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THE BALTIC QUESTION

OCTOBER 19, 1989

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PUBLIC HEARING ON THE BALTIC QUESTION

THURSDAY, OCTOBER 19, 1989

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Washington, DC

The Commission met, pursuant to notice, in room 2226 Rayburn House Office Building, at 2:25 p.m., Representative Steny H. Hoyer, Cochairman, presiding.

In attendance; Commissioners, Representatives Don Ritter and Edward Feighan; guest speaker Senator Don Riegle and Ambassador Sam Wise from the Commission.

Cochairman HOYER. Without my making any preliminary remarks at this very important hearing, I would like to recognize Senator Don Riegle who has joined us here today. Senator Riegle, who is not a member of the Commission, has been very much involved in the issues related to the Helsinki process, and particularly to the situation and the critical interest in the status of Estonia, Latvia and Lithuania.

Senator Riegle, we are very pleased that you are here.

STATEMENT BY SENATOR DON RIEGLE FROM MICHIGAN

Senator RIEGLE. Thank you very much, Mr. Chairman, and I will be very brief.

The Senate is in session right now, conducting the final aspect of the impeachment trial of Judge Hastings. As one of the 100 jurors in that trial, I must go back and participate in those deliberations. Otherwise, I would very much want to be here to take part in these discussions today.

I want to thank the witnesses who will be here. I will be making public a rather lengthy statement with respect to my assessment of the situation. I have a very keen interest in the independence movement in the Baltic Republics, and I am very much interested in getting a better understanding of exactly what official U.S. policy is toward the independence movements sweeping through the Baltic States. I find it somewhat vague, to say the least. I think this is a historic time and opportunity for the United States to stand behind things we have said in the past with respect to affirming our belief in the right to freedom of others and for others, and certainly within the Baltic States.

So, with that, Mr. Chairman, I must excuse myself, but I will be following these proceedings very carefully and will leave my full statement for the record.

[Prepared statement of Senator Donald W. Riegle, Jr. follows.]

STATEMENT OF SENATOR DONALD W. RIEGLE, JR.

Administration officials have argued that the U.S. policy must balance two conflicting interests: Baltic independence on the one hand, and a moderate, reform-minded Soviet Union on the other. Dire warnings are sounded that the Baltic push for self-determination will deal a death-blow to Gorbachev's political career and to his reform program. In this respect, the Administration appears to see eye-to-eye with Gorbachev himself, who has linked the Baltic "virus of nationalism" with potential "anarchy" and "bloodshed."

The new and improved Communist Party does not object to peaceful demonstrations, Gorbachev insists, but will not tolerate "extremist rallies that provoke inter-ethnic clashes and terrorize and intimidate people of other nationalities." He reserves the right to exercise the "full force of Soviet laws" to quell the independence movement, wherever a "threat has arisen to the safety and lives of the people." Voices in the American media have similarly warned of such a "threat" arising after the withdrawal of Soviet troops from the Baltic.

In other words, we are being urged to endorse Moscow's analysis of the situation, and this analysis is a dangerously misleading one. It is based on the false assumption that the Baltic independence movement is sowing the seeds of violence and ethnic strife, and is therefore detrimental to the progress of liberalization. But opposition activists of both Baltic and

Russian nationality have pointed out, and American eyewitnesses have confirmed, that *there is no genuine ethnic strife in the Baltic republics.*

The independence movement is not based on "national enmity" (in Gorbachev's words), nor on any anti-Russian nationalism. Rather, it expresses the desire for self-rule on the part of peoples who, after forcible incorporation into the Soviet Union, have been brutally colonized for 50 years, reduced to the status of minorities and second-class citizens in their historic homelands, robbed of their language, their culture and their history, and victimized by police brutality and environmental assault. They seek independence from Moscow not because they hate Russians, but because they see it as a prerequisite for physical and cultural survival. As long as Moscow retains ultimate control over the military and industrial facilities that are poisoning the air, soil, and water of the Baltic regions in critical proportions, Baltic residents see self-rule as literally a matter of life and death.

The Baltic peoples are angry, to be sure, but they are not violent. In fact, the independence activists' use of moral pressure and the peaceful nature of their mass demonstrations, have been identified with the nonviolent tactics of Mahatma Gandhi and Martin Luther King. By the same token, ethnic Russians in the Baltic states have shown no propensity for nationalistic violence. In fact, many Russians -- including those who coexisted harmoniously with Balts and numerous other ethnic groups during the inter-war period of Baltic independence

-- are staunch supporters of the democratic opposition.

The real danger of bloodshed lies not *after* the withdrawal of Soviet troops from the Baltic, but *before* it. Moscow has made it clear that it does not rule out a violent crackdown to quell the independence movement. And some observers have expressed the fear that the government may fabricate an incident of inter-ethnic violence in order to justify bringing in troops to protect the "safety and lives of the people."

Despite Moscow's threats and Washington's silence, the Baltic people have gone too far to abandon voluntarily their struggle for self-rule. If Gorbachev's goal is genuine political reform, and not just economic resuscitation, why shouldn't he begin by respecting the constitution of the U.S.S.R., which grants all member-republics the right to secede? But if far-reaching reform is not his goal, then why should America defend the internal "stability" of the last great colonial empire of the twentieth century? U.S. interests lie in helping Gorbachev achieve internal stability, it is argued, because his reforms may eventually lead to a reduction of military intervention outside the Soviet Union. This is a desirable goal, to be sure, but can we justify sacrificing the nations held captive within Soviet borders for the sake of those outside?

If the United States is truly interested in promoting democracy, and not just in the opening of new markets, joint-venture opportunities and cheap labor pools for American business, then that interest would best be served by actively supporting the democratic opposition, rather than by tacitly

supporting Moscow's disinformation campaign. The real threat to liberalization in the Soviet Union lies not in the non-violent pursuit of freedom, but in the use of military force to repress it. The choice is not between Baltic independence and moderate reform, but between independence and ^{occupation} ~~subjugation~~.

If Gorbachev really wants to put his house in order, then he would be wise to let his recalcitrant guests leave. The course of perestroika might run far more smoothly in a Soviet Russia unencumbered by ethnic "adventurists," and invigorated by economic ties with prosperous neighbors in a neutral, demilitarized Baltic zone. With a little prodding from his American friends, Gorbachev might be more willing to consider this option.

STATEMENT:

There have been statements from Moscow, condemning the Baltic opposition for creating "nationalist hysteria" and ethnic strife. I am particularly concerned with a fear, expressed both by residents of the Baltic states and by knowledgeable U.S. government officials, of possible violent quelling of the independence movements. Observers have suggested the possibility that the government may fabricate an incident of ethnic violence between Balts and Russians in order to justify bringing in troops to "restore order." 23 senators joined me in sending a letter to Secretary Baker, urging that this concern be raised during the Secretary's meeting last month with Foreign Minister Shevardnadze.

QUESTION:

1. Was this concern raised, and was it made clear that if such an incident were to occur, the United States government would respond with appropriate measures of condemnation?
2. And what does the Administration believe would be an appropriate response to such an act by the Soviet Union?

Cochairman HOYER. Without objection, Senator Riegle's statement will be included in its entirety in the record at this time.

We thank you, Senator, for your interest and your continuing work in this area, and also, for your assistance to the Commission. Thank you.

Senator RIEGLE. Thank you.

Cochairman HOYER. I would like to now, recognize the ranking Republican Member in the House who has been as steadfast in the defense of freedom, not only in the Helsinki signatory States, but in other lands as well: Congressman Don Ritter, from the State of Pennsylvania.

STATEMENT BY REPRESENTATIVE DON RITTER FROM PENNSYLVANIA

Representative RITTER. Thank you, Mr. Chairman, and thank you for your continued leadership on these important issues.

I would like to welcome our witnesses, and thank all of you for coming to the important hearings on the Baltic States.

I am particularly interested in today's hearing, and I regret that I have a meeting at the White House at 3 o'clock. I have served for many years now as the Cochairman of the Ad Hoc Committee on the Baltic States, and Ukraine and have been just delighted and sometimes amazed, surprised, but just delighted by the surge towards freedom of the Baltic States, and the way in which the rest of the world now has come to realize what those of you—so many of you in this room, have realized for a long time, and that is that the Baltic States are unique national entities deserving of self-determination.

The demonstrations which have recently occurred in the Baltic States have been truly historic and have attracted world curiosity and attention. The brave actions of the Baltic peoples and their thirst for freedom and justice have been inspiring to many of us—crowds of 2, 3, 400,000 in these tiny nations—means that virtually the entire population is out protesting 50 years of oppression. The human chain that was formed across the Baltic States, I think, will live on as a symbol of mankind's thirst for freedom and self-determination.

Most recently the Baltic States have played the role as a barometer of Glasnost and Perestroika. The Baltic nations can serve as an indicator of East-West relations. And the recent events in the Baltic States has served as an experimental laboratory for testing the limits of glasnost. This makes the Baltic States far more important than at anytime in the last 50 years.

I would like to focus in on these introductory remarks on several of the key issues that I hope our witnesses will address. First, despite glasnost and perestroika, the Kremlin refuses to acknowledge the illegality of the annexation of the Baltic States. The Congress of People's Deputies' Commission of the Molotov-Ribbentrop Pact has acknowledged and condemned the Pact and its secret protocols. But Commission Chairman and Politburo Member Alexander Yakovlev, says that these documents have nothing to do with the current status of Lithuania, Latvia and Estonia as Soviet Republics.

After all, claims Mr. Yakovlev, the Baltic States voted of their own free will to join the Soviet Union.

It is hard to believe that after several years of an officially sponsored Soviet campaign to publicize the bloody nature of Stalin's rule that any Soviet representative could take seriously, or expect anyone else to take seriously the results of elections that took place in 1940, in wartime conditions, under Josef Stalin. Rather, Moscow's current treatment of the issue of the Molotov-Ribbentrop Pact illustrates how limited glasnost and perestroika are when Soviet imperial interests are threatened.

Second, even if these three formerly independent States were recognized as Soviet Republics by the United States, according to Soviet law, a mechanism exists for them to express their aspirations of regaining their independence: Article 72 of the Soviet Constitution gives all union republics the right to secede. Yet President Gorbachev said in his September speech to the Central Committee Plenum on nationality policy that only "adventurists" would think about independence. Moreover, the Central Committee's resolution after the Plenum made it clear that the Communist rulers of the Soviet Union are prepared to define "independence" for republics in any way except the most obvious one.

These artful interpretations of independence and the clear unwillingness to attribute any more significance than before to the rights guaranteed in the Soviet Constitution cast grave doubt upon the extent of the sincerity of Mikhail Gorbachev's stated goal of turning the U.S.S.R. into a "state ruled by law." Those in the West who are counting on enhanced Soviet respect to legality to usher in a new era of international cooperation should ponder the party's attitude towards Article 72 of the Soviet Constitution.

These considerations lead directly to a discussion of U.S. policy towards the Baltic States. For nearly 50 years the policy has been clear, we do not recognize the forceful incorporation of these three nations into the Soviet Union. Given all that is going on in the U.S.S.R. and the widespread calls to re-examine our general approach to Moscow, we should ask how the Baltic States, a 50-year old national problem, fit into this changing world.

Clearly, the status of the Baltic issue should be upgraded to that of a regional issue to demonstrate the United States' commitment to the independence of these nations.

I have co-authored a letter with my colleague, Congressman Dennis Hertel, to President Bush. The letter has the signature of almost 120 Congressmen and asks the President to instruct the Secretary of State to elevate the status of the U.S. policy towards the Baltic nations, attaching more importance to the issue and raising the issue to one of regional status.

I look forward to hearing the views of all witnesses and discussing the questions with them in greater detail.

Thank you, and I yield back, Mr. Chairman.

Cochairman HOYER. Thank you very much.

The Congressman's statement, without objection, will be included in the record.

[Written statement of Representative Don Ritter follows:]

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

STATEMENT OF CONGRESSMAN DON RITTER
RANKING MINORITY MEMBER, HOUSE OF REPRESENTATIVES

HEARING ON THE BALTIC STATES AND U.S. POLICY

OCTOBER 19, 1989

MR. CHAIRMAN, I AM VERY PLEASED TO BE HERE TODAY FOR THIS HEARING. AS YOU HAVE OBSERVED, THE SITUATION IN THE BALTIC STATES WILL PLAY A CRITICALLY IMPORTANT ROLE IN DETERMINING THE FUTURE OF THE SOVIET UNION AND THEREFORE, EAST-WEST RELATIONS. I WOULD LIKE TO FOCUS IN MY INTRODUCTORY REMARKS ON SEVERAL OF THE KEY ISSUES POSED BY THE "BALTIC QUESTION" THAT I HOPE OUR WITNESSES WILL ADDRESS.

FIRST, DESPITE GLASNOST AND PERESTROIKA, THE KREMLIN REFUSES TO ACKNOWLEDGE THE ILLEGALITY OF THE ANNEXATION OF THE BALTIC STATES. THE CONGRESS OF PEOPLE'S DEPUTIES' COMMISSION ON THE MOLOTOV-RIBENTROP PACT HAS ACKNOWLEDGED AND CONDEMNED THE PACT AND ITS SECRET PROTOCOLS. BUT COMMISSION CHAIRMAN, POLITBURO MEMBER ALEXANDER YAKOVLEV, SAYS THESE DOCUMENTS HAVE NOTHING TO DO WITH THE CURRENT STATUS OF LITHUANIA, LATVIA AND ESTONIA AS SOVIET REPUBLICS. AFTER ALL, CLAIMS MR. YAKOVLEV, THE BALTIC STATES VOTED OF THEIR OWN FREE WILL TO JOIN THE SOVIET UNION.

IT IS HARD TO BELIEVE THAT AFTER SEVERAL YEARS OF AN OFFICIALLY SPONSORED SOVIET CAMPAIGN TO PUBLICIZE THE BLOODY NATURE OF STALIN'S RULE THAT ANY SOVIET REPRESENTATIVE COULD TAKE SERIOUSLY -- OR EXPECT ANYONE ELSE TO TAKE SERIOUSLY -- THE RESULTS OF ELECTIONS THAT TOOK PLACE IN 1940. RATHER, MOSCOW'S TREATMENT OF THE MOLOTOV-RIBENTROP PACT ILLUSTRATES HOW LIMITED GLASNOST AND PERESTROIKA ARE WHEN SOVIET IMPERIAL INTERESTS ARE THREATENED.

SECOND, EVEN IF THESE THREE FORMERLY INDEPENDENT STATES WERE RECOGNIZED AS SOVIET REPUBLICS, ACCORDING TO SOVIET LAW, A MECHANISM EXISTS FOR THEM TO EXPRESS THEIR ASPIRATIONS OF REGAINING THEIR INDEPENDENCE: ARTICLE 72 OF THE SOVIET CONSTITUTION GIVES ALL UNION REPUBLICS THE RIGHT TO SECEDE. YET PRESIDENT GORBACHEV SAID IN HIS SEPTEMBER SPEECH TO THE CENTRAL COMMITTEE PLENUM ON NATIONALITY POLICY THAT ONLY "ADVENTURISTS" WOULD THINK ABOUT INDEPENDENCE. MOREOVER, THE CENTRAL COMMITTEE'S RESOLUTION AFTER THE PLENUM MADE IT CLEAR THAT THE COMMUNIST RULERS OF THE SOVIET UNION ARE PREPARED TO DEFINE "INDEPENDENCE" FOR REPUBLICS IN ANY WAY EXCEPT THE MOST OBVIOUS ONE.

THESE ARTFUL INTERPRETATIONS OF INDEPENDENCE AND THE CLEAR UNWILLINGNESS TO ATTRIBUTE ANY MORE SIGNIFICANCE THAN BEFORE TO THE RIGHTS GUARANTEED IN THE SOVIET CONSTITUTION CAST GRAVE DOUBT ON THE SINCERITY OF MIKHAIL GORBACHEV'S STATED GOAL OF TURNING THE U.S.S.R. INTO A "STATED RULED BY LAW." THOSE IN THE WEST WHO ARE COUNTING ON ENHANCED SOVIET RESPECT FOR LEGALITY TO USHER IN A NEW ERA OF INTERNATIONAL COOPERATION SHOULD PONDER THE PARTY'S ATTITUDE TOWARDS ARTICLE 72 OF THE SOVIET CONSTITUTION.

THESE CONSIDERATIONS LEAD DIRECTLY TO A DISCUSSION OF U.S. POLICY TOWARDS THE BALTIC STATES. FOR YEARS OUR POLICY HAS BEEN CLEAR. GIVEN ALL THAT IS GOING ON IN THE USSR AND THE WIDESPREAD CALLS TO RE-EXAMINE OUR GENERAL APPROACH TO MOSCOW, WE SHOULD ASK HOW THE BALTIC STATES -- A FIFTY-YEAR OLD INTERNATIONAL PROBLEM -- FIT INTO A CHANGING WORLD.

I LOOK FORWARD TO HEARING THE VIEWS OF OUR WITNESSES AND DISCUSSING THESE QUESTIONS WITH THEM IN GREATER DETAIL.

Congressman Feighan from Ohio—I am going to make an opening statement—but I am pleased to have you make yours first.

STATEMENT OF REPRESENTATIVE EDWARD FEIGHAN FROM OHIO

Representative FEIGHAN. Thank you, Mr. Chairman.

I want to commend you, Mr. Chairman, for conducting this very important and very timely hearing today on the Baltic States.

Over the past several years, I have had the pleasure to serve as cochairman of the Lithuanian Catholic Religious Liberty Group with our colleague, Representative John Miller. The focus of our group has been to give more visibility to the plight of Lithuanian Catholics living under Soviet domination and, hopefully, to improve human and religious rights in Lithuania.

This hearing today is especially important because of the upcoming elections to the Baltic Supreme Soviets. I think it is not inconceivable that we could have a situation in the Baltic States, in the not-too-distant future, similar to that which we have in Poland today. The United States, to its credit, has never recognized the illegal occupation of the Baltic States by the Soviet Union. Hopefully, this policy has given important moral support to the Baltic people through the years, but clearly more is needed in terms of U.S. policy.

I do share the concern that Senator Riegle raised about the inadequacy and especially the uncertainty about American foreign policy today with respect to the Baltic States. It's critical that we formulate exactly what our policy toward the Baltic States will be, particularly over the next several months, in light of very dramatically changing circumstances.

I look forward today to hearing from our very distinguished panelists, and especially to learning from them how the United States can best help the Baltic peoples to move peacefully towards their goals.

Thank you, Mr. Chairman.

Cochairman HOYER. Thank you, Mr. Feighan.

OPENING STATEMENT OF COCHAIRMAN HOYER

I would now like to welcome not only our distinguished panel of witnesses to this hearing, but also, all of you who are so interested in this subject and have been so directly involved over the years in making sure that the conditions in the three Baltic States are known to, not only America, but to the world, and to making sure that we stay with our policy of non-recognition.

We have already seen many headlines, and undoubtedly we will see many more, about that situation. This historic drama is being played out with what often seems like breath-taking speed. Less than two years ago, during the Reagan-Gorbachev summit, in December 1987, many of us here today gathered across from the White House to protest the Soviet occupation of the Baltic States. I don't know how many in our audience were there, but I am sure there were some. We must have caught someone's attention, because an Estonian Communist Party newspaper later accused me

of, first of all, being the author of the "provocative resolution on the question of Soviet Latvia," and two, "wearing a shabby suit."
[Laughter].

I did not mind the first accusation [laughter] but I took very personally the savage attack on my sartorial elegance.

Representative RITTER. If the gentleman would yield. Knowing the first-rate haberdashery of the Chairman [laughter] and having witnessed it over nearly a decade, I would suspect that this Soviet official was in dire need of eyeglasses.

I yield back.

Cochairman HOYER. I just chalked it up as you can't trust those Communists.

[Laughter]

I would like to read just a few lines from that newspaper: "The Honorable Speaker had nothing original to say—referring to what I had to say—he claimed that the Baltic States were occupied; that their residents had been allowed to die in Siberia; that their language and culture had been attempted to be destroyed."

Yet today, even Baltic Communist Parties are saying many of the things that I said that day and you've said for many, many years, and that we have been repeating over the last two years. Recently, for example, the Lithuanian Supreme Soviet declared the Soviet annexation of Lithuania under the Molotov-Ribbentrop Pact to be void.

To be fair, much of what is occurring today in the Baltic States reflects Mr. Gorbachev's policy of allowing the Soviet citizens to publicly air their grievances. What might have provoked immediate arrest for anti-Soviet agitation and propaganda five years ago may now be called in over the phone and broadcast over Radio Liberty. Since October 14th, 1987, when the Commission last held hearings on the Baltic States, all the long-term Baltic political prisoners in labor camps or in exile have been released.

Yet Baltic aspirations obviously go further. And these aspiration and the efforts to realize them have created new political realities for the Baltic peoples themselves, for Moscow and for the United States as well. Fortunately, we have highly qualified witnesses here today to help us gain a clearer grasp of the vitally important issues these new political realities have brought to the fore.

Mr. Stasys Lozoraitis is the Charge d'Affaires at the Lithuanian Legation in Washington; Dr. Anatol Dinbergs is Charge d'Affaires of the Latvian Legation, and Mr. Ernst Jaakson is Consul General of Estonia. Representing the State Department we are pleased to welcome Mr. James Dobbins, the Principal Deputy Assistant Secretary of State for European and Canadian Affairs. He is accompanied by Dr. Paul Goble, Special Assistant on Soviet Nationality Affairs.

Finally, Mr. William Hough, a member of the Lawyers' Committee on Human Rights, a widely recognized expert on the international legal aspects of the Molotov-Ribbentrop Pact, and the Baltic question.

I would also like to recognize the presence in the audience of several Baltic political activists: Mr. Ivar Godmanis, Vice President of the Latvian Popular Front; and from Estonia we welcome Mr. Urmas Espenberg of the Political Reforms Committee of the Esto-

nian Popular Front; and Vanda Zaborskatai of the Lithuanian Reform Movement.

We thank our distinguished guests for coming and we look forward to hearing their views.

Mr. LOZORAITIS. If I may, Mr. Jaakson would like to begin.

Cochairman HOYER. Anyone who is involved with the Helsinki process would clearly like to have a Jaakson speak first.

[Laughter]

STATEMENT OF MR. ERNST JAAKSON, CONSUL GENERAL OF ESTONIA

Mr. JAAKSON. Mr. Chairman, I want to express to the Commission on Security and Cooperation in Europe my sincere appreciation for inviting me to appear before you and to speak on the subject of Estonia.

I have had the honor to represent Estonia in the United States of America in the capacity of Consul General of Estonia in charge of Legation since 1965.

The historical facts about the occupation of Estonia in 1940 by the Soviet Union and the subsequent illegal annexation by the U.S.S.R. are well documented and have been known in the free world for all the past decades. Particularly I would mention the hearings conducted by the Select Committee of the U.S. House of Representatives in 1953, and the reports published in 1954.

The only areas where these facts have been systematically denied and suppressed are in the Soviet Union and the countries dominated by the Soviet Union.

It is ironic that even now after the Soviet Union has officially admitted the existence of the secret protocols to the Nazi-Soviet pact of 1939 in which Eastern Europe was divided into so-called spheres of influence, the Kremlin still persists in claiming that the people of Estonia, as well as Latvia and Lithuania, voluntarily renounced their sovereignty and joined the Soviet Union. This is a flagrant lie.

There never was a plebiscite in Estonia on the constitutional question of joining the Soviet Union. It is true that after the military occupation in June 1940 Stalin sent his henchmen Zhdanov, Vyshinsky and Dekanozov to Estonia, Latvia and Lithuania who arranged there fake elections to the respective Parliaments, violating the local election laws and allowing only Communists or their sympathizers to run for these elections. And then, in the presence of Soviet military units, these so-called elected representatives to the puppet Parliament were forced to adopt the resolution proclaiming a Soviet regime for Estonia and deciding to join the Soviet Union. Such a decision was null and void, as far as the Estonian Constitution was concerned. The Soviet military occupation and intervention in Estonia was a direct violation of international law, as well as the Treaty of Peace concluded in 1920 between Estonia and Soviet Russia, in which Soviet Russia renounced forever any claims to the territory of Estonia. It also violated the following agreements between Estonia and the Soviet Union: the Pact of Non-Aggression and Peaceful Settlement of Conflicts, dated May 4,

1932; The Convention of Conciliation, dated June 16, 1932; and the Convention for Definition of Aggression, dated July 3, 1933.

The past decades have not changed the fundamental question on what basis does the Soviet Union claim the right to govern the people and territory of Estonia.

At present, Estonia is a Soviet-occupied country where the people demand the restoration of their basic rights. This has become more and more evident during the past few years when there have been massive, but orderly and peaceful demonstrations throughout the country. It is a fundamental and crucial question of survival for the people of Estonia, having to cope with the steady influx of people from the East and the pressure of russification. However, it is also evident that the people of Estonia as a whole, and especially those of the younger generation, treasure very highly their national heritage, language, culture and traditions, which have survived previous foreign dominations for centuries. But the demand for complete freedom and independence remains paramount.

The people of Estonia are grateful for the moral support they have received from the United States of America, as well as other Western powers who have refused to recognize the annexation of Estonia by the Soviet Union. They believe that at the present time world public opinion and the support of the Governments of the free world, particularly that of the United States of America, have a strong bearing on the achievement of their goals.

In conclusion, I would like to take this opportunity to thank the Senators and Congressmen who have on many past occasions and in various ways expressed their support for the aspirations of the people of Estonia.

I thank you.

Cochairman HOYER. Thank you, Mr. Jaakson.

And Dr. Dinbergs.

STATEMENT OF DR. ANATOL DINBERGS, CHARGE d'AFFAIRES OF THE LATVIAN LEGATION

Dr. DINBERGS. Mr. Chairman, I wish to express my gratitude to this Commission for the opportunity to discuss the present situation of Soviet-occupied Latvia and for conducting this occasion for our people to express their views and come up with testimonies.

I have already submitted my remarks and paper in writing, so I will make just a few additional remarks now.

The position of the United States in regard to the Soviet-occupied Latvia and the other two Baltic States is well known. It has been stated in H. Rept. 2684, Part 1, Special Report No. 12, "The Communist takeover and occupation of Latvia, Select Committee on Communist Aggression," commonly known as the Commission of 1953-54. Until recently, the Soviet Union has maintained the non-existence of the secret protocols to the Molotov-Ribbentrop Pact and continues to maintain that Latvia willingly and through popular elections, joined the Soviet Union.

This Soviet claim has been refuted on many occasions, the latest being published in the Congressional Record, Senate, May 18, 1989, "The Nazi-Soviet Non-Aggression Pact: The Certified Copies," presented by Senator Helms.

Now, another question that has come up on many occasions is the question of minority rights in Latvia, particularly Russian rights. That has gained attention lately in the press. The Soviets would make the West believe that the nationalities crisis exists in Latvia and elsewhere. However, observers who have recently returned from Latvia, as well as visitors from Latvia offer reports which contradict the Soviet view. Here, I would like to quote the Public Relations Director of the American-Latvian Association, Mr. Ojars Kalnins, who is present, following his visit to Latvia in August of this year. He states, among other things, "The Baltic people are pro-independence, not anti-Russian." Any claims to the contrary by Moscow are false. The Popular Front in Latvia clearly stated that it conceives of an independent Latvia as a democratic nation where all citizens, regardless of their national, or social membership, political or religious beliefs are guaranteed equal rights. The backlash against Baltic nationalities has been instigated by Soviet authorities and has no grassroots support.

Persons to whom he spoke all emphasized that most Russians would prefer an independent Latvia, if it meant a more prosperous Western lifestyle. Some of the most radical activists in the Popular Fronts are themselves ethnic Russians.

In support of these statements, the periodical "ATMODA" published by the Latvian Popular Front, in a survey taken in 1988, reported that 74 percent of Latvians and 10 percent of Russians supported the activities of the Popular Front.

More recently the Christian Science Monitor, October 10, 1989, reports a survey conducted by Latvian State Radio in which 79 percent of ethnic Latvians and 64 percent of ethnic Russians now support the Popular Front and its aims. This is hardly indicative of ethnic tension precipitated by the Popular Front, or of suppression of minorities through its advocated programs, as the Soviet press maintains today.

The present situation in Latvia can best be characterized as a reawakening of national aspirations for self-determination. This is mirrored in a recently approved program of the Latvian Popular Front, which in its October 7-8 Second Annual Congress passed the following important resolutions, indicating future directions toward political development. The Popular Front calls on the Latvian Supreme Soviet to declare illegal and void the 1940 elections, as well as Latvia's incorporation into the Soviet Union. Another resolution calls for the liquidation of the political monopoly of the Communist Party.

In its statute the Popular Front has taken as its basic principle a very high standard of human rights for all ethnic groups residing in the territory of Latvia. These statutes and recently approved resolutions illustrate that the Latvian Popular Front and an overwhelming majority of the population is seeking self-determination and democracy for a restored Republic of Latvia, of which they have been deprived for the last 50 years.

I thank you for your kind attention.

Cochairman HOYER. Thank you, Doctor.

Mr. Lozoraitis.

**STATEMENT OF MR. STASYS LOZORAITIS, CHARGE d'AFFAIRES
AT THE LITHUANIAN LEGATION IN WASHINGTON**

Mr. LOZORAITIS. Thank you, Mr. Cochairman, for offering me the opportunity to appear at this hearing. I am proud to serve my country in this United States of America, and I am very proud to be here today.

Forty-nine years have passed since that sad day, July 23rd, 1940, when the then Acting Secretary of State, the Honorable Sumner Wells declared that the political independence and the territorial integrity of the Baltic republics was deliberately annihilated by one of the more powerful neighbors. The Lithuania people have never ceased to struggle for their independence and the non-recognition policy of the United States was woven into the psychological frame of mind of several generations of Lithuanians. The conviction that change will come is deeply rooted in the conscience of the nation and encouraged manifold resistance to the oppressor.

Forty-nine years later, in March of 1989, the highest authority of the Catholic Church in Lithuania, Cardinal Vincentes Sladkevicius had the courage and political wisdom to stress that if the Holy See officially recognized the annexation of Lithuania by the Soviet Union, it would be against the will of the majority of the people and in a sense would risk damaging the faith itself. "Our people would rise up," said the Cardinal. It shows once more the importance, the paramount importance of the non-recognition policy.

But new situations are being created by the national and democratic movements which express the aspirations of the great majority of Lithuanians, even those who are members of the Communist Party.

It is of paramount importance that the efforts of my countrymen be protected from direct and indirect Soviet intervention and their coercive measures. The democratic structures must expand on all levels of political, economical and social life. The United States could play a dramatically important role by using all possible private channels in order to help promote the growth and the development of democratic undertakings. The stronger the democracy will become, the easier it will be to attain freedom and independence.

Today the respect for human rights and fundamental freedoms in all their aspects is still a matter for concern. Harassment of people who participate in the political activities, and who are not public figures, harsh treatment of young men serving in the Red Army, very subtle persecution in the religious sphere and above all, the lack of radical changes of laws establishing the rights of the citizens, all this is still a threat to the freedoms of men and women in Lithuania.

I also would like to mention the dramatic ecological situation which is a constant menace to the very existence of the population. Babies and young children are especially in danger for lack of good food. The nuclear power plant of Ignalia is a time bomb whose explosion would jeopardize the entire population of Lithuania and adjacent countries.

A high degree of freedom of speech and freedom of mobility has been achieved. But the Lithuanians don't control the army, the police, the telephones and the railway system of their country.

They don't have the authority over the industries and finances. And the preeminence of Lithuanian laws over the Soviet laws is still partly a dead letter. Reforms in the past two years didn't go far enough.

We expect that in the coming elections, on February 4, 1990, the national democratic movements will get about 70 percent of the seats in the Lithuanian Supreme Soviet. We will not be able to consider these elections as democratic. They will be held not only under Soviet supervision, but with the Red Army in control of the country, and what is much worse, participating in the elections. The results of these elections will, however, be very indicative and will certainly constitute a starting point for further political actions. Therefore, we should not forget that the state of Lithuania—presently under duress—exists and that it doesn't need a new international recognition as such. What is needed is the recognition of a government after it has resumed the exercise of effective sovereign power. It will therefore be very important to establish an objective criterion on which foreign countries could judge whether Lithuania can be considered as an independent country. It is my deep conviction that the main standard for such a judgment would and should be an agreement with the Soviet Union on the future relations between the two countries. Of course, other elements will interact and help reach a decision.

We want to proceed slowly, peacefully, and with the necessary caution. If the Soviet Union will not respond and will refuse any discussions on the independence of Lithuania, we will try to convince Moscow that it is in her interest to have free and friendly neighbors instead of dissatisfied colonies, dominated by force.

I regret the Ambassador of the Soviet Union is not here. I understand he couldn't come. I regret it because I would have said to him, "Mr. Ambassador, isn't it high time we sat at a table and negotiated and talked about the Baltic problem, and the common interest between our countries?"

At this point, may I, with your permission, recall a statement that was made by Mikhail Gorbachev in his address to the United Nations General Assembly? "It is quite clear," he said, "to us, that the principle of the freedom of choice is mandatory. Its non-recognition is fraught with extremely grave consequences for world peace. Denying that right to people, under whatever pretext or rhetorical guise, jeopardizes even fragile balance that has been attained. Freedom of choice is a universal principle that should allow no exception."

I wish to point out that contrary to the opinion we sometimes hear in the West, the General Secretary is convinced that respect of the rights of self-determination is tantamount to the strengthening of world peace. We certainly do agree.

In the past Americans had men with a dream of great undertakings. We Lithuanians have now men with a vision—vision of Eastern Europe where free nations could live peacefully together and work for a better and more prosperous future. It is time that the Soviet Union renounced the 19th Century mentality of sheer domination and looked at the approaching 21st Century when all international problems will have to be solved by reason and not by

force. This is also the only way to avoid catastrophic consequences of communism's complete failure.

Thank you very much, Mr. Cochairman.

Cochairman HOYER. Thank you, Mr. Lozoraitis.

It has been suggested that we ask questions at this point in time. I am going to somewhat deviate from that, if I might, but with your concurrence. And I am going to ask now the Assistant Secretary to testify.

So, if we could change the panel, and have you sit down in the front row, and call our second group up. I want to do that because I want to get the testimony.

First of all, we will ask the Principal Deputy Assistant Secretary for the Bureau of European and Canadian Affairs, Mr. James Dobbins.

STATEMENT OF MR. JAMES DOBBINS, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR THE BUREAU OF EUROPEAN AND CANADIAN AFFAIRS

Secretary DOBBINS. Thank you very much, Mr. Chairman.

As you mentioned, I brought along with me a colleague from the Department, Dr. Goble, who I will ask to assist me on some of the questions that you may have regarding the situation as it currently exists in the Baltic Republics.

I would also like to begin by expressing my appreciation and my admiration for my colleague in the profession of diplomacy, the distinguished envoys representing the last three governments of the Baltic States. I think it is fair to say that seldom have diplomats had to perform such unusual, such difficult, such challenging and such important tasks as these men and their predecessors have had over the last 49 years.

American policy toward Estonia, Latvia and Lithuania has been clear and consistent. As President Bush stated in his Baltic Freedom Day message on June 4th, 1989, "The Government of the United States does not, and will not recognize the unilateral incorporation by force of arms of the Baltic States into the Soviet Union."

"We believe strongly that the democratic goals and objectives of the Baltic peoples pose no threat to their neighbors. Rather peaceful democratic change will be an important stabilizing process in the region. The United States seeks no unilateral advantages in the Baltic States, and our interests there pose no threat to Soviet security."

Non-recognition of the forcible incorporation of the Baltic States into the U.S.S.R. is the base of our policy. Upon this foundation we are now looking to develop mutually beneficial contacts with the peoples of Estonia, Latvia and Lithuania.

For many years the situation in the Baltic States was grim. Over the last two years there has been a significant improvement in the opportunity for self expression in the Baltics, as there has been throughout most of the Soviet Union. Grassroots organizations, known as the Popular Front in Estonia and Latvia, and as the Sąjūdis in Lithuania, have sprung up. Underground independence movements and human rights organizations have also surfaced.

These organizations represent a diversity of political, social and religious views, yet share a general consensus for peaceful democratic change moving towards independence. Major change is also under-way in the economy.

On January 1, 1990, the Baltic States will institute "economic autonomy," a concept that has yet to be fully developed.

Accompanying social changes have also raised the tensions among nationalities in the region, and the resolution of these tensions will be very important.

Gorbachev appears committed to the development of genuine autonomy for the Baltic States for the sake of economic growth and social stability. But at this stage we must assume that he will oppose secession. With the illegality of the secret protocols to the Molotov-Ribbentrop Pact now accepted, even by Moscow, the perceived legitimacy of Soviet rule over the three States has nevertheless been further weakened.

We believe that a solution to the status of the Baltic nations can only come through peaceful means. This is what all of the parties say they seek. The Secretary of State has discussed this issue with the Soviet Foreign Minister and with others, and they say they are also committed to seeking resolution of these issues peacefully.

The Secretary of State has said in a recent speech that we support—"We hope for the success of perestroika. Perestroika is going, perhaps, in a few months to be undergoing what is undoubtedly going to be one of its severest tests, if not the severest test. Soviet leadership when asked what is their most difficult problem, their economy? They say, no, it is their nationalities problem. And they admit that the use of force to solve that problem would be a failure of perestroika.

There are elections that are scheduled, although no specific dates are set, which may lead to the creation of more representative governments in each of the Baltic States. And that process and the consequences of that process, are going to be extremely important to the Baltic States, and for the rest of the world. And that is going to be the focus of all of our attention.

Thank you, Mr. Chairman.

Cochairman HOVER. Thank you very much, Mr. Secretary.

Now, we welcome your statement, Mr. Hough, and if you want to excerpt from it—I know it is a relatively lengthy statement, a good statement—we will include it in the record at this time in its entirety, as we will include Mr. Dobbins' statement in its entirety at this point in time in the record.

Mr. Hough.

STATEMENT OF MR. WILLIAM HOUGH, MEMBER OF THE LAWYERS' COMMITTEE ON HUMAN RIGHTS, A RECOGNIZED EXPERT ON THE INTERNATIONAL LEGAL ASPECTS OF THE MOLOTOV-RIBBENTROP PACT AND THE BALTIC QUESTION

Mr. HOUGH. Thank you, Mr. Chairman and members of the Commission.

I want to thank you for extending to me the courtesy of addressing you with respect to the forcible annexation of the Baltic States of Estonia, Latvia and Lithuania by the Soviet Union in 1940, and

the non-recognition of such seizure by the United States and other Western nations.

I will bifurcate my oral testimony this afternoon into two sections: one, I would like to very briefly just discuss the non-recognition doctrine as a part of the body of international law existing today. And then I would like to go into a few policy suggestions that I have with respect to American foreign policy and, perhaps, with respect to the foreign policy of the Western Alliance.

Recently, in Time Magazine, correspondent Strobe Talbot wrote that the United States' non-recognition of the Soviet incorporation of the Baltic States was a "conceit of diplomatic formalism." Nothing could be farther from the truth. As early as 1879, the United States was on record with respect to a conflict between Chile and Bolivia that it no longer recognized the so-called "right of conquest." At the Inter-American Conference held in Washington in 1890, all then-independent American States agreed not to recognize forcible seizures of territory in the Western Hemisphere. Partially because of the insistence of President Woodrow Wilson, the League of Nations Covenant established in 1920 specifically called upon League member States to protect the territorial integrity of all members of the League. Such a requirement was acknowledged by the Baltic States when they were admitted to the League in 1921, and accepted by the U.S.S.R. when it joined the League 10 years later.

In 1932, in response to events in the Chinese province of Manchuria, the League unanimously declared that it was incumbent upon all members of the League not to recognize forcible seizure of the territory. At the same time, in South America, 19 republics agreed in the famous Chaco declaration of August 2, 1932, that the American nations would declare "that they will not recognize any territorial arrangement which has not been obtained by peaceful means." This declaration was embodied in a treaty the following year, signed in Rio de Janeiro by the United States, Brazil, Mexico, Argentina, Venezuela and 25 other nations, which once again specifically stated that the signatory States would not agree to recognize forcible seizures of territory.

Throughout the 1930's, when the annexations of Ethiopia, Albania, Austria, and Czechoslovakia occurred, the Soviet Union, as well as the United States, was clearly on record as opposing such forcible seizures of territory. And the Soviet Union specifically refused to recognize such seizures. Indeed, the Czech and Albanian diplomatic corps continued to function in Moscow, despite the fact that Germany was in possession of these territories in much the same way that the Baltic diplomatic corp continues to function in Washington.

During the course of the Second World War, the United States entered into a solemn treaty obligation with both Britain and the U.S.S.R. in the document known as the Atlantic Charter, whereby all three States agreed that no territorial settlements would be recognized that were not in accord with the wishes of the people of such territories, and that those people who had been deprived of their sovereign rights and self-government during the course of the conflict with Germany would have their rights restored to them, after such conflict had finished.

After the war, the non-recognition requirement was inserted in Article 17 of the Charter of the Organization of American States, and in 1970, the U.N. General Assembly unanimously agreed to support a resolution concerning principles governing friendly relations between States which required non-recognition of forcible seizure of territory.

I might add that UN Security Council Resolution 242, with respect to Israeli territorial gains in 1967, also specifically mentioned the non-recognition doctrine. And, of course, the Helsinki Final Act has a specific provision with respect to non-recognition of forcible seizure of territory.

Of course, the United States doesn't stand alone with respect to its position on the illegality of the forcible annexation of Estonia, Latvia and Lithuania. In my written testimony I have provided you with the most recent statements by the United Kingdom, France, Canada, Ireland, Denmark, Norway, the Federal Republic of Germany, Spain, Portugal, Switzerland, Belgium, Luxembourg, Australia, Sweden and the Vatican with respect to such non-recognition.

Now, I would like to move onward a little bit here to discuss some of the policy initiatives that might be undertaken by the U.S. Government, hopefully in conjunction with other governments around the world, with respect to a solution of the Baltic question.

In 1935, when Soviet Foreign Commissar Maxim Litvinov went before the League of Nations assembly in Geneva and stressed the value of the non-recognition doctrine with respect to the Italian annexation of Ethiopia, the Foreign Commissar declared, "We have to reckon not only with the question whether any struggle between the aggressor and his victim has come to an end, but also, should that have occurred for the time being, whether there are chances of the struggle being renewed and likewise, we have to reckon with other circumstances which may bring about a change in the situation created by aggressive acts of violence."

As all of us are aware, the rebirth of Baltic political movements in the last 2 years has given Mr. Litvinov's words new meaning. Unfortunately, however, Western statesmen have reacted to the resurgence of peaceful democratic Baltic mass movements with nervous confusion and anxiety.

Indeed, when the European Community made its speech to the U.N. General Assembly this year, French Foreign Minister Dumas, speaking on behalf of the EC, referred to the Western Sahara, Sri Lanka, East Timor, rain forest defoliation, the Year of the Child, Korean reunification, South Africa, the illegitimacy of the government of General Noriega of Panama, and the ozone layer's destruction, among other issues, but the repeated requests of Baltic representatives for a passing favorable reference to democratic trends in the Baltic States fell on deaf ears, and no mention was made by those European States safely protected by the North Atlantic Alliance of their Eastern neighbors who have so valiantly and courageously shown their respect for Western democratic values and human rights during the past 2 years.

There is great irony in such unwillingness to speak out in light of the fact that nearly all of the European Community's member States have publicly refused to recognize the legality of the Soviet annexation. As noted earlier in this presentation, the purpose of

non-recognition of forcible seizure of territory is to deny the fruits of conquest to an aggressor. Yet, not one Western state, to my knowledge, has ever proposed a plan for independence for the Baltic States, or proposed a peaceful diplomatic solution for the Baltic region that would take into account the security interests of nations of East-Central Europe, including the U.S.S.R.

Such lack of vision and leadership fortunately does not extend to the Council of Europe or the European Parliament, and both bodies have passed several resolutions since 1983 calling on the member States of the European Community and the Council of Europe to raise the Baltic issue directly with the Government of the U.S.S.R. and for such States to promote the question of independence for the Baltic States in the framework of the Conference on Security and Cooperation in Europe, and at the United Nations.

Sadly, the response to these requests by the various Foreign Ministries of Europe has been negative. In his response to the European Parliament's declaration of 1983, German Foreign Minister Genscher stated that raising the Baltic issue at the United Nations "would not be in the best interest of the Baltic peoples."

Mr. Genscher's insensitivity to the European Parliament's resolution is particularly unfortunate in light of the fact that the Baltic demographic situation is increasingly approaching a point at which the Baltic people will become only a sizable minority of the population in their own nations. Indeed, if the nations of the West do not speak out now, at a time when the Baltic peoples are actively seeking Western support and are openly proclaiming their demands for restoration of Baltic independence and democracy, then it appears that the Baltic peoples are doomed to extinction, politically, culturally, and perhaps even ethnically.

Clearly, silence by the West with respect to the Baltic question can only hurt the Baltic peoples. Yet, there is great concern in the United States, Canada and Western Europe that an outspoken approach, championing the recent Baltic political moves towards independence, may jeopardize the reforms of Soviet President Gorbachev and the liberalizing trends apparent in East-Central Europe.

Indeed, the Baltic question seems to have been painted in stark black and white terms by Western policy analysts. While such analysts privately state that they sympathize with the Balts, they argue that the rebirth of independent Baltic States would be unacceptable to Moscow, would result in Soviet military intervention, and while if not precipitating Gorbachev's overthrow, would put an end to internal Soviet political reforms.

One highly respected analyst and former high ranking member of the National Security Council recently told a gathering of individuals concerned with events in the Baltic States that the Soviet Union had not given up territory since the Treaty of Brest-Litovsk in 1918, and that short of another world war, the Soviet Union was not about to do so in the future.

I disagree with the substance of such remarks. In fact, on two separate occasions since World War II the U.S.S.R. has given up European territory because it was in the Soviet Union's best interest to do so. These two occasions involved the return of Soviet military bases on Finnish territory to Finland after the conclusion of a Finnish-Soviet Peace Treaty in 1947, and the withdrawal of Soviet

forces from Austria after the conclusion of the Austrian State Treaty in 1955. If historical precedent is a reliable indicator, and it frequently is, the key to the Baltic question is a diplomatic and political formula that promotes and enhances the interests of the Baltic peoples, the U.S.S.R. and neighboring States. In both the Austrian and Finnish situations just referred to, the U.S.S.R. was able to secure its political and military withdrawal from foreign territory by concluding treaties which established neutral, non-aligned nations, possessing only small armed forces and which at the same time guaranteed the U.S.S.R. vast economic benefits by regulating foreign trade in raw materials and finished goods between Vienna and Helsinki on one hand, and Moscow on the other.

Today, with the advent of the Soviet Union's avowed interest in a common European home, respect for international law, and renunciation of the Brezhnev doctrine, there is absolutely no reason why the Western democracies should not, and could not, advance a common plan for the Baltic States modelled on the Austrian and Finnish historical examples. Of course, some analysts will cringe with fear, and shudder at the possibility that Moscow would see such an attempt as interference in Soviet internal affairs. It is at this point, however, that the value of a non-recognition position with respect to the annexation of the Baltic States is apparent. For nearly 15 years the West has told the U.S.S.R. that the Baltic nations are not a part of the U.S.S.R.. Thus, it should come as no great surprise to the Soviet Union that a common Western demarche finally has been made with respect to the continuing occupation of the Baltic nations.

It is my suggestion that any common plan for a solution to the Baltic question be based upon the Mutual Assistance Pacts concluded by the U.S.S.R. with each of the three Baltic States in October 1939. These pacts, as noted in my written testimony, specifically provide for a vast Soviet military presence in bases, ports and airfields throughout the Baltic nations. While the Pacts in question were, in fact, imposed under duress upon the Baltic States, each agreement does specifically recognize the legitimacy of the peace treaties concluded between the Baltic States and the U.S.S.R. in 1920, and each pact unreservedly upholds the sovereign rights of the Baltic nations with respect to their own particular political structure, economic and social systems, and military forces.

Of course, the various independence movements in the Baltic States would have to be involved in the formulation of such a common Western proposal. Otherwise, the West would be guilty of the same gross violation of the right of self-determination as was evidenced by Britain and the United States during the conferences in Teheran in 1943 and at Yalta in 1945. Nonetheless, the concept of independent Baltic States whose relations with the Soviet Union are regulated by newly concluded treaties is one which has been widely promoted by Baltic leaders in the Baltic States, and referred to by Dr. Lozoraitis in his remarks earlier this afternoon.

By basing such a newly established Baltic-Soviet relationship on the framework of the Mutual Assistance Pacts, President Gorbachev and the Soviet military would be assured that all legitimate Soviet military and security interests would be respected. The United States and the other members of the North Atlantic Alli-

ance, Sweden and Poland, might also give to the Soviet Union specific assurances, as was the case in Afghanistan, that the West would not use the rebirth of Baltic independence to jeopardize or undermine Soviet national security.

Economically, the re-establishment of the Baltic independence would be a great boon to the Soviet economy. Before the Second World War, Latvia, Estonia and Lithuania enjoyed a level of economic prosperity higher than that of Denmark and per capita consumption of milk and meat surpassed that of the United States. The creation of three free market economies united by road, rail and ship to Finland, an increasingly capitalist Poland, Sweden and Germany, would spur the renewal of Soviet economic growth and serve as a model for the restructuring of Soviet agriculture and industry. Baltic efforts to acknowledge and deal with the desperate Baltic ecological situation would also serve as a laboratory for future Soviet progress in this area.

Ojars Kalnins of the American Latvian Association, as Dr. Dinbergs has mentioned already this afternoon, correctly stated the case for Baltic independence when he noted that the Soviet Union is much better off with three non-aligned, friendly, nation States on its western frontier as opposed to three occupied-republics which are avowed internal enemies of the Soviet system.

In conclusion, let me reemphasize the fact that the nations of the West have no policy of any kind with respect to events in the Baltic States. My visits to various diplomatic missions to the United Nations indicate that West European nations are not even sure of the stance taken on the non-recognition question by other European States. Some nations, such as Italy or Finland, not only refuse to publicly acknowledge that the annexation of the Baltic States was illegal, but continue to enter into agreements with Moscow's central ministries so as to create heavy industry and joint ventures in the Baltic nations. Other nations, such as the United States, Britain and Canada repeatedly state their non-recognition of the incorporation of the Baltic States, but so far have not even attempted to coordinate an international proposal designed to lead to an end to the Soviet occupation.

Clearly, there is a need for coordinated, diplomatic action to resolve the Baltic question. The fact that so many nations have refused to acknowledge the Soviet annexation of the Baltic States is an indication that the fate of Estonia, Latvia and Lithuania deserves a multi-lateral, international effort to restore Baltic independence and self-determination. Such an effort will not be easy, or simple, but the difficulty of the task should not dissuade the nations of the West from placing the Baltic case on the international agenda.

[Prepared testimony of William J.H. Hough III follows:]

Testimony of William J.H. Hough, III, Esq.,

Before the Commission on Security
and Cooperation in Europe

October 19, 1989

Mr. Chairman and members of the Commission. I want to thank you for this opportunity to discuss the international legal doctrine of nonrecognition of forcible seizure of territory and its relevance today to the three Baltic states of Estonia, Latvia and Lithuania. After reviewing the history of this particular legal prescription, and its application to the Soviet Union by the United States and the nations of Europe as a result of the Soviet annexation of the Baltic nations in 1940, I would like to outline a few policy initiatives which might be undertaken by the Western democracies so as to more actively and openly promote the restoration of independence to the Baltic states.

I. Historical Development of Law
Prohibiting Forcible Seizure of Territory

A. Pre-World War I Development

For more than 5,000 years, the struggle of two fundamental principles has pervaded recorded history: one of them embodied in the Machiavellian phrase "La forza fa giustizia", or "might makes right," and the other set forth in the Roman maxim, "Ex iniuria ius non oritur", or "legal rights shall not arise from wrongdoing." With regard to questions of territorial change, the first of these two principles remained unchallenged through the centuries, embodied in the so-called

"right of conquest." According to this principle, the seizure by one state of another state's territory was of no legal concern to other members of the international community and forcible territorial change was, therefore, simply regarded as a fait accompli. Title to territory acquired by conquest was thus accorded validity by third party states and legal rights with respect to the annexed territory's peoples and resources were bestowed upon the conqueror in much the same manner as if the conqueror had acquired the territory through peaceful means such as purchase, dynastic union, discovery or cession.

Towards the end of the eighteenth century, the centuries-old concept of the right of conquest began to change. Legal scholars such as the Abbé de Mably began to question the legal right of a conqueror to possess in perpetuity those territories subjugated by force, and the decrees of the French National Convention of 1792 emphasized the emerging legal right of peoples to self-determination and the inadmissibility of violent territorial change. In the Western Hemisphere, Latin American concerns with respect to the settlement of territorial disputes after the ouster of Spain from its Central and South American empire led to a series of treaties and agreements between the nations of the region in which the signatories agreed to withhold legal recognition of forcible territorial gains. Thus, at the Inter-American Conference held in Santiago, Chile in 1856, seven Latin American nations signed a "Treaty of Union of

the American States" in which the contracting parties agreed not to "cede or alienate, under any form, to another state or government, any part of their territories." Despite these efforts, armed conflict arose between Chile, Peru and Bolivia in 1879 and Chilean troops occupied Bolivia's territorial access to the sea. This aggression seizure of territory by Chile led United States Secretary of State James G. Blaine to declare that "the [United States] government feels that the exercise of the right of absolute conquest is dangerous to the best interests of all the republics of this continent."

During the Simon Boliver Centenary Celebrations in 1883, representatives of several Latin American nations, meeting at Caracas, Venezuela, issued a declaration known as the Caracas Protocol in which the signatory states stressed the duty to uphold the territorial integrity of the states of South and Central America and the obligation of such signatory states to ignore "the so-called right of conquest." This statement was later reaffirmed during the Conference of American States held in Washington, D.C. in 1890, at which meeting a majority of the independent states in the Western hemisphere adopted an Arbitration Convention and a series of related recommendations relating to territorial change. These recommendations declared, pertinent part, that:

1. The principle of conquest is eliminated from American public law during the period in which the treaty of arbitration is in force.

2. All cessions of territory made during the continuance of the treaty of arbitration shall be void if made under threats of war or as a result of the pressure of armed force.

B. The Rise of Self-Determination and
Independence of the Baltic States

While the development of law prohibiting seizure of territory had been most highly advanced in South and Central America before the turn of the century, it was the devastation and suffering caused by the First World War which gave impetus to a new legal and territorial order in Europe based in part upon non-recognition of the results of state-initiated aggression and respect for the territorial integrity of states. The First World War also brought the legal principle of self-determination to the fore of international politics and law, and by the end of the war acceptance of self-determination as an international legal norm had become inextricably linked with demands that the right of conquest be abolished forever. Foremost among those individuals who shaped the growth of international law in this respect was President Woodrow Wilson. In his address to Congress of January 22, 1917, President Wilson declared:

"No peace can last or ought to last, which does not accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property."

The following year, Wilson announced his "Fourteen Point" program to clarify his vision of the new post-war European territorial and political order for which the allies were fighting. Significantly, this vision of post-war Europe reflected the principles adopted by the International American Conference of 1890. Thus, among the Fourteen Points were demands for the reestablishment of an independent Poland, self-determination for the peoples of the Austrian, Ottoman and Russian Empires, restoration of all Belgian, French, Romanian and Serbian territory seized by the Central Powers and respect for the territorial integrity of the Balkan states.

Wilson's call for territorial settlements based on the aspirations of the populations concerned were echoed by Pope Benedict XV, Prince Lvov of the Provisional Russian Government, the Petrograd Soviet, Prime Minister Orlando of Italy, French Foreign Minister Pichon, and British Prime Minister Lloyd George, who for the first time declared that self-determination was a right possessed by the peoples of Africa and Asia. With respect the German colonial holdings, Lloyd George declared: "When we come to settle who must be the future trustees of these

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uncivilized lands, we must take into account the sentiments of the peoples themselves."

On November 8, 1917, the newly formed Soviet Government issued its "Declaration of Peace" in which the All-Russian Convention of Soviets of Workers' Soldiers' and Peasants Deputies appealed for:

[A]n immediate peace without annexation....and without indemnities.

By annexation or seizure of foreign territory, the government in accordance with the legal concept of democracy in general and of the working class in particular, understands any incorporation of a small and weak nationality by a large and powerful State without a clear, definite and voluntary expression of agreement and desire by the weak nationality, regardless of the time when such forcible incorporation took place, regardless also of how developed or how backward is the nation forcibly attacked or forcibly detained within the frontiers of the larger State, and finally, regardless of whether or not this large nation is located in Europe or in distant lands beyond the seas.

If any nation whatsoever is detained by force within the boundaries of a certain State and if that nation, contrary to its expressed desire--whether such desire is made manifest to the press, national assemblies, in parties' decisions, or in protest and uprisings against national oppression--is not given the right to determine the form of its State life by free voting and completely free from the presence of the troops of the annexing or foreign State, and without the least pressure, then the adjunction of that nation by the stronger State is annexation, i.e. seizure by force and violence.

The Declaration of Peace was followed on November 15, 1917, by the Soviet's Declaration of Rights of the Peoples of Russia. In this proclamation, signed by Lenin in his capacity as Chairman of the Council of the People's Commissars, and Stalin, in his capacity of Peoples' Commissar for Nationalities' Affairs, the Soviet Government declared:

The Congress of Soviets has proclaimed in June of this year the right of Russia's nationalities for free self-determination. The Second Congress of Soviets has confirmed more categorically and determined this inalienable right of Russia's nationalities.

The Council of the People's Commissars, executing the will of those Congresses, has decided to lay down as a foundation of its policy toward the problem of Russia's nationalities, the following principles: 1. The equality and sovereignty of Russia's nationalities; 2. The right of Russia's nationalities to free self-determination up to seceding and the organization of an independent state.

In response to the November 15, 1917 Soviet declaration, an Estonian National Council proclaimed elections to a Constituent Assembly. A Soviet invasion of Estonia interrupted the election count, but on February 24, 1918, a three person emergency committee met and proclaimed Estonia a sovereign democratic republic determined to observe strict neutrality in its relations with other states.

On February 16, 1918, a Lithuanian Council elected by a National Assembly, which had convened at Vilnius in September 1917, proclaimed Lithuania an independent nation. Latvia's territory had been effectively divided by German and Russian armies since the summer of 1915, and it was therefore not until November, 1918 that a council of representatives from all Latvian political parties could meet in Riga to debate the future of the Latvian nation. On November 18, the Council declared Latvia to be a sovereign and independent state.

On February 2, 1920, Soviet Russia concluded a Peace Treaty with the Estonian Government at Tartu in which the Soviet state declared:

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"On the basis of the right of all peoples freely to decide their own destinies, and even to separate themselves completely from the State of which they form part, a right proclaimed by the Federal Socialist Republic of Soviet Russia, Russia unreservedly recognized the independence and autonomy of the State of Estonia, and renounces voluntarily and forever all rights of sovereignty formerly held by Russia over the Estonian people and territory by virtue of the former legal situation, and by virtue of international legal treaties, which, in respect of such rights, shall henceforth lose their force."

The conclusion of the 1920 Estonian Peace Treaty was followed later that year by treaties of peace between Soviet Russia and Latvia and Lithuania. In these treaties the Soviet government unreservedly recognized the independence and sovereignty of the Latvian and Lithuanian republics and voluntarily and forever renounced all sovereign rights over the Latvian and Lithuanian peoples and territories.

While new states began to emerge out of the territories of the former multi-national empires of East-Central Europe, the nations of Western Europe followed President Wilson's appeal and formed "a general association of nations ... formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike." The League of Nations, established in 1920, soon came to represent for many states the best hope for the prevention of another World War. With respect to the question of territorial change, President Wilson's insistence on the protection of territorial integrity of states led to the adoption of Article Ten of the League's constitutive document, the League Covenant. Article Ten stated in pertinent part:

"The Members of the League undertake to respect and preserve against external aggression the territorial integrity and existing political independence of all the Members of the League."

It was with these protective principles in mind that the League formally accepted the admission of Estonia, Latvia and Lithuania into the world organization in 1921, and for the ensuing nineteen years all three nations worked diligently within the League system, frequently in partnership with their Soviet counterparts, to solidify world peace through systems and formulas of universal disarmament, collective security and international cooperation.

Indeed, Soviet-Baltic cooperation extended to bilateral relations in every sphere of endeavor. The Soviet Union was given sovereign port territories in the Baltic States such that its imported goods could enter Baltic ports untaxed and duty free. The Baltic nations preserved the wide-gauge railway lines which connected Soviet Russia with Tallinn, Ventspils, Klaipeda and Liepaja, and Baltic borders were devoid of troops or armaments. With respect to dispute settlement, all three Baltic nations signed Non-Aggression treaties with the U.S.S.R. in 1926 and in 1932, and Conventions for the Conciliation of Disputes were signed by Estonia and Latvia with the U.S.S.R. in 1932 as well. The Non-Aggression treaties specifically prohibited "action or aggression directed against [one of the contracting parties], and also ... any acts of violence directed against the territorial integrity or the political independence of the

[contracting parties], regardless of whether such acts are committed separately or together with other powers, with or without a declaration of war." The Conciliation Conventions were adopted pursuant to Article 4 of the Non-Aggression treaties and called for a bilateral commission to "elucidate disputed questions and to propose to both [contracting] governments the interpretation or the bases of conciliation which it shall deem to be equitable and on which it shall recommend them to reach agreement by the diplomatic channel."

C. The development of the Non-Recognition doctrine in the 1930's

While relations improved between the Baltic States and the U.S.S.R. during the early 1930's, events in the Far East were destined to test the resolve of the League of Nations to enforce Article Ten of the Covenant.

In 1931, an explosion on the tracks of the Japanese-controlled South Manchurian Railway in China served as a pretext for Japanese occupation of the Chinese cities of Mukden, Harbin and Chang-Chun and the establishment of a new Japanese puppet-state, "Manchuko". On January 7, 1932, United States Secretary of State Henry L. Stimson dispatched a diplomatic note to the governments of China and Japan in which the United States government declared:

[I]n view of the present situation and of its own rights and obligations therein, the American Government deems it to be its duty to notify both the Imperial Japanese Government and the Government of the Chinese Republic that it can not admit the legality of any situation de facto nor does it intend to

recognize any treaty or agreement entered into between those Governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial or administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open-door policy; and that it does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan, as well as the United States, are parties. [Emphasis supplied.]

The content of Stimson's diplomatic cable soon came to be hailed by legal scholars and political scientists as a major development in international law. In a letter outlining the State Department position to United States Senator W.E. Borah, Stimson later wrote:

"If a similar decision should be reached and a similar position taken by the other governments of the world, a caveat will be placed upon such action [i.e., conquest in violation of a treaty] which, we believe, will effectively bar the legality hereafter of any title or right sought to be obtained by pressure or treaty violation, and which ... will eventually lead to the restoration to China of rights and titles of which she may have been deprived."

In response to the United States position on seizure of territory as outlined in the Stimson note, the League of Nations convened a special session to discuss Japan's aggression, and on March 11, 1932 the League Assembly adopted a resolution which resolutely condemned any attack on the territorial integrity of any member of the League and declared "that it is incumbent upon members of the League of Nations not to recognize any situation, treaty, or agreement which may be brought by means contrary to the Covenant of the League of Nations or to the Pact of Paris." [Emphasis supplied.]

In an authoritative analysis of the League's 1932 vote, the well-known international legal scholar, Sir Hersch Lauterpacht, noted that the Assembly resolution for the first time created an international legal obligation of nonrecognition of forcible territorial seizure which henceforth bound all members of the League. "In fact," Lauterpacht wrote, "the refusal to recognize a conquest accomplished in violation of the Covenant [would seem to have] constituted the very minimum of the obligation to respect and preserve the territorial integrity and political independence of the other members of the League."

While much of the world's attention in 1932 focused on Japan's actions in China, an outbreak of conflict between Bolivia and Paraguay over the Chaco territory produced a strongly-worded declaration by nineteen American nations with respect to non-recognition. The August 2, 1932 statement declared:

"The American nations ... declare that they will not recognize any territorial arrangement of this controversy which has not been obtained by peaceful means nor the validity of territorial acquisition which has not been obtained by peaceful means, nor the validity of territorial acquisition which may be obtained through occupation or conquest of force by arms."

The Chaco declaration led Argentina's foreign minister, Dr. Saavedra Lamas, to propose an international anti-war treaty designed to incorporate, in legally binding form, the principles outlined in the aforementioned statement of the nineteen American republics. Thus, on October 10, 1933, the Anti-War Treaty of Non-Aggression and Conciliation was signed at Rio de Janeiro by the nations of Argentina, Brazil, Chile, Mexico, Paraguay and

Uruguay. Article 2 of the Treaty declared that "as between the High Contracting Parties, territorial questions must not be settled by violence, and they will not recognize any territorial arrangements which are not obtained by pacific means, nor the validity of any occupation or acquisition of territory that may be brought about by armed force." [Emphasis supplied.]

Subsequent to the date on which the Treaty was opened for signature, it was signed by Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, Cuba, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, El Salvador, Venezuela, The United States, Bulgaria, Czechoslovakia, Finland, Greece, Italy, Norway, Portugal, Romania, Spain, Turkey and Yugoslavia.

The foregoing historical account of the development of the principle of nonrecognition of forcible seizure of territory clearly indicates that by 1933 such doctrine was an established, accepted, normative rule of international law. Yet, despite its international acceptance, the nonrecognition obligation came under increasing pressure as the power of totalitarianism increased in Italy, Germany and Soviet Russia and western nations such as Britain and France sought to appease Hitler and Mussolini by granting recognition to their territorial conquests.

Italy's attack on Ethiopia in 1935 tested the resolve of the members of the League to refuse recognition to the Italian territorial gains. Both Britain and France urged the League to forego economic sanctions and collective nonrecognition, in favor

of permitting each member of the League to unilaterally decide its own position.

The British and French position was attacked in speeches at the League Assembly in Geneva by many representatives including Ethiopian Emperor Haile Selassie and Soviet Foreign Commissar Maxim Litvinov.

The Ethiopian ruler in his statement to the Assembly declared:

Since 1935, Ethiopia has observed with sorrow how one after another, the signatures affixed to the Covenant have been denied. A number of Powers, themselves threatened by aggression and realizing their own weakness, have abandoned Ethiopia. Their cry has been "Sauve qui peut," the cry of the panic-stricken and demoralized. They have torn up the treaties which ensured their independence--Non-Agression Treaties, the Covenant of the League of Nations, the Pact of Paris. By what right can they ever invoke such undertakings, if they treat the agreements they have signed as mere scraps of paper?

The Emperor then proceeded to discuss the intentions of the British Government and British efforts to have the League refrain from criticizing British moves toward recognition of Italy's conquest of Ethiopia. He continued:

That is how it is proposed to treat the principles of international law and Article 10 of the Covenant

Yet non-recognition of a conquest by aggression is the least onerous way of observing Article 10, since it calls for nothing more than a passive attitude requiring no national sacrifice on the part of Member States, involving them in no risk of war or reprisals.

But it would seem that even this passive attitude has become too exacting for the Governments which, in order to resume with Rome what they describe as normal diplomatic relations, have felt impelled to protest--in varying forms, but always unsatisfactorily--their fidelity to the principle of non-recognition of territorial gains acquired by force. Today, it is the callous abandonment of that principle which is contemplated and, apparently, even urged by the powerful British Empire....

To attenuate this flagrant violation of the Covenant, the suggestion today before the Council is based on the de facto situation at present prevailing in Ethiopia.

Even were it true--which it is not--that the invader has broken my people's resistance; even if he were effectively occupying and administering the territory of my Empire--and he does not--even in such circumstances, the proposal before the Council should be unhesitatingly rejected. Was not the principle proclaimed by the United States of North America some years ago--namely, its refusal to grant legal recognition to the results of aggression--hailed throughout the world as one of the more important advances in the realm of international law and as a signal contribution to the organization of peace between the nations?...

It is unhappily true that my people cannot at present expect any material assistance from the States Members of the League. But I am at least entitled to ask that the rights of my people should continue to be recognized and that, while awaiting the hour of divine justice, Ethiopia should remain in your midst as the living symbol of violated right Let it not be said that the Ethiopian would derive no benefit thereby, and that the only result would be to disturb international relations. The surest way to disturb those relations is by sanctioning law breaking and sacrificing the victim...to the aggressor.

Soviet Foreign Commissar Maxim Litvinov also stressed the importance of the nonrecognition doctrine in his remarks to the League:

Among the means for combating aggression and defending its Members which the League has at its disposal, non-recognition does not by any mean play a conspicuous part. It is improbable that any one would assert that the mere threat of non-recognition may avert aggression, or that non-recognition itself might free the victim of aggression from the grip of the conqueror....

It would be quite wrong, however, to assert that resolutions on non-recognition are in themselves devoid of any particular value. While such resolutions have in every case a certain moral significance, and give satisfaction to public opinion, they also cause the aggressor some preoccupations and inconveniences, as is evidenced by the efforts which aggressors usually make to obtain recognition of their conquests, if only in an indirect way.

But, according to circumstances, non-recognition may be of vast importance, not only morally, but also politically---

particularly when the victim of aggression itself continues to fight for its independence and for the integrity of its territory. In such cases, the recognition of the results of acts of violent aggression, or the abandonment of the policy of non-recognition, would be equivalent to abetting the aggressor directly, and to stabbing the victim in the back by discouraging and demoralizing him. We have to reckon, not only with the question whether any struggle between the aggressor and his victims has come to an end, but also--should that have occurred for the time being--whether there are chances of the struggle being renewed, and likewise we have to reckon with other circumstances which may bring about a change in the situation created by aggressive acts of violence.

Mr. Litvinov then addressed the legal aspects of the nonrecognition doctrine:

But whatever the decision on the question before us, whatever, the conclusions which individual States will think it necessary to draw, on their own responsibility, from our discussion, one thing must be clear: The League of Nations has not changed its view of those actions which resulted in an Ethiopian problem arising within the League, and none of the condemnations of such activities adopted by the League is withdrawn. It must be made even more clear that the League of Nations has not changed its opinion on the general principle of non-recognition of the accomplished fact produced by aggression, and on the appropriate resolutions adopted by the League in other cases. The latter particularly applies in cases where the States which have been the victims of attack have aroused the amazement and admiration of the world by the valiance of their citizens who continue to fight the aggressor with unweakening energy, obstinacy and fortitude. It must be clear that the League of Nations has no intention of changing its attitude, whether to the direct seizure and annexation of other people's territory, or to those cases where such annexations are camouflaged by the setting up of puppet "national" governments, allegedly independent, but in reality serving merely as a screen for, and an agency of, the foreign invader.

I have still to remark briefly on the other aspects of the question which I have mentioned. When the United Kingdom Government puts forward its motion to grant freedom of action to all League Members, its bases its principal argument on the fact that many Members of the League, in violation of League resolutions, have already taken steps toward recognizing the annexation of Ethiopia, and therefore the same opportunity should be afforded to others. This may be fair from the standpoint of equality of obligations, but equality at such a low level can

hardly be an ideal of the League. If we once admit that principle, we may exact that it will be sufficient for one or a few Members of the League to break one of its decisions--and that may easily happen, in the present state of international morality--for all other Members of the League, one by one, to follow them.

We cannot admit that breaches of international obligations are examples to be followed. The League of Nations and its individual Members have made mistakes, errors and blunders; they have not always fulfilled their obligations. We should recognize and condemn such failures and take measures to prevent their repetition in future, but on no account must we legalize them, or lower the collective responsibility of the League of Nations to their level. Of course, the League's decisions are not eternal, and can always be reviewed and corrected by the League, at the request of individual League Members, but it is the League collectively which has to recognize such decisions as being out of date and invalid, not the individual Members, when they think it requires, or when it seems to be required, by their national interests at the time. The League Council should leave no room for doubt that it not only does not approve such anarchic activities, or erect them into a virtue, but severely condemns those of its Members who are the first to set the example of engaging in them.

Mr. Litvinov concluded:

If we had before us any resolution or resume of our discussion, I should insist on its reflecting the considerations I have laid before you. To neglect them will not allow the League to remain in existence much longer, and I should like to think that its preservation answers to the interests of peace and to the wishes of the vast majority of States.

Despite condemnations of the British and French position in Geneva, both London and Paris soon granted de facto recognition to Italy's acquisition and occupation of Ethiopian territory. Three years later the imbroglio over the invasion of Ethiopia was repeated when Nazi Germany invaded and annexed the Republic of Austria. Once again, in pursuit of a foreign policy based on appeasement, Britain and France granted recognition to the fruits of conquest, while other nations, including most

notably Mexico, issued sharp condemnations of the German actions. The Mexican statement to the President of the League of Nations in particular has long since been remembered and appreciated by the people of Austria, who even today learn of Mexico's defense of their nation's rights in school textbooks.

The Mexican statement read:

In view of the suppression of Austria as an independent State as the result of armed foreign intervention, and since the Council of the League has not as yet been convened with a view to the application of Article 10 of the Covenant, which requires the members of the League to respect and preserve as against external aggression the territorial integrity and political independence of all members, I have the honor, acting on the instructions of the Mexican Government, to transmit [to the League] the following declarations, and to request you to be good enough to bring them to the knowledge of the States Members of the League.

The political extinction of Austria, in the form and circumstances in which it has taken place, constitutes a serious infringement of the League Covenant and the established principles of international law

The fact that the Vienna authorities handed over their powers to the invader is no excuse for the aggressor's action, and the League should not accept the fait accompli without the most vigorous protests or without taking the action provided for by the articles of the Covenant.

Moreover, the authorities who relinquished executive power are in no sense representative of the Austrian people, who undoubtedly regard the death of their country as a tragedy of evil omen; the very authorities who were obligated to "yield to force" were not acting of their own free will, since voluntas coacta voluntas non est. Consequently, the States Members of the League should not regard the actions and words of these authorities as the free and lawful expression of the will of the nation subjected to military force.

The Mexican Government, which has always upheld the principles of the Covenant and in accordance with its consistent international policy refuses to recognize any conquest made by force, enters the most emphatic protest against the external aggression of which the Austrian Republic has just been the victim. It informs the public opinion of the world that in its

view the only means of securing peace, and preventing further international outrages such as those that have been committed against Ethiopia, Spain, China, and Austria, is for the nations to carry out the obligations laid up them by the Covenant, the treaties they have concluded and the principles of international law. Otherwise it will not be long before the world is overwhelmed by a far worse conflagration than that which it is sought to avoid by attempted action outside the League system.

Similar protests followed Germany's annexation of Czechoslovakia in March, 1939 and Italy's subsequent invasion of Albania.

In response to Germany's tour de force in Czechoslovakia, the Soviet Government declared in March, 1939 that it would not recognize the annexation:

"In absence of any expression of the will of the Czech people, the occupation of the Czech provinces by German troops and the subsequent actions of the German government cannot but be considered as arbitrary, violent and aggressive."

.....

"In view of the above, the Soviet Government cannot recognize the inclusion of the Czech provinces and also, in one form or another, of Slovakia, in the German Empire to be legitimate and in conformity with the generally accepted rules of international law and justice or the principle of self-determination of nations."

The French government also refused to recognize the German annexation and informed German Foreign Minister von Ribbentrop that the "Government of the French Republic cannot in the circumstances recognize the legality of the new situation brought about in Czechoslovakia by the action of the Reich."

On March 17, 1939, the United States acting Secretary of State, Sumner Welles, released the following statement:

"This Government, founded upon and dedicated to the principles of human liberty and democracy cannot refrain from making known this country's condemnation of the acts which have resulted in the temporary extinguishment of the liberties of a free and independent people with whom, from the day when the Republic of Czechoslovakia gained its independence, the people of the United States have maintained specially close and friendly relations ...".

Significantly, after the annexation of Czechoslovakia the Czech diplomatic corps continued to function overseas, and the French, United States and Soviet Governments continued to accredit the representatives of the last freely elected Czech government. This position was also maintained by the United States with respect to Albania after that nation was invaded by Italy and the Albanian Minister continued to function in Washington until his death in 1942.

D. The Nazi-Soviet Non-Aggression Pact
and the Annexation of the Baltic States

The events of the summer of 1939 have been widely discussed in the American press this year and there is little need here to recite the circumstances under which the Soviet and Nazi German Governments entered into a Non-Aggression Pact with secret protocols on August 23, 1939. In these documents both Soviet Russia and Germany agreed to divide vast territories in East-Central Europe, from Finland in the north to Romania in the south, among themselves. As you may know, a special commission of the Soviet Union's congress of Peoples Deputies has recently concluded a study of this infamous agreement, otherwise known as the Molotov-Ribbentrop Pact, and has declared that the Pact

constituted a clear breach of international law and a violation of numerous treaties signed by the U.S.S.R. with its western neighbor states.

To date, the U.S.S.R. has refused to publish the findings of the Soviet commission in much the same manner that it has so far refused to publish the report of the joint Polish-Soviet commission that last year concluded that the Soviet N.K.V.D. was responsible for the massacre of Polish officers in the forest of Katyn near Smolensk in 1941. According to Mr. Edgar Savisaar of the Estonian Popular Front, the publication of the report on the Molotov-Ribbentrop Pact was halted by President Gorbachev of the Soviet Union on the grounds that its conclusions were "one sided" and out of fear that the report would give a clear legal basis for demands for the restoration of independence to the Baltic States and calls for the return of territories occupied by the U.S.S.R. to those nations from which such territories were annexed, i.e., Finland, Poland and Romania.

Regardless of Soviet plans with respect to the report in question, Soviet officials themselves have clearly admitted this summer the existence of the Non-aggression Pact and its secret protocols. Moreover, it is worth noting that the original maps, on which the spheres of influence described in the protocols were delineated, can be found today in the archives of the German Foreign Ministry in Bonn. These maps clearly bear the original signatures of Stalin and Ribbentrop.

The Nazi-Soviet Pact led almost immediately to the invasion and occupation of Polish and Finnish territory by Soviet and German troops. Shortly after the Soviet invasion of Poland on September 17, 1939, Soviet authorities began a series of mass arrests, murders and deportations such that by 1941 more than 2,000,000 Poles had been sent east in sealed railway cars to Central Asia and Siberia. In October, 1939, the Soviets held "elections" to so-called Peoples' assemblies in eastern Poland in which only pro-Soviet candidates were permitted to run for office. According to Soviet sources, 96.71% of the electorate in Western Ukraine voted for the deputies to the Assembly of Lvov and 92.83% in Western Byelorussia for the Assembly in Bialystok. These assemblies met on October 26, 1939 and October 28, 1939 respectively. Stalin was elected honorary President of both assemblies, and identical resolutions were passed requesting admission to the U.S.S.R. These requests were granted by the Supreme Soviet on November 1st and 2nd, 1939.

Once again, the United States refused to recognize a territorial settlement based upon armed aggression. In a statement to the Polish government-in-exile, Secretary of State Cordell Hull declared::

"Poland is now the victim of force used as an instrument of national policy. It's territory has been taken over and its government has had to seek refuge abroad. Mere seizure of territory, however, does not extinguish the legal existence of a government. The United States, therefore, continues to regard the government of Poland as in existence, and continues to recognize Count Jerzy Potocki as its Ambassador in Washington."

Events in Finland in December, 1939 also bore witness to the vision of Europe scrawled on the maps delineating Soviet-German spheres of influence agreed to in Moscow in August. In October, 1939, the government of Finland was presented with Soviet demands for cession of the nickel-rich Petsamo district, cession of five islands in the Gulf of Finland, Lease of the Port of Hanko, and demilitarization of the Soviet-Finnish border. Although the Finns were willing to cede some territory, they refused to lease Hanko or demilitarize the border, and on November 13, the Finnish-Soviet talks broke down.

On November 29, 1939, Soviet forces crossed the Finnish border and Helsinki was bombed by Soviet aircraft. Moscow radio subsequently announced the establishment of a "Democratic Government of Finland" in a small village on the Finnish frontier, headed by Otto W. Kuusinen, a Finnish Bolshevik who had fled to the U.S.S.R. after the Finnish civil war of 1918-1920. Kuusinen's "Government" at once justified the Soviet invasion by announcing that the Red Army has crossed the Finnish frontier at the request of Democratic Finland. "It will depart", Kuusinen announced, "as soon as the People's Government asks it to leave." The Soviet ploy was not credible, and on December 2, 1939, the League Assembly met in Geneva to condemn the Soviet invasion and expel the U.S.S.R. from League pursuant to Article 16 of the Covenant.

Soviet-Baltic relations during this period were tense. In October, 1939 the U.S.S.R. demanded that the three Baltic States enter into so-called Mutual Assistance Pacts whereby the Baltic States agreed to give the U.S.S.R. large military bases inside Baltic territory. Despite the coercion involved, each agreement specifically noted that "the enforcement of the present Pact shall in no way impair the sovereign rights of the contracting parties, nor, more especially, their economic system or political structure."

Soviet authorities were quick to portray the Pacts with the Baltic States as an agreement between equals. In a speech before an extraordinary session of the Supreme Soviet in October, 1939, Soviet Foreign Commissar Molotov declared:

"The Pact with the Baltic States in no way imply the intrusion of the Soviet Union in the internal affairs of Estonia, Latvia and Lithuania as some foreign interests are trying to make believe... These pacts are inspired by mutual respect for the political, social, and economic structure of the contracting parties and are designed to strengthen the basis for peaceful neighborly cooperation between our peoples. We stand for scrupulous and punctilious observance of the pacts on a basis of complete reciprocity, and we declare that all nonsense about Sovietizing the Baltic countries is only to the interest of our common enemies and of all anti-Soviet provocateurs."

The events of June, July and early August, 1940, and the resulting invasion and occupation of the Baltic States came about quickly and without notice. In May, 1940, the Soviet Union used the disappearance of several Russian soldiers in Lithuania as a pretext to claim that Lithuania was not complying with the terms of the Mutual Assistance Pact of October, 1939. On June 9, 1940,

Molotov accused Lithuania of organizing a Baltic military alliance against the U.S.S.R. On June 14, Molotov presented the Lithuanian Minister of Foreign Affairs an ultimatum demanding the formation of a new Lithuanian government. The following day, faced with massive troop formations on its borders, the Lithuanian government accepted the Soviet ultimatum, and by nightfall tens of thousands of Soviet troops had occupied the country. On June 15, 1940, Soviet troops massed on the Latvian border, and the Soviet government presented a new series of charges against Latvia, including one accusation alleging the conclusion of a secret military alliance by Latvia with Estonia and Lithuania. A hastily convened Latvian cabinet meeting agreed to accept the Soviet demand that a new government be formed in light of the fact the the Soviets had threatened to bomb principal Latvian population centers if the ultimatum was not accepted within six hours. A similar series of events occurred in Estonia, where the Estonian government was given eight and a half hours to accept Molotov's demands. Thus, by June 17, 1940, all three Baltic nations had been occupied by hundreds of thousands of Soviet troops.

On June 21, 1940, Soviet occupation authorities organized demonstrations by local communists and Soviet soldiers in Tallinn, Riga and Kaunas, and the three Baltic governments were forced to resign. Free associations and labor unions were dissolved, newspapers closed, radio stations nationalized, police

and soldiers disarmed, and mass meetings banned. Well-known Baltic political figures and army officers were arrested and deported to the U.S.S.R. Indeed, on the night of July 11, more than 2,000 people were arrested in Lithuania alone.

On July 14 and 15, "elections" were held in all three Baltic States for "Peoples' Assemblies". Voting was obligatory and only members of "progressive" political parties were permitted to run for office. The elections resulted in a vote of 97.8% for the Union of the Working People of Latvia, a 99.19% vote for the Working Union of Lithuania, and a 92.8% vote for the Union of Working People of Estonia.

On July 21st and 22nd, 1940, in direct violation of the respective national constitutions, the Estonian, Latvian and Lithuanian "Peoples' Assemblies" voted to request admission to the U.S.S.R. On August 3rd, 5th and 6th, 1940, the Supreme Soviet of the U.S.S.R. "received favorably" the respective requests.

E. International Non-Recognition of the Soviet Occupation and Annexation of the Baltic States

1. International reaction to events in the Baltic states was swift and overwhelmingly critical of the Soviet invasion and occupation. The United States Government reacted to events in the Baltic states in much the same manner in which it had reacted to events in Manchuria, Albania, Ethiopia and Poland. On July 23, 1940, acting Secretary of State Sumner Wells declared:

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During these past few days the devious processes whereunder the political independence and territorial integrity of the three small Baltic republics--Estonia, Latvia, and Lithuania--were to be deliberately annihilated by one of their more powerful neighbors, have been rapidly drawing to their conclusion... The policy of this Government is universally known. The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any form of intervention, on the part of one state, however powerful, in the domestic concerns of any other sovereign state, however weak. These principles constitute the very foundations upon which the relationship between the 21 sovereign existing republics of the New World rests. The United States will continue to stand by these principles, because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice and of law--in other words, the basis of modern civilization itself - cannot be preserved."

The United States Government also moved to block Baltic funds held in United States banks and to freeze Baltic assets in the United States. In response to Soviet complaints about the freezing of Baltic gold assets, the State Department declared:

"The attempt to transfer the gold belonging to the Banks of Lithuania, Latvia and Estonia was made at a time when it had become apparent that the governments and peoples of these countries were being deprived of freedom of action by foreign troops which had entered their territories by force or threats of force. The attitude of the Government and people of the United States with regard to the use of force or threats of force in the conduct of international relations is well known. In keeping with this attitude, it is proper that the authorities of the American Government... should not fail to take into consideration the special situation existing in the Baltic countries."

In another important step, the United States announced that it would continue to recognize the Latvian, Estonian and Lithuanian Ministers in Washington as representatives of the Baltic states. This decision conformed to the policy already established with respect to the representatives in Washington of Albania, Czechoslovakia and Poland.

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American resolve not to recognize Soviet legal claims to the Baltic states was strengthened by the conclusion of the Atlantic Charter with the United Kingdom in August, 1941 and the U.S.S.R.'s accession to the Charter one month later. In pertinent part the Charter stated that signatory states would not seek territorial aggrandizement and that no territorial changes would be permitted during the course of the conflict with Nazi Germany that did not accord "with the freely expressed wishes of the peoples concerned." Significantly, the Charter declared the right of all peoples to choose the form of government under which they would live and called for the restoration of sovereign rights and self-government to those people from whom such rights had been forcibly taken.

Unfortunately, the United States failed to logically follow the non-recognition principle with respect to the Baltic States during the period of discussions concerning the establishment of the United Nations. Undoubtably, State Department officials feared the Soviet reaction to any United States insistence that United Nations seats be reserved for Estonia, Latvia and Lithuania. As a result, when the Latvian Minister to Washington, Dr. Bilmanis, requested the right to sign the Declaration of the United Nations on behalf of the Latvian people, his request was denied.

2. The United Kingdom also refused to recognize the legality of the Soviet annexation of the Baltic states. With

respect to Stalin's territorial intentions in eastern Europe, British Prime Minister Winston Churchill declared in 1942 that:

"Stalin's demands about Finland, the Baltic States and Rumania are directly contradictory to the first, second and third articles of the Atlantic Charter, to which Stalin has subscribed. There can be no question whatever of our making an agreement [with the U.S.S.R. concerning these territories], secret or public, direct or implied, without prior agreement with the United States. The time has not come to settle frontier questions, which can only be resolved at the Peace Conference when we have won the war..."

The United Kingdom's policy of not recognizing the Soviet annexation of the Baltic states continues to this day. On May 22, 1989 the private secretary to Prime Minister Margaret Thatcher made the following statement on her behalf:

"Our policy on this issue is clear, and the Soviet authorities are in no doubt about our position. We have never recognized de jure the forcible incorporation of the former Baltic states into the Soviet Union, and would respect the right of the peoples of Latvia, Lithuania and Estonia to say what their own future should be. We are encouraged by recent progress and hope that this will continue."

3. The Federal Republic of Germany has also refused to recognize the annexation of the Baltic states. In 1984, the Federal Republic stated that the German-Soviet agreements signed in the fall of 1939 were violations of international law and void as of the beginning of the Second World War.

The resumption of diplomatic relations between the Federal Republic of Germany and the U.S.S.R. in 1953 did not imply any de jure recognition of the annexation of the Baltic states or recognition of the western frontier of the U.S.S.R.,

and this was explicitly expressed by German chancellor Adenauer in his letter of reservation to the Soviet Government of September 14, 1953. Adenauer's position was unanimously upheld by a vote of the Bundestag on September 14, 1955. German non-recognition of the annexation was again declared by Foreign Ministry official Alois Mertes in 1983 in a letter to several members of the Bundestag.

On March 6, 1985, Klaus Herrmann, a representative of the governing CDU/CSU faction in the German Parliament outlined in a letter to the International Committee for Viktoras Petkus the following policy of the CDU/CSU with respect to the Baltic states:

Furthermore, what matters for the CDU/CSU is that the Federal Republic of Germany as well as most of the Western countries do not recognize the annexation of the Baltic States. In this respect, all the federal Governments have been so far conscious of their historic responsibility. Because, after all, it was the Hitler-Stalin Pact and, especially, the secret agreements of August 23 and September 28, 1939 that have first opened the possibility for the annexation of the Baltic States, because the National Socialist Regime had declared to the Soviet Union that it was disinterested in in Estonia, Latvia and Lithuania. However, the secret agreements do not mean any a prior recognition of the annexation. And even the closing of the Baltic embassies and consulates in the fall of 1940 cannot be interpreted as a de jure recognition of the annexation.

The moral impact of this historic phase remains, of course, independent of the specific impact on international law. Therefore, it is even more urgent today to hold on to the existing legal interpretation of the non-recognition of the Soviet annexation of the Baltic States, and at the same time to openly address and to represent the subject politically, but with a particular attention to the human rights in connection with the destiny of the Baltic States.

The CDU/CSU faction will deal with this subject in the future as it has already done in the past. Because our constant

endeavor remains to make the partition of Germany and of Europe more bearable for the people and ultimately to overcome it entirely. This, however, can be achieved only by focusing on the goal of a free right to self-determination for all the nations of Europe--which means also the Baltic nations--and in a peaceful European arrangement.

4. France has also refused to recognize the annexation of the Baltic States. On December 17, 1981 the French Foreign Minister, Claude Cheysson made the following declaration to the French senate:

"France has not recognized the annexation of the Baltic States of Latvia, Estonia and Lithuania by the U.S.S.R. in 1940.

Since then, it has not extended any recognition, either expressly or tacitly. This attitude was confirmed in 1975 at the time of the signing of the Helsinki Final Act by the president of the Republic when he indicated that "in the view of France, the texts signed here do not imply the recognition of situations which it would not have recognized otherwise."

5. The Canadian Government has repeatedly stated its refusal to recognize the Soviet annexation of the Baltic States. In March, 1985, the Rt. Hon. Joe Clark, Secretary of State for External Affairs declared:

It is quite clear. We do not recognize de jure the incorporation of Estonia, Latvia and Lithuania into the Soviet Union. This position has been firmly maintained over the last forty years and is based upon our disapproval of such forcible incorporation which is contrary to international law. The Soviet government is well aware of our position, which was reiterated specifically at the time of the signing of the Helsinki Final Act."

6. Australia also refuses to recognize the Soviet annexation of the Baltic nations. On February 24, 1983, the sixty-fifth anniversary of the declaration of Estonian independence, Australian Prime Minister Robert J.L. Hawke declared:

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"I would like to take this opportunity to reaffirm that the Australian Government does not recognize *de jure* the incorporation of the Baltic States into the Soviet Union. In doing so, we demonstrate our continuing commitment to the principles and purposes of the United Nations Charter and to the cause of peace and freedom in the world."

In this regard it should be noted that both Canada and Australia continue to recognize and accredit diplomatic representatives of the last Baltic States governments, although, as is the case with the United States, such individuals are not considered to be governments-in-exile.

7. Ireland has also refused to recognize the annexation of the Baltic nations. In its most recent non-recognition statement, delivered to the Council of Europe in May, 1986, the Irish Government declared that: "The recognition by Ireland of the Soviet Union predates the Soviet annexation of the Baltic States of Estonia, Latvia and Lithuania. Ireland has never recognized the incorporation of these states into the Soviet Union."

8. The Governments of Denmark and Norway have also refused to recognize the Baltic states' incorporation into the U.S.S.R. This position was confirmed by the Danish Foreign Ministry in 1982 and reasserted in 1986 in an official communication to the Council of Europe. Similarly, in 1986 the Norwegian Government stated that "Norway has not given any *de jure* recognition to the incorporation of the Baltic states into the Soviet Union."

9. Luxembourg and Belgium have made clear statements of non-recognition of the annexation. On May 16, 1986 the Luxembourg Foreign Ministry declared that:

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"Pursuant to the Helsinki Final Act 'All peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development'.

It is by virtue of this fundamental principle, which the international community has undertaken to uphold, that Luxembourg has given neither de jure nor de facto recognition to the annexation of the Baltic states by the Soviet Union.

Belgium stated on May 16, 1986 in a note to the Council of Europe that it has never recognized the annexation of the Baltic states by the Soviet Union. With respect to the Helsinki Final Act, Belgium declared in 1975, that Belgium's participation at the conclusions of the European Conference on Security and Cooperation does not modify Belgium's non-recognition position. "Since it is evident that Belgium can recognize a change of frontiers only in the case of a specific agreement."

10. On May 16, 1986, the government of Switzerland declared that "the annexation of the three Baltic states by the Soviet Union has never been recognized by Switzerland. Thus, Switzerland keeps in trust the property of the three Baltic States located in Switzerland, pending the restoration of the international capacity of the three owners or the establishment of a legally valid right of succession."

11. Similar non-recognition statements have recently been made by the Governments of Spain and Portugal and the Vatican state continues to accredit a fully recognized Lithuanian legation and Minister. In 1987, the Prime Minister of Portugal recalled a Portuguese parliamentary delegation from Moscow on the

grounds that Soviet officials had planned to take the delegation to the Baltic states. The Portuguese Government feared that such a visit might send the erroneous signal to Soviet authorities that Portugal had recognized the Soviet annexation.

Today, of the nations of western Europe, only the Netherlands, Italy, Iceland, Greece, Turkey, Austria, Sweden and Finland have failed to publically state their non-recognition of the annexation of the Baltic States, although the Swedish Government has privately indicated to visiting Baltic representatives that it has never granted de jure recognition to the Soviet annexation.

The foregoing summary of international positions with respect to the Baltic states underscores the fact that the United States position on this issue is not a remnant of cold-war, anti-Soviet foreign policy, nor, as Strobe Talbot of Time magazine described it on September 25, 1989, "a conceit of diplomatic formalism". Rather, non-recognition of the annexation is the direct result of a long-standing continuum of United States foreign policy which deliberately seeks to promote values of human rights, self-determination, and democracy world-wide. Indeed, non-recognition of seizure of territory is an international legal requirement, and one which the Soviet Union itself has championed in the past.

The history of the non-recognition doctrine since the end of World War II is proof that the doctrine retains its

vitality and legitimacy. Non-recognition is enshrined in Article 17 of the Charter of the Organization of American States and has been referred to in numerous United Nations resolutions and declarations. United Nations Security Council resolution 242 of 1967 with respect to Israeli territorial gains in the Middle East specifically refers to the inadmissibility of forcible territorial seizure and the 1970 United Nations declaration concerning Friendly Relations and Cooperation Among States declares that "no territorial acquisition resulting from the threat or use of force shall be recognized as legal." A similar specific reference to the nonrecognition requirement can also be found in the Helsinki Final Act.

II. United States Policy in light of
the Non-recognition of the Annexation
of the Baltic States

In his speech to the League of Nations in 1938, Soviet Foreign Commissar Litvinov declared:

"We have to reckon not only with the question whether any struggle between the aggressor and his victim has come to an end, by also should that have occurred for the time being whether there are any chances of the struggle being renewed, and likewise we have to reckon with other circumstances which may bring about a change in the situation created by aggressive acts of violence.

As all of us are aware, the rebirth of Baltic political movements in the last two years has given Mr. Litvinov's words new meaning. Unfortunately, however, Western statesmen have reacted to the resurgence of peaceful, democratic, Baltic mass movements with nervous confusion and anxiety.

Indeed, when the European Community made its speech to the United Nations General Assembly this year, French Foreign Minister Dumas, speaking on behalf of the E.C., referred to the Western Sahara, Sri Lanka, East Timor, rain forest defoliation, the Year of the Child, Korean reunification, South Africa, the illegitimacy of the government of General Noriega of Panama, and the ozone layer's destruction, among other issues, but the repeated requests of Baltic representatives for a passing favorable reference to democratic trends in the Baltic states fell on deaf ears, and no mention was made by those European states safely protected by the North Atlantic Alliance of their eastern neighbors who have so valiantly and courageously shown their respect for Western democratic values and human rights during the past two years.

There is great irony in such unwillingness to speak out in light of the fact that nearly all of the European community's member states have publically refused to recognize the legality of the Soviet annexation of the Baltic nations. As noted earlier in this presentation, the purpose of non-recognition of forcible territorial seizure is to deny the fruits of conquest to an aggressor. Yet, not one Western state, to my knowledge, has ever proposed a plan for independence for the Baltic States or proposed a peaceful diplomatic solution for the Baltic region

that would take into account the security interests of nations of East-Central Europe, including the Soviet Union.

Such lack of vision and leadership fortunately does not extend to the Council of Europe or the European Parliament, and both bodies have passed several resolutions since 1983 calling on the member states of the European community and the Council of Europe to raise the Baltic issue with the Government of the U.S.S.R. directly, and for such states to promote the question of independence for the Baltic states in the framework of the Conference on Security and Cooperation in Europe and at the United Nations.

Sadly, the response to these requests by the various Foreign Ministries of Europe has been negative. In his response to the European Parliament's declaration of 1983, German Foreign Minister Genscher stated that raising the Baltic issue at the United Nations "would not be in the best interest of the Baltic peoples."

Mr. Genscher's insensitivity to the European Parliament's resolution is particularly unfortunate in light of the fact that the Baltic demographic situation is increasingly approaching a point at which the Baltic peoples will become only a sizable minority of the population in their own nations. Indeed, if the nations of the West do not speak out now, at a time when the Baltic peoples are actively seeking Western support and are openly proclaiming their demands for restoration of

Baltic independence and democracy, then it appears that the Baltic peoples are doomed to extinction - politically, culturally, and perhaps even ethnically.

Clearly, silence by the West with respect to the Baltic question can only hurt the Baltic peoples. Yet, there is great concern in the United States, Canada and Western Europe that an outspoken approach, championing the recent Baltic political moves towards independence, may jeopardize the reforms of Soviet President Gorbachev in the U.S.S.R. and the liberalizing trends apparent throughout East-Central Europe. Indeed, the Baltic question seems to have been painted in stark black and white terms by Western policy analysts. While such analysts privately state that they "sympathize" with the Balts, they argue that the rebirth of independent Baltic states would be unacceptable to Moscow, would result in Soviet military intervention, and while it might precipitate Gorbachev's overthrow, would put an end to internal Soviet political reforms. One highly respected analyst and former high-ranking member of the National Security Council recently told a gathering of individuals concerned with events in the Baltic states that the Soviet Union had not given up territory since the Treaty of Brest-Litovsk in 1918 and that short of another World War, it would not do so in the future.

I disagree with the substance of such remarks. In fact, on two separate occasions since World War II the U.S.S.R. has given up European territory because it was in the Soviet Union's

own self-interest to do so. These two occasions involve the return of Soviet military bases on Finnish territory to Finland after the conclusion of a Finnish-Soviet Peace Treaty in 1947 and the withdrawal of Soviet forces from Austria after the conclusion of the Austrian State Treaty of 1955. If historical precedent is a reliable indicator, and it frequently is, the key to the Baltic question, is a diplomatic and political formula that promotes and enhances the interests of the Baltic peoples, the U.S.S.R., and neighboring states. In both the Austrian and Finnish situations just referred to, the U.S.S.R. was able to secure its political and military withdrawal from foreign territory by concluding treaties which established neutral, non-aligned nations, possessing only small armed forces, and which at the same time guaranteed the U.S.S.R. vast economic benefits by regulating foreign trade in raw materials and finished goods between Vienna and Helsinki on the one hand, and Moscow on the other.

Today, with the advent of the Soviet Union's avowed interest in a common European home, respect for international law, and renunciation of the Breshnev doctrine, there is absolutely no reason why the Western democracies should not, and could not, advance a common plan for the Baltic states modelled on the Austrian and Finnish historical examples. Of course, some analysts will cringe with fear, and shudder at the possibility that Moscow would see such an attempt as interference in Soviet internal affairs. It is at this point, however, that the value

of a non-recognition position with respect to the annexation of the Baltic states is apparent. For nearly fifty years the West has told the Soviet Union that the Baltic nations are not part of the U.S.S.R. -- thus it should come of no great surprise to the U.S.S.R. that a common Western demarche has finally been made with respect to the continuing Soviet occupation of the Baltic states.

It is my suggestion that any common plan for a solution to the Baltic question be based upon the Mutual Assistance Pacts concluded by the U.S.S.R. with each of the three Baltic states in October, 1939. These pacts, as noted in part I of this testimony, specifically provide for a vast Soviet military presence at bases, ports and airfields throughout the Baltic nations. While the Pacts in question were in fact imposed under duress upon the Baltic states, each agreement does specifically recognize the legitimacy of the peace treaties concluded between the Baltic states and the U.S.S.R. in 1920, and each pact unreservedly upholds the sovereign rights of the Baltic nations with respect to their own particular political structure, economic and social systems, and military forces.

Of course, the various independence movements in the Baltic states would have to be involved in the formulation of such a common Western proposal. Otherwise, the West would be guilty of the same gross violation of the right of self-determination as was evidenced by Britain and the United States

during the Conferences at Teheran in 1943 and at Yalta in 1945. Nonetheless, the concept of independent Baltic States whose relations with the Soviet Union are regulated by newly concluded treaties is one which has been widely promoted by Baltic leaders in the Baltic states.

By basing such a newly established Baltic-Soviet relationship on the framework of the Mutual Assistance pacts, President Gorbachev and the Soviet military would be assured that all legitimate Soviet military and security interests in the region would be respected. The United States and the other members of the North Atlantic alliance, Sweden, and Poland might also agree to give the Soviet Union specific assurances, as was the case in Afghanistan, that the West would not use the re-birth of Baltic independence to jeopardize or undermine Soviet national security.

Economically the re-establishment of Baltic independence would be a great boon to the Soviet economy. Before the Second World War, Latvia, Estonia and Lithuania enjoyed a level of economic prosperity higher than that of Denmark and per-capita consumption of milk and meat surpassed that of the United States. The creation of three free-market economies united by road, rail and ship to Finland, an increasingly capitalist Poland, Sweden and Germany, would spur the renewal of Soviet economic growth and serve as a model for the restructuring of Soviet agriculture and industry. Baltic efforts to acknowledge

and deal with the desperate Baltic ecological situation would also serve as a laboratory for future Soviet progress in this area.

Ojars Kalnins of the American Latvian Association correctly stated the case for Baltic independence when he noted that the Soviet Union is much better off with three non-aligned, friendly, nation states on its western frontier as opposed to three occupied republics which are avowed internal enemies of the Soviet system.

In conclusion, let me reemphasize the fact that the nations of the West have no policy of any kind with respect to events in the Baltic states. Unfortunately, my visits to various western diplomatic missions to the United Nations indicate that Western European nations are not even sure of the stance taken on the non-recognition question by other European states. Some nations, such as Italy or Finland not only refuse to publically acknowledge that the annexation of the Baltic states was illegal, but continue to enter into agreements with Moscow's central ministries so as to create heavy-industry and joint ventures in the Baltic nations. Other nations, such as the United States, Britain and Canada repeatedly state their non-recognition of the incorporation of the Baltic states, but so far not even attempted to coordinate an international proposal designed to lead to an end to the Soviet occupation.

Clearly, there is a need for coordinated, diplomatic action to resolve the Baltic question. The fact that so many nations have refused to acknowledge the Soviet annexation of the Baltic states is an indication that the fate of Estonia, Latvia and Lithuania deserves a multi-lateral, international effort to restore Baltic independence and self-determination. Such an effort will not be easy, or simple, but the difficulty of the task should not dissuade the nations of the West from placing the Baltic case on the international agenda.

Cochairman HOYER. Thank you, Mr. Hough.

I am going to declare a recess.

I apologize, we have to vote on the bill that deals with assistance to Poland and Hungary.

Mr. Dobbins, what I would like to do is propose to you the question that is, I think raised by Mr. Hough's discussion, and was raised by Senator Riegle at the very beginning, and that is exactly, What is our policy?

You've obviously stated it in general terms, but I would like to pursue it in specific terms when I return.

Thank you.

[Whereupon, a short recess was taken]

Cochairman HOYER. Mr. Feighan is waiting for a vote. I was waiting for a vote. The second vote has not come yet.

Frankly, I expect it, probably within the next 10 or 12 minutes. So, what we are going to do is we are going to go very quickly to some questions.

First of all, Mr. Dobbins, I will repeat to you the question that I asked on leaving.

Clearly, all of us recognize the historical and continuing position of the United States, and that is, of course, that we do not recognize the incorporation of Latvia, Estonia and Lithuania into the Soviet Union. Having said that, what is our position, vis-a-vis the Soviets at this time as to what they ought to do?

Dr. DOBBINS. Well, our position, vis-a-vis the Soviets is that they should allow the peoples of each of these republics to determine their own relationship with the Soviet Union, whatever that might be. They should allow them to elect representative governments and to determine that relationship.

Cochairman HOYER. In what way are we pressing that position, in terms of our negotiations with the Soviets?

Dr. DOBBINS. We've made clear our policy toward the Soviet Union, and the requirement for peaceful change in these areas, in various discussions, including those that Secretary Baker has had with Shevardnadze, and other senior Soviet leaders.

Cochairman HOYER. On September 19, Secretary Baker stated—and you referred to Secretary Baker, "We would like to see a peaceful move toward independence in the Baltic States."

After the Wyoming meeting with Foreign Minister Shevardnadze, he mentioned only support for "more autonomy, more self-determination and freedom." There was no independence discussed.

Was that simply an emphasis and not a change of policy? Did it reflect the change in policy as a result of the Wyoming meeting, or in discussions other than the Wyoming meeting?

Dr. DOBBINS. No, it did not reflect a change in policy. Our basic policy of non-recognition hasn't changed, and it is not going to change. The question of how that is, at best, phrased, and in particular, how the process of self-determination is achieved and how each of these republics, once they achieve the capability of expressing that through representative institutions, what relationship they choose to establish, vis-a-vis the Soviet Union and vis-a-vis others is a question which once they have achieved that ability, they are in the best position to express.

Clearly, in each of these countries, support for independence is growing and is becoming increasingly organized and manifested. There is also, as I have indicated, the prospect that in each of these republics the prospect of actually achieving more representative institutions is real, and is proximate. And we, the Administration of the United States and other governments, have to consider how we can best promote that prospect.

Cochairman HOYER. Now, assuming there was a vote allowed and that vote turned out that clearly, in some freely held election, in one, or more of the Baltic States, that free and independent status from the Soviet Union was to be established, what would the United States response be, and how would we manifest our support of that vote?

Dr. DOBBINS. Well, as always it is difficult to answer a hypothetical question, particularly when the range of circumstances in which that could occur are so great. Obviously we are committed to respect and enthusiastically support whatever the results of a genuine process of self-determination are. The current position is that we do not maintain relations with, or contacts with the purported representatives of these countries because we do not believe that they are, in fact, genuine representatives of those peoples, that they do not reflect their views.

It is not clear to me that one is going to go directly from a fully non-representative institution to fully representative institutions, there may well be halfway measures. And the degree to which we have contacts, establish them, is something we are going to have to consider, in consultation with the Congress, with concerned Americans and with genuinely representative leadership of those countries.

But I really can't set out a single hypothetical situation, tell you how to respond to it and expect that that would answer your question effectively.

Cochairman HOYER. Let me ask you this, are you aware of a plan that might exist dealing with various alternatives? Obviously, we might have to move out rather quickly if that happens, in terms of the impact we might make on the full realization of such a vote, or such an indication by the Parliament.

We happened to be in the Soviet Union in November 1988, and were meeting with Gorbachev's advisor on the Constitution, Mr. Lukyanov. As you will recall, the legislatures of Lithuania and I believe Latvia had declared their independence as it related to domestic legislation—they were not venturing at that point in time in international relations, or defense policy, but with respect to domestic policy, that Soviet law would not be applicable, it would be solely the parliamentary law of those two States.

Let us assume something like that happened in the future, do we have a contingency plan, or possible plan that we could pursue to recognize that and to further it, to your knowledge?

Dr. DOBBINS. Mr. Chairman, I think the range of contingencies are such that you can't have a plan you simply pull out of the drawer, and say, "I guess this is Contingency 32, here is the response," because there are simply too many things that might happen in a situation like this.

On the other hand, I think many of us who have not been experts on the Baltics are fast becoming experts. And that goes from the Secretary of State on down through the State Department. We recognize that this is a critical area. As I said, I think it may be, over the next year, perhaps, the most critical area where change—where the limits of change are being tested. And we are going to have to develop, as the direction of events becomes clearer, a well considered and well consulted administration response.

Cochairman HOYER. Let me give you another example, and then I will end on this—for instance, the MFN status, do you know whether there has been any discussion about the possibility of the United States, in relatively short order after such a vote to which you refer, individually considering Estonia, Latvia and Lithuania as it relates to MFN status?

Dr. DOBBINS. I suppose that would be an option. There is some, not unreasonable, prospect that the Soviet Union itself will pass immigration legislation which will allow it to receive MFN directly. The impact of providing MFN to one, or all of the Baltic republics while they still had essentially open borders with the Soviet Union—I just can't answer your question whether that would, indeed, be a viable policy option.

Cochairman HOYER. All right.

But I also want to stop now and I have some questions for the three representatives of Latvia, Estonia and Lithuania—but, Mr. Hough, did you have any comments on any of the questions I asked?

Mr. HOUGH. Well, only that I would say that events in the Baltic States have been proceeding with great speed for 2 years now. And now we hear that we are going to have [a Baltic] policy, and that people are getting educated quickly at this point.

I would say that is a little too late, but I hope that the policy will be formulated quickly, and I hope it will be formulated in conjunction with America's allies in Western Europe. The fact is that there are other nations that have non-recognition positions. Unfortunately, there is no coordination at this time whatsoever. So, I hope that the United States, in formulating such policy, will perhaps serve as a leader to get the Western democracies in line on this issue, because the Baltic people say "we need your support, your public support now." Because right now what they are hearing is Moscow telling them: "you Balts are out of order, you are causing a lot of trouble, and the viability of the Baltic nations themselves may be in jeopardy, if you continue down this independence road."

At the same time they are hearing from the Social Democrats in Western Europe, "go slow, go slow, what are you doing, you are overthrowing Mr. Gorbachev's reforms," and so on.

So, I think the time is now, and I think it has to be a consistent, coordinated international approach.

Cochairman HOYER. Mr. Hough, let me ask you something, what do you think the risks are in terms of those European nations who are making those assertions?

Clearly, most of us believe, do we not, that one of the biggest problems confronting Mr. Gorbachev is the problem of nationalities.

What do you think are the risks involved, that you referred to some of the European countries raising? That is will it essentially destabilize the progress that is being made and perhaps bring it to a halt, or reverse it?

Mr. HOUGH. Well, I think, indeed, if there is no coordinated approach, if each Baltic state without any coordination with the West goes, and perhaps precipitously, declares independence, that there is a danger of military intervention.

What I tried to state this afternoon was that—and I mentioned this to one of the leaders of the Sajudis Movement in New York last week—I said, “You have to talk with the Soviet military. You have to, in conjunction with the West, come up with a common plan that will be acceptable to the Soviets, that will be in their best interest, so that this transition is carried out with a modicum of instability.”

And if we really believe in the non-recognition doctrine, and if we believe, as I think we all do, that independence for the Baltic States can also be in self-interest of the Soviet system itself, then I think that we have to be true to those ideals. And we have to be open and honest with the Soviets, not simply to state that we haven't recognized the annexation. We state that we haven't recognized the annexation of East Jerusalem when we talk about the situation in the occupied territories, but our State Department comes up with a plan, so that the situation can be resolved peacefully through elections and so on.

I think we need to do the same sort of talking to the Soviets about the Baltic States that we do when we talk with Israel and Jordan and Egypt about the occupied territories and the territorial problems in the Mid-East. Because that's the only way we are going to resolve things peacefully.

Cochairman HOYER. Thank you.

I wish we had more time and more of the members were here. I think this is obviously a very thorny issue to which there are no easy answers. There are some simple answers I think that one can give, but as both Mr. Dobbins and Mr. Hough have pointed out, once you get beyond a relatively simple statement of the ramifications of actions, beyond that it becomes more difficult and more complicated.

I must leave, but I very definitely want to give an opportunity to our representatives to answer some questions as well.

Because I have to go, let me ask a general question of all three of you that perhaps you could answer relatively quickly. What do you believe the United States ought to be doing, that the Western alliance ought to be doing, to further the ability of your three nations to self-determination?

Mr. LOZORAITIS. Well—

Cochairman HOYER. Mr. Feighan is not on his way, so this is the last question.

Mr. LOZORAITIS. I will start by saying, first of all, the United States should strengthen all the democratic endeavors and institutions in Lithuania. I think the United States could use a lot of private channels to help certain organizations in Lithuania. It should help the democratization of the country and the democratic education of the young generations in the country. It should help us to

fight and to struggle for independence in all international bodies. It could help us to develop relations with all kinds of organizations, democratic organizations, not only in the United States, but in all parts of the world.

It is now very important now to strengthen the country democratically, so that the next elections could be as authentic as possible. They will not be authentic, but we would like to see them as authentic as possible, because open new possibilities, they open a new avenue on which we could proceed and develop a new policy—contacts with the Soviet Union, negotiations with the Communist Party, asking them whether they are staying with us, or against us, what do they want—and which party wants to stay.

If the Communist Party will come and make a coalition with the democratic and national movement, then we will have a group—a very important political group which might signal to Moscow that it is high time start negotiations.

I think the non-recognition is the framework and within the framework you can put it on ice, or you can make it very interesting and very rich. And this—we are not on ice, but it is not yet very satisfactory.

Cochairman HOYER. Thank you.

I am going to have to leave. I am going to ask Ambassador Wise, who is our staff director of our Helsinki Commission and also was deputy head of our delegation in Vienna at the review conference, to receive the last two questions.

Let me thank you for your appearance and the written statements which you made. Clearly, it is an exciting time in Central Europe and Eastern Europe. None of us I think can predict, if we meet again a year from now, exactly where we will find Latvia, Lithuania and Estonia politically. And it is probably as hopeful a time as we have had in many decades.

To that end, we look forward to working with you and following you towards a self-determination that will be real, and not be—as you point out, maybe more real than it has been in the past.

Thank you very, very much. I apologize for having to leave.

By the way, let me add that I mentioned Radio Liberty in the course of my opening statement, of course, that applies to the Voice of America as well. I wanted to make sure that my friends at the Voice of America knew that they, too, were a very significant outlet for those comments.

Thank you very much.

Ambassador WISE. Thank you, Mr. Chairman.

As the Chairman said, we will conclude shortly, but he wanted me to fill in to receive the responses from the other two charge d'affaires. So, Mr. Jaakson.

Mr. JAAKSON. Well, if you permit me, I will make an observation. There have been voices mentioning the security needs of the Soviet Union. Now, the Baltic States themselves are no risk to the security of the Soviet Union. And in the Baltic area there are no known potential enemies of the Soviet Union.

So for security reasons what are the necessities of the Soviet military forces in the Baltic States? I think there are none. Just like in Finland, the Soviets don't feel that necessity, and I think this should apply also to the neutral Baltic States. In fact, Estonia

proclaimed its neutrality at the outbreak of the Second World War. The Estonian people want to live in peace with the Russian people, they want to have normal relations with them, but they don't want to be dominated by Moscow. That is the problem.

We want to solve the situation in a peaceful way, and it can be done, if President Gorbachev, who is now witnessing the exposure of Stalin's crimes—if he would accept publicly that Stalin committed an international crime by occupying and annexing the Baltic States. That itself would lead the way to a solution. They know that they have committed a crime. And this crime has lasted now for all these decades.

So that is perhaps what the United States could even point out in Moscow, why the United States did not recognize the annexation in the first place and why this policy has prevailed in the West. That should be brought to the Soviets' attention. I think an intelligent discussion of this matter could help to resolve our problem.

Ambassador WISE. Thank you very much, Mr. Jaakson.

Mr. Dinbergs, do you have a comment?

Dr. DINBERGS. Yes, sir.

I must agree with my colleagues as to what they have stated so far. I think some open discussions should be very helpful for solving the problem of the Baltic States. The United States has always been the leader of the world with very great influence. And I think that the United States could also internationally bring up the Baltic questions in public forums where we do not have the access, being now under the occupation. Should the Baltic States be free, they could also join the community of nations like those international organizations and forums.

Ambassador WISE. Thank you very much.

Well, Mr. Feighan has not reappeared, and it appears that he will not be able to come. So, in accordance with the Chairman's wishes, I will close the hearing now. I thank all of you for coming here, those who have testified and those in the audience who provided a good audience of listeners.

I hereby declare the hearing closed.

[Whereupon, at 4:11 p.m., the hearing was adjourned.]

