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EDITORIAL COMMENT

TRIPOLI

On September 23, 1911, the Italian Government delivered a note to the Minister of Foreign Affairs of the Ottoman Empire pointing out the dangers to which Italian subjects were exposed in Tripoli and Cyrenaica and intimating the need of taking military action. The Turkish Government replied that Italian subjects were not exposed to danger, that normal conditions existed in Tripoli and Cyrenaica, and that it would guarantee the safety of Italian subjects. The reply of the Ottoman Government was considered unsatisfactory, and on September 28th the Italian Government sent an ultimatum setting forth its grievances and stating its intention to proceed to military occupation of the provinces, concluding with the demand for a satisfactory reply within

twenty-four hours from the presentation of the ultimatum, "in default of which the Italian Government will be obliged to proceed to the immediate execution of the measures destined to insure the occupation." The reply of Turkey, couched in conciliatory language, requested a statement of the guarantees which Italy would require for its subjects and its interests, promising to accept them as far as compatible with its territorial integrity, and binding itself not to modify existing military conditions in Tripoli and Cyrenaica during the negotiations, which the Turkish Government hoped would lead to an amicable adjustment of the difficulties. The reply of Turkey was deemed unsatisfactory, and at the expiration of the twenty-four hours specified in the Italian ultimatum, Italy issued, on September 29, 1911, a formal declaration of war against Turkey, and on the same day issued orders for a bombardment of Tripoli by the Italian fleet under the command of Admiral Aubry.

It is not the purpose of the present comment to enter into a detailed discussion of the causes of the war or its method of prosecution, but to call attention to the haste with which hostilities were begun, without, apparently, exhausting the peaceful methods available for the settlement of the dispute between the two governments regarding the situation existing in Tripoli and Cyrenaica. For the present purpose it will only be necessary to examine three documents, namely: the ultimatum, the Turkish reply, and the Italian declaration of war.

As the case of the Italian Government depends upon the grievances set forth in the ultimatum it may be well to refer to the points enumerated in this document, the text of which is printed in the SUPPLEMENT to this issue.¹ The first paragraph may be disregarded by reason of the generalities which it contains. The next paragraph states in unequivocal terms: "all enterprises on the part of the Italians, in the aforesaid regions, constantly encounter systematic opposition of the most obstinate and unwarranted kind." The next paragraph states, without specifying, that Turkey has "displayed constant hostility toward all legitimate Italian activity in Tripoli and Cyrenaica," and declares it useless to discuss the proposal of Turkey "to grant any economic concession compatible with the treaties in force and with the higher dignity and interests of 'Turks,'" because the uselessness of such negotiations has been demonstrated by past experience and that such negotiations, "far from constituting a guarantee for the future, could but afford a permanent

¹ SUPPLEMENT, p. 11.

cause of friction and conflict." The ultimatum then represents that on information received through Italian consular agencies, "the situation there is extremely dangerous on account of the agitation prevailing against Italian subjects, which is very obviously fomented by officers and other organs of the authorities." The Italian Government declares the agitation to constitute "an imminent danger not only to Italian subjects, but also to foreigners of any nationality who, justly perturbed and anxious for their safety, have commenced to embark, and are leaving Tripoli without delay." The arrival at Tripoli of Turkish military transports is regarded as aggravating the situation, and the Italian Government, finding itself, in view of all the circumstances, "forced to think of the guardianship of its dignity and its interests, has decided to proceed to the military occupation of Tripoli and Cyrenaica," and requests the Turkish Government to give the requisite orders so that the occupation "may meet with no opposition from the present Ottoman representatives, and that the measures which will be the necessary consequence may be effected without difficulty." Italy thus stated its intention to cut the Gordian knot, but expressed willingness to enter into negotiations after occupation, "to settle the definitive situation arising therefrom." Such is the Italian view of the situation, and it must have been regarded as very serious to announce the impending occupation, which, under ordinary circumstances, could only result in war.

The Turkish reply states that a careful examination of the events of the last three years fails to disclose any hostility "to Italian enterprises relating to Tripoli and Cyrenaica."¹ On the contrary, the Turkish Government insists that "it has always appeared to her normal and reasonable that Italy should cooperate by its capital and industrial activity in the economic regeneration of this part of the empire." The Turkish note calls attention to the fact that it has always welcomed propositions of this nature and that it was animated by a desire to cultivate and maintain friendly relations with the Italian Government when it recently proposed "an arrangement based upon economic concessions likely to furnish Italian activity a vast field of operation in the said provinces." The note then states positively that "not only is there at this time no agitation in these countries and even less of inflaming propaganda, but the officers and other agencies of Ottoman authority have as their mission the safeguarding of order, a mission which they perform conscientiously."

Turning to the Italian grievance of a military expedition to Tripoli, the Turkish Government insists that but a single transport was sent, and

¹ For text see SUPPLEMENT, p. 12.

that several days previous to the note of September 26th, and that this expedition had no troops on board and could only have a reassuring effect upon the people.

The final paragraph of the Turkish reply states what it conceives to be the essential grievance of the Italian Government, and its willingness to adjust the difficulties peaceably. Thus:

Reduced to its essential terms the actual disagreement resides in the absence of guarantees likely to reassure the Italian Government regarding the economic expansion of interests in Tripoli and in Cyrenaica. By not resorting to an act so grave as a military occupation, the Royal Government will find the Sublime Porte quite agreeable to the removal of the disagreement.

Therefore, in an impartial spirit, the Imperial Government requests that the Royal Government be good enough to make known to it the nature of these guarantees, to which it will readily consent, if they are not to affect its territorial integrity. To this end it will refrain, during the parleys, from modifying in any manner whatever the present situation of Tripoli and of Cyrenaica in military matters; and it is to be hoped that, yielding to the sincere disposition of the Sublime Porte, the Royal Government will acquiesce in this proposition.

As previously stated, it thus appears that the Turkish Government was willing to examine Italy's grievances, and, so far as territorial integrity would permit, to redress them in order to maintain peace between the two countries.

The Italian Government considered, as previously stated, the reply of the Turkish Government to its ultimatum as unsatisfactory, and on September 29, 1911, issued the following declaration of war:

Though the term granted by the Royal Government to the Imperial Government for carrying out certain measures which had become necessary has expired, no satisfactory reply has been received by the former government. The lack of such reply is confirmatory evidence either of the ill-will or of the powerlessness of which the Imperial Government and authorities have given so many proofs, particularly with regard to Italian rights and interests in Tripoli and Cyrenaica. The Royal Government is in consequence obliged to safeguard its rights and interests together with its honor and dignity by all means at its disposal. The result can only be regarded as the necessary, if painful, consequences of the conduct of the authorities of the Ottoman Empire. Friendly and pacific relations between the two States being thus broken off, Italy henceforth is at war with Turkey.

From one point of view the situation is regular. The forms of law regarding the ultimatum and the declaration of war are in accordance with the Hague Convention relating to the opening of hostilities, the essential paragraphs of which follow:

The contracting powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war. (Article 1.)

The existence of a state of war must be notified to the neutral powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral powers, nevertheless, can not rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war. (Article 2.)

In the absence of a detailed statement as to the grievances asserted by Italy, no opinion is expressed as to the sufficiency of the causes leading to the declaration of war.

Supposing that the contentions of Italy were well founded, it would have a grievance against Turkey. If this grievance were capable of being formulated as a right of which Italy was deprived, the question of the existence or non-existence of the right, its nature and extent, could be submitted to the Permanent Court of The Hague. If, however, the grievance could not assume the form of a claim of right, but falls within the category of cases outside the realm of international law, that is to say, if the claim is based upon a national policy, it is a political question, or, as Italy puts it, "a vital interest," and as such might be the subject of negotiation, not of arbitration. In this view of the matter the action of Italy would be none the less precipitous and in contravention of the conduct properly expected of a nation which has for years championed the cause of the peaceful settlement of international disputes.

In 1856 Sardinia was a party to the Congress of Paris in which the integrity of Turkey and the doctrine of good offices and mediation in Turkish affairs was announced and accepted. Of more serious significance were the international obligations assumed by Italy when a formal international statute was enacted which it was hoped would begin a new era in the relations of nations. In 1899 Italy participated in the First Hague Peace Conference, and Count Nigra, its first delegate, played an enviable and important role in framing the Convention for the Peaceful Settlement of International Disputes. And again in the Second Hague Peace Conference of 1907, the influence of Italy was felt in all questions concerning the peaceful settlement of international disputes. An examination of the provisions of the Convention for the Peaceful Settlement of International Disputes adopted by the First Hague Conference, and revised by the second, will show that in its eagerness to possess itself of Tripoli and Cyrenaica, Italy has unfortunately violated the spirit, if

not the letter, of those sections of the convention dealing with good offices and arbitration. Thus, the first article of this convention provides:

With a view to obviating, as far as possible, recourse to force in the relations between States, the signatory powers agree to use their best efforts to insure the pacific settlement of international differences.

In the next article the signatory Powers agree:

In case of serious disagreement or conflict, before an appeal to arms — to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

It is as apparent that a disagreement existed as that an armed conflict now exists between Italy and Turkey, and that Italy has not requested either "the good offices or mediation of one or more friendly Powers," but has declined to accept offers of good offices or of mediation at the request of Turkey or of the Powers.

It may be said that the Powers themselves have been remiss in insisting upon good offices and mediation, but the fault of the strangers to the conflict is no justification for Italy to have discarded the wise and just provisions of an international convention to which it is a party, when the opportunity was presented of furnishing to the Powers an example of recourse to peaceable methods of settling the dispute.

The truth of the matter seems to be that in whatever form the controversy had presented itself, Italy would have been unwilling to listen to advice and mediation to submit the case to arbitration, providing it might be reasonably maintained that it was susceptible of arbitration.

The available lands of northern Africa are no longer open to discovery or occupation. In Egypt, Great Britain plays the role of schoolmaster, but the occupation, temporary in its beginning, is likely to prove permanent unless the highway to India should assume less importance in the future than it does in the present. The conquest of Algiers by France, and its incorporation with the Republic, the acquisition of a protectorate in 1881 over Tunis, and the undisguised intention of France to extend its empire to the east and to consolidate it by the acquisition of Morocco, suggested, no doubt, to Italy the advisability of seizing Tripoli and Cyrenaica while they were still in the possession of a Power rightly or wrongly reputed weak. When successful in establishing a protectorate in Morocco, it might have occurred to the ambitious statesmen of the French Republic to extend their sphere of influence from Tunis to Egypt, and the golden opportunity to annex Tripoli and Cyrenaica would have been

lost to Italy, even although their acquisition is now sought at the expense of inconsistency and of the wise and just provisions of an international document.

It would seem that the universal disapproval with which the action of Italy has been regarded is in itself evidence of a growing international opinion based upon a respect of elemental law and justice, and there are not wanting evidences to show that Italian statesmen have betimes qualms of conscience. Thus Italy is represented in the press as willing to pay a goodly number of millions to quiet title to Tripoli and Cyrenaica, which were formally annexed to the kingdom on November 6, 1911. In the United States this suggestion is likely to be attributed to its proper source, for we, as a nation and a people, have endeavored to satisfy the conscience aroused by an unjust war, by a formal purchase of territory which we had already occupied and conquered. By the treaty of Guadalupe-Hidalgo the United States bound itself to pay Mexico the sum of \$15,000,000 for the territory acquired by an unjust and unjustifiable war, and there are perhaps some people still living who would be inclined to attribute this payment as due to some other cause than the inestimable value of the land in question to the United States. Pot may well call kettle black.

RUSSIA AND PERSIA.

While the state of affairs in Persia is still too unsettled for it to be possible to predict the outcome, it is well to point out what the situation means for the independence and sovereignty of Persia. On August 18/31, 1907, a convention was signed between Great Britain and Russia¹ the general object of which was "to settle by mutual agreement different questions concerning the interests of their states on the continent of Asia." In that treaty the two Powers while engaging "to respect the integrity and independence of Persia" state that "for geographical and economic reasons" they have "a special interest in the maintenance of peace and good order in certain provinces of Persia adjoining or in the neighborhood of" their frontiers, and that they are "desirous of avoiding all cause of conflict between their respective interests in the above-mentioned provinces of Persia." They thereupon agree in Articles 1, 2, and 3, to limit the spheres of their respective interests in Persia to the

¹ Printed in SUPPLEMENT, 1:398.