

**THE PEACE TREATIES FROM 1947.
JURIDICAL, ECONOMIC, POLITICAL CONSEQUENCIES**

SUMMARY

The thesis represents an interdisciplinary approach to a problem of great complexity in the history of international relations: the settlement of peace after the Second World War and the way negotiations influenced the subsequent ongoing of events on the political international scene.

The Second World War changed radically the course of history, especially in case of Central and South East Europe. Traditionally considered to be a frontier zone or a periphery of the West, the said region became an annex of the Soviet Union and the Member States from this region entered into a subordinated relationship with Soviet Union.

Second World War has devoted an unprecedented method of setting peace. There were no peace treaties concluded with the main enemy states, Germany and Japan, and no international legal order has been established. Western Allies signed a peace treaty with Japan in 1951 and sets of subsequent agreements were concluded with two German Republics. In 1947 have been concluded peace treaties with former Allied Member of Hitler's Germany: Bulgaria, Finland, Italy, Romania and Hungary.

International climate has experienced a continuous deterioration, there appeared the tendency to form antagonistic military-political blocs, and an "Iron Curtain" between countries in Eastern and Southeastern Europe and the West had drawn, which will last nearly four decades.

The thesis aims to demonstrate the fact that the new configuration of postwar Europe has its causes in the relations developed between the Allies during the war, during negotiation of the draft treaties at international conferences, especially in the running of the Peace Conference and the treatment of the defeated states, reflected in drafting provisions of the Treaty texts.

Keywords: peace treaties, armistice agreements, war reparations, borders, the Cold War.

Structure:

The work is structured in four chapters. It begins with an explanation of Peace Treaty institution: definition, historical development, structure, purpose, functions performed on the stage of international relations, legal nature, the concept of unequal treaties and the validity of imposed treaties, the effects of war on treaties and on agreements concluded between belligerents, significance of the current peace treaties.

The second part of the paper is devoted to events preceding the peace settlement, which directly influenced the final drafting of the Treaties' provisions: The Armistice Conventions.

The analyze of Treaty clauses, their legal and economic consequences form the subject of Chapter Three of the paper. The provisions of the Treaties are presented and interpreted in the light of the specificities of each defeated State, with a special view on the way in which certain economic, territorial and political clauses influenced and affected their subsequent development.

The legal implications of the Peace Treaties of 1947 are addressed in detail: non discriminatory aspects of legislation, the observation of rules and customary international law on treaties, delimitation and demarcation of borders, exchange of people, integrity and national sovereignty, punishment of war criminals, implementing human rights legislation in countries ex satellites of the Axis.

The last part of the paper is devoted to political and economical consequences of signing the Peace Treaty of 1947, specifically: refusal to admit cobeligerancy, imposing the statute of defeated state, sovietisation and satelisation, taking the Soviet model of economy and the beginning of the Cold War.

Armistice Agreements

Once armed hostilities have ended, each of the five defeated states signed Armistice Agreements with Allied and Associated Powers. Except Italy, all other states were in the area of Soviet influence, and the Armistice provisions reflected properly the geopolitical realities. Going beyond of a military agreement, Armistices were quite mini peace treaties, containing economic, political, military clauses. Generally speaking, their provisions have been enshrined in the Peace Treaties signed in 1947, with minor amendments.

Italy was the first state of the Axis which surrendered, but the capitulations' conditions were fully disclosed to the public only a few years after. The Military Armistice with Italy, signed on September 3, 1943 and entered into force on September 8 the same year, covered issues regarding the Italian fleet transfer, termination of facilities granted to Germans during the war and their subsequent use by the Allies, and Allied Commandament' atributions. These military terms were completed with a clause providing that "*other conditions of political, economic and financial nature that Italy will be obliged to comply with, will be submitted at a later date*".

Some of the said provisions were included in the Additional Terms of the Armistice with Italy, signed on September 23, 1943 and amended by the Protocol of November 9. Italy was required to release the political prisoners detained on the ground of their sympathy for the Allied cause, to surrender the war criminals and to suppress all fascist organizations. The interim government had to repeal the discriminatory laws

based on race, color or religion. Supplementary conditions contained general clauses relating to currency, war reparations, return of assets, rights and interests of Allied and other economic issues. Almost identical terms were inserted in the Armistices with Finland and other Axis satellites.

The Armistice Agreements concluded between the Government and High Quarters of Romania, Finland, Bulgaria and Hungary on the one hand and their opponents on the other hand at September 12, September 19, October 28, 1944 and January 20, 1945 provides us the first clear clue of the way the other partners of the Axis shall be treated, political and military, at the end of hostilities. The Armistice Agreements and their Annexes are the most interesting combination of legally provisions, military procedures and political-economic arrangements, developed after the First World War.

Conferences

Countries from Central and Eastern Europe were the subject of cross-talk at all international conferences held during the war. Political and economic interests of the Great Powers towards this part of the world were different. Geopolitical realities and the global political priorities, evidenced in decisions taken in Tehran, Yalta, Potsdam, but also at bilateral meetings or meetings of the Allied foreign ministers, have influenced developments and changes in the international legal status of the five ex-enemy states .

Since the conference in Argentina, which promulgated the Atlantic Charter, August 14, 1941 - until the Potsdam Conference, on August 1945, the most important international conferences record the efforts of governments of the United States, the USSR and Great Britain to find the most appropriate methods and procedures to end the war, to defeat Axis forces and to obtain their unconditional surrender. It was an unprecedented diplomatic marathon performed by the leading personalities of the three guarantor powers of the United Nations' Coalition.

With their positive aspects, but also with their drawbacks, the Conferences are considered in contemporary history as a crucial catalyst of military developments on all theaters of war and as contributing to the victory over the Axis Powers. No less important was the role the conferences played in the process of outlining the Allied position over all the peace issues, from the treatment of the vanquished, to the organising of Peace Forum, and especially for the actual wording of the Peace Treaties as the legal basis of the new postwar international order.

Cronology of the Conferences:

1. Conference of the Foreign Ministers, Moscow, 18 october – 1 november 1943
2. Conference of the Government and State Leaders, Tehran, 28 november-1 december 1943
3. Conference of Moscow, october 1944 (Churchill and Stalin)
4. Conference of the Government and State leaders, Yalta, 4-11 february 1945
5. Conference of the Government and State leaders,, Potsdam, 17 july-2 august 1945

6. Conference of the Foreign Ministers, London, 11 september - 3 october 1945
7. Conference of the Foreign Ministers Moscow, 16 - 26 december 1945
8. Conference of the Foreign Ministers, London, january, 1946
9. Conference of the Foreign Ministers, Paris:
 20 april - 16 may 1946,
 16 june – 12 july 1946

The Peace Forum was officially opened on July 29, 1946. Participants were: Australia, Belgium, Belarus, Brazil, Canada, Czechoslovakia, Ethiopia, Greece, India, Netherlands, New Zealand, Norway, Poland, Ukraine, Union of South Africa, Yugoslavia and the five members of the Security Council: Great Britain, United States, Soviet Union, France and China. Albania, Austria, Cuba, Egypt, Iran, Iraq and Mexico were invited to express their views on the draft treaties. The delegations of the 21 nations gathered in Luxembourg Palace.

According with the previous arrangements, the Conference had the mandate to discuss the draft peace treaties with the five defeated states: Bulgaria, Finland, Italy, Romania and Hungary and to make "recommendations" to the Council of Foreign Ministers in order to definite the treaties. From this point of view it has to be mentioned the limited role of the Conference, as the decisions taken by the Council of Foreign Ministers of Great Powers were final.

There was an unanimity in the Paris Conference on wording the clauses of the Peace Treaties. It is widely accepted that many problems occurred during the Conference were due to some of the Great Allied Powers' decision to insert in all draft treaties identical, stereotyped provisions and not to adopt the original writing unless the unanimous consent of USSR, USA, Great Britain and France was met.

Italy, Romania, Bulgaria, Hungary and Finland were treated similarly, in an undifferentiated manner, despite their economic and political different situation and despite the problems these countries faced at the time. Even if some delegations admitted the justice of the demands expressed by representatives of the defeted states, they could not accept them, since amending the draft Treaty with a state would result in a change of text in all other Treaties.

Fundamental problems were avoided and participants have limited the discussions. Most delegations were willing to go to New York to the United Nations General Assembly, which was postponed to October 23. The Council of Foreign Ministers decided to close the Conference on October 15.

The final text of the five Peace Treaties was concluded at the third session of the Council of Foreign Ministers, in New York , November-December 1946.

Peace Treaties

The general concept of the Treaties has to be analized in the context of the Parties' wish to emphasize the political and legal principles of the United Nations. This follows clearly from the preamble and general provisions at the beginning of the political

section, which ensures democratisation of the defeated states based on fundamental human rights and which prohibit the resurgence of fascist and militarist movements. The provisions relating to war crimes are based on principles promoted in the Nuremberg trials.

All treaties were negotiated in parallel and their terms are similar. Except the details of a territorial and military nature, the four texts are identical not only in substance but also to a large extent, in their wording. They respect closely the corresponding articles in the Treaty with Italy. The Drafts of the Treaties recalls the treaties of Versailles.

Except territorial clauses and some other stipulations concerning certain geographical issues for the countries concerned, the structure of different sections is practically the same in all five treaties. Treaty with Italy also contains several annexes which discusses geographical issues (special status of Trieste region), the fate of former colonies, the sequence of states and details regarding the Italian fleet. Treaties with Bulgaria, Hungary and Romania include an additional clause relating to navigation on the Danube.

Execution of the Treaties Provisions

Territorial clauses of the Peace Treaties, at least for the European territories, were carried out as they were provided, although in some cases, additional arrangements were necessary to cover some technical details. Russo-Finnish border was established, finally, by a bilateral agreement of December 9, 1948.

Political clauses.

The enforcement of the political terms, whose source was the post-war mentality, was significantly influenced in every state by events after 1947, especially on domestic policy.

In April 1949 Australia, Canada, UK, New Zealand and the United States, as signatories to the Peace Treaties, warned the UN General Assembly that the governments of Bulgaria, Hungary and Romania do not fulfill their obligations to ensure respect for fundamental human rights. The General Assembly requested for an advisory opinion of the International Court of Justice. It expressed its opinion in two stages, on 30 March and 18 July 1950.

The International Court pronounced on the subject by two decisions. In March 30, 1950 it stated that there was a dispute between Great Britain and the United States on the one hand, and Romania, Bulgaria and Hungary on the other and that the three Balkan States must observe the procedure laid down in the Treaties for resolving disputes. The three states still refused to appoint members to committees of inquiry, so the Court further examined the possibility of United Nations Secretary-General to establish, in these circumstances, the composition of committees and the power of the committees to issue binding decisions. By decision of July 18 the Court held that the Secretary General is entitled to appoint their members if there is the parties' approval. Therefore the dispute was not resolved.

The clauses related to the Danube in the treaties with Bulgaria, Hungary and Romania decided the settlement of the Convention on the Danube, which was signed in Belgrade on August 18, 1948.

Military terms were reduced gradually due to the overall political context, and in some cases the result was the reverse of what was intended. One of the first projects to be abandoned was the demilitarization of Italy. In February 1948 the naval commission consisting of representatives of the four Great Powers have decided to split the Italian fleet. France and the Soviet Union took the delivery of the ships and equipment assigned to them. United Kingdom and United States have renounced to their claims. In April 1949 Italy became a founding member of the North Atlantic Treaty Organization and therefore, in accordance with provisions of the Article 46 of the Peace Treaty, Italy was considered released of the military obligations.

For practical reasons, Bulgaria, Hungary and Romania abrogated the military provisions in 1948 when they signed treaties of mutual assistance with the Soviet Union, a position they confirmed when they joined the Warsaw Treaty Organization in 1955. Only Finland, following the decision to pursue a neutrality policy, has fulfilled all military duties, despite the mutual assistance treaty with the Soviet Union concluded on April 6, 1948.

Economical clauses

Provisions regarding restitutions, property rights and liabilities have been executed, but the reparation clauses were subsequently revised.

First, at the request of the governments of Bulgaria, Hungary and Romania, the Soviet Union has reduced demands on the reparations with a half, in June and July 1948. In February 1949 a similar agreement reduced the obligations of Finland to the Soviet Union in the same proportion.

Following the agreement of December 11, 1948 Italy was able to get compensation for reparations' payment by transferring his property owned in Bulgaria, Hungary and Romania to the Soviet Union, in accordance with Art. 74A (2) b of the Treaty of Peace. In April 4, 1950 the Soviets issued a protest note, because the Italian Government delayed the payment of repairs. Italian response was that the value of those assets has been underestimated, and in February 8, 1952, through a unilateral declaration, Italy declared itself exempted from payment of obligations owed to the Soviet Union under the peace treaty, arguing that it rejected its acceptance as a member of the United Nations. Soviet Union responded negatively to this unilateral declaration by a note dated February 27, 1952 in which declares a willingness to accept the conditions of Italy in exchange of its withdrawal from NATO.

Conclusions

The Peace Treaties signed in February 1947 legalized the Soviet position in Eastern Europe, established *de facto* at the end of hostilities.

Conclusion of Peace Treaties has raised new questions about the full suzerainty of the defeated states in the international community.

The settlement of peace, a process held during the years 1945-1947 concluded with preserving in the peace treaties of provisions of the Armistice Agreements, with some minor amendments. This signified an implicit recognition of a unprecedented division of the Old Continent and the falling of the Iron Curtain. Following ratification of peace treaties, Soviet troops remained in Hungary and Romania in order to maintain communications lines with the Soviet zone in Austria.

From the defeated states' point of view, most clauses of the peace treaties were unfair, due to the economic burden imposed and due to the political and legal consequences following their execution.

Containing vague, imprecise terms, the clauses of the Treaties leaves space to arbitrariness, and do not provide precise control instruments and mutual verification procedures.

Except in the Treaty with Italy, issues arising from the transfer of territories were not clarified, which led to abuses of Soviets regarding the nationality of the persons affected and the treatment of their property. Political clauses on surrender of war criminals and dissolving all fascist organizations have been the legal basis for the removal of all political opponents of the communist parties. Lack of provision on implementation and control instruments regarding the rights and fundamental freedoms, and failure to provide sanctions for their non observance, made their mention in the treaties to become superfluous.

Ambiguity of terms in drafting military, economic and financial clauses, offered the Soviet Union an opportunity to give a favorable interpretation of their own interests. Lack of specific provisions on implementing the imposed obligations allowed solving of occurring problems by subsequent conventions concluded between the Soviet Union and states in its area of influence, with the consequence of their economic and political reorientation.

Following the signing of the Peace Treaties, which provides the legal basis for the new world environment, Stalin imposed a new order on the map of Central and Eastern Europe, which has been placed almost entirely under communist obedience. Although Central and Eastern European states were not incorporated into the Soviet Union as Soviet republics (as, for example, Ukraine in Europe and Kazakhstan in Asia), they became sovereign, but powerless states, being called *socialist republics* or *popular democracies*.

It can be argued that, as stated in the research premise, setting postwar Europe has largely depended on how the peace ended. Visions of the Great Powers on restoring Europe were very different and their attempts to implement them have given rise to contradictions within Alliance. The Fate of the defeated States in the Second World War was the result of decisions taken by the Great Powers. They had not, actually, too many alternatives to choose in order to restore their political and socio-economic balance.

The provisions contained in Treaties of peace from 1947 resulted in a decisive international political alignment of the five former enemy states. Postwar political and legal situation of the defeated states would have been different if the terms of this legal document was drawn up in accordance with international law norms and practices. *De facto* situation has found its full legitimacy in the peace treaties drawn up by the winners and accepted by the defeated states, in the lack of viable options in the realities of the moment.