

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 1135

2. COW Alliance # (if applicable):
2027

3. Signature date(s) (may vary for members in multilateral alliances):
May 26, 1849

4. Members of alliance (use COW country codes):
255 Germany
269 Saxony
240 Hanover

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.
The alliance is open to any member of the *Deutscher Bund* that is willing to subject itself to the rulings of the provisional federal court of arbitration (*provisorisches Bundes- Schiedsgericht*). The formation of this court of arbitration is one of the commitments the members of the alliance make (Art. V. § 1.).

9. Are specific state(s) mentioned as possible future members of the alliance? (Yes, No) If Yes, which state(s)?
Only the members of the *Deutscher Bund*. The statements by Saxony and Hanover following the alliance protocol point to the desire to include Austria but Austria is not specifically mentioned in the treaty itself.

10. Are there specific provisions in the treaty concerning the length of time the treaty is to last? (Yes, No) If Yes, describe.
The specific terms of the treaty are valid for one year following June 1, 1849. If before the end of this term the planned constitution for the German empire comes into existence, the provisions of the constitution are to be followed. If after the end of the year the constitutional order in Germany has not been restored the parties reserve for themselves the right to change the terms. (In the statements following the treaty, Saxony and Hanover say that if the states of southern Germany, esp. Austria, have not joined the treaty by the end of the year they reserve the right to renew renegotiations and modify the draft of the constitution.)

11. Are there conditions under which members may renounce the treaty? If Yes, describe these conditions.
No

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):
0

14. Termination date(s) (may vary for members in multilateral alliances) and source(s) for termination dates(s):
October 20, 1849

15. Describe what caused the alliance to terminate.
Saxony and Hanover withdrew

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 and consultation

17. Type of alliance as coded in COW data (if applicable):
defense pact

18. Describe the obligations of the alliance partners.

Prussia leads the military operations. For this purpose, the allies give Prussia all authorizations according the provisions §50,53,54,57-64 of the war constitution of the *Deutscher Bund*. (Apparently these provisions apply to every commander in chief.) For this purpose, the allies will have their troops ready. More precise provisions with respect to the number of troops, their positioning etc. are reserved to further consultations.

In general, the troops shall be used to guarantee internal order in the own state and in immediately contiguous areas. In cases of emergency any ally can help a contiguous ally without needing to receive permission by the all alliance members. Only when military operations are more encompassing all troops are to be viewed as one army and used as such.

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)

See 18

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

See 18

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.

Yes - usually states are only required to aid contiguous states

See # 18

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.

No

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:

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 - see # 30

30. Does the treaty discuss mediation/arbitration or other means of settling disputes among the signatories? (Yes, No) If Yes, describe.

The members of the treaty commit themselves to create a provisional federal court of arbitration whose judgment the subject themselves to (Art. V. § 1.). The court of arbitration is composed of federal judges where three are from Prussia, 2 are from Saxony and 2 are from Hanover. The seat of the court is Erfurt. The eldest Prussian judge is the chairman. The members subject themselves to judgments on the following issues: 1) given the constitution has not been introduced yet, in cases in which the draft of the constitution requires the judgment of the *Reichsgericht* (imperial court), 2) all complaints about internal disorder that cannot be solved by the administrative council and civil-commissionaires, 3) all legal disagreements that ensue from the alliance treaty itself.

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.)

During hostilities - see # 34

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.

Prussia is commander in chief. When more comprehensive military actions are deemed necessary the troops are considered as one army.

35. Does the treaty establish any organizations? (include provisions for regularly scheduled meetings) (Yes, No) If Yes, describe.

A *Verwaltungsrat* (administrative council) that handles the business of the alliance is created. Each member of the alliance sends one or more authorized representatives. The council is to convene in Berlin immediately after ratification of the treaty. The council handles all communication between Prussia and the other members of the alliance. Among the areas of responsibility of the council are the following: 1) admission of new members 2) appointment of the *Reichstag* that is to determine the constitution and the leading of the negotiations about the constitution in the *Reichstag* 3) in case of demands for help when internal disorder occurs the council sends civil commissionaires with the military operations; it decides whether to try to arbitrate or to transfer the case to the court of arbitration; reimburse the costs of helping and ally.

In case that diplomatic negotiations become necessary because of possibly external threats or for the formation of alliances Prussia is to lead these negotiations. The council can decide to send authorized representatives of the other allies to the negotiations. Furthermore, certain types of business like the confirmation of already existent provisions and some (not more closely specified) individual decisions Prussia has to decide.

Also court– see 30

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.

No

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:

No

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.

A draft for the proposed constitution is attached to the treaty. The draft is to be introduced to the *Reichsversammlung*.

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

See 49

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.

See 49

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 - purpose of the alliance is to guarantee internal order

See # 18

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty:

Coded from German by Michaela Mattes

58. Source of coding information (e.g., treaty, treaty and secondary sources, secondary sources only, etc.):

Treaty

59. Treaty citation:

Geo. Fr. De Martens, Ed. 1856. *Nouveau Recueil General de Traites*. Gottingue: Librairie de Dieterich. Series 1, Volume XIV (1843-1852), pp. 445-456.

60. Date of last revision of this coding sheet: July 7, 2004

61. Coder: Michaela Mattes and Ashley Leeds