RUMANIA

PROVISIONAL COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND RUMANIA PROVIDING FOR MOST-FAVORED-NATION TREATMENT, SIGNED AUGUST 20, 1930[1]

611.7131/83 : Telegram

The Minister in Rumania (Wilson) to the Acting Secretary of State

BUCHAREST, January 16, 1930—noon.
[Received 3:15 p. m.]

3. Department's telegram No. 19, Dec. 11, 6 p. m.[2] Note from Foreign Office states that, owing to numerous commercial treaties under negotiation, Rumanian Government will only in February be able to begin negotiations with United States. Department's draft treaty still being studied but Legation will be furnished next week with draft of treaty proposed by Rumania. Note adds Rumanian Government desires to conclude consular convention at same time as commercial.

WILSON

611.7131/83 : Telegram

The Acting Secretary of State to the Minister in Rumania (Wilson)

WASHINGTON, January 21, 1930—3 p. m.

3. Your 3, January 16, noon.

(1) Please advise Foreign Office that it is hoped Department's draft which will be sent you very shortly will be accepted by Rumanian Government as basis for negotiations.[3] This draft will embody substantially provisions of Articles VII to XI of treaty between the United States and Germany,[4] but certain changes and additions will be made which it is believed will be regarded as improvement on that treaty. Considerable time and study have been devoted to preparation of this draft treaty by interested departments of this Government and its use would greatly facilitate negotiations.

(2) In view of postponement of negotiations until February, Department assumes time for conclusion of treaty will be extended, but desires definite confirmation as soon as practicable in order to avoid

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[1] For previous correspondence, see *Foreign Relations*, 1929, vol. III, pp. 755 ff.
[2] *Ibid.*, p. 755.
[3] Department's instruction No. 101, March 20, 1930 (not printed).
[4] *Foreign Relations*, 1923, vol. II, p. 29.

uncertainty on part of commercial interests and consequent injury to trade.

(3) Department would view with favor conclusion of consular convention embodying substantially consular provisions of treaty of friendship, commerce and consular rights between the United States and Germany. However, inasmuch as consular matters are now regulated by convention of June 5–17, 1881,[5] and in view of more pressing need for a treaty of commerce and navigation, Department feels that negotiations for new consular convention should be held in abeyance, or at least subordinated to those for commercial treaty, until latter has been disposed of.

COTTON

611.7131/87 : Telegram

The Minister in Rumania (Wilson) to the Acting Secretary of State

BUCHAREST, February 17, 1930—1 p. m.
[Received February 17—12:50 p. m.]

6. Department's 3, Jan. 21, 3 p. m., paragraph (2). Secretary General, Foreign Office, informs me verbally that I may state officially that time for conclusion of commercial treaty for all countries which have begun negotiations, of which United States considered one, will be extended until May 1st and unofficially will if necessary be further extended. He urges that in order to save time delegates with full powers be appointed to negotiate as in negotiations with other countries. Personally do not believe Rumanian Government will be ready to begin negotiations before April.

WILSON

611.7131/88

The Rumanian Chargé (Nano) to the Acting Secretary of State

No. 686/P–26 WASHINGTON, February 24, 1930.

SIR: Referring to your note No. 611.7131/74 of December 13, 1929,[6] I have the honour to inform you that my Government would like the agreement according mutual unconditional most-favored-nation treatment in customs matters, which was signed February 26, 1926,[7] to remain in force until May 1 instead of March 1.

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[5] Malloy, *Treaties*, 1776–1909, vol. II, p. 1505.
[6] Not printed.
[7] *Foreign Relations*, 1926, vol. II, p. 898.

My Government wishes to know whether this is agreeable to the Government of the United States, and would be grateful if their decision could be communicated to this Legation as soon as feasible.

Please accept [etc.] F. C. NANO

611.7131/88

The Acting Secretary of State to the Rumanian Chargé (Nano)

WASHINGTON, February 27, 1930.

SIR: I have the honor to acknowledge the receipt of your note No. 686/P–26, dated February 24, 1930, in which you state that the Government of Rumania would like the agreement according mutual unconditional most-favored-nation treatment in customs matters which was signed February 26, 1926, to remain in force until May 1 instead of March 1, 1930.

In reply, I have the honor to inform you that this Government agrees that the agreement referred to shall remain in force until May 1, 1930.[8]

Accept [etc.] J. P. COTTON

611.7131/100 : Telegram

The Minister in Rumania (Wilson) to the Secretary of State

BUCHAREST, June 6, 1930—2 p. m.
[Received 9 p. m.]

13. Legation's despatch 412, April 17th.[9] Secretary General, Foreign Office informs me that in accordance with law voted by Parliament proposals will shortly be made for exchange of notes providing for indefinite extension of time for negotiation of commercial treaties not yet concluded. Not even preliminary study of American draft proposal has yet begun and I anticipate no action before late autumn owing to slow progress in negotiations now in progress with neighboring and European countries.

WILSON

611.7131/102 : Telegram

The Minister in Rumania (Wilson) to the Secretary of State

BUCHAREST, July 1, 1930—7 p. m.
[Received July 2—1:15 a. m.]

22. Contrary to information from Foreign Office reported in my telegram No. 13, June 6, 2 p. m., Minister for Foreign Affairs informs

[8] By an exchange of similar notes, April 17–April 26 (neither printed), the agreement was further extended from May 1 to July 1, 1930.

[9] Not printed.

me that period for conclusion of commercial treaties cannot be extended beyond September 1st as fixed by tariff law. As it is impossible to conclude the numerous pending treaties before that date Minister proposes conclusion of a general provisional agreement such as have already been concluded with several countries which will be valid until a regular treaty can be concluded. Minister will submit in a few days proposed draft of such agreement which I shall telegraph to Department for such action as may be deemed expedient.

WILSON

611.7131/101 : Telegram

The Secretary of State to the Minister in Rumania (Wilson)

WASHINGTON, July 3, 1930—8 p. m.

14. (1) Note dated June 30, 1930, from Rumanian Legation here [10] states that Rumanian Government desires that the agreement according mutual unconditional most-favored-nation treatment in customs matters, which was signed February 26, 1926, should remain in force until September 1, 1930, instead of July 1, 1930, as heretofore mutually agreed upon. Please formally advise Foreign Office that this Government agrees that the agreement referred to shall remain in force until September 1, 1930.

(2) Your 22, July 1, 7 p. m. and 13, June 6, 2 p. m. In view of the fact that time for adjusting matter referred to is limited, you are requested to ascertain and report to Department as soon as practicable the exact nature of Rumanian proposals for new provisional agreement.

STIMSON

611.7131/103 : Telegram

The Minister in Rumania (Wilson) to the Secretary of State

BUCHAREST, July 5, 1930—4 p. m.
[Received July 5—3 p. m.]

24. Department's telegram 14, July 3, 8 p. m., paragraph (2). Forwarding by the pouch July 7th proposed draft of provisional commercial agreement [11] similar to that which is being submitted to other countries who have not yet concluded commercial treaties. Five articles provide for general reciprocal most-favored-nation treatment in matters of establishment, commerce, industry, customs, tariff rates, taxes, navigation. Agreement to become effective September 1st and to continue in force until March 1st, 1931. It is in treaty form but clause requiring ratification has been omitted. Am

[10] Not printed.
[11] *Infra.*

doubtful however whether in present form it would be valid without Senate approval. Endeavored to secure consent to arrange matter by the exchange of notes but Government considers this method precluded by terms to [*of*] Rumanian tariff law.

Was planning to go on leave July 15th for much needed cure. In view of present circumstances does Department wish me to abandon plan?

WILSON

611.7131/105

The Minister in Rumania (Wilson) to the Secretary of State

[Extract]

No. 461 BUCHAREST, July 5, 1930.
[Received July 19.]

SIR: Referring to the Legation's telegram No. 24 of July 5, 1930, I have the honor to submit herewith to the Department the French original, accompanied by an English translation, of a proposed provisional commercial agreement between Rumania and the United States which has been prepared and presented to the Legation by the Ministry of Industry and Commerce.

. . . . . .

I have [etc.] CHARLES S. WILSON

[Enclosure—Translation]

Rumanian Draft for a Provisional Commercial Agreement

His Majesty the King of Rumania and the President of the United States of America, animated by the same desire to consolidate and develop the economic relations between their two countries, have resolved to conclude a commercial agreement and for that purpose have named as their Plenipotentiaries:

His Majesty the King of Rumania,

The President of the United States of America,

Who, having communicated to each other their respective full power, found to be in good and due form, have agreed as follows:

ARTICLE I

The Nationals and enterprises having juridical personality of each of the two countries shall enjoy on the territory of the other for their persons and for their property the most-favored-nation treatment in everything concerning their establishment, exercise of their commerce or industry, as well as concerning imposts and other taxes.

The natural or manufactured products of each of the two countries in everything concerning importation, exportation, warehousing, transportation, transit, and, in general, all sorts of commercial operations, as well as ships, in everything concerning navigation in the waters and ports of the other country, shall also enjoy the treatment accorded to the most favored Nations.

Consequently each of the two high contracting parties agrees to extend to the other, immediately and without compensation, every privilege or decrease in rates which it has already extended, or shall in future be extended, in any of the respects mentioned, to any third power.

ARTICLE II

The most-favored-nation treatment shall apply also to the amount, the guarantee and the imposition of import and other duties as well as to customs formalities and to their application, to procedure, to conditions of customs and other duties, to the classification of merchandise, to the interpretation of customs tariffs and to the methods of classification of merchandise.

ARTICLE III

The High Contracting Parties will reciprocally grant the most-favored-nation treatment in the matter of prohibitions and restrictions of imports and exports.

ARTICLE IV

The most-favored-nation treatment is not applicable in cases of:

(*a*) Special favors which have been, or shall be, granted to bordering countries to facilitate frontier traffic;

(*b*) The special class of imports intended to facilitate the financial settlements arising from the war of 1914–1918;

(*c*) The rights and privileges granted or which may be granted in the future to one or several bordering countries for the purpose of conclusion of an economic entente or of a customs union;

(*d*) The rights and privileges which may be granted in the future by one of the Contracting Parties, to a third State, under multilateral conditions, in which the other Party does not participate, and if these rights and privileges are stipulated in multilateral conventions of general application, concluded under the auspices of the League of Nations, registered there and open to the adhesion of other Nations: if these rights and privileges are only stipulated in these conventions, and when the benefits assure to the other Contracting Party new advantages; if finally the other Contracting Party does not grant reciprocity.

ARTICLE V

The present agreement shall enter into force on September 1, 1930, and shall remain in force until March 1, 1931.

In faith thereof, the Plenipotentiaries of the two Contracting Parties have signed the present agreement and affixed their seals.

611.7131/103 : Telegram

The Secretary of State to the Minister in Rumania (Wilson)

WASHINGTON, July 9, 1930—5 p. m.

15. Your 24, July 5, 4 p. m. Department regrets necessity of suggesting that unless you consider it imperative to leave Bucharest, you remain there pending conclusion of some arrangement insuring continued granting of most-favored-nation treatment to American trade. Upon receipt of draft of provisional agreement and study of its provisions, Department will send you detailed instructions. With reference to your doubt as to validity of the proposed agreement in present form without approval by Senate provisional commercial agreement signed February 1, 1926, between the United States and Latvia, Treaty Series 740,[12] affords possible precedent.

STIMSON

611.7131/105 : Telegram

The Acting Secretary of State to the Minister in Rumania (Wilson)

WASHINGTON, July 28, 1930—7 p. m.

17. Your despatch 461, July 5. Please take up negotiation of provisional commercial agreement immediately and endeavor to obtain agreement to following changes in Rumanian draft:

Preamble. Substitute form used in provisional commercial agreement signed February 1, 1926, between the United States and Latvia, Treaty Series 740, for that employed in Rumanian draft.

Article I, Paragraph 2. Substitute following for second paragraph of Article I:

"The natural or manufactured products of each country, in everything concerning importation, exportation, warehousing, transportation, transit, and, in general, all sorts of commercial matters, shall also enjoy in the territories of the other country the treatment accorded the most favored nation."

Apart from minor textual changes suggested in the interest of clarity the only change above proposed is the omission from the

[12] *Foreign Relations*, 1926, vol. II, p. 500.

Rumanian draft of the clause pertaining to the treatment of shipping. In view of the fact that common practice of maritime nations is to accord national rather than merely most-favored-nation treatment to shipping, it is suggested that in lieu of the shipping provision in Paragraph 2 of Article I of the Rumanian draft the following new paragraph be added as the final paragraph of Article I:

"Vessels of either country, in everything concerning navigation in the waters and ports of the other country, including duties and charges levied on such vessels or their cargoes, shall enjoy national treatment, provided, however, that the coasting trade of each country is exempt from the provisions of this paragraph."

Article II. Substitute the following:

"the most-favored-nation treatment shall apply also to the amount and the collection of import duties and other duties as well as to customs formalities and their application, to procedure, to the conditions of payment of customs duties and other duties, to the classification of goods, to the interpretation of customs tariffs and to the methods of analysis of goods."

You will observe that aside from minor differences the words "la garantie", which do not appear to add anything to the meaning, have been omitted. If, however, the Rumanian Government desires their retention you should telegraph explanation and ask instructions.

Article IV, Subdivision (*c*). Substitute the words "in economic or customs union with either contracting party" for the words "for the purpose of conclusion of an economic entente or of a customs union". This revision is intended merely to make it clear that preferences should not be granted except in the actual consummation of an economic or customs union.

Article IV, Subdivision (*d*). You should request that the provisions of this subdivision be omitted from the agreement. You may point out that the comprehensive nature of the exemption therein provided for and the uncertainty as to the circumstances in which exception from the obligation to grant most-favored-nation treatment might be claimed, make this Government unwilling to accept such a provision. Moreover, it does not seem essential to deal with the difficult question presented by this proposed exception in connection with a provisional agreement of this kind, which is only intended to be of short duration and which can be terminated by either party on short notice. The matter should be left for discussion in connection with the negotiation of the definitive treaty.

The text of Article XIII and of last sentence of Article I of draft treaty of commerce and navigation enclosed with instruction 101 of March 20 [13] should be proposed as new subdivisions of Article IV

[13] Not printed.

of the provisional agreement, substituting the word "agreement" for "treaty" therein. These provisions, which pertain, respectively, to treatment of commerce of Cuba, Panama Canal Zone and dependencies of United States and to sanitary measures and regulations for enforcement of police or revenue laws are standard provisions of treaties and agreements concluded by United States.

Article V. Substitute the following for the first paragraph of this article:

"The present agreement shall enter into force on September 1, 1930, and unless sooner terminated by mutual agreement shall continue in force for six months and thereafter until thirty days after notice of its termination shall have been given by either party."

The purpose of the foregoing proposal is to obviate the difficulties and inconvenience incident to renewing the agreement from time to time in case the treaty negotiations are not completed by March 1, 1931.

The following provision should be added to the first paragraph of Article V:

"Should either Government be prevented by future action of its legislature from carrying out the terms of this agreement, the obligations thereof shall thereupon lapse."

The foregoing provision is customarily included in agreements entered into by the United States which are not submitted to the Senate. It is not contemplated that this agreement will be submitted to the United States Senate for its advice and consent to ratification.

If all of the foregoing proposals are agreed to by the Rumanian Government and no other changes are made, you are authorized to sign the agreement on behalf of this Government. Any proposals for other changes should be communicated by telegraph to the Department, which will instruct you by telegraph in the premises.

CARR

611.7131/107: Telegram

The Minister in Rumania (Wilson) to the Secretary of State

BUCHAREST, August 4, 1930—4 p. m.
[Received August 4—2:52 p. m.]

29. Department's telegram No. 17, July 28, 7 p.m. Rumanian Government accepts all changes proposed by Department except following:

1. Desires to maintain paragraph 2, article 1, as in original Rumanian draft granting shipping most-favored-nation treaty [*treatment*] instead of national proposed by Department. Rumanian ships have

number of special rights and privileges in Rumanian ports which would otherwise have to be listed in agreement as exceptions to national treatment.

2. Wishes to maintain subdivision (*c*), article 4, as in original Rumanian draft, finding Department substitute less clear.

WILSON

611.7131/108: Telegram

The Minister in Rumania (Wilson) to the Secretary of State

BUCHAREST, August 5, 1930—1 a. m.
[Received 9:32 a. m.]

30. Legation's 29, August 4, 4 p. m., paragraph 2. Rumanian Government now agrees to accept Department substitute subdivision (*c*), article 4.

WILSON

611.7131/107: Telegram

The Acting Secretary of State to the Minister in Rumania (Wilson)

WASHINGTON, August 7, 1930—4 p. m.

19. Your 29, August 4, 4 p. m., and 30, August 5, 1 a. m. For purposes of provisional agreement now under consideration, you may withdraw proposal for new paragraph regarding national treatment of shipping and agree to paragraph 2 of Article I substantially as in Rumanian draft originally submitted. Department suggests, however, that minor textual changes proposed in its telegram 17, July 28, 7 p. m., be adopted and also that in lieu of clause "as well as ships, in everything concerning navigation in the waters and ports of the other country" the following sentence be added to the paragraph "Likewise, the vessels of each country in everything concerning navigation in the ports and territorial waters of the other country, shall enjoy most-favored-nation treatment." These proposals are textual and need not be insisted upon if definitely unacceptable.

You should make it clear that in agreeing to omission of provision for national treatment of shipping you do so without prejudice to this Government's position on the question of principle involved or to proposals which it will make for the inclusion of such provisions in the definitive treaty.

CARR

611.7131/112

Provisional Commercial Agreement Between the United States of America and Rumania, Signed at Bucharest, August 20, 1930

[Translation]

The Undersigned,

Mr. Charles S. Wilson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Rumania, and Mr. Al. Vaida-Voevod, Minister for Foreign Affairs ad interim of Rumania, desiring to confirm and make a record of the understanding which they have reached in the course of recent conversations in the names of their respective Governments with reference to the treatment which the United States shall accord to the commerce of Rumania and which Rumania shall accord to the commerce of the United States, have signed this Provisional Agreement:

ARTICLE I

The nationals and enterprises having juridical personality, of each of the two countries, shall enjoy in the territory of the other for their persons and for their property, the most-favored-nation treatment in everything concerning establishment, the exercise of their commerce or industry, as well as concerning taxes and other charges.

The natural or manufactured products of each country, in everything concerning importation, exportation, warehousing, transportation, transit, and in general all sorts of commercial operations, shall also enjoy in the territories of the other country the treatment accorded the most favored nation. Likewise, the vessels of each country in everything concerning navigation in the ports and territorial waters of the other country, shall enjoy most-favored-nation treatment.

Consequently each of the two High Contracting Parties undertakes to extend to the other, immediately and without compensation, every favor, privilege, or decrease in duties which it has already extended, or which it may in the future extend, in any of the respects mentioned, to any third Power.

ARTICLE II

The most-favored-nation treatment shall apply also to the amount and the collection of import duties and other duties, as well as to the customs formalities and their application, to procedure, to the conditions of payment of customs duties and other duties, to the classification of goods, to the interpretation of customs tariffs and to the methods of analysis of goods.

ARTICLE III

The High Contracting Parties will reciprocally grant most-favored-nation treatment in the matter of prohibitions and restrictions of imports and exports.

ARTICLE IV

The most-favored-nation treatment is not applicable in cases which concern:

(*a*) Special favors which have been, or shall be granted to bordering countries to facilitate frontier traffic.

(*b*) The special system of importation intended to facilitate the financial settlements arising from the war of 1914–1918.

(*c*) The rights and privileges accorded or which shall be accorded in the future to one or more bordering states in economic or customs union with either contracting party.

(*d*) The stipulations of this agreement do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded between the United States and Cuba on December 11, 1902,[14] or the provisions of any other commercial convention which hereafter may be concluded between the United States and Cuba. Such stipulations, moreover, do not extend to the treatment which is accorded to the commerce between the United States and the Panama Canal Zone or any other dependency of the United States, or to the commerce of the dependencies of the United States with one another under existing or future laws.

(*e*) Nothing in this agreement shall be construed as a limitation of the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

ARTICLE V

The present agreement shall enter into force on September first, 1930, and unless sooner terminated by mutual agreement shall continue in force for six months and thereafter until thirty days after notice of its termination shall have been given by either party. Should either Government be prevented by future action of its Legislature from carrying out the terms of this agreement, the obligations thereof shall thereupon lapse.

Signed at Bucharest this 20th day of August, nineteen hundred and thirty.

[SEAL] ALEX. VAIDA VOEVOD CHARLES S. WILSON [SEAL]

[14] *Foreign Relations*, 1903, p. 375.

ATTITUDE OF THE DEPARTMENT OF STATE RELATIVE TO MATTERS CONCERNING THE STATUS OF BESSARABIA

871.014 Bessarabia/123

The Rumanian Legation to the Department of State [15]

AIDE-MÉMOIRE REGARDING THE STATUS OF BESSARABIA

Although the U. S. S. R. has signed the Litvinoff protocol of February 1929,[16] pledging itself not to resort to war with Roumania and not to attempt to recover Bessarabia by force of arms, it still refuses to recognize the reunion of this province with Roumania.

Roumania's contention is that, by its reunion with Roumania in 1918, Bessarabia has again become an integral part of the Kingdom of Roumania.

In order to completely elucidate this matter, it is necessary to consider the history of this province.

The territory which after the years following the Treaty of Bucharest of 1812 [17] was named by the Russians "Bessarabia," since its earliest history was a part of Moldavia and had no separate name.

Following the Russo-Turkish War of 1806–12, by the Peace Treaty of Bucharest, Turkey "ceded" to Russia that part of Moldavia which is situated between the rivers Prut and Dniester.

At that time, Moldavia was in a relation of suzerainty with Turkey. The nature of this relation was minutely regulated by the Treaty of 1511, concluded between Bogdan, Prince of Moldavia, and Sultan Bayazid II; and that of 1634 made between Vasile Lupu, Prince of Moldavia, and Sultan Mohammed IV. They not only insure Moldavia's independence, but the Sultans take upon themselves the obligation to defend Moldavian integrity against all enemies.

Therefore, the Turkish "cession" was a violation of these treaties. On October 26, 1812, the Moldavian Divan protested energetically against this violence but in view of the obvious "vis major" the protest remained without any practical results.

However, by the Treaty of Paris of 1856,[18] the three Southern districts of what had become known as Bessarabia were reunited with Moldavia and the Protocol of Paris of 1858 [19] provided that the rela-

[15] Handed to the Under Secretary of State by the Rumanian Minister on February 18, 1930.

[16] Protocol between Estonia, Latvia, Poland, Rumania, and the U. S. S. R. for the immediate entry into force of the Treaty of Paris of August 27, 1928, regarding renunciation of war as an instrument of national policy, signed at Moscow, February 9, 1929; League of Nations Treaty Series, vol. LXXXIX, p. 369.

[17] May 16/28, 1812. English text, Hertslet, *Map of Europe by Treaty* (1814–1891), vol. 3, p. 2030 (art. 4, p. 2031); French text, *British and Foreign State Papers*, vol. XIII, p. 908.

[18] Dated March 30, 1856; Hertslet, *Map of Europe*, vol. 2, pp. 1250, 1259; *British and Foreign State Papers*, vol. XLVI, p. 8.

[19] Convention of Paris, August 19, 1858; Hertslet, *Map of Europe*, vol. 2, p. 1329 (articles 1, 2, p. 1332); *British and Foreign State Papers*, vol. XLVIII, p. 70 (in French).

tions between Turkey and Moldavia (and Wallachia) were to be governed "by the existing treaties." Thus the treaties concluded between Turkey and the Roumanian Principalities,—treaties which guaranteed their independence and territorial integrity,—were recognized as being still valid and in force.

The Congress of Berlin, in 1878, retroceded these three districts to Russia,[20] in spite of the agreement concluded in 1877 between Russia and Roumania,[21] whereby Russia undertook to respect Roumania's territorial integrity. This violation of a solemn pledge was met with a most forceful protest by the representatives of Roumania, but without avail.

Notwithstanding all efforts of denationalization on the part of Russia, the Roumanian character of Bessarabia was preserved until the War and the population is still overwhelmingly Roumanian, even in the Russian statistics.

It is, therefore, no wonder that in 1917, soon after the Russian Provisional Government, which was recognized by the United States of America,[22] adopted and enunciated the principle of the self-determination of nationalities, Bessarabia declared its autonomy (October 20, 1917), and after Ukrainia declared itself independent, pronounced itself an independent republic [23] and later, on March 27 [*April 9?*], 1918, by a vote of its legislative assembly, the "Sfatul Tarii," decreed its reunion with Roumania.[23a]

On October 28, 1920, the principal allied powers concluded a treaty with Roumania [24] by which they have recognized that "from the geographical, ethnographical, historical and economical viewpoints the union of Bessarabia with Roumania is fully justified," and that the sovereignty of Roumania over this territory is "corresponding to the aspirations of the inhabitants."

In view of the above, it is to be deeply regretted that, judging from certain indications, one would reach the conclusion that the Government of the United States of America does not recognize that Bessarabia is an integral part of the Kingdom of Roumania.

One of these indications is the fact that on the official maps of the State Department this territory is designated as being "under Roumanian occupation." Another indication is that the immigration quota

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[20] Treaty of Berlin, July 13, 1878; Hertslet, *Map of Europe*, vol. 4, pp. 2759, 2791 (art. 45); *British and Foreign State Papers*, vol. LXIX, p. 749 (in French).

[21] Convention of Bucharest, April 16, 1877; Hertslet, *Map of Europe*, vol. 4, p. 2576.

[22] On March 22, 1917; see telegram No. 1124, March 22, 1917, from Ambassador Francis, *Foreign Relations*, 1917, p. 1211.

[23] See *ibid.*, 1918, Russia, vol. II, p. 715.

[23a] See telegram No. 68, April 10, 1918, from the Minister in Rumania, *ibid.*, p. 719.

[24] See telegram No. 1866, October 29, 1920, from the Ambassador in France, *Foreign Relations*, 1920, vol. III, p. 434. For draft text, see *ibid.*, p. 427; for signed text, see Great Britain, Cmd. 1747, Treaty Series No. 15 (1922).

for Bessarabia is at present incorporated into the Russian quota, although when the quota system was first adopted the Bessarabian quota was included in the quota allotted to Roumania. Later, a separate Bessarabian quota was established, but, since July 1, 1923, this was merged with the Russian quota so that Roumanian citizens residing in Bessarabia and desirous of immigrating to the United States have to obtain their visa from the quantum allotted to Russia.

Representatives of the State Department, in the course of conversations on this subject with members of the Roumanian Legation,—conversations which took place at various times since 1922,—have claimed that the attitude of the United States Government in regard to Bessarabia was in conformity with the principles laid down in the "Colby Note" of August 10, 1920,[25] wherein the Government of the United States enunciated its policy toward all territorial changes affecting Russia. It may be recalled that according to this document the United States Government was not prepared to recognize any diminution of the Russian territory, because the people of the United States considered the people of Russia as their friends and inasmuch as the Soviet Government was not recognized by the United States as having authority to speak in the name of the Russian people,—in view of the friendship between the two nations,—no such diminution could be recognized by the United States until such time when Russia would have a government representing the will of the Russian people. When it was pointed out that Lithuania, Latvia, Esthonia,[26] Finland [27] and territories now forming an integral part of Poland [28] were taken from Russia and that the United States Government accorded them recognition, a fact which sanctioned a diminution of Russian territory,—representatives of the State Department replied that the case of Bessarabia is not identical, as the Soviet Government had concurred in the above-mentioned territorial changes but not in the loss of Bessarabia. However, it is difficult to understand how such a recognition by the Soviet Government might affect the situation inasmuch as this is exactly the same Russian Government which the "Colby Note" disqualifies from having the right to voice the will of the Russian people and which is still not recognized by the United States of America.

Moreover, the United States Government, in the "Colby Note," adopted the principle that the aspirations for liberation of such nations which live on territories forcibly annexed by Russia are legitimate and their liberation from oppressive alien rule involves no aggressions

[25] See note of August 10, 1920, to the Italian Ambassador, *Foreign Relations*, 1920, vol. III, p. 463.

[26] On July 28, 1922; see *ibid.*, 1922, vol. II, pp. 873–874.

[27] On May 7, 1919; see note of January 12, 1920, to the Finnish Minister, *ibid.*, 1919, vol. II, p. 226.

[28] On January 22, 1919; see telegram No. 395, January 22, 1919, from the Commission to Negotiate Peace, *ibid.*, p. 741.

against Russia's territorial rights and has received the sanction of the public opinion of all free peoples. This is precisely the case of Bessarabia. In no case have the Russians more brutally abused a small nation and annexed more arbitrarily a territory from a country which was too weak to defend itself. And of all these annexations, Bessarabia was the most recent one. It is, undoubtedly, for these reasons that the Principal Allied Powers and the majority of the civilized world hastened to repair this wrong.

But leaving aside the juridical and historical aspects of the question, the *de facto* situation is that for over ten years, Bessarabia is an integral part of the Kingdom of Roumania, a country with which the United States of America is in friendly relations. The freely elected representatives of Bessarabia are members of the Roumanian Parliament, and other Bessarabians are to be found in the Government, who together with the Crown have to decide upon the relations between Roumania and the United States of America.

To sum up, there are two theses on the subject:

(1) Roumania, a country with which America has friendly relations, maintains that Bessarabia freely demanded her reunion with Roumania, from whom she was arbitrarily separated, in violation of treaties and good faith. This thesis has been accepted and guaranteed by the European powers.

(2) The U. S. S. R., with whom America has no diplomatic relations, maintains that Roumania has "occupied" Bessarabia.

Roumanians cannot but be painfully impressed by the fact that the United States of America seems to have adopted the Russian point of view, by describing Bessarabia on official maps as being "under Roumanian occupation" and by including Bessarabia in the Russian immigration quota.

It is believed that the United States of America could easily remove these sources of irritation without in any way prejudicing the legal issue, inasmuch as by a change on the above-quoted points they would merely be recognizing the *de facto* situation today. It is further believed that such action would in no way conflict with the traditional American policy of noninterference in European political differences, on the contrary it would be the true expression of a policy of neutrality on such issues.

It should be noted that apart from the three great European powers who have solemnly and explicitly recognized "de jure" the reunion of Bessarabia to Roumania, all other countries have tacitly acquiesced in the facto situation as it now exists, with the sole exception of the United States of America.

It hardly needs to be added that any change on the above quoted points would not receive any publicity in Roumania, but would be welcomed with great satisfaction by the responsible factors of the country.

[WASHINGTON,] Febr[uary] 18, 1930.

871.014 Bessarabia/128

The Rumanian Minister (Davila) to the Secretary of State

The Roumanian Minister presents his compliments to the Secretary of State, and has the honour to request him to be good enough to let him have a reply to his *aide-mémoire* of February 18th, concerning the status of Roumanian citizens born in Bessarabia.

WASHINGTON, August 22, 1930.
No. 3650/P–8

871.014 Bessarabia/133

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray)

[WASHINGTON,] October 1, 1930.

Mr. Nano, the Rumanian Chargé d'Affaires, called on me this morning at my request, at which time I took up with him the matters mentioned in the Minister's *aide-mémoire* regarding the status of Bessarabia, handed to Mr. Cotton on February 18, 1930. I referred to the Minister's subsequent third-person note of August 22, 1930 in which he requested the Department to let him have a reply to the above-mentioned *mémoire*, which in the latter instance he describes as "concerning the status of Rumanian citizens born in Bessarabia."

I explained to Mr. Nano that the Department had not considered that the Minister's *aide-mémoire* of last February required a reply and that hence none was made. Since the receipt, however, of the Minister's note of August 22, 1930 we had examined certain of the points raised in the original *aide-mémoire* and that I was now prepared to talk to him on the subject.

I stated that inasmuch as the Minister had not specifically raised the question of our recognition of Rumanian sovereignty over Bessarabia there would appear to be no need to touch upon that question in our conversation. Proceeding then to the question of immigration quotas I informed Mr. Nano that the Immigration Act of 1924 [29] presented statutory obstacles to shifting Bessarabia from

[29] Approved May 26, 1924; 43 Stat. 153.

the Russian to the Rumanian quota; that I had been informed by the competent authorities of the Department in Visa matters that the Rumanian wishes in this matter could not be met except by a modification of our present immigration legislation, which I thought would not be feasible.

With regard to the objections which the Rumanians have at various times raised regarding the map of Europe and Asia Minor prepared in 1924 by the War Department, and on which Bessarabia is indicated as being under "Rumanian occupation," I pointed out to Mr. Nano that the above map bears the following notation:

"The boundaries shown upon the map should not be regarded as having political significance, or as involving recognition of new Governments, or of new boundaries, or of transfers of territory, except as the United States Government has already made such recognition in a formal and official manner."

I reminded him that the State Department had had no hand in the preparation of the map and that it was not responsible for the acts of the War Department; in case, however, the latter Department should at any time consider revising its present map, or publishing a new one, the Department of State would be glad to suggest that it omit, in the case of Bessarabia, the description "Rumanian occupation."

Mr. Nano then went over the usual arguments of the Rumanians against our position on the Bessarabian question. He felt the Department had been very inconsistent in insisting that Rumania should come to an understanding with Soviet Russia over Bessarabia before the annexation of that territory could be recognized by this Government. He expressed himself as unable to understand how this Government could take cognizance of any act of the Soviet Government, which this Government refuses to recognize as the proper spokesman for the Russian people. I must confess that there is a good deal to what Mr. Nano says in the above connection. Mr. Nano then pointed out that if the Department wanted to be consistent in this matter it never would have recognized the seizure of the southern districts of Bessarabia by Russia in 1878 against the will of the Rumanian people, since no agreement was ever reached between Russia and Rumania over this territory at that or at any subsequent time. I pointed out, in reply, that we could hardly make retroactive the principle enunciated by Mr. Colby in 1920, since that would lead us to a situation of *reductio ad absurdum*.

Mr. Nano agreed with me that no useful purpose would be served in discussing the matter at the present time, when there was no clear motivation for such action. I remarked that if and when this Government should consent to reopen the question it would doubtless be on some occasion when such action would be clearly

warranted by the circumstances; such circumstances were not, I believed, existent at the present time. Mr. Nano then remarked that the matter was really not one of very great importance, since Rumania now holds Bessarabia and intends to keep it despite Russian protests and that she will conduct herself just as Russia did after 1878 when Rumania protested in vain. He added that, at the time Rumania adhered to the Litvinoff Protocol putting the Kellogg Pact prematurely into force as between Soviet Russia and certain limitrophe States, Litvinoff had stated that the Pact applied to Rumania within her present frontiers and that Soviet Russia, while not giving juridical recognition to Rumania's annexation of Bessarabia, would not use force in order to regain possession of that province.

Mr. Nano said one thing during our conversation which arrested my attention, and it was that it might be difficult for the Rumanian Government to secure from the Rumanian Parliament ratification of any American-Rumanian treaties since the deputies from Bessarabia might obstruct on the ground that this Government had refused to recognize the Rumanian annexation of Bessarabia. I hope what Mr. Nano said in the above connection is not true, since we shall shortly be negotiating a new treaty of commerce and navigation with Rumania and it would be unfortunate to have the treaty defeated because of the opposition of Bessarabian deputies.

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