

## EUROPEAN DIPLOMACY AND THE PRINCIPLES OF PUBLIC INTERNATIONAL LAW APPLIED DURING THE CONGRESS OF BERLIN 1878

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**Abstract:** *During this historical time, Romanian diplomacy followed the stable line of the national party who aimed to create a young national state and obtain state independence; this was the main state goal. Considering these major objectives, the deciding parties acted in the spirit of public international law in order to secure Romania's acknowledgement as an independent nation with a well-deserved role among all other independent countries. As a result of the diplomatic efforts which preceded the Congress of Berlin, Romanian diplomacy obtained the acknowledgement of the legitimacy of Romania from all major powers, so as to obtain the statute of sovereign and independent country.*

**Key words:** *state, sovereignty, independence, legal regulation, principle of law*

Acquiring state independence would represent the fundamental objective of Romanian diplomacy during the last decades of the 19<sup>th</sup> century within the international context which revealed a new evolutionary stage, an "oriental crisis", in the sinuous context of European forces which became obvious in the Balkan Peninsula.

Within this climate of restating the diplomatic and political balance, manifested by the great European chancelleries, we notice a new stage of the "oriental crisis" in which the Paris Treaty of 1856 was slightly altered between 1870-1871, an action likely to lead to the finalizing of the objectives of the bourgeois - democrat revolutions from the mid-19<sup>th</sup> century in this area of south eastern Europe, namely "the creation of Serbia and Montenegro, the Kingdom of Greece, the acquiring of independence of the Romanian provinces" (Renouvin, 1954, p.64).

The oriental problem led to the aggravation of French - English rivalry in this area and, given the economic context, Turkey's independence from English and French capital will inevitably lead to Turkey's independence from England and France and a demise of their influence in the Balkan Peninsula, which was likely to create new coordinates for the diplomacy of subjugated countries from this part of Europe.

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The signal for the start of all fights for national emancipation for the Balkan countries was the 1875 revolution of Bosnia and Herzegovina which was of an anti-feudal and nationalist character, with strong religious implications, namely the abolishment of all feudal relations maintained by the Muslim domination, which led to the awakening of the national spirit in the Balkan Peninsula, at that time under the sovereignty of the Ottoman Empire, an empire blocked in old social-economical practices and policies, which were in obvious contradictions with the emancipated European system, free from the anarchy and feudal relations.

This move was not without diplomatic consequences in regard to Romanian diplomacy, who, through A. Cantacuzino, a diplomatic agent in Belgrade, stated on July 3<sup>rd</sup>, 1875 that *"all who desire to seriously rebel against Turkish sovereignty hope that, this time the movements will spread in Bosnia and very soon the riot will be supported by Montenegro on one side and Serbia on the other side"*, (Maciu, 1955, p.57).

The revolution would determine Serbia to diplomatically act in this area in order to create an anti-Ottoman front, an action which would represent a failed diplomatic endeavor, as the reserved position of Greece who adopted "a policy of common sense and peace" was in opposition with the main endeavor initiated by the Serbian opposition who, as a result of these actions, was deprived of any real possibility to finalize and valorize its actions.

The events of the Balkan Peninsula were influenced by the relations between European forces, as France's defeat in the war against Germany had rearranged diplomacy on new coordinates by the political-military alliances which would be concluded during this time.

We notice a potential growth of Germany's positions on a military and diplomatic level, which, along with Russia and Austria-Hungary would create a structure of force in Europe in 1873 by the creation of "the Alliance of the three emperors, meant to isolate France and its influence in European diplomacy".

The increase in the influence of these powers was reflected in regard to the solving of the "oriental crises", as the diminishing influence of France in the Balkan Peninsula, as well as the lack of methods and political - economic means to counter the alliance of the "Three Emperors" would cause British diplomacy to continue to support "the sick man" of Europe - The Ottoman Empire - thus the English economic and political interests in the area were under threat.

In this context, England adopted a policy meant to preserve the structure and integrity of the Ottoman Empire, which would become the main target of all political and diplomatic actions by the powers in the neighboring area, Austria and Russia, which shared disagreement in regard to the project of the future political and state structure in the Balkan Peninsula.

While Russia supported the national rebellion of Slavic people and the project of creating a Slavic state which was subjugated to Russia, Austria - Hungary was on opposing position considering this situation, thus it supported the status-quo in the area and conserving the integrity of Ottoman state, a true "prison of Balkan states".

Given this context of international political life, Romanian diplomacy, especially in the beginning of 1876 when the Foreign Office is led by M. Kogalniceanu, aimed to

acknowledge the legitimacy and independence of the Romanian state, as, in accordance with public law regulations, in order for the Romanian state to be fully acknowledged as an international subject of law, it needed to be sovereign and independent.

As a result, the specific action occurred by the drafting of a document which was of the legal nature of a tool of international law, on 16/28 June 1876, "*by which the great powers were asked to acknowledge the individuality of the Romanian state and the name of Romania*," (Romanian History, 1946, p.59).

This was a new stage in regard to the strategy and tactic of the Romanian diplomacy, thus renouncing the passive and mildly neutral position for a more active one, with specific demands of autonomy aimed to promote and internationally acknowledge the state independence which would become "the main key" for the external policy of the young Romanian national state.

The proactive attitude of Romanian diplomacy would be received with some reservations and even hostility by some of the great powers which continued to aim for the maintain of integrity and the political form of the Ottoman Empire, an action likely to deepen the "oriental crises" at the end of the 19<sup>th</sup> century.

The existing rivalry between the great powers which had direct interests in the Balkan Peninsula would influence the orientation of the foreign policy of the Romanian state, as the agreement concluded between Russia and Austria - Hungary in Reichstadt in the summer of 1876, an agreement by which tsarist Russia would obtain, from Austria - Hungary, the promise of neutrality in case the tsarist empire would attack Poland, determined a new approach from the Romanian diplomats.

In this context, as it was officially stated by Romanian diplomats, a series of actions was needed, meant to "align Romanian external policy with that of Austria - Hungary and Russia, (Archives du Ministere des Affaires Etrangeres et du Chambre exteriore du Belgique, in Romania in international relations, p.266).

Thus, a new direction and a new approach was imposed on Romanian diplomacy in this new context created by the interests of the two great powers in this area, in regard to the faith of the Ottoman Empire; these new strategies were imposed as a result "*of the imminent events on the Ottoman Empire's borders*," (Ciachir, 1968, p.157).

Given these coordinates, diplomatic meetings take place between the two great powers; thus, in August 1876, I.C. Brătianu meets with Franz Joseph in Sibiu and provides insurance in regard to "good vicinity from Romania"; this is followed by a visit from a Romanian delegation, formed of I.C.Brătianu, Gh.Slăniceanu, Th.Văcărescu, general Singurov in Livadia (Romania in International Relations, 19802, p.267); during this visit, the Romanian delegation would inform the Russian tsar of Romania's position.

The mission of Romanian diplomacy was all the more difficult as within this international climate, western powers were passive in regard to the legitimate requests from Romanian diplomacy and Russia would reject a new agreement with Romania, a tool which was likely to become a one of public international law seeing the two states on equal positions, the guarantee of territorial integrity of the Romanian state; by the voice of Gorceacov, the tsarist Empire wanted the conclusion of a simple military convention, without political character, thus attempting to avoid providing any kind of territorial guarantees (Maciu, 1967, p.36).

The evolution of these events would prove that a convention with Romania was indeed necessary to Russia at the end of 1876, a fact stated by the unexpected visit by the Russian attaché in Constantinople, Nelidov, who met with I.C. Bratianu with this very purpose. All these diplomatic endeavors lead to the conclusion of the 4/16 of April 1877 Convention, which was purely technical, without territorial guarantees. This Convention was concluded before the Russian - Turkish conflict broke out.

In the first half of 1877, Russian diplomacy acted in two directions - one was focused on obtaining neutrality and lack of support for Turkey from the great powers, whereas the second direction aimed to attract Romania, although Russia insistently demanded to annex Basarabia, a Romanian territory.

The war broke out and all treaties meant to restore peace in the Balkans directly showed Russia's interests in this area, which were conflicting with the normal aim of Balkan countries and the political and diplomatic actions of the leading forums of Romania.

Relevant in this matter are Gorceacov's suggestions, namely the instructions given to Suvorov on May 30<sup>th</sup>, 1877, who aimed to create a Bulgarian state which was subjugated to the great European powers, a territorial expansion for Serbia and Montenegro, obtaining autonomy for Bosnia and Herzegovina, reaching an European consensus for Romania's independence, obtaining Dobrogea and the annexing of Basarabia by Russia, which would obviously receive war damages.

The solving of the "oriental problem" represented an extremely difficult problem for the great European powers, namely that of configuring the geopolitical map of the Balkan Peninsula after the Ottoman Empire had been dissolved.

In this context, obtaining autonomy or independence by some states would be conditioned on certain territorial changes and on accepting external influence in matters of internal politics of these states, which was a serious obstacle in obtaining sovereignty and represented a discriminatory regime for these countries.

Romania, who proclaimed its state independence on May 9<sup>th</sup>, 1877 followed the evolution of diplomatic relations around the Congress of Berlin (June 1877) aiming to obtain international support for the acknowledgement and guarantees of state independence, obtained with huge effort in the military campaigns of 1877-1878.

Romanian diplomacy faced a difficult situation around the time of the Congress of Berlin, as it had not obtained any guarantees in regard to its territorial integrity from the great powers and it did not have sufficient promise in regard to the unconditional acknowledgement of its state independence.

Thus, Romania's representation at the peace congress was a major task for Romanian diplomacy as, only under such conditions, it can announce its interests and legitimate historical interests.

To this end, Romanian diplomatic circles maintained a balanced position as it entertained the premise that it was not wise to participate as an equal to the great powers who signed the 1856 Treaty, but to consider the fact that Romania would participate only in the debates that directly involved matters of the Romanian state, thus being able to suggest amendments or to invoke exceptions before the deliberating body of the Congress.

Thus, by invoking the precedent of Greece, which was supported by England, M. Kogalniceanu issued a statement which unequivocally stated that "we have more rights than Greece to be present, as we have many issues to defend before the congress, (Minister for Foreign Affairs, Official Documents, p.90).

Bismark himself would later admit before the Reichstadt that his mission was to negotiate and harmonize the common interests which would arise at the congress, showing that he would act as an "honest broker".

When the Congress officially began in 1/13 June 1878, Romania, with all the political and diplomatic effort, still did not manage to secure sufficient guarantees in regard to the unconditional acknowledgement of its state independence.

However, we must point out that the issue of acknowledging state independence was somewhat certain; however, it was dependent of meeting certain requirements which allowed for foreign influence in Romania's internal policy. Romanian diplomacy acted to prevent these measures, by using different channels.

The Romanian delegation to the congress, which included I.C. Bratianu as prime minister and M.Kogalniceanu as a foreign affairs minister, expressed their desire from the first day of Congress, thus demanding "that their intention to be invited before the congress and defend the historic rights of their country" was considered (Minister for Foreign Affairs, Official Documents, p.164).

The Romanian delegation undertook serious diplomatic efforts, meeting internationally visible diplomats, but all these initiatives were met with a rather neutral and prudent position and it failed to provide any specific guarantees for the Romanian state.

Relevant in this matter is the note addressed to Bismark, through which the Romanian party insistently demanded "that any measures against Romania will not be taken before its representatives are heard by the Congress, (Minister for Foreign Affairs, Official Documents, p.164).

Romania's situation at the congress of Berlin would be discussed at the 19<sup>th</sup> of June/July 1<sup>st</sup>, 1878 meeting, when the Romanian party presented a memorandum which referred to the borders agreed upon at the Paris Congress of 1856, then Romania's claim for the Danube Delta, a part of the war damages in accordance with its armed forces and neutrality provided there are real guarantees in this matter,,( Romania in international relations, p.294).

The demands of the Romanian delegation became secondary matters and were not the object of any debate, as first came the promotion of the interest of the states which led the congress through their representatives.

These interests became much more obvious, although they were imposed by indirect means of protecting the freedom of cult, which covered the economic and political interests of the great foreign industrial and banking corporation who had interests in Bulgaria, Serbia and Romania.

Given these reasons, the change of article 7 of the 1866 Constitution was required, as this article provided full civil and political rights only to citizens of Christian belief; this measure would be extended to all other religions especially to mosaic ones; this caused difficulties with the Romanian representatives who saw this as a foreign influence which

was likely to impair on the sovereignty of the young Romanian state. It was also ruled that citizens would freely circulate on the Danube, according to article 48 of the Treaty and Dobrogea would become part of the Romanian state again. However, Romania lost Basarabia which was incorporated by tsarist Russia.

The normal outcome of the 1877-1878 war against the Ottoman Empire required a huge material and human effort, Romania's state independence, sealed by the subsequent efforts of Romania, was a moment of great importance in national history and will continue to represent a landmark and a symbol of our people's effort in order to create a state which provided equal rights with all other subjects of international law in terms of the diplomatic and political life.

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