

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: # 1020, phase 3

2. COW Alliance # (if applicable): # 2005.

3. Signature date(s) (may vary for members in multilateral alliances):
November 29, 1850 (reinstatement)

4. Members of alliance (use COW country codes):

300 Austria
267 Baden
245 Bavaria
255 Prussia
273 Hesse Electoral
275 Hesse Darmstadt
269 Saxony
271 Wurttemberg
240 Hanover
280 Mecklenburg-Schwerin

Hanover and Mecklenburg-Schwerin do not become members of the COW system until 1838 and 1843 respectively. Both are on the Gleditsch and Ward system membership list beginning in 1816.

5. Was the alliance signed during war? If so, which war, and which member(s) was at war? (check COW data)
No.

6. Means by which alliance was established (e.g., treaty, executive agreement, diplomatic notes, etc.): (Only select "treaty" if the agreement requires ratification.)
Treaty.

7. Was the treaty public, public but with secret articles, or secret? If secret articles, describe the content of secret articles.
Public.

8. Are there provisions for adding additional members mentioned in the treaty? (Yes, No) If Yes, describe these provisions.
Yes. According to its original intent, the Confederation is limited to states which belong to it now. The admission of a new member can only take place if all the members of the Confederation consider it compatible with the existing relations, and accordant with the interests of the whole (...) (Final Act, Art.VI).

9. Are specific state(s) mentioned as possible future members of the alliance? (Yes, No) If Yes, which state(s)?
No.

10. Are there specific provisions in the treaty concerning the length of time the treaty is to last? (Yes, No) If Yes, describe.
No.

11. Are there conditions under which members may renounce the treaty? If Yes, describe these conditions.
No. The Confederation is established as an indissoluble Union, and therefore none of its members can be at liberty to secede from it (Final Act, Art.V).

12. Are there specific provisions in the treaty concerning renewal of the treaty? (Yes, No) If Yes, describe these provisions.
No.

13. Number of times alliance renewed, dates of renewal, and means by which alliance was renewed (Do not include automatic renewals):

14. Termination date(s) (may vary for members in multilateral alliances) and source(s) for termination dates(s):
June 15, 1866

15. Describe what caused the alliance to terminate.
Austro-Prussian War (Seven Weeks War)

SECTION II: OBLIGATIONS

16. Type of alliance (defense pact, neutrality pact, nonaggression pact, consultation pact, offense pact): (List all that apply to any member of the alliance.)

Defense Pact
Nonaggression Pact
Consultation Pact.

17. Type of alliance as coded in COW data (if applicable): Defense Pact

18. Describe the obligations of the alliance partners.

The object of the Confederation is the maintenance of the external and internal safety of Germany, and of the independence and inviolability of the Confederated States (Vienna Congress Treaty, Art.LIV; Art. II of present treaty).

The States of the Confederation engage to defend not only the whole of Germany, but each individual State of the Union, in case it should be attacked, and they mutually guarantee to each other such of their possessions as are comprised in this Union (...) The Confederated States engage, in the same manner, not to make war against each other, on any pretext, nor to pursue their differences by force of arms, but to submit them to the Diet, which will attempt a mediation by means of a commission (...) (Vienna Congress Treaty, Art.LXIII; Art. XI of present treaty).

Also creation of Diet for consultation

The Germanic Confederation is a union according to the international law of the Sovereign Princes and Free Towns of Germany, for the preservation of the independence and inviolability of the States comprised in it, and for maintaining the internal and external security of Germany (Final Act, Art.I).

The Confederation has the right, as a Collective Power, to declare war, to make peace, to contract alliances, and to conclude other treaties. According, however, to the object of the Confederation expressed in Article II of the Federal Act, it only exercises this right for its own defense, for the maintenance of the self-existence and external security of Germany, as well as for the independence and inviolability of the individual States of the Confederation (Final Act, Art. XXXV).

As all the Members of the Confederation have engaged by Article XI of the Federal Act to defend the whole of Germany, as well as each of the individual States of the Confederation, against every attack, reciprocally to guarantee the sovereignty of the whole of their possessions comprised within the Union, no individual State of the Confederation can be injured by a Foreign Power, without the injury affecting, at the same time and to an equal degree, the whole of the Confederation. On the other hand, the individual States of the Confederation are bound on their side not to give any cause for such injuries, and not to do any to foreign states (Final Act, Art.XXXVI).

When from the notification of a Member of the Confederation, or other authentic information, there is reason to believe that an individual state of the Confederation, or the whole of the Confederation, is threatened with a hostile attack, the Diet must immediately take into consideration the question of whether there is any real danger of such an attack, and decide thereon with the least possible delay. If the danger is recognized there must be passed simultaneously with the decision to that effect, a resolution relative to the measures of defense which are immediately to be taken in such a case (Final Act, Art.XXXVIII).

If the territory of the Confederation is invaded by a foreign power, the state of war commences immediately, and in this case whatever may be the ulterior decision of the Diet, the necessary measures of defense must be adopted without delay (Final Act, Art.XXXIX).

The resolution passed in the ordinary assembly as to the reality of the danger of a hostile attack, binds all the state of the Confederation to take such measures of defense as are considered necessary by the Diet. In like manner, the declaration of war announced by the general assembly binds all the confederated states to take an immediate part in the common war (Final Act, Art.XLI).

If the preliminary question relative to the existence of danger is decided in the negative by a majority of votes, such of the Confederated States as are convinced of the reality of the danger are nevertheless at liberty to agree among themselves upon common measures of defense (Final Act, Art. XLII).

If a Confederate State having possessions beyond the limit of the Confederation enters into a war in its position as an European Power, such a war, so long as it does not affect the relations and obligations of the Confederation, remains quite foreign to it (Final Act, Art.XLVI). In cases wherein such a state is threatened or attacked in its possessions situated beyond the Confederation, the liability of the Confederation only extends to common measures of defense, or to participation and assistance only in so far as the Diet, after previous deliberation, has recognized by a majority of votes in the ordinary Assembly, the existence of danger for the Federal Territory (Final Act, Art.XLVII).

19. Are any of the obligations contingent upon any of the following: specific adversary, specific location, specific ongoing conflict, number of adversaries, noncompliance with a specific demand, attack, nonprovocation of enemy, or prior agreement among partners? (List all that apply)

Yes- specific location, nonprovocation

20. Describe the nature of the limits to obligations listed in #19.

The defense clauses are only valid for territories in the Confederation (see Final Act, Art.XLVI), and the members are not to provoke attack (Final Act, Art. XXXVI)

21. Are there any additional provisions for assistance in the event of war? (e.g., promise not to participate in economic sanctions against partner, promise not to aid internal or external enemies, etc.) (Yes, No) If Yes, describe.

No.

22. Are there any additional limits to the alliance obligations or conditions under which treaty obligations do not apply that were not listed in #19? (Yes, No) If Yes, describe.

No.

23. Is a specific target/threat mentioned as the object of the treaty? (Yes, No) (Answering Yes to this question does not necessarily mean that obligations are limited only to this adversary.) If Yes, list the target nation(s) (using COW country codes if possible) and describe the general nature of the reference to the target of the treaty.

No.

24. Are the treaty obligations symmetric? (That is, do all members commit to the same obligations?) (Yes, No) If No, describe.

Yes.

25. Does the treaty prohibit members from settling conflicts independently (no separate peace)? (Yes, No) If Yes, describe.

Yes.

(...) When a war shall be declared by the Confederation, no member can open a separate negotiation with the enemy, nor make peace, nor conclude an armistice, without the consent of the other members (Vienna Congress Treaty, Art.LXIII; Art XI of present treaty).

The stipulation of the Federal Act in virtue thereof, when once war is declared by the Confederation, no member thereof can enter by itself upon negotiations with the enemy, nor by itself agree to an armistice, or conclude peace, is equally binding upon all Confederated States, whether they have possessions out of the territories or not (Final Act, Art.XLVIII). When negotiations are carried on, on the part of the Confederation, for the conclusion of peace, or for an armistice, the Diet has to appoint a Committee for the special direction of the, (...) (Final Act, Art.XLIX).

26. Does the treaty have provisions requiring that the contracting parties consult before making commitments to third parties (excluding no separate peace provisions discussed above)? (Yes, No) If Yes, describe these provisions.

No.

27. Does the treaty specify that the contracting parties must not enter into any other alliances that are directed against the alliance in question? (Yes, No) If Yes, describe.

No.

28. Additional coder comments regarding treaty obligations:

If in a war between foreign powers, or in other cases, circumstances arise which occasion the apprehension of an infraction of the neutrality of the Federal territory, the Diet is to decide in the ordinary Assembly without delay upon the requisite measures for the maintenance of that neutrality (Final Act, Art.XLV).

The Diet also can be called upon to examine differences between a member state and a foreign state (Final Act, Art.XXXVII).

SECTION III: INSTITUTIONALIZATION OF THE ALLIANCE

29. Does the treaty make reference to the potential for conflict among members of the alliance? (Yes, No) If Yes, describe.

Yes. The Confederated States engage, in the same manner, not to make war against each other, on any pretext, nor to pursue their differences by force of arms, but to submit them to the Diet, which will attempt a mediation by means of a commission. If this should not succeed, and a juridical sentence becomes necessary, recourse shall be had to a well organized *Austregal* court, to the decision of which the parties are to submit without appeal (Vienna Congress Treaty, Art.LXIII; Art. XI of present treaty).

As concord and peace are to be maintained and undisturbed among the members of the Confederation, if the internal tranquility and security of the Confederation be in any way threatened or disturbed, the Diet has to take counsel upon the measures of preserving or re-establishing them, and to pass the resolutions adopted thereto (Final Act, Art.XVIII).

30. Does the treaty discuss mediation/arbitration or other means of settling disputes among the signatories? (Yes, No) If Yes, describe.
Yes. The Confederated States engage, in the same manner, not to make war against each other, on any pretext, nor to pursue their differences by force of arms, but to submit them to the Diet, which will attempt a mediation by means of a commission. If this should not succeed, and a juridical sentence becomes necessary, recourse shall be had to a well organized *Austregal* court, to the decision of which the parties are to submit without appeal (Vienna Congress Treaty, Art.LXIII; Art. XI of present treaty).

In all differences between Members of the Confederation submitted to the Diet by virtue of the Federal Act, the Diet shall first try the way of conciliation by means of a Committee. If the differences cannot be settled in this way the Diet has to produce the decision of it by an Arbitration Court (...) (Final Act, Art.XXI).

31. Does the treaty require official contact among the military forces of the participating states? (Yes, No) If Yes, describe. (Note whether official contact is required only in the event of hostilities or also during peacetime.)
No.

32. Does the treaty include provisions for military aid? (e.g., grants, loans, transfer of technology, training) (Yes, No) If Yes, describe these provisions.
No.

33. Does the treaty provide for integrated command of military forces while the alliance is in effect (peacetime as well as wartime)? (Yes, No) If Yes, describe.
No.

34. Does the treaty require subordination of the forces of one or more member states to another in the event of hostilities? (Yes, No) If Yes, describe.
No.

35. Does the treaty establish any organizations? (include provisions for regularly scheduled meetings) (Yes, No) If Yes, describe.
Yes. The affairs of the Confederation shall be confined to a Federative Diet (...) (Vienna Congress Treaty, Art.LVI; Article IV of present treaty). Whenever fundamental laws are to be enacted, changes made in the fundamental laws, measures adopted relative to the Federative Act itself, and organic institutions or other arrangements made for the common interest, the Diet shall form itself into a General Assembly (...) (Vienna Congress Treaty, Art.LVIII, Article VI of present treaty). See also Final Act, Art.VII.

36. Does the treaty provide for joint military bases, or for one or more states to place troops in the territory of one or more other states? (Yes, No) If Yes, describe.
No.

37. Does the treaty specify contribution levels (funds, troops, etc.)? (Yes, No) If Yes, describe.
Yes. When a war has broken out every State of the confederation is at liberty to furnish, for the common defense, a larger force than its Federal contingent amounts to; but no claim can be made on the Confederation on this account (Final Act, Art.XLIV).

38. Does the treaty contain any provisions regarding coordinated increase of armaments, reduction of armaments, prohibition of weapons, or rules of warfare? (Yes, No) If Yes, describe such provisions.
No

39. Does the treaty explicitly permit or prohibit the acquisition of territory not currently held by either ally? (Yes, No) If Yes, describe reference.
No.

40. Does the treaty include discussion of the division of gains from any future conflict? (Yes, No) If Yes, describe.
No.

41. Does the treaty include discussion of demobilization/withdrawal following conflict? (Yes, No) If Yes, describe.
No.

42. Are there any other provisions in the treaty that describe the means through which the states will coordinate their military efforts and policies? (Yes, No) If Yes, describe.

No.

43. Additional coder comments regarding references to alliance institutionalization:

SECTION IV: TREATY CONTEXT

44. Does the treaty state that it nullifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are nullified and describe the treaty reference.

No.

45. Does the treaty state that it modifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are modified and describe the treaty reference.

No.

46. Does the treaty state that it includes any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are included and describe the treaty reference.

No.

47. Does the treaty make any references to international organizations? (Yes, No) If Yes, list the international organization and describe the nature of the reference.

No.

48. Does the treaty make any references to other existing alliances? (Yes, No) If Yes, list the alliance and describe the nature of the reference.

No.

49. Are there any companion agreements referenced in the treaty? (Yes, No) If Yes, describe the agreements.

No.

50. Does the treaty include statements regarding non-military cooperation (e.g., economic, cultural, scientific exchange)? (Yes, No) If Yes, describe.

Yes. Civil rights, bishops and clergy, pensions, commerce and navigation (original treaty)

51. Does the treaty resolve other conflicts among the parties to the alliance? (Yes, No) If Yes, describe.

No.

52. Does the treaty propose/enforce settlement of a conflict not involving parties to the alliance? (Yes, No) If Yes, describe.

No.

53. Does the treaty propose other agreements among the contracting parties? (Yes, No) If Yes, describe.

No.

54. Does the treaty mention unresolved conflicts among the contracting parties? (Yes, No) If Yes, describe.

No.

55. Does the treaty include provisions for economic aid or other enticements (include trade concessions, post war recovery, etc.)? (Yes, No) If Yes, describe these provisions.

No.

56. Does the treaty describe circumstances under which one party may intervene in the internal politics of another party or specifically commit the states to non-intervention? (Yes, No) If Yes, describe.

Yes. The maintenance of the internal tranquility and order in the Confederate States belongs to the respective Governments only. As an exception, however, with regard to the internal security of the whole Confederation, and in consequence of the obligation of its members mutually to assist each other, the whole may cooperate for the preservation or restoration of tranquility, in case of the resistance of subjects against their government, in that of an open revolt, or dangerous movements in several states of the Confederation (Final Act, Art.XXV). See also Final Act Articles XXVI, XXVII, XXVIII, XXXIII, LIII.

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty: Phase 3 of 3 phase treaty.

58. Source of coding information (e.g., treaty, treaty and secondary sources, secondary sources only, etc.): Treaty and Final Act of Ministerial Conference creating Confederation.

59. Treaty citation: Hurst, Michael. Ed. 1972. Key Treaties for the Great Powers 1814-1914, vol.1 (1814-1870). St. Martin's Press, pp. 34, 67, 149

60. Date of last revision of this coding sheet: 02/11/05.

61. Coder: Jeff Ritter, Michaela Mattes, and Ashley Leeds