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THE POLITICAL AND LEGAL FRAMEWORK OF THE POSITION OF SERBIA AT THE BERLIN CONGRESS

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Abstract. *The Treaty of San Stefano brought peace after the Russian-Turkish and the second Serbian-Turkish wars. The Russian interests prevailed in this Treaty, which among other things contributed to creating Greater Bulgaria as a Russian interest sphere. This state of affairs did not bode well with European powers, which found the possibility of regulating the new state of Europe by convening the Congress of Berlin and revising the Treaty of San Stefano. Serbia, still a vassal country de jure, could not participate at the Congress and it defended its interests by a whole array of diplomatic activities, on the margins of the Congress and in the European capitals that had the power to decide at the Congress. Serbia did not manage to accomplish the maximum of its objectives and interests but what it did attain was much more than what the Treaty of San Stefano had offered.*

Key words: *Serbia, Congress of Berlin, Treaty of San Stefano, Serbian-Turkish wars, Jovan Ristić, Bismarck.*

1. SERBIAN-TURKISH WARS AND THE TREATY OF SAN STEFANO

The geostategic and political redistribution of power in Europe during the 1870s was favorable for embarking on the processes for achieving the national ambitions of the peoples of the Balkans, especially those who had already had self-government, and the semi-independent states featuring a larger or smaller degree of independence. The battles for the unification of Italy were over by 1871. After the victory in the war with France (1870), Germany was united in 1871. Two years later, Germany, Austria-Hungary and Russia made a diplomatic alliance (The League of Three Emperors), which heralded not only a new and more active role of European powers in dealing with the *Eastern Question* (the issue of

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succession to the Ottoman provinces in Europe) but also a division of spheres of influence on the Balkans. In that process, Serbia saw an opportunity to increase its territory and change the already accomplished *de facto* independence into formal *de jure* independence. The uprisings of the Serbian folk in Bosnia and Herzegovina, which marked the middle of the 1870s, were the motive for the Principality of Serbia to ask the High Porte (the central government of the Ottoman Empire) for authority over Bosnia in order to prevent new turmoil, before Russia and Austria-Hungary would come to an agreement about the division of the spheres of interest. Initially, the Austria-Hungary approved of this idea. Alongside the diplomatic activity, the Serbian Prince Milan Obrenović and the government were exposed to considerable pressure by nationalistic circles and intelligence to go to war with Turkey. This state of affairs broke even the most persistent opponents of war, including the Prince himself. Yet, there was a common agreement that Serbia could not prepare for and wage war under the guidance of the government headed by Prime Minister Kaljević (known as “The First Action Ministry”). Despite his personal antagonism towards liberal ideology, the Prince turned to the liberals and their leader Jovan Ristić. The new government was formed on 24th April 1876, with Stevča Mihailović as Prime Minister and Jovan Ristić as the Minister of Foreign Affairs. This government was known in public as the “The Second Action Ministry” (Bartulović, Randelović, 2012: 72).

Serbia went to war in 1876 but it turned out that, of all the allies, Serbia could seriously count on Montenegro only and a few volunteers, mostly officers from Russia. Serbia was defeated in this war and, even though Serbia waged this war against the *suzerain*, the *status quo ante* was restored at the Constantinople peace conference in December 1876. The government was held accountable for unsuccessful warfare and obtained “absolution” by the National Assembly, even though the entire process could have been circumvented according to the Constitution. The Russian-Turkish War started in 1877 and it was soon joined by Serbia, which ultimately triumphed, together with Russia and other allies.

After winning the war and arriving at the walls of Constantinople, Russia used its superior position in an attempt to seize the opportunity to conclude peace itself, minding its own interests. After being saved by the British fleet, which had prevented the Russian forces from entering the capital of Constantinople, Turkey was reluctant to cede part of its territory to Serbia. The High Porte proclaimed that the Turks “were ready to surrender a number of important forts to the victorious Russian army but their national pride did not allow them to yield ground to the Serbs, who had avoided the deserved punishment the year before only because of the Russian ultimatum.” However, Turkey had no other choice. Thus, the preliminary Russian-Turkish peace treaty, the Treaty of San Stefano, was entered into on 19th February 1878. According to this peace treaty, the only true winner was Russia, alongside with Bulgaria. All the other participants had some losses, and Turkey practically lost control over all its European territories. Montenegro, Serbia and Romania were officially recognized as independent states. Serbia was allowed to keep Niš and enlarge its territory towards Novi Pazar and Sanjak. Pirot and Vranje were given to Bulgaria. The territory of Montenegro was expanded towards Herzegovina and the port of Bar. Muslims from those parts were guaranteed the right to property (Articles 1-6 of the Treaty). Article 14 of the San Stefano Treaty attempted to address the problem of Bosnia and Herzegovina: “The European suggestions, which had been announced to the Ottoman proxies at the first session of the Conference held in Constantinople, will be carried out immediately in Bosnia and Herzegovina, with changes that are to be decided by a common treaty between the

High Porte and the governments of Russia and Austria-Hungary...”¹, but it did not manage to solve the problem comprehensively.

The greatest attainment of the San Stefano Treaty was the creation of Great Bulgaria as a tributary principality. Considering the nature of the proposed system of government, it was a combination of some features pertinent to Serbia before and after the Congress in Paris. Thus, Bulgaria was to remain under the suzerainty of Turkey and it was obliged to pay a yearly tribute. Bulgaria was to have a Christian government, with a prince chosen by the people but confirmed by the High Porte, subject to approval of the great powers. It was entitled to organize a national army; all Turkish forts were to be demolished and Turkey was not supposed to keep parts of its army on the territory of Bulgaria. The future administrative organization of Bulgaria was to be established before the election of a prince, in the presence of an Ottoman imperial commissioner but under control of the Russian imperial commissioner. The Russian imperial commissioner was also vested with the authority to supervise the operation of the established regime.² The territory of the newly created state was to spread from the Black Sea to the Albanian mountains, including a large piece of Macedonia, some liberated Serbian towns, a part of Kosovo and a large piece of coastline on the Aegean Sea. From the political point of view, Bulgaria was envisaged to be an extended hand of Russia in these parts because the peace treaty explicitly provided for the Russian control over the functioning of the new principality. It was actually meant to be a Russian military outpost and a first step towards conquering Constantinople and taking the Mediterranean, the goals which were only waiting for new opportunities. From a geostrategic point of view, the Principality of Bulgaria was to enable sovereign Russian control of this part of Europe. By gaining control over such a large area, Russia strategically endeavoured to cease the spreading of the Turkish influence into other parts of southern Balkans and Bosnia and Herzegovina, as well as to preclude the expansion of the Austro-Hungarian influence towards the south-east. The victory of Russian military force would, thus, be complete. When deciding on the provisions of the Treaty of San Stefano, Russia was strictly guided by the principle of pure interests rather than by ethical principles or wish to conquer. It would have been dangerous for Russia to satisfy all the requests of Serbia and support a country whose obedience and blind loyalty could never be fully relied upon. Things were quite different with Bulgarians, who were given the opportunity to have their own country. As Russian interests were not separate from the Bulgarian interests, Russia decided to satisfy the interests of Bulgaria first and then (if possible) the interests of Serbia.

However, such a deal which did not include all the parties concerned was but a collection of wishes rather than a reflection of realistic possibilities. Other great powers could not accept the Russian triumph. Even before the signing of the Treaty of San Stefano, German Chancellor Otto von Bismarck announced a congress of great powers, aimed at resolving the Great Eastern Crisis. Bismarck pointed out that in the “Eastern Question” he is but a “fair proxy” with the task of finishing things as soon as possible (Hvostov, Minz, 1949:49). But the “fair proxy” role actually meant that Bismarck renounced his active support to the Russian government and that the “European Concert of Powers” would have the last word. Thus, three days after the signing of the Treaty of San Stefano, Count Andrassy put forward an official proposition for convening a congress which would decide upon the

¹ Balkan Foreign Relations and Treaties: 1876-1996, vol. 1, Belgrade, 1998, pp.88-90.

² *Ibid.*, pp. 78-80.

conditions of peace between Russia and Turkey (Hvostov, Minz, 1949:49). The other great powers also approved of this kind of solution.

This proposed solution was accepted even by Russia, without much resistance. Intensifying the crisis would have opened up the possibility of waging a new war where the British and Austro-Hungarian weaponry would have been used against Russia. According to diplomatic sources, this kind of consideration was primarily posed by Grand Princes Nikolay and Mikhail (who were heads of the army), the Minister of War Milutin, and the Minister of Finance Reiter. Gorchakov was also inclined toward this standpoint. Their conclusion was that further warfare was undesirable for Russia (Hvostov, Minz, 1949:49). Bismarck himself was encouraging the Russian government to go for that solution. Interestingly, the role of a peacemaker was assumed by Bismarck who had formerly encouraged the Russian government to enter into the the Russian-Turkish War.

The achieved agreement on solving the disputed questions at a congress brought a host of diplomatic correspondence, which should have prepared the field for making decisions even before the congress itself. It is interesting to mention and analyse some parts of the intense diplomatic communication of the time. A telegram sent from Saint Petersburg to the Russian mission in Vienna in mid-April 1878, explaining Russia's actions during the war and afterwards, showed to the Austro-Hungarian government that Russia was still standing by the agreements reached before the war, and that it did not deny Austria-Hungary the right to occupy Bosnia and Herzegovina. According to this telegram, the possibility of splitting Bulgaria into two parts was also considered and approved, whereby its south-eastern part would have been subject to a more extensive influence of the High Porte onto the government administration, and the correction of San Stefano borders would have been effected in accordance with the ethnic principle.³ Around the same time, the Austro-Hungarian government sent a Memorandum to the British government, explaining the directions of the Austro-Hungarian politics and why it was necessary to occupy Bosnia and Herzegovina. The Memorandum was accompanied by an Appendix contained a geostrategic and geopolitical analysis, sending fateful messages which would unfortunately mark the entire century, and especially its end. At the beginning of this document, Austria-Hungary explained that the existence of a larger Slavic country in the south of Europe would be dangerous for general stability. Dalmatia was brought up as a geographic factor of instability concerning the property of the monarchy; being a narrow maritime belt, it could not hold its own without some stable hinterland. The text further elaborated on the reasons why Bosnia and Herzegovina could not exist as an autonomous region or a state entity. The reasons were of geographical, economic but mostly ethnic and religious nature; the Appendix text read: "A huge difficulty already exists in the very differences between Bosnia and Herzegovina. Herzegovinians are mountain people, poor and belligerent; Bosnians are agrarian and peaceful people of a distinct landowner class. Thus, if these two areas were to be organized by the principle of self-government, the same form would not fit both, so that two autonomies would have to be created. Each of the two areas is too poor for this type of self-government. However, at the same time, they are together. Much bigger obstacles are religious by nature. The population consists of Muslims, Orthodox Serbs, and Catholics, who live not only separately in villages and counties but also together in same towns and villages; so, there is frequent animosity. Considering the inevitable arguments between individuals as well as

³ Balkan Foreign Relations and Treaties: 1876-1996, vol. 1, Belgrade 1998, pp. 88-90.

within the entirety of these elements, it would be understandable that each part would want support from the outside... For those reasons, an autonomous constitution of those areas, even if it could be doable some time, would inevitably represent a transitory experiment which would, to put it simply, have to lead to unification with one of the related neighbouring countries.”⁴ Later on, the Appendix refers to Serbia which was perceived as an imminent threat to the stability of the monarchy, or rather, the entire middle Europe: “Should these two lands, incapable of autonomy, join with Serbia or Montenegro, or even unite into a single country, a new creation would emerge which would bring into question our borders and peace on them. By creating a Slavic group like this between our border provinces Dalmatia, Croatia and Slavonia, we would be put in a disadvantaged position. We would either have to annex the whole Slavic complex and thus put all the Slavs that want unification within our control, or expose ourselves to the danger of Serbo-Croatian masses on our soil constantly being disturbed by the attractive prospects of that creation which would, out of tradition and interest, be directed towards expansion according to common ancestry.”⁵

It is for economic reasons that Austria-Hungary was against Montenegro spreading along the Adriatic coast. The aforementioned telegram from Saint Petersburg points out to Andrassy’s opposition to this expansion of Montenegro. Andrassy unequivocally expressed the fear that “should Montenegro be given access to the Adriatic coast, it would be a good opportunity for smuggling.”⁶

Serbia’s territorial requests pertaining to Old Serbia, i.e. Kosovo and Metohija, were also deemed unrealistic. Even at the time of signing the Treaty of San Stefano, Turkey was firmly against these tendencies, and Russia supported Turkey’s reasoning. Geostrategically speaking, such an attitude suited Austria-Hungary as well. In a letter to Gorchakov dated 18th February 1878, Count Ignatyev explained this attitude and the opposition to establishing a common border between Serbia and Montenegro, and even the possibility of leaving a narrow corridor towards Sarajevo for Turkey which was not expected they “to relinquish control of Mitrovica, the main railway spot towards Thessaloniki, the strategic key for Bosnia.”⁷ Attached to this letter was the program of the Prizren League, formed just before the beginning of the Berlin Congress, in which the Arnauts declared loyalty to the High Porte and clearly showed animosity towards Montenegro, Serbia and Bulgaria by sending a fateful threat: “In accordance with the *besa*, we, the representatives of the unbeatable heroes of Northern Albania, Epirus and Bosnia, the heroes who, since birth, have not known a game other than weapons and who are ready to give their blood for the Empire, for the nation and for the homeland, have chosen Prizren as the seat of our League and will not allow any conqueror to disturb us and oppress the citizens of our country. This League will be transferred from us to our children and our nephews, and whoever leaves it will be treated as removed from Islam, and may a curse and scorn from all of us befall them.”⁸

These circumstances and the actions of official and secret diplomacies have all conditioned the inevitable changes to the provisions of the Treaty of San Stefano. The framework

⁴ *Ibid.*, 93-94.

⁵ *Ibid.*, 95.

⁶ *Ibid.*, 88.

⁷ A letter from Ignatyev to Gorchakov from San Stefano, dated 18th February 1878; in: Serbia 1878, Documents, Belgrade

⁸ Balkan Foreign Relations and Treaties: 1876-1996, vol. 1, Belgrade, 1998, p.104.

within which the new peace contract would operate was already recognizable. It only had to be verified and fine-tuned with regard to attaining a diplomatic advantage for the conflicts to come. The framework was also recognized in the secret British-Russian memorandum dated 18th May 1878, whose transcript was later handed to the German government. The provisions of the Treaty of Berlin, which was yet to come, were not considerably outside of the framework planned by the memorandum. The Treaty envisaged as follows: the eventual split of Bulgaria, the correction of its borders in accordance with the ethnic principle and its retreat from the Aegean coast; the retreat of the Turkish army from southern Bulgaria, and equal British and Russian influence in solving the question concerning the regulation of Epirus, Thessaly, and other Christian provinces; the British involvement in solving some questions about the Caspian basin; etc. This memorandum was not significant only as agreement between two opposed powers, one of which insisted on preserving “The Sick Man on the Bosphorus” at any cost while the other worked on its final destruction. It was generally recognized as the beginning of agreement between the two powers, which would become a necessity in the following century before the Germanic “Advance toward the East”. Following all these preparations, the Congress of Berlin was ready to begin.

2. THE CONGRESS OF BERLIN

The aim of the Berlin Congress, to establish peace and stability in Europe for a longer period by securing agreement of the “European Concert of Powers”, had been defined long before the beginning of the Congress. The framework within which peace solutions would be pursued was also known. The Congress participants were only supposed to define the particulars which would ensure peace and the rules for maintaining the new state of affairs.

In his interview for *the London Times*, one of the initiators of this kind of outcome of the Great Eastern Crisis, Bismarck described the causes and consequences of the engendered state of affairs and the directions which the Congress would follow; moreover, he assumed the role of head peacekeeper: “I wanted peace and, as soon as I realized it was possible, I started working on securing it as much as I could.”⁹ However, in his analysis of the geopolitical situation in Europe and the consequences thereof created by the war, the peacemaker (who himself had contributed to the beginning of the war) underscored that the imperative of peace would be achieved only by coordination of interests and by concessions “severed” from the pretensions of the superpowers involved. That meant that no power could count on achieving the maximum of its interests, but also that Turkey as the losing party would not be facing the full consequences of disastrous defeat as envisaged by the Treaty of San Stefano. He also pointed out that the powers were committed to having the job done all the way through and that there were no obstacles in that endeavour. Being asked what would happen if Turkey walked away from the Congress, Bismarck explained: “As far as I am concerned, it wouldn’t trouble me too much. Europe clearly demonstrated its good will and reconciliation spirit by inviting Turkey to attend the Congress. In effect, if Europe strictly adhered to the provisions of the San Stefano Treaty, Turkey should not be able to sanction our decisions. And if Turkey chooses to default, their seats will remain vacant, and we will see the conference through.”¹⁰

⁹ Bismarck’s interview for *the London Times*, in: „Srpske Novine“, issue 141, dated 27th June 1878.

¹⁰ *Ibid.*

The outset of the Congress activities indicated that the voice of the superpowers would prevail over the voice of justice of those countries that the Congress was to decide about, which made the representatives of the Balkan countries aware that they would have to resort to informal means to ensure that their voices were to be heard at the Congress as well. Only the superpowers had the full right of participation in the Congress activities, through their standing representatives. However, during the second session, the British representative posed the question of Greece's participation at the Congress, stating that "the Slavs are protected by a powerful military state (Russia), to which they are linked by tribal ties, common religious belief and recent victories, whereas the Greeks have no single representative."¹¹ The Russian remark that it considered itself to be the protector of all Christians was inconsequential; the Turkish remark that it considered itself to be best protector of its subjects was equally without effect. At the third session, the French representative proposed that the Greek government should appoint a proxy, who would be present in Berlin and heard out whenever the Congress deemed it necessary. Serbia was not given such an opportunity. For this reason, Jovan Ristić, the plenipotentiary of Serbia at the Congress, resorted to using all forms of non-institutional action and diplomatic activities on the Vienna-Berlin-Belgrade route in order to ensure that Serbia's voice would be heard at the Congress.

The Memorandum that Ristić submitted to the Congress of Berlin on 12th June 1878 was supposed to be a summary of Serbia's requests and their reasoned justification, but it was also the only official way for the voice of Serbia to be heard at the Congress. Apart from the public and private (covert) contacts outside of the Congress chambers, which were aimed at providing support for Serbia's requests in decision-making processes, memoranda and diplomatic correspondence were the only possible mode of communication between the Serbian government and the Congress. In this Memorandum, drawing upon the historic occurrences over the course of several centuries (from the fall of the Serbian medieval state to the formation of the vassal principality), Ristić addressed two major issues: the recognition of the formal independence of Serbia, and the expansion of its territory with full regard to the ethnic and historic principles. The main arguments in favor of independence were the overall relations between Serbia and the High Porte, terminated by the wars, as well as the fact that "the High Porte itself recognized Serbia's independence and renounced its suzerainty by signing the Treaty of San Stefano."¹² While explaining the general relations, Ristić particularly underscored that "banditry and heinous atrocities committed by the Turkish army in the parts of the Principality they penetrated during the 1876 war have 'embittered' the Serbian people and made them forever resentful towards the High Porte." He also pointed out to the issue of finances, which the Porte seemed to regard as the most important reason: "For Serbia, a small country just liberated after long centuries of oppression, where the entire system was yet to be created, the imposed tribute dues were a proportionately grave burden, preventing its development. Now that the war devastated some parts of the Principality, paying the tribute has become impossible."¹³ All things considered, the Memorandum asserted that establishing old relations with the Porte was unfeasible.

¹¹ The protocols of the Congress of Berlin; in: „Srpske Novine“, issue 158, dated 18th July 1878.

¹² The Memorandum written by Jovan Ristić; in: „Srpske Novine“, issue 154, dated 13th July 1878.

¹³ *Ibid*

As for the territorial expansion, the proposed arguments were of ethnic and historic nature, and mainly resting on the principle of conquered territory. Given that the Serbian army had already had control over most of the territories that Serbia aspired to expand into, the Memorandum posed the following question: “How can the aforementioned territories be surrendered and given back without exposing the population in these parts to the Muslim vengeance and without subjecting the country to further violence, which no one can bear any longer?” The Memorandum suggested a relevant response to the question: “The best means for the blessing of lasting peace to be ensured is to gratify the rightful wishes of the people in these parts, by setting them free and enabling them to join the motherland.”¹⁴ According to these demands, the Serbian borders had to be expanded to include the areas of Kičevo, Skopje, Egri-palanka, Trn, Pirot, Belgradjik, and Vidin.

The issue of independence was not contested at the Congress. The solution was given by the representative of the High Porte, Alexander Karatheodori Pasha, who stated that the Porte would not oppose Serbia’s declaration of independence; he pointed out that this question was mainly a matter of formality given that Serbia actually had *de facto* independence in the previous decades. However, he reminded that: “In the interests of Europe as well as in the interests of Serbia, it should be noted that Europe confirmed the vassal relations which have hitherto connected this principality with its suzerain. The right given to Turkey under these agreements was used in moderation and Turkey has never infringed upon this right, even when faced with the most certain of evidence, when this right was used as a guarantee for the settlement of disputes which drew considerable attention of Europe’s in different times. The broad scope and boundaries of this suzerainty (administration) have enabled Serbia to attain real independence, which had been acknowledged by Serbia on multiple occasions; these are irrefutable facts... If the idea of independence is prevalent among the European governments, Turkey will not be against it as we are convinced that the independence, which the Congress is requested to recognise, will be real independence and that these countries will accept it with full regard to rights as well as duties imposed thereby to be respected and observed in the future...”¹⁵

Considering the issue of territorial expansion, it was obvious from the outset of the Congress that Serbia’s requests would be only partially satisfied. The danger of ceding Serbian territories to Bulgaria was removed by the agreement of the major powers to establish a tributary principality of Bulgaria and an autonomous region of Eastern Rumelia on the Bulgarian land. Serbia’s aspirations in Old and Southern Serbia were limited by the strategic interests of the major powers, based on the compactness of the Banja Luka – Thessaloniki route. Instead of being under the Serbian control, these parts remained under the sovereignty of the High Porte and under direct control of Austria-Hungary, which had its military outposts in the Sanjak of Novi Pazar. The eastern borders were to be drawn according to the ethnic principle, which was opposed only by the unjustified requests of Greater Bulgaria nationalists, discretely supported up by Russia. There were propositions to have a special commission examine the ethnic structure of the Pirot and Trn districts, and delineate the Serbian-Bulgarian border upon these findings. Having doubts about the objectivity of a special commission, Ristić sent a letter to Count Peter Shuvalov, the Russian representative at the Congress, and recommended a direct declaration of the people inhabiting those counties. This proposition

¹⁴ *Ibid*

¹⁵ Records from the Congress of Berlin session , dated 28th June, in: Serbia 1878, documents, p. 468.

was completely unsuitable for Bulgaria. The inhabitants of these areas (Pirot, Trn, Zneplje, Slivnica, etc) sent official addresses to Prince Milan (the liberator), unequivocally stating their preference. Notwithstanding the people's will, the toponyms, individual names and surnames, along with their family patronyms, spoke volumes of their ethnicity.¹⁶ In the end, the prevalent solution was to grant the areas of Pirot and Trn to Serbia, and the area of Caribrod to Bulgaria. However, as Ihtiman remained under Turkish control for strategic reasons in the south, Bulgaria was given Trn as compensation. Thus, Serbia was given the area of Pirot, the territory up to Caribrod and a piece of the Trn district.¹⁷ This method of border-marking deviated from all the principles, apart from one: the ease of trading lands of another for the purpose of exercising the politics of balanced scales. Yet, these facts show that Serbia should have been content even with the accomplished level of acknowledgement of its interests. At the Congress, the major powers were primarily driven by global and personal interests. Partial interests of "smaller nations" were most frequently neglected. Bismarck himself used to say that "if he was to waste time at the Congress in the heat of summer, he would do so only to prevent fights between great powers. He was disconcerted by how much energy was being spent on discussing the fate of 'stinking dens' such as Larisa, Trikala or other Balkan towns" (Hvostov, Minz, 1949: 51).

Another peculiarity occurred during the session aimed at discussing the independence of Montenegro, when the Congress decided to hear the plenipotentiaries of the Romanian government in spite of the decision that representatives of principalities would not be directly involved in the Congress sessions. Therefore, one may conclude that it was intended to preclude the Russian pretensions towards the ethnically Romanian territories.

Alongside the recognition of independence and territorial expansion, Serbia was under pressure to adjust its legislation in line with the standards imposed by its new position. The pressure regarding discriminatory provisions regarding the position of Jews was especially prominent, and there was a concrete proposition of provisions regarding civil and religious equality in Serbia: "Citizens of the Principality of Serbia, regardless of their religious orientation, will enjoy full equality and have equal rights. They will have the right to be admitted into state services, to hold public offices, to enjoy privileges and to engage in professional activities, without being disqualified on the grounds of religious belief and related differences. The practice of all religious services will be completely free and open to public, and there will be no interference either in the hierarchical positions of different religions or in their internal relations with their spiritual guides."¹⁸

To remove such unnecessary pressure, Jovan Ristić sent a letter directly to Bismarck, the Congress Chairman, where he elaborated on religious freedoms in Serbia: "Mr. Chairman, fearing no dispute, I can confirm that, among all the lands in the East, no country is more tolerant in terms of religious belief than Serbia. Free practice of every recognized religion is guaranteed by the Constitution of the Principality (article 119); moreover, the government is exerting its best power to facilitate it. For example, although the number of Protestants is unsubstantial, there is a protestant church in Belgrade and the priest receives government financial support. The location for erecting a catholic church has already been arranged. The mosque in Belgrade is supported by the government for Muslims passing through, as

¹⁶ Serbia 1878, Documents; pp.43, 72, 112, 125, 192.

¹⁷ The speech on the Treaty of Berlin given by Mr. Jovan Ristić, the Serbian Foreign Minister, on 13th July 1878 during an 'in-camera' session of the National Assembly.

¹⁸ Records from the Congress of Berlin session, dated 28th June; in: Serbia 1878, Documents, Belgrade, 1978, p.468.

there are currently no people of Muhammadan religion living in the capital anymore. As for the Jews, I have to note first and foremost that there are only around 1,200 Jews living in Serbia. They enjoy completely equal rights as the citizens of other religious creeds. Moreover, I may say that they are in a privileged position because, while the orthodox priests are supported by the Orthodox Church, the Jewish rabbi in Belgrade receives state support of 600 Franks... In order to be fully equal, we only need to abolish an old ordinance which forbids Jews to settle outside of Belgrade... Anyway, Mr. Chairman, I am pleased to tell the Congress that I have been entitled by His Highness, the Serbian Prince, to report that Serbian government will seize the first opportunity to legally remove the last limitations that still exists in the country, and make Jews completely equal to the citizens of other religious creeds.”¹⁹

It is worth noting that Serbia completely agreed to accept the requests and provide equal rights to its Jewish inhabitants, whereas Prince Gorchakov was opposed to it. He accepted the provisions on religious and civil equality but thought they should not refer to Jews, stating that: “the Jews of Berlin, Paris, London, or Vienna, whose civil and political rights are certainly undeniable, cannot be mixed with Jews from Serbia, Romania and parts of Russia, who are, according to his belief, a real nightmare for the local populations.”²⁰

Finally, the issue of Bosnia and Herzegovina was resolved in accordance with prior agreements; the solution was relatively easy and rather favourable for Austria-Hungary. The reasons for such a solution were the actual interests of major powers rather than the covertly concluded conventions. The reasons seem to have been summarized best in the speech given by Lord Salisbury, the British Foreign Secretary. He pointed out to the geostrategic and geopolitical importance of Bosnia and Herzegovina, imbued by religious and ethnic differences permeating all pores of social life, ranging from agrarian to political relations. He also emphasized that the High Porte was unable and incapable of imposing order in these provinces. It was all aimed at supporting the stance that “the government of Her Highness recommends to the gathered Powers that the Congress decides that Austria-Hungary should occupy the provinces Bosnia and Herzegovina and put them under its administration.”²¹ Europe was obliged to face the facts presented in his speech over the entire next century, as a durable solution to this problem was still out of sight. As Lord Salisbury noted in his speech, “The geographic position of these areas has a huge political importance. If a significant part of these provinces were to fall into the hands of one of the neighbouring principalities, a chain of Slavic states would extend all across the Balkan Peninsula, and their military forces would endanger the people of other races in southern areas. Without any doubt, it would jeopardize their independence more than any other issue. However, such a situation is likely to occur if the Porte remains burdened by defending its two distant provinces. These provinces as well as the Porte would be exposed to huge danger if the Porte kept its sovereignty and rule over them.”²² The text of the Treaty of Berlin was devised within thus established framework.

¹⁹ The speech on the Treaty of Berlin given by Mr. Jovan Ristić, the Serbian Foreign Minister, on 13th July 1878 during an *'in-camera'* session of the National Assembly.

²⁰ Records from the Congress of Berlin session, dated 28th June; in: Serbia 1878, documents, p.471.

²¹ *Ibid*, p. 469.

²² *Ibid*, p. 469.

3. SERBIA IN THE PROVISIONS OF THE TREATY OF BERLIN

The status and position of Serbia was regulated by Articles 34 to 42 of the Treaty. In addition to the provision on the recognition of independence (Article 34), it included the provisions on the equality of citizens and religious freedom (Article 35) and a detailed geographical description of new borders of Serbia (Article 36). Article 37 verified all the previous contracts that Serbia had concluded with other countries and rights, including all the acquired rights and benefits obtained thereby, with specific reference to their validity until new contracts of the same kind were concluded. This provision was a verification of Serbia's activities in the international field, stemming from the *de facto* sovereignty before the Congress of Berlin. Given the outstanding importance of the strategic question of building the railway, Serbia was obliged to assume the obligations that the High Porte had had towards Austria-Hungary and the Company for Exploiting Railways in European Turkey; for the purpose of resolving the underlying issues, the provisions imposed the obligation of concluding an agreement "between Austria-Hungary, the Porte, Serbia, and the Principality of Bulgaria, within the scope of its authority" (Article 38). A special inconvenience for Serbia was the provision conferring the Porte's debt pertaining to the newly attained areas onto Serbia, which was envisaged in Article 42 of the Treaty: "Since Serbia is obliged to accept the payment of the part of the Ottoman national debt for the new territories obtained under this peace treaty, the representatives of the Powers in Constantinople will, upon reaching an agreement with the High Porte, determine the fair amount to be paid."²³ Jovan Ristić was vigorously involved in counteracting the imposition of these financial obligations on Serbia, which was thus obliged to "bail out" the regions which had been liberated by weapons.

The status of Montenegro was regulated along similar lines, except for a slightly different provision on its independence which, in accordance with the aforementioned discussion at the Congress, specified: "The independence of Montenegro is hereby recognized by the High Porte and all the high contracting parties that have not already done so" (Article 26). Montenegro was also obliged to take over the Ottoman financial obligations for the territories it had been ceded (Article 33).

The question of Bosnia and Herzegovina was solved in a single sentence in Article 25, which stated: "The provinces Bosnia and Herzegovina will be occupied and administered by Austria-Hungary." The same article envisaged that Austria-Hungary would have its military outposts (garrisons) in the Sanjak of Novi Pazar, but the details on establishing the garrisons by the Austro-Hungarian units were to be subsequently agreed in a bilateral agreement between Austria-Hungary and the High Porte.

The question of inland navigation on the River Danube was regulated in Articles 46 through 57, without significant departure from the Treaty of Paris provisions. The regulation on the Danube water-flow in the Đerdap Gorge was entrusted to Austria-Hungary (Article 57) and the riparian states were obliged to provide "all facilities that may be required in the interest of performing the necessary works."

Finally, Article 63 stated that the "the Treaty of Paris from 30th March 1856, as well as the Treaty of London from 13th March 1871, remain in effect in terms of all those provisions which have not been revoked or amended by the aforesaid provisions herein."

²³ *The Treaty of Berlin*; in: Serbia 1878, Documents, pp. 556-575.

After the ratification, the provisions of the Treaty of Berlin were put into effect, which eventually closed one page in the Eastern Question but opened another. Now, the Serbian government was to introduce the text of the Treaty to National Assembly, assume the envisaged obligations and start using the rights arising from the Treaty of Berlin.

The Berlin Congress was still underway when the National Assembly was convened in a regular parliamentary assembly on 24th June 1878. As a matter of fact, this assembly session was to be convened in the year 1877; however, given the fact that the dynamic of convening regular parliamentary sessions was significantly disrupted by ongoing warfares during the two wars, the third and the last session of the parliamentary assembly (composed after the 1874 elections) could only take place in 1878. Another reason for the government to convene the National Assembly in its old structural composition was the fact that the government had a overall majority in that parliamentary assembly.

The National Assembly was not in a position to either accept or reject the provisions of the Congress of Berlin because it was the ultimate will of the great powers. However, it was in a position to either support or challenge the government work and activities in times of war, peace-making and during the Congress.

The National Assembly started working while the Berlin Congress was underway and when the final provisions of the Treaty of Berlin had not yet been officially promulgated. Some indications of territorial demarcation put the Assembly into an absurd position: whereas unable to take any action, the Assembly was swamped with telegrams written by the inhabitants of the districts which had already been under control of the Serbian army, asking for these territories to be annexed to the Serbian motherland, given the assumption that these parts were unlikely to be given to Serbia.²⁴ Considering that the results of the Congress of Berlin were much more favourable for Serbia than the provisions envisaged in the Treaty of San Stefano, the government was in a better position. However, the disagreement of the committee members in the course of drafting the Assembly address, which referred to war devastations, the Topola uprising and a number of other unpleasant issues, clearly indicated that the after-war period would reverse the odds, turning the war victory into an uneasy period for the government.²⁵ The National Assembly was to undertake extensive legislative work, which implied the verification of a series of legislative acts caused by the war and the state of emergency, as well as the adoption of many new legal solutions necessary to regulate the new state of affairs.

Yet, the most important segment of this session of the National Assembly was the speech given by Jovan Ristić in a session held behind closed doors on 13th July 1878, where he explained in detail to the parliament deputies the course of the Congress of Berlin and the treatment of Serbia therein, as well as the causes and consequences of the new state of affairs.

In his address to the members of parliament, Ristić first explained the reasons for Serbia going to the Serbian-Turkish war and entering the Russian-Turkish war, the reasons and consequences for the unsuccessful warfare in the first war, and the consequences of the war victory in the second war. While explaining the Congress developments, he provided a detailed analysis of interests, aspirations and undertakings of the major powers. After clearly delimiting the Serbia's wishes and abilities, he elaborated on Serbia's perspectives.

²⁴ Stenographic notes from the National Assembly sessions for the year 1877, p.158.

²⁵ *Ibid*, p. 38.

The complex set of all the aforesaid circumstances also explained the paradoxes of Serbia's warfare in the previous two years. Serbia went to war because of Bosnia and Herzegovina, and ended it by expanding towards the south, towards Old and Southern Serbia. Ristić explained: "It is not my task here to speak about the war developments; yet, it may not be redundant to explain why our military action moved only within the borders of Old Serbia, leaving Bosnia outside our military operations. Before Serbia went to war for the second time, we had been recommended by Russia not to take any action on the River Drina, in order not to provoke Austria; for, the Tsarist Russian government wanted Austria to remain neutral. When we posed a question to Austria about its sphere of interest, Austria's response was: to reach the rivers Drina and Lim. Therefore, if we had crossed the rivers Drina and Lim, we would have entered into Austria's sphere of interest and clashed with its army. By marking its sphere of interest, Austria marked the border of our political aspirations towards the west. So, when the San Stefano negotiations began, we could not even think of going across the rivers Drina and Lim, just as we refrained from crossing these two rivers during the war, but we entered Old Serbia as far as we could. It is there that we searched for new political borders."²⁶

In his address to the parliament deputies, Ristić also pointed out the corresponding interests of Austria-Hungary and Serbia, as well as a significant diplomatic assistance provided by Austria-Hungary in and endeavour to achieve these interests. Thus, Serbia's military victories were accomplished with the help of Russian weaponry and its political victories were attained with the help of Austro-Hungarian diplomacy. Elaborating on the diplomatic assistance of the neighbouring monarchy, Ristić may have unconsciously pointed to the future direction of Serbian politics.

The territorial expansion of Serbia and the related rationale were apparent. The courses of future territorial pretensions of Serbia were also looming around. Given the course of his speech, it may be concluded that Ristić considered it important to explain the significance of the recognition of Serbia's independence. Since Serbia had build a *de facto* independence under the suzerainty of the Porte, which was admitted by the Turkish representative in Berlin Karatheodori Pasha himself, it could have been concluded that a wider territorial expansion was more important for Serbia than the very act of formal declaration of independence itself. The correspondence between Filip Hristić and Jovan Ristić shows that that such an opinion was widespread in Serbian politics. Pointing out to the presence of this line of thinking, Ristić underscored the significance of the formal declaration of independence, saying: "Serbia's independence has been recognized. We should not be thinking that independence is a small gain. We should not look at that gain from a materialistic standpoint and say: we will not be paying 40,000 ducats a year, and that's it! We have gained much more. The independence of a country is equal to the freedom is to an individual; limited independence is thus comparable to limited freedom of an individual. I had an opportunity to meet the famous historian Ranke, who wrote about the the history of liberation of Serbia. When he saw me, he congratulated me on the recognition of independence, saying that it was the greatest treasure that our country could attain. As I remarked that opinions were divided on this issue and that some people would have preferred a territorial expansion, this outstanding man said that territorial expansion had its

²⁶ The speech about the Treaty of Berlin given by Mr. Jovan Ristić, the Serbian Foreign Minister, on 13th July 1878 during an "in-camera" session of the National Assembly.

considerable merits but that independence is the basis on which countries are created and upon which they build their future, which has been proven in the history of Prussia. I mention this only because I want you to see how valuable and well-appreciated our independence is in the world.”²⁷

Apart from the high price paid in terms of material resources and manpower, the process of obtaining independence with territorial expansion involved huge monetary costs as well. The obligation imposed on Serbia and Montenegro to take over a part of the Turkish national debt was painful for the two principalities exhausted by war. For this reason, Ristić exerted his best efforts to protest against the imposed obligation to buy out the districts which had been liberated with weapons. Explaining what sorts of financial hardship could have befallen Serbia if all the British and Turkish propositions had been accepted, Ristić concluded that the adopted solutions were bearable and acceptable for Serbia by virtue of being inevitable. Commenting on the excessive expenditures of the Turkish state, Ristić first explained what Serbia had to accept: “Gentlemen, if Turkey were a state where state loans were used for fruitful enterprises, as it is done in European countries, no more could be said against this conclusion, except for the fact that we have gained the new land not by exchange or purchase but by conquest; yet, in this case, the burden is so more unfair because these huge loans cannot be traced and are largely a result of “unfortunate *agiotage*”, as suggested at the Congress by Prince Gorchakov. Therefore, the Treaty of Berlin is a document which may be either accepted or rejected as a whole, but it is not possible to accept one part while rejecting another.”²⁸

Further on, Ristić explained that the situation could have been much worse for Serbia, given the fact that the British and Turkish propositions were aimed at capitalizing on tributes, which would make the financial burden several times higher. The great powers had gone so far as to draft an article which envisaged the capitalization of Serbian and Romanian tribute, the amount of which would have been determined afterwards by the Porte. Ristić explained that “Lord Salisbury advocated the capitalization. He raised two questions on this subject: the issue of the tribute itself, and the issue of the interests of the High Porte’s creditors. As for the tribute, the Lord found it was not bought out either by huge casualties or remarkable victories. If Romanians and Serbs had really won a triumphant victory, the tribute would have been bought out; in effect, it was Russia that defeated the Ottoman Porte. On the other hand, the tribute is part of the Ottoman pledge to the creditors, which cannot be taken from them.”²⁹ These arguments were strongly opposed by Russian representatives Gorchakov and Shuvalov, and the French representative Waddington. Gorchakov stated that these financial obligations were not discussed when giving independence to Serbia and Romania, except for the obligations for the annexed territories. Shuvalov and Waddington have, in turn, pointed out to the contributions of the Serbian and Romanian armies to the military victory. A strong and perhaps decisive support came from Count Andrassy, who reminded that the Treaty of San Stefano envisaged the compensation for Romanian warfare expenses, and that Serbia had submitted a similar request. Thus, given the fact that “the solution to capitalize on tributes would give rise to new difficulties at the moment when all are actively involved in pursuit to suppress any possibility of new conflicts, the

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ *Ibid*

Congress decided to revoke the article about the project of capitalizing on Serbian and Romanian tribute.”³⁰

It is interesting to point out Ristić’s remark that the demarcation of Serbian borders is always dangerous for European peace, which sounds prophetic from present point of view. Ristić explained that the discussion on the southern Serbian borders was accompanied by “lively argumentation and, as the Congress solution only apply if they are unanimous, the Chairman announced, regrettably, that the question of Serbian borders had to be postponed, stating that the issue of Serbian borders certainly should not take prevalence over the issue of European peace.”³¹ Under the political pressure of French representatives, the question was resolved in favour of Serbia but it seems that Bismarck was still considerably anxious about what the question of Serbian borders could bring to Europe in the future.

The last stage in the development of Serbia as an independent state had its epilogue in the National Assembly and the Proclamation of Serbia’s independence issued by Prince Milan Obrenovic, which was to be marked by numerous national celebrations. On the other hand, these events led to new developments in Serbian history related to preserving the Serbian statehood and independence. These new developments played a significant role in the overall stability of Europe, world peace, and geopolitical and strategic competition among the superpowers throughout the 20th century. Thus, the 20th century events proved Bismarck’s concerns to be true.

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³⁰ *Ibid*

³¹ *Ibid*

POLITIČKI I ZAKONSKI OKVIR POLOŽAJA SRBIJE NA BERLINSKOM KONGRESU

San-stefanski ugovor doneo je mir nakon Rusko-turskog i Drugog Srpsko-turskog rata. U ovom ugovoru su preovladavali ruski interesi, između ostalog i stvaranje Velike Bugarske, kao ruske interesne sfere. Ovakvo stanje nije odgovaralo evropskim silama, koje su regulisanje novog stanja u Evropi videle u sazivanju Berlinskog kongresa i reviziji San-stefanskog ugovora. Na Berlinskom kongresu, Srbija, još uvek formalno vazalna država, nije imala pravo učesća, pa je svoje interese branila čitavim spletom diplomatskih aktivnosti, na marginama kongresa i u prestonicama sila koje su odlučivale na kongresu. Srbija nije ostvarila maksimum svojih interesa, ali i onim što je postignuto, Srbija je dobila više no što je davao San-stefanski ugovor.

Ključne reči: *Srbija, Berlinski kongres, San-Stefanski mir, srpsko-turski ratovi, Ristić, Bizmark.*