Austrian navigation companies that held supremacy on the Danube. (Cârțână & Seftiuc, 1972, p. 44)

The Paris Treaty did not make such a distinction but underlined the necessity that the regulations for the river navigation and police as well as all the other regulations regarding the navigation on Danube would not prejudice the principle of free navigation for the commercial ships of all the states riverains or not. In this situation, the main discussion was regarding the conformity of the act with the provisions of the treaty. Among others, it was considered that the big inland navigation as regulated in the act, was a breach on the dispositions of the treaty. Another breach of the treaty was identified in the context of article 22 of the act, regarding the transit of the declared merchandise as being prohibited by the riverain states. Such a transit was forbidden.

The critics of this act, especially the non riverain states, have invoked the fact that no rule of international law institutes such an interdiction and that this text violated the provisions of the treaty (Bădulescu et al., 1957, p. 149 and following.)

These inconsistencies between the dispositions of the act and the ones of the treaty are explained by the tendency of the riverain states, especially those with great power, to reduce as much as possible the presence of the non riverain states on the navigable course of the river. The position of force of the great powers has been remarked also in other directions such as the example of the Austrian delegate who contested the rights of the representatives of the Romanian counties (member of the Riverain Commission with the approval of Turkey as sovereign power) to sign the act. The signatory powers of the Treaty in 1856 did not present this for approval at the Paris Conference in 1858.

4. The European Commission of the Danube

The European Commission of the Danube (CED) was created through article 16 of the Paris Treaty in 1856 at the initiative of France. The latter, together with England, have circumvented Austria's plans to maintain the supremacy through the Riverain Commission, the only authority it agreed and promoted within the Habsburg Empire. The text indicated that its task was to establish and execute the necessary works to free the Danube entrances and the parts next to the sea, sand and other obstacles with the purpose of bringing his part of the river at the best possible conditions for navigation (Stanciu & Duță, 2003, p. 21). The initial competence of the commission was exerted over the portion between Isaccea and the Black Sea. The cover of the expenses necessary for these works and the ones related was to be made from fixed taxes, of a convenient value, established by the CED with majority of votes with the express mention that from this perspective, the pavilions of all nations would be treated as equal. Article 18 of the treaty established a term of 2 years in which the CED would fulfil its mission.

On November 4th, 1856, the representatives of France, Austria, Great Britain, Prussia, Russia, Sardinia and Turkey, reunited in Galati, have established the European Commission of the Danube. After organizing its internal structures, CED hired the English engineer Charles Hartley, specialist in the organisation of rivers and began to fulfil the mission it was created for. First they proceeded to the cleaning of the Sulina channel and take into discussion the organisation of Sf. Gheorghe channel. Although the activities of CED were highly appreciated by the observatories as being positive, it didn't fulfil all its obligations within 2 years proving that its establishment was a mistake generated by the lack of information of the diplomats regarding the situation on field. Austria tried to benefit from this situation and has requested that its attributions to be taken over by the Riverain Commission, as provisioned in Article 17 in the Paris Treaty in 1856. But at the Paris Conference in 1858, Austria's proposition was rejected and the CED mandate was prolonged until the complete termination of the works to ensure the navigation at the Danube extremities. To this end, Protocol no. 9 of the Paris Convention in 1858 between Austria, France, Great Britain, Prussia, Russia, Sardinia and Turkey through which the plenipotentiary of these great powers have extended the mandate of CE until the termination of the works. The representative of Austria signed the protocol under the reserve to treat this matter on diplomatic channels with the governments of the other signatory states. By this objection, Austria wanted to accomplish its purposes through bilateral negotiations with each of the members of CED which he considered favourable.

At the same conference in Paris in 1858 the Act of Navigation from November 7th, 1857 was rejected, being the last assembly the Riverain Commission. Under these circumstances, CED took over the attributions of the Riverain Commission elaborating rules for navigation and police on the river. Also in 1858, CED, based

on studies regarding made by specialist engineers, began the construction of a dam at Sulina extremity in order to ensure the proper navigation conditions for the modern ships with large gauge. The construction finished after 3 years and in 1861, on September 3, a celebration took place for the finalization of the works, attended also by the ministry of foreign affairs of the United counties.

Following the improvement of the technical navigation conditions, the traffic of the commercial ships augmented in the discharge areas towards the sea, the statistics revealing that in 1861, 3.500 ships exited Sulina port, with a tonnage of 558.000 tons (Cârțână & Seftiuc, 1972, p. 48).

The issue of the duration of the CED mandate was taken in discussion again in 1861 when it was decided to extend it until the establishment of an international act regarding the navigation at the Danube discharges. The project of this document, entitled the *Public Act* was finalized on December 2, 1861 and signed on November 2, 1865 because of the fervent opposition of Turkey. In March 1866 took place in Paris a new conference of the great European powers to analyse the situation of Romania after the elimination of Alexandru Ioan Cuza from power. At this conference they ratified the Public Act signed in 1865 and prolonged the CED mandate with another 5 years. It became thus more and more obvious that the CED became a permanent organism rather than a temporary one. At the same time, they extended its competence to Galati at first and then to Braila.

Following the French – Prussian war from 1870- 1871 the issue of the Danube was again put in discussion. Taking advantage from France's position, defeated in war, both Austria as well as Russia have tried to impose their domination on the river, Russia wanting also to eliminate its statute on neutrality on the Black Sea. In order to solve these issues, a Conference was convoked in London, finalised with the Treaty in March 13, 1871. This treaty gave satisfaction to Russia who redid its fleet at the Black Sea, destroyed after the Crimeea war and maintained the right for Turkey to close the sounds. Regarding the Danube, the treaty stipulated the extension of the CED mandate with 12 years to liquidate the debts from the loans from the commission. In absence of France, from whose support was lost in this direction, Great Britain had to handle the exaggerated claims of Hungary and Russia alone. This is the reason why the English diplomacy handled with great care and did prudent compromise. Thus, in order to obtain the extension of the CED mandate, gave up for Austro- Hungary the execution of the works and collection of taxes at Portile de Fier. Also, again it was presented the idea of creating the Riverain Commission provisioned in the Paris Treaty in 1856 but was postponed until the following conference. (Cârțână & Seftiuc, 1972, p.51).

5. The Judicial Regime of Navigation on the Danube from the Act in 1865 to the London Treaty in 1883

5.1. The Public Act regarding the Navigation on the Danube Channels in November 2, 1865

Although this act was decided on December 2, 1861, it was signed only in November 2, 1865 in Galati. Mainly the delay was caused by Turkey who opposed to its adoption motivating that it is violating its rights for territorial power. (Cârțână & Seftiuc, 1972, p. 49). Besides the fact that it extended the mandate of CED, the public act, among its 21 articles and annexes regarding the Regulation for navigation and police and tariff for taxes, represented a true statute of the Lower Danube. It was the first normative act that regulated the organization and functioning of CED, established the rights and duties of the riverain states and navigators. Also, CED as placed under the regime of the international law.

All things considered, the act met criticism not only from Turkey, the main disapproval regarding the course of the regulation, but also from Austria and some riverains, excluded from the decision making process, such as Romania, formed after the unification of the counties in January 24, 1859. For example, the new regulations granted CED the administration of goods, accessories and dependencies necessary for the improvement of the conditions of navigation. Any external intervention was not accepted. Or, given the fact that its competence was mainly non riverain states, it was considered as a breach of sovereign statute of the riverain states to give CED the possibility to administrate these goods without control.

Using technicalities regarding the river navigation, the non riverain powers, with interests in the area, have given CED the competence to design and execute definite works which was equivalent with its permanent character at the extremities of the Danube, contrary to the provisions of Treaty of Paris in 1856. By obliging Turkey to supervise that in the sector related to the CED competence, the sides of the river would have had to be free of any construction or servitudes and the terrains the commission would have considered necessary to navigability to be under her control, a great neutralization of the power of the Ottoman Empire was made and also an increase in the influence of the occidental non riverains. The monopole of CED was therefore established over the works related to the regulation of navigation and administration, together with the goods, accessories and dependencies in the detriment of Turkey. At that time, the situation had the appearance of full justification, given the fundament of the claims made by the Ottoman Empire but the critics of the act in 1865 have considered that the replacement of an unjust domination with a similar unrighteous one was desired.

Another critic regarded the competence conferred to the commission to judge and solve the civil contestations regarding the navigation incidents. Therefore, through the act in 1865 gave CED unlimited power in the Paris Treaty in 1856 including

judicial powers. To this end, we have to mention the competence of CED to judge contestations regarding the decisions of the General Inspectorate for Lower Danube Navigation and Port authorities in Sulina (Badulescu et., al., 1957, p.185).

Besides the critics to the Act for navigation in 1865, some of them grounded, we have to mention that it represented a great progress in regulating the navigation regime on the Danube. It represented a true statute for the navigation of the Lower Danube, from Isaccea to Black Sea, the other sectors of the river being subjected to other regulations. So, from Ulm to Portile de Fier, the regime instituted by Austria through conventions concluded with Bavaria and Wurttemberg was applied. From Portile de Fier to Isaccea the rules established by the Ottoman Empire through conventions concluded with the interested states were applied (for example with Austria). This act also prolonged the mandate of CED until 1871.

5.2. The Treaty of Berlin in 1878

The start of the Russian- Turkish war in 1877-1878 has underlined yet again the strategic importance of Danube. Turkey prohibited the access for the commercial ships instituting drastic sanctions for the breach of the measures imposed, going up to the point where the ships and the goods were confiscated. At its turn, Russia closed the navigable channel Sulina by a mine dam. In these conditions the commercial traffic was completely paralyzed and the activity of CED was significantly diminished.

Following the victories obtained on the territory of Bulgaria at Plevna, Smardan, Vidin, the Russian armies have reached Adrianopol, aiming at Constantinopol. So, Turkey had to ask for peace, which concluded at San- Stefano in February 19, 1878. Because Romania had a significant contribution to the defeat of Turkey, by asking for independence in battle, it prepared for the peace negotiations. To this end, the Council of ministers assigned Colonel Eraclie Arion as representative of Romania to the negotiations. The negotiations took place only between Russia and Turkey. Besides the recognition of Romania as independent, the treaty contained provisions regarding the navigation regime on the Danube, including to CED. We have to notice that Russia reserved its privileges in this matter, strengthening its influence in the Balcans, which did not please the great European powers that imposed the convocation of a congress in Berlin in the same year, 1878.

Romania prepared for this event also delegating Ion Bratianu, prime minister and Mihail Kogalniceanu, ministry of foreign affairs. They were not accepted at the works of the congress until the meeting on July 2nd, 1878 when they had the possibility to express their opinion. After this, the congress continued its works without the participation of the representatives of Romania. Finally the Treaty of Berlin in July 13, 1878 was concluded, which in articles 52-57 contained regulations regarding the situation of the Danube. In general it established the

demolition of all the fortifications from Portile de Fier up to the discharge and the interdiction of building new ones. No war vessel was allowed in this sector except the light vessels destined for the river police and custom service. Romania was granted the quality of member of CED which extended its competence up to Galati. The navigation, police and supervision regulations, from Portile de Fier up to Galati were drafted by CED which meant the dissolution of the Riverain Commission, at least for the moment. This aspect diminished substantially the influence of Austro-Hungary and, as compensation, was granted the execution of the works of reliving the navigable channel to Portile de Fier.

The analysis of the Berlin Treaty, which determined the peace following a destructive war, did not manage to confer a unitary regulation on the Danube. As observed, from Portile de Fier to the discharge, regulations adopted by the CED were applied, specifically by the great occidental powers that represented the commission. From Portile de Fier upstream, the Austro-Hungarian rules were applied, and on the portions that crossed the German states, the laws of those states were applicable. To all these were added the misunderstandings and suspicions of the great powers that constantly wanted to impose their own influence on the Danube as well as at the extremities. The interests were economic and strategic the most suspected of hegemony being Austro-Hungary and Russia.

5.3. The Additional Act to the Public act on November 2, 1865, made at Galati on May 28, 1881

With all the frictions between the great powers regarding the issue of the Danube, CED continued its activity this being in the end in accordance with their intentions. At the beginning of 1881, there was the discussion of modifying the Public Act on November 2, 1865, in other words, its alignment with the provisions on the Berlin Treaty in 1878.

The powers represented in CED at that time, following the previous political mutation were: Germany, Austro-Hungary, France, United Kingdom of Great Britain and Ireland, Italy, Romania, Russia and Turkey. Their representatives have convened, in general, to the details of a disposition of the Berlin Treaty in 1878.

It was so reiterated the extension of the competence of CED to Galati. The river police in its sector of competence was given to an Inspector of navigation on the Lower Danube, assisted by a chancellor and supervisors for several sectors in their area of activity, named by the Commission, with simple majority, irrespective of nationality.

The navigation inspector and Captain of the Sulina port had the quality of judges over the breaches committed in their areas of competence, for navigation and police matters, their sentences being pronounced in the name of CED.

The sanitary regulations applicable at the extremities of the Danube, including the tariffs of the sanitary, were supposed to be elaborated by an International Council supposed to be established in Bucharest, together with CED. To this end, the International council in Bucharest and CED took responsibility over the assignment and revocation of the sanitary personnel, installation and functioning of the offices, establishment and maintenance of an infirmary, sanitary taxes and regulation of their use.

By the Additional act in 1881 the claims of Austro-Hungary to take control over the entire navigable sector of the Danube were eliminated, especially its intentions to impose their own inspectors in all the Danube ports.

5.4. The Treaty of London in 1883

Still, Austro- Hungary did not abandon its plans to dominate the river seeking new opportunities to accomplish its interests. One of these was represented by the issue of extending the mandate of CED. The position of the Habsburgic Empire was definitive: to dissolve CED and replace it with a mixed commission, made of representatives of the riverain states where Austro- Hungary had supremacy. In this way they eliminated powers such as England, France and Italy. Russia also wanted to dissolve CED considered to be an obstacle to the domination of the Danube. For Romania, whose interests were threatened by the positions of the two Empires the extension of the CED mandate was a true warranty of the maintenance of sovereignty.

In these circumstances, Great Britain initiated the conference of the interested states for the matters related to the Danube, which took place in London during February 8- March 10 1883. The following powers were invited to participate: Russia, Austro- Hungary, England, Germany, France, Italy and Turkey. Romania was not invited which determined the formulation of a request to be admitted in the conference with equal rights as he rest of the participants. The request was denied on the grounds of the right of the most powerful, validated and practice at a large scale during that period. Still the great powers allowed Romania, Serbia and Bulgaria to participate with consultative vote, but with no decision, Romania did not accept such an offer but Bulgaria accepted being still under the protection of Turkey and Serbia and hoping to be included in CED.

On March 10, 1883 the London Treaty was signed by the representatives of Russia, Austro- Hungary, England, Germany, France, Italy and Turkey. In general, the new dispositions referred to the extension of the jurisdiction on CED to Braila, extension of the mandate of CED for a period of 21 more years starting with April 24, 1883 ad at the expiration of this period, the mandate could be extended with three more years and maintain the dispositions comprised in all the treaties, conventions, acts and arrangements up to that date, if they were not cancelled. The

treaty also contained some provisions regarding Chilia channel that crossed both Russian as well as Romanian territory. CED did not have control over this channel. If Russia and Romania wanted to do works on this channel, they had to be brought to the attention of CED in order not to prevent the navigation on that sector. Russia had the right to collect taxes for crossing Cilia channel to cover the expenses with the works.

6. Navigation on the Danube during the First World War

Until the start of the First World War, the judicial regime of the navigation on the Danube was not taken into discussion by the great European powers. Although many problems of Danube continued to preoccupy their offices, especially the imperial ones, no notable events occurred until 1914 to influence the regime of the Danube.

At the beginning of the war, the parties that were involved acted in the context of war, the decision regarding the navigability on the river being a unilateral point of decision. The navigation of the commercial vessels under certain pavilions was restricted and on certain sectors on interest- according to the military objectives in the area. Then measures of defence were instituted such as the mine dams posed by Serbia as defence from Austro- Hungary that made impossible to navigate on that sector of the river. After the victory of the Central powers over Serbia, they will take over the control on the sector of Danube from Ulm to Turnu Severin and will use it exclusively for their advantage.

On the lower Danube the initial statute of neutrality of Romania ensured normal conditions for navigation. Since CED was made of adversary powers, the meetings were not held within this organisation until 1915.

Once Romania entered the war, the Romanian government communicated CED the measures that were to be taken at the Danube extremities: Sulina port was military area, CED materials were to be handed to Romanian military, and a Romanian officer was assigned as commander of the port and Sulina city.

The development of the military operations, fights, evolution of the fronts will brutally influence the navigation on the Danube, its regime entering in normal at the end of the war.

7. Conclusions

The Danube has always been an axis of the European civilization. The economic importance, strategic and cultural of this great river has preoccupied the powers of the continent from the oldest times. The strongest imposed its will over the way in which they could benefit more from the opportunities of this way of

communication. Most of the times, the will of the strongest was expressed in the detriment of those with the natural right to dispose of the resources of the Danube.

Only in the modern age, opened by the French Revolution, the European man raised his voice for an equitable regulation of the access to the Danube. In this paper we tried to present how this was made from the 1856 moment and until the First World War.

Romania, as other small riverain states, had to invest a great diplomatic effort to affirm and defend its legitimate interests regarding the navigation on the Danube. There were moments when this effort did not lead to a notable result, but also moments of success. In any case, it always had to use the historic circumstances but many times they were generated by the collision of the interests of the great empires surrounding it.

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