DIPLOMATIC PROCEDURES DURING THE BALKAN WARS
(1912–1913)

Diana Ionela Anches*

Abstract

The history of international relations is full of constructive examples concerning the use of diplomatic procedures of conflict resolution. In this paper is done a short analysis of how the diplomatic procedures were used during the Balkan Wars (1912-1913) from the perspective of the attitudes manifested by the states involved. This analysis relies on the opinions expressed in the research literature on this topic, and also on the theoretical provisions that have emerged so far. In the introductory part is presented the perspective of the International Court of Justice on what conflict or international dispute means, and also the opinion expressed in the research literature of international public law regarding the classification of diplomatic procedures of conflict resolution. The attention is focused on a few theoretical aspects concerning the diplomatic procedures of conflict resolution in the international relations as they were presented over the years in the research literature. Considering this approach useful, especially for the case study presented in article, (the one regarding the peaceful international conflict resolution procedures used in the Balkan Wars), the article aims to identify how many of the presented diplomatic procedures of conflict resolution were indeed introduced (or used) during the Balkan Wars (1912-1913) and by whom.

Keywords: Arbitration, Balkan Wars, diplomatic procedures, good offices, international conflict resolution procedures, mediation, negotiation.

* “Vasile Goldiş” Western University of Arad, Romania, Faculty of Law Sciences diana_anches@yahoo.com
1. Introduction

In 1962, the International Court of Justice stated that “conflict” or “international dispute” represents “a disagreement about matters of fact or of law, a contradiction, and an opposition of legal thesis or of interest between two or more states”\(^1\). Starting from this definition, some authors distinguished between disputes of a legal nature (which refer to the application or to the interpretation of the existing law) and disputes of a political nature (which, in turn, refer to the creation of the law or to the modification of the existing law and which cannot be legally formulated because are directed towards a further development)\(^2\).

We consider that both Balkan Wars can be classified as disputes of a political nature, which had at their basis deeply rooted ethnic, economic and ideological issues\(^3\).

Both types of identified disputes can be solved in different manners. David Ruzié – identified two categories of international conflict resolution manners: a peaceful one which can be: diplomatic (negotiation, good offices and mediation), and established (inquiry, conciliation, reconciliation and arbitration); and a non-peaceful one determined by the law of war\(^4\).

2. Diplomatic procedures of conflict resolution in international relations

International diplomatic procedures of conflict resolution are old procedures which are meant to bring together, through a third party, the views of the ones involved in the conflict until the point they accept a common solution. The first diplomatic procedure to which we understand to make reference is negotiation. As I. William Zartman writes, “diplomacy itself represents the

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\(^3\) Referring to the basis of international conflicts, see: Whittacker, D.J. Conflict and Reconciliation in the Contemporary World, Routledge, London, 1999, pp. 1-3.

management of the international relations through negotiation (…)". In his paper "Negocierile în viața social-politică", Liviu-Petru Zăpârțan dedicated an entire chapter to the diplomatic negotiations and defined them as being "the essence of the diplomatic activity (…)". He also states that that diplomatic negotiation is "a peaceful way of conflict resolution between states" comprising, "broadly, the development of the diplomatic dialogue, and narrowly, the intervention in the relationship between the subjects of international law, accomplished differently according to the degree of explanation, of formalism, of commitment of the states, but through which to reach legally binding agreements".

Diplomatic negotiations develop in the context of normal relationships between states, through some regular meetings, of some special conferences, through diplomats or politicians, officially or officiously (exploratory), orally or in writing, directly (Heads of States) or indirectly (at a ministerial level).

Until the 19th century, negotiation was characterized by “personalization”, with the consequence of ignoring “the interests of the population”. Subsequently, it was considered that negotiation “means a permanent communication, with sophisticated negotiation techniques (…) and with rich information of the public opinion”.

The contemporary approach of diplomatic negotiation shows the necessity of respecting partner’s interests, based on the principle of reciprocity and of tolerance and on the basis of recognizing the differences. The consequence of the contemporary diplomatic negotiation relies especially on the recognition of the “force of the international law”.

Besides negotiation, The Hague Conventions contain provisions referring to good offices and mediation. Based on the texts of the Conventions, the signatory states have committed themselves to ask “friendly states, if circumstances allow it”, for a procedure prior to war, namely for good offices. Without making any express reference to good offices, UN Charter recognizes, in article 33, their importance. Also, without making any reference to the situation

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7 Ibid., p. 282.
11 Ibid., p. 286.
concerning the Americans, consecrated in article 9 of the Bogota Pact, with reference to this text, it can be retained that good offices represent the approach of a third party (government/governments or an eminent citizen) uninvolved in the conflict, undertaken in order to bring together parties so that they could have the possibility to find a solution which is mutually acceptable. Traian Chebeleu showed that the purpose of good offices is limited to bringing the parties to the negotiation table and maybe to encouraging them to restart negotiations when they were interrupted. The third party does not participate in these negotiations and does not make proposals for the resolution of the dispute, his role being limited to the conciliation of the parties involved in the conflict, in the sense of negotiating. For a conflict to be settled through good offices, it is also necessary that the parties both accept them when they are initiated by a third party from his own initiative, and when they are demanded by one of the parties.\textsuperscript{12}

In turn, \textit{international mediation} was defined by I.W. Zartman as “a form of third party intervention in a conflict” which is different from other forms of third party intervention because it is not based on the direct use of force and it does not mean helping the participants to win the conflict. The purpose of international mediation is to bring the conflict to an agreement acceptable for all groups, and also for the interests of the third party intervener. This author also shows that international mediation implies a negotiation between the conflicting parties, a negotiation which is facilitated by the third party. In the international mediation, the third party has an active and powerful role. Whatever the status or the strategies of the international mediators, they operate on a difficult and uncertain field, entering a conflicting relationship in which parties have different expectations, purposes and costs. The field on which the international mediator operates allows him to adopt many roles and techniques (facilitation, encouragement, manipulation)\textsuperscript{13}.

Among the strategies used by the international mediator we recall: the strategies concerning the creation of the agreement and orchestrating conflict strategies\textsuperscript{14}; the strategies for the segmentation of the conflict and the strategies of

\textsuperscript{14} Kolb, D. “Strategy and tactics of mediation”, \textit{Human Relations}, no. 36, 1983, pp. 24-68.
addressing the conflict in its entirety; the interaction, the pressure, the compensation and the inaction; the strategies of communication – facilitation, the strategies of formulation and the strategies of manipulation. These last ones can include pressures and threats exercised by the international mediator so that the parties make concessions and reach a compromise.

The use of the strategies of manipulation by the international mediator brings into discussion the problem of its power which is focused on its ability to direct the parties towards the desired purpose (ex. US mediation in the conflict between Rhodesia and Zimbabwe 1976-1979).

The Hague Conventions of 1899 and of 1907 establish that mediation is a peaceful means of international disputes resolution, along with good offices, conciliation and arbitration. Due to the ambiguities which have been reported in the research literature concerning the text of the Conventions, especially concerning the frequent confusion between the recalled terms, so that states were confronted with an unclear text, is considered that in this field of international mediation, the doctrine and also the practice of the states are edifying.

The basic characteristic of the established procedures of peaceful settlement of the international conflicts is represented by the consent of the parties concerning the creation of a settlement body for the conflict between them.

The inquiry has the purpose of facilitating the resolution of a conflict through an impartial body composed of the nationals of the states in conflict and of third parties chosen according to their competence. The intervention of the international commission of inquiry is limited to the examination of the facts, being designed to highlight the causes and the consequences of the conflict and also the responsibilities which accompany it.

In turn, conciliation is a procedure which implies the intervention of an international commission composed of a number of people chosen because of

22 Ibid., pp. 157-158.
their trustworthy reputation on behalf of the parties involved in the conflict and is designed to reconcile opponents after having performed an adversarial procedure. The findings of both commissions (inquiry commission and conciliation commission) do not have a binding character for the parties. Also, both procedures are qualified as being preliminary procedures of the international conflict resolution process.

Unlike the inquiry or the conciliation, arbitration is a definitive procedure which allows the resolution of the conflict by the arbitrators chosen by the parties. In order for this procedure to be put into practice in the international relations, three essential conditions must be fulfilled: the express consent of the states or the “compromise for arbitration”; the establishment of the arbitrator body – which after the Hague Convention of 1907 was named the Permanent Court of Arbitration and it referred to a list of people who were susceptible of being chosen as arbitrators; and the free establishment of the arbitral procedure.

The arbitration decision has a binding character, in principle, for the parties because they must perform it in good faith, and it has a relative character concerning the third parties. There should be mentioned that arbitration functions when parties wish to reach an understanding and do not worry about the one who is in control of the outcome. David Ruzié also referred to the fact that when there was a political conflict, arbitration always failed to work.

Last but not least, reconciliation means more than the resolution of the conflict, it means its settlement. The settlement of the conflict means, in turn, that as a consequence of the agreement reached by the parties, and as a consequence of the entire developed process, they succeeded in permanently eliminating the conflict between them, no matter how deeply rooted it was, and without the possibility of a subsequent outbreak. For these reasons, reconciliation seems to be an ideal way of conflict settlement, representing a step towards a safer and integrated community and which had no applicability in the case of the Balkan Wars.

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23 Ibid., p. 158.
25 Id.
26 Ruzié, D. op. cit., p. 159.
Before analyzing the positions of the states in the Balkan Wars based on the theoretical provisions set forth, must be mentioned that a lot more can be said about all these means of peaceful resolution of the international conflicts, but the present paper was not intended to refer to their theoretical clarification, which is why it required only a brief description of their main characteristics in order to help with the approach mentioned above.

3. Peaceful international conflict resolution procedures identified during the Balkan Wars

The Balkan Wars of 1912–1913 occurred as a consequence of the determination of the Balkan states to resolve their problems of national unity “faced with the weakness of the Ottoman Empire and with the opposition of the Great Powers”\(^{30}\). The Great Powers, which had maintained peace in the Balkan Peninsula since 1878 through the mechanism of the Treaty of Berlin, lacked the determination to enforce it when confronted by the Balkan unity\(^{31}\).

First of all, it must be noted that the Balkan Wars have taken the form of regional wars, with a deep political real cause determined by: the desire to divide the sphere of influence in the area; the desire of assertion of some new states; the inter-ethnic and inter-religious tension specific to the field of the ongoing hostilities which was a threat at the time for the international order, if it is to refer to the economical consequences of the hostilities\(^{32}\).

The main actors on the international scene, at that time, were: the Ottoman Empire, the Balkan League – composed of Bulgaria, Montenegro, Greece and Serbia; Romania; and “the Concert of the great European powers” – composed by France, England, Russia, Germany, Austro-Hungary and Italy; and also other actors, as for example the USA (see the map below).

\(^{31}\) *Id.*
\(^{32}\) Here are mentioned the inconveniences determined by the military and naval operations of Greece for the American commerce, by blocking all Turkish ports in order to “paralyze” the commercial transport towards the Ottoman Empire. – For more details, see: Schurman, G, J. *The Balkan Wars, 1912-1913*, third edition, The Floating Press, 2008, pp. 64-65.
The actors of the First Balkan War (October 1912 – May 1913) were the Ottoman Empire and the states of the Balkan League (Greece, Serbia, Bulgaria and Montenegro). The First Balkan War concluded after the surrender of the Ottoman Empire, when the troupes of the Balkan League occupied most of its territory. After the “disaster”, was convened the London Peace Conference which had as participants the delegates of the belligerent states and the ambassadors of the Great Powers. The Ottoman Empire tried to delay as much as possible this Peace Conference because, according to that, the Empire had to give up a great deal of the occupied territories. The persistence and the pressure exercised by the Great Powers determined the Ottoman Empire to sign the London Treaty on the 30th of May 1913. The Peace Treaty provided the territories which had to be given up by Ottoman Empire towards the Balkan League, with the exception of Albania.

whose frontiers were fixed by the Great Powers. The Treaty also provided that
the Great Powers had the power to determine the faith of the Islands from the
Aegean Sea. The Treaty contained provisions concerning Crete Island and the
retreat of the Turkish sovereignty from it, financial provisions and aspects
referring to the new borders of Ottoman Empire34.

The peace imposed by the Great Powers, due to the influence they
enjoyed, did not last. Moreover, the intervention of the third parties (the Great
Powers) was not meant to turn off the conflict through its settlement. The solution
imposed by them not only did not satisfy at least a part of the belligerents, but at
the same time, it gave rise to another conflict, this time between the parties that
were “the winners of the First Balkan War”, regarding the division of the “spoils
d of war”.

The protagonists of the Second Balkan War (June - July 1913) were, at the
beginning, Bulgaria, on the one hand, and Greece and Serbia, on the other.
Concerning this Second Balkan War, two aspects must be taken into
consideration.. First, it is the bilateral treaty referring to the division of the
territories, concluded between Bulgaria and Serbia, and second, the intervention
of Romania in the war along with Serbia and Greece.

Regarding the bilateral Treaty between Bulgaria and Serbia concluded
before the First Balkan War, there should be noted that it did no longer
correspond to the new situation created by the Treaty of London, so that both
parties gave strong signals in terms of its non-compliance. Hence, Serbia insisted
on renegotiating the treaty.

What is interesting for this paper’s objective is the fact that, within the
bilateral Treaty, the Tsar of Russia was named as arbitrator in the case of a
territorial dispute between the two parties. The same Tsar, based on the bilateral
Treaty in discussion asked Bulgaria and Serbia to submit their misunderstandings
to arbitration. The pro-Slavic claims of the Tsar dissatisfied Austro-Hungary
hence rising the tensions between the two great powers. The negotiations that
took place at St. Petersburg, within the “arbitration procedure” failed, and the
solution proposed within this conference did not satisfy the parties. These aspects
have determined the actual outbreak of the Second Balkan War35.

Romania’s intervention in the Second Balkan War must be interpreted in
the context of the conclusion of the Bucharest Peace Treaty signed on the 10th of

34Ibid., pp. 67-70.
35Ibid., pp. 94-97.
August 1913, as a consequence of the Peace Conference of Bucharest, on the 28th of July 1913. As a consequence of this Treaty, Romania was compensated for its neutrality in the First Balkan War, with a part of the Southern- Dobrudja and of the North-East Bulgaria, from Turtucaia to Balchik.

The opinions concerning Romania’s attitude are divided in the research literature. Hence, in an interview for Radio Romania International, the historian Alin Ciupală said that “Romania did not enter the war from the beginning, claiming a position of arbitrator of the Balkans”36. Others recognize that indeed Romania had marked a predominant position in the Balkans, but not as a consequence of its neutrality, but as a consequence of its intervention in the region37. What the research literature has criticized is the compensation awarded to Romania for its neutrality, and more, its claim at the London Conference in the sense of compensating its neutrality. Without entering into this dispute concerning the fairness of Romania’s demands, the neutrality position adopted by Romania does not subsume the position of “arbitrator for the Balkans” because, as it is shown in the first part of this paper, international arbitration needs the fulfilment of certain conditions, some of them stipulated in the Hague Conventions of 1899 and of 1907.

The conclusion that emerges from this analysis referring to Romania’s position in the two Balkan Wars is that it was neuter in the First Balkan War and belligerent in the Second, the only “arbitrator” in this second case being the Tsar of Russia.

Romania, Serbia, Greece, Montenegro and Bulgaria can be considered negotiators of the Bucharest Peace Treaty, due to the fact that in its signing there took part only the representatives of the parties in discussion, without the Great Powers, an aspect which proved the emancipation of the signatory states. This emancipation was also proven by the fact that the treaties that were subsequently concluded with Bulgaria did not record the intervention of the Concert of the Great European Powers which have remained with the competences that were established for them in the London Peace Treaty38.

According to the historians, the Concert of the Great European Powers used the mediation tool in a collective manner during the Balkan Wars. So, the end of the Balkan Wars determined the end of the mission of the Concert of the

Great European Powers to the “collective mediation” of the Balkan conflicts. The division of this Concert into the Central Powers and the Entente, therefore, the division of the interests of the states that composed it, made unenforceable the application of the mediation tool to the new regional and global political context\textsuperscript{39}.

4. Conclusions

Unfortunately, the resolution of the Balkan conflicts did not determine the settlement of their bases. The consequences were dramatic and became manifest worldwide, through the outbreak of the First World War.

It is considered that, to a great degree, the parties involved in the Balkan conflicts lacked the willingness to compromise and this is why the settlement of these conflicts failed to produce. In his work, Richard C. Hall refers to some of the reasons why diplomacy – through its diplomatic procedures – failed to bring peace and settle the existent conflicts of the time. First of all, the author recalls the failure of Bulgaria and Serbia to establish a lasting Balkan union that could have helped avoiding the waist of lives in Bulgarian – Serbian rivalries. Then, the author makes reference to the failure of the Ottomans to take advantage of the fissures in the Balkan League and to the fact that in their attempt to “defend everything (…) they lost everything”. In the Second Balkan War, Bulgaria was the only country in modern Europe that has suffered invasion on every frontier and from every neighbour. With reference to the Treaty of London of May 1912, the author claims that the reason why it became obsolete in only one month after being signed was the disintegration of the Balkan League. Hall also underlines that Russian policy towards the Balkan Wars was inconsistent and ineffective and it did very little to prevent the outbreak of the war. It is considered that the foreign office of Sergei Sazonov did not have a clear idea on Russia’s real interests in the Balkans and that his major error was the failure to maintain the fundamental alliance between Bulgaria and Serbia\textsuperscript{40}.

The Balkan Wars of 1912–1913 represented the marking points of an “era of conflict in Europe” which lasted until the end of the century. The research literature called this era “the Great European War, lasting from 1912 to 1945”. The Balkan area was at that time the arena of the nationalist conflicts with strong ethnic and cultural roots. In Hall’s opinion, only a proper political approach was

\textsuperscript{39} Münch,F. \textit{op. cit.}, p. 18.
\textsuperscript{40} Hall, C, R. \textit{op. cit.}, pp. 139-143.
able to finally drive the Balkan Peninsula towards an economic and political development that made it possible to join the European community.\footnote{Ibid., pp. 142-143.}

**Bibliography**