

## LITHUANIA, GERMANY, AND THE EUROPEAN UNION

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Readers be warned! This is not so much an analytical article by an objective observer as a plea from the German Ambassador to Lithuania who has the pleasant task of promoting the shared interests of the Lithuanian and German governments, that is, to smooth Lithuania's path into the European Union and to welcome the country as soon as possible as a partner in the Community.

Asking for shared interests, it seems fitting to look first at government policy in both countries. For the man in the street, Lithuania's accession to the European Union is far from being a foregone conclusion.

From Germany concerns regarding the agreed time-scale can be heard. Critics point out that the EU is still not ready for the candidates to accede. They accuse the Government of having done insufficient groundwork during the German Presidency in the first six months of 1999. It is also criticized for being over-hesitant on the issue of future accessions and urged to develop more initiatives here. In a recent Emnid Institute poll, however, 64 percent of those questioned were in favor of the EU's Eastern enlargement.

In Lithuania, polls reveal a clear and lately indeed growing public hesitation, even without reference to any future difficulties, problems or long-term disadvantages. This may be because there seems to be a lack of awareness of Lithuania's prospects within the EU which have not featured sufficiently in the political debate. This is understandable as all previous accessions have brought new discoveries and surprises, most of them pleasant, however, such as the economic boom experienced by Spain, Portugal, and Ireland. In just a few years following accession, these EU partners, much to their own surprise, changed from being comparatively poor countries on Europe's periphery to being industrial leaders (Spain) and EU members of economic and political standing.

To a German observer any assessment of Lithuania's future within the EU should be seen in the context of the country's recent past.

We are all familiar with 20th century events, but I would like to sum up the salient points of Lithuania's history as they affect its future prospects:

- The Lithuanian nation and its political leaders have struggled relentlessly, sometimes desperately, but ultimately successfully for statehood. That statehood has been amply vindicated by Lithuania's recent history.

- Second, we have to realize as we glance back that, until the end of World War II, the situation of smaller countries in Central and Eastern Europe, wedged as they were between the Russian and German empires, was precarious in the extreme. The image of two weights grinding against one another, crushing everything in between either in mutual agreement or in mutual aggression, is a vivid and tragic expression of how small states were ruthlessly oppressed and destroyed in the power struggles of pre-War times.

- A final feature of this hopefully bygone age was the inter-power wrangling over spheres of influence, of which the Molotov-Ribbentrop Pact is the most perverse example. I refer to the authoritative study by Dr. Joachim Tauber entitled *The Path to the Hitler-Stalin Pact and its Consequences*. But even the countries in the coalition against Hitler still thought and negotiated in terms of spheres of influence. In his *History of the Second World War*, Winston Churchill gave a graphic and self-critical account of how he, who had initially struggled against Hitler for the freedom of

European countries and grappled with Stalin to define the post-war order, was still negotiating in terms of spheres of influence: In Romania, 90:10 for the Soviet Union and Great Britain, in Greece 80:20 and so on.

It may be a risky theory, but it could be argued that the establishment of the European Union has changed the understanding of inter-state relations in Europe in such a way that now there can be no return to policies based on spheres of influence or policies where countries make use of smaller European partners for their own ends.

As a future member of the European Union, Lithuania will share in this new reality from which it stands to gain much, as does Germany.

- Looking at the EU partner countries situated between France and Germany, Lithuania can gauge how their outlook and indeed their self-understanding have changed in recent years. What were once “buffer states” and areas where armies assembled or marched through have become key economic partners and even models on various political or social issues. Today, Germany looks with respect at the Dutch model for combating unemployment and hopes to learn from it. We all still have vivid memories of Luxembourg’s EU Presidency and the exuberance of Belgian culture enthralled the whole Rhine/Ruhr area.

- Germany’s strong interest in Lithuania’s European future lies essentially in its hope of gaining a partner who no longer has to worry about its statehood. Lithuania’s self-confidence as a secure and respected country in the European Union will help it accept foreign investment from Germany and other countries and allow it to carry out its future tasks both as a key partner in building prosperity in the Baltic Sea region and as a bridge to Russia.

Europe thus offers Lithuania a great and promising future. But on both sides, Lithuania and the European Union itself, much remains to be done before accession and to ensure that the membership is fruitful.

During the German EU Presidency in the first six months of 1999, these preparatory steps were brought under a single heading: Agenda 2000. The list included work on agricultural reform with drastic cuts in support prices to bring them into line with world market prices with only partial compensation through direct payments. The intention was to enable the European Union to continue to finance its agricultural market, even after new members such as Lithuania and Poland have joined. The reform of regional and cohesion policy to concentrate structural fund resources on the truly needy was designed to ensure that the future enlarged European Union remains financially viable. To secure the necessary financial resources for the enlargement process, inter-institutional agreements between the Council, the Commission, and the European Parliament were to be reached on the financial framework until 2006.

Even at the start of the Germany Presidency, no one really expected the Community to pull off such a feat. After two years of debate, a political compromise was forged within just three months which, through strict belt-tightening (an alien concept for the EU), geared Community policies and finances to enlargement without jeopardizing the solidarity between the fifteen member states.

In the early hours of March 26, 1999 as a long night session drew to a close, the Berlin European Council reached agreement on Agenda 2000. The most comprehensive reform package in the history of the European Union had been launched.

The decisions taken at the Berlin European Council herald the most comprehensive reform of the EU for decades with spending totaling 688 billion euro in the period 2000 to 2006.

By dint of agricultural reform, regional and cohesion policy reform, the necessary budget for the enlargement process, agreement on the financial framework until 2006 and reform of the own resources system, the EU is adapting to the new political and economic climate.

It is thus responding to the new conditions and moving from being a guarantor of peace, freedom, and prosperity in part of Europe to becoming a key stability factor for the whole continent. This is not a straightforward process as we need to rethink our outlook to overcome the old-style border mentality and redirect our energies. That can only work with the consent and active support of all member states, which means finding new ways to reconcile their many different interests. We all know that Europe's new challenges lie in the East and South-East, but the fact remains that how the member states perceive them varies considerably according to geographical position and historical tradition. Problems and tasks in Southern Europe continue to demand our attention, making a one-sided eastward concentration out of the question. In reality, the EU faces the task of preparing Eastern enlargement and stabilization of Eastern and South-Eastern Europe without losing sight of ongoing projects or risking the inner cohesion needed to meet these challenges, and all of this on a tight budget.

These reforms set the course for the future under the German Presidency. The decision at the Cologne European Council to stage an intergovernmental conference on such issues gave an important political signal to candidate countries. Focal points include the size and composition of the Commission, the weighting of votes in the Council, and the increased use of qualified-majority voting. The go-ahead to open negotiations will be given at the European Council in Helsinki in December.

In Cologne progress was also made on the German initiative to draw up a European Charter of Fundamental Rights to ensure that the rights of citizens have the same quality at the European level as they have at the national level. It also aims to enhance the EU's democratic legitimacy in the eyes of its citizens and strengthen their feelings of identification with the EU.

It is essential to resolve soon the institutional questions left open in Amsterdam in order to ensure that the enlarged Union remains able to act. The EU's credibility and ability to act hang in the balance. It must, therefore, push hard to keep to the timetable for institutional reform agreed in Cologne and conclude the reform package during the French Presidency in the year 2000.

There is no alternative to the EU's policy of Eastern enlargement. All EU member states will benefit, but building stability in the East and in the Baltic Sea region is particularly crucial for Germany. That is not something it could achieve on its own and Germany is grateful for the EU's participation in its efforts to secure a peaceful future for the Baltic Sea region. With EU support Germany has been able to work for a reduction of tension in North-Eastern Europe along with the other Western countries situated on the Baltic Sea. Practical steps on the part of Denmark and Sweden have aided the process, as has the Finnish "Northern Dimension" policy. Even if this easing of tension clearly benefits Europe as a whole, the particular advantages for Germany are immediately obvious. No longer walled-off or walled-in, Germany is now a country at the heart of a peaceful Europe.

Just as Germany benefits from European integration, so, too, will Lithuania. Hence the following analysis of the likely impact of Agenda 2000 on Germany today is also a realistic prospect for Lithuania:

As an industrialized country, Germany benefits more than others particularly in the economic sphere from an expanding area in which common norms apply. Thus, for Germany and its partners in the region, there are advantages which may be hard to quantify, but are nevertheless considerable. A future economic area including EU

members in the Baltic Sea region will, after a period of groundwork and adaptation, enjoy similar advantages.

EU enlargement is in every sense an economically sound project. The single market will number an additional 100 million consumers, bringing the total to about 470 million. The enlarged Union will account for some 22 percent of world trade. A wise division of labor between the member states, taking account of their various strengths and production advantages, will increase their ability to compete on world markets.

Trade between the current member states and the Central and Eastern European candidate countries is expanding steadily. The Baltic Sea region is becoming one of Europe's growth areas. Germany's exports to the Baltic Sea region, safeguarding jobs on both sides, are already almost as high as the combined exports to the USA and Japan.

These developments within Europe are taking place at a time of world-wide change, generally known as globalization. The Community has to adapt and help shape this process if it is to avoid being steamrollered by the pace of events. What is needed is to strengthen inner cohesion and the Community's ability to act, as well as its involvement in world-wide trade. Obviously, an enlarged Union will be able to act more effectively.

These are, in addition, direct financial advantages which will add up over the years. The necessary investment, that is, the cost of Eastern enlargement, is, however, considerable. To this end, the Berlin package earmarks 80 billion euro. The clear separation of spending between the current 15 members and the future 21 means funds cannot be shifted from group to group. In particular this means that should new members accede at a later date, the funds earmarked for the 21 cannot be used by the EU 15 group.

While introducing austerity of a type wholly unfamiliar to the EU, the Berlin package provides the necessary funds to tackle the most important future tasks without jeopardizing solidarity within the EU 15 group.

The European Union agricultural market, which is particularly important to Lithuania, is worth a special mention. Many criticized the Agenda 2000 agricultural market reform for falling short of the mark. The only limited opening of the European agricultural market to the world market with corresponding cuts in support prices is due partly to the political consideration shown to farmers in the EU and partly, to take a historical perspective, to the fact that this policy shift touches on the basic consensus underpinning the EU Treaties and thus can only be realized with patience and political sensitivity.

The Treaties establishing the European Economic Community in 1957 were based on a model under which the profits earned from a free European industrial market were to pay the costs of a European agricultural market largely shielded from world markets, thus giving the member states an agricultural policy which was in their national interests and particularly in the interests of the rural population and voters. Just as the European Union developed from a guarantor of prosperity in Western Europe into a stability factor, also economically-speaking, for Europe as a whole, so has the European Union's agricultural policy had to move away from this basic consensus underpinning the Treaties of 1957. However, this has to be a gradual process, especially given the rural population's weight at the ballot box.

There are writers better placed than I am to spell out what Lithuania has to do to prepare for membership in the European Union. But in the light of other candidates' experiences, I would point out as an impartial observer that the message of the

country's European future has to be carried far beyond the "political classes" to the individual voters on the ground. Information on Lithuania's future in the European Union, its future prospects, tasks, and burdens has to reach each and every citizen, making him ponder how he sees his personal and professional future and plan accordingly. All this will affect the training of young people, future freedom of movement in the European labor market, as well as the structural and production planning of Lithuanian farmers.

During its Presidency Germany was keen to encourage people in Lithuania to consider such issues. Its seminars on the future euro currency and the agricultural market in the European Union attracted many interested participants and will hopefully have a longer-term impact. Germany will persist in its efforts to bring the European Union's message to the people by working with the Government, regions, communities, and associations in Lithuania.

As partners in the European Union, Lithuania and Germany will continue to work together furthering good neighborliness and mutual economic advantage among the Baltic Sea countries. Two focal points have already been identified: first, future co-operation between Baltic Sea countries, and second, and even more important, future relations with Russia.

If the European Union is committed to Eastern enlargement as a means of extending the area of peace and democratic stability which has evolved in the last 40 years in Western Europe, then this move eastward is also a move toward normalizing European life. If a sense of belonging develops once again among the Baltic Sea countries, a readiness to cooperate that generates mutual solidarity, then the old European Baltic Sea area with its rich and centuries-old culture and contacts will flourish once more.

This potential will enrich Europe as a whole. Europe's strength is not restricted to the single market. Europe thrives on the diversity of its traditions and cultures. We have to maintain the creative cultural diversity of our continent. In this respect, the accession of Lithuania and the other Baltic states, as well as Poland and the Scandinavian countries, is a major step towards restoring normality in Europe.

The founding of the Council of the Baltic Sea States (CBSS) in 1992, a Danish and German initiative, created a forum which has brought together integrated as well as cooperative structures. Integrated structures in so far as many points on its agenda also promote the coming together of the northern regions of the European Union. The candidate countries have in a sense been quicker off the mark, since through this forum they are already working on EU-relevant issues. The CBSS is not in competition with the EU, it aims rather to facilitate accession. It will still have an important role after the accession of the Baltic states and Poland to the EU. The involvement of the northern German Länder in the work of the Council also means use can be made of their particular knowledge acquired from many years of successful cross-border, interregional cooperation. The long experience of the northern German Länder and the regional partners with EU instruments can be very valuable to Lithuania also in preparing for EU membership.

In the year 2000, Germany will assume the Presidency of the CBSS for a year. Germany aims to continue the fruitful cooperation of the northern German Länder with partners in the region. Their similar size seems to foster the exchange of ideas and practical cooperation. The Norwegian Presidency of the Council initiated the development of an agenda more closely linked to economic, energy, and infrastructure policy. Germany considers this a firm basis for future work. It is particularly important

to create the prerequisites and consolidate current structures for concrete, practical implementation of the numerous projects and initiatives in the Baltic Sea region and within the CBSS itself.

A Common Strategy on the future relations of the European Union and its member states towards neighboring Russia was drawn up under the German Presidency and adopted at the Cologne European Council.

The Common Strategy highlights the potential for broad cooperation between the EU and Russia. Nowhere else is this as crucial as in the Baltic Sea region and the Northern Dimension of the European Union. Since 1995 Russia and the EU have had a common border of some 1000 kilometers. There will be even more points of contact after enlargement. Russia's main path into the world economy is via the EU. The EU is and will remain by far the most important trade partner and source of investment for Russia. In this context Lithuania also plays a key role, which will grow in importance on accession to the EU. The common challenges and interdependencies to which the Common Strategy refers will be particularly clear here, necessitating the systematic extension of regional cooperation. Russia has welcomed the EU Common Strategy and plans to respond by redefining its strategic approach to the EU. The Russian Foreign Ministry has already established a special department for EU matters.

Cooperation with Russia under the Partnership and Cooperation Agreement and within the CBSS is politically advantageous for all concerned, economically useful, and objectively necessary. In Russia, too, decision-makers at all levels, including regional, should take advantage of the political, economic, cultural, and scientific opportunities in the Baltic Sea region. Within the CBSS there are many forums in which all topics can be discussed from economic cooperation right through to conflict resolution should problems arise.

The Finnish Initiative taken up by the EU to define a Northern Dimension for the EU is a topical issue. Since the watershed years of 1989-1991 no European region has seen such rapid change as the North-East. While in Cold War times the Baltic Sea was an area of confrontation between the two military blocs, it has since become an EU inland sea. The long border between the EU and Russia is an area where neighborliness can be directly translated into practical partnership. Amid the current crisis, the EU's Partnership and Cooperation Agreement with Russia and the recently adopted EU Common Strategy on Russia serve as a blueprint for involving the Russian Federation in a Europe-wide area of cooperation.

The concept of the Northern Dimension aims to stimulate economic development, promote stability and security in the region, foster cross-border cooperation, reduce the disparities in living standards, limit environmental and nuclear threats, and develop Russia's links with the European economy. It is hoped therefore that the Northern Dimension will greatly enhance efforts to develop natural resources, extend communication and transport networks, environmental protection, reactor safety, cooperation in trade and research, and not least the struggle against international crime.

The EU is, thus, a key player in the area encompassed by the Northern Dimension. Consequently, it is essential that the EU should define what objectives it wants to pursue between the North Cape and the southern Baltic Sea coast and what instruments it can use to achieve these goals. Above all, it is important to ensure coordination between the EU's internal policies and its foreign relations so that the Community can present a united front.

During its Presidency, Germany advanced the work of the Northern Dimension, initiating the necessary steps to implement the decisions taken at the Vienna European

Council and draw up guidelines on operative priorities, which were adopted by the General Affairs Council on May 31, 1999. According to the conclusions of the Cologne European Council, further work is to be undertaken on the Northern Dimension during the Finnish Presidency. This is now under way.

One of the key aims of the initiative on the EU's Northern Dimension, that is the intensive coordination of EU policy in this area and the setting of clear priorities, is to be achieved without new structures or additional funding. The initiative supports regional cooperation in the North in existing forums such as the CBSS, the Barents Euro Arctic Council and the Arctic Council and also within the EU itself in the form of longer cross-border projects providing structural funds for the northern EU member states. Northern Dimension objectives should furthermore be a special focus of PHARE funding for candidate countries and the TACIS program for Russia. The CBSS will help at the implementation stage.

In this context developments in the Kaliningrad area are particularly important. Historic ties with this former German region in the northern part of East Prussia play a role, but no longer a decisive one.

In this respect, we believe Lithuania has already fulfilled one task very well. As a future member of the EU, Lithuania will assume a pivotal role in the EU's policy for peace and in building a bright future for the Kaliningrad region.

Our primary concern is to ensure that the Kaliningrad area brings Russia and the EU together rather than drives them apart. It should not miss the opportunity to participate in the dynamic political and economic development under way in the Baltic Sea region. Cutting off or isolating the Kaliningrad area could be destabilizing for the whole region. It is important to avoid a situation in this Russian enclave where dangerous developments might occur. That means, Russia and the EU must work together to find solutions in the field of security, economic, and visa policy which take account of the particular situation there. Other multilateral institutions such as the CBSS could also play a role here.

Lithuania will play an important part in what will hopefully be a harmonious concert. Thus far, the country's economic, cultural, and visa policy toward Russia and the region in general has been impressive and gives grounds to hope that Lithuania will use its experience, knowledge, and good contacts in the region to bring peaceful and prosperous development to the Kaliningrad area and foster good relations with Russia, thus rendering a valuable service to the European Union as a whole.

With the Cologne European Council's decision to develop a European security and defense policy, the Union has gained a new dimension in the foreign policy sphere. This will be a core element of the European integration process in the years to come and thus be extremely important for the candidate countries, and particularly for all the Baltic Sea countries, as stability and security are crucial to trade and prosperity in this region. Clearly, then, the more Russia is integrated into and benefits from regional cooperation, the better for all and the greater their security. The EU Common Foreign and Security Policy is an important instrument here, which has entered a new phase following the entry into force of the Amsterdam Treaty. The changes in the EU Common Foreign and Security Policy agreed in the Amsterdam Treaty represent a key step away from a foreign policy based on declarations toward a more operative foreign policy. This is reflected, for example, in the creation of the office of High Representative for the Common Foreign and Security Policy. In the former NATO Secretary-General Javier Solana, the EU has appointed to this post a man with a well-developed political profile and a considerable international reputation. His task is to

give the European Common Foreign and Security Policy both a voice and a face and embody continuity and authority.

The Common Strategy is a new instrument intended to bring two improvements first and foremost. First, all aspects of relations with a country or region can be linked in one coherent political approach. Second, the implementation of common strategies greatly extends the scope for majority decisions in the Common Foreign and Security Policy sphere. This should result in increased flexibility and swifter decisions. One example is the aforementioned Common Strategy on Russia adopted under the German Presidency. Further strategies for Ukraine, the Mediterranean area, and the Western Balkans are being drawn up during the current Finnish Presidency.

The Kosovo conflict brought home every day just how urgent and indispensable it is for Europe to strengthen its security and defense policy. It is becoming increasingly clear that purely national foreign and security policies can no longer safeguard our countries' interests. We Europeans have to integrate in this field too. Germany is keen to strengthen the EU's ability to act in foreign policy matters. Only a Union which is capable of acting in this sphere can safeguard peace in Europe and bring its growing weight to bear on the world stage.

With the Cologne European Council decision to create by the end of the year 2000 the institutional and military prerequisites for concerted political and military action in the field of European crisis management under the auspices of the EU, this process has been given a timetable and a clear route to follow.

Now we are trying once more to integrate the WEU into the EU because we still believe that this would significantly enhance Europe's capacity for action. In carrying this through, it is important to give due consideration to the scope for participation the WEU affords its 28 members, including the non-NATO EU members and the non-EU NATO members Iceland, Norway, the Czech Republic, Hungary, Poland, and Turkey. The European Union will offer non-EU and non-NATO partners opportunities to participate and cooperate in the future European security and defense policy.

On this process and the thinking behind it Lithuania is being kept up-to-date through our various contacts in both capital cities, as well as through the EU and WEU in Brussels. There is a realistic prospect that when Lithuania accedes, the European Union will have a consolidated and effective foreign and security policy with all the necessary instruments in place. Lithuania will then be able to play its part in a well-tuned orchestra.

There is no doubt, at the end of this tour d'horizon of intentions, problems, and expectations regarding Lithuania's and Germany's joint future in the EU, that the Community in the future will embrace all aspects of public life, from security policy, the economy to culture and the closer aligning of the public administration. For both partners such a prospect settles the question of their role in Europe.

For Germany this has, in fact, been true right from the early years of the Federal Republic after the Second World War. Germany's policy of integration with "the West", first pursued by the then Chancellor Konrad Adenauer, through the founding of the European Union and membership of NATO ended a long period in German political life and social philosophy which focused on Germany's role at the heart of Europe, leaning either to the East or the West, serving as a bridge between the two poles or even claiming a special identity of its own. In National Socialist propaganda all this was boiled up into a dangerous brew and we all know the catastrophic results.

Today, Germany feels it is part of a community which has largely overcome the polarization between East and West, a polarization which, with new partners joining the



European Union and bringing economic and cultural benefits to all, is about to be finally consigned to the past.

A big question mark still hangs over Russia's future role in this Europe. That is an area where Lithuania will serve its partners and friends in Europe well in the years to come.

## **THE SECURITY DIMENSION OF CZECH FOREIGN POLICY TOWARD LITHUANIA, LATVIA, AND ESTONIA**

Dtefan Füle

The Czech Republic and Lithuania, Latvia, and Estonia share the same foreign policy priorities: membership in the North Atlantic Treaty Organization and the European Union. This would mean integration in the zone of stability and prosperity and a return to the democratic values which had earlier left imprints in these countries' subconscious historical memory. While the Czech Republic has become a NATO member and started the negotiation process with the EU, the Baltic countries (with the exception of Estonia in respect to the EU) still have a long way to go to meeting these priorities. The foregoing statement may sound self-complacent for the Czech Republic, but it realizes that building a new European security and economic space will not bring the results desired if the ambitions of other European countries are ignored for a long time. Remembering the Baltic countries' integration ambitions and assisting them as much as possible to attain them is a moral obligation for the Czech Republic. It also is a prerequisite for prosperity all over Europe, not only in the space immediately surrounding us.

Czech foreign policy has therefore begun "investing" more attention and efforts into the Baltic states, thereby trying to dismantle the myths that the Baltics are the most guarded secret of Europe. The end of the Cold War has made possible for central Europe the gradual reintegration within the family of advanced European democracies. The end of the Cold War reminded us of the rich ties that had existed between "this space and the rest of Europe" since ancient times. These ties were torn by the forceful union with the former Soviet Union which decimated democratically-minded populations for decades through liquidation and exile. Despite this painful experience of the 20th century Lithuania, Latvia, and Estonia step into the next century with a stigma marking them as a region declared to be the object of the Russian Federation's direct security interests. It is the only spot in Europe around which Russian generals organize military exercises directed against NATO. This is also why the Baltics represent the "security seam" of Europe, on the durability and quality of which the stability of the entire continent depends.

The NATO and EU are not "communicating vessels" and it would not be fair to present them as such. Nevertheless, the question asked by the Baltic states ever since they regained their independence has been who will be the first one to let them through an "open" door. They try to go out of their way to meet the requirements for membership and miss no opportunity to test Europe's readiness to open its arms, although the level of their own preparedness varies. For instance, Estonia is objectively the best prepared for entering the EU while Lithuania is more ready to join NATO. The response of both of these organizations has so far been somewhat hesitant. Concerns about Russia's reactions (in the case of NATO) and the need to take over many outstanding problems (in the case of the EU) - such as the Chernobyl-design Ignalina nuclear power plant in Lithuania - may play a role here. The current development of the European security policy, particularly the "thawing" of the Western European Union and the formation of the EU's common security and defense policy brings new life to the three Baltic countries' interest in NATO membership. For the Baltics, the Membership Action Plan adopted at the Alliance's Washington summit meeting has become an impetus to intensify their preparations at home for accession to NATO.

The Baltic states are well aware of their situation, particularly their security situation. They sense that they are a kind of a laboratory because we now want to provide them with security but without jeopardizing our own. They realized some time ago that they would have to rely mainly on their own efforts, and have therefore placed emphasis on mutual cooperation. Over the past few years, they have succeeded in creating a model of ideally functioning regional and sub-regional cooperation. They have managed to involve not only the Scandinavian countries and the U.S. in this scheme, but also the Kaliningrad Oblast of the Russian Federation. This Baltic cooperation has all but erased the bilateral nature of their mutual relations, replacing it with a trilateral approach. This is not an end in itself but a means for subsequent, as successful as possible, integration into European and Euro-Atlantic economic, political, and defense structures.

Lithuania, Latvia, and Estonia have achieved good results primarily in the military sphere. They have formed a joint peacekeeping battalion (BALTBAT), a joint navy unit (BALTRON), a joint system of airspace monitoring (BALTNET), and a joint military school (BALTDEFCOL). They have also sent their troops to serve within SFOR in Bosnia and Herzegovina. According to their Chiefs of Staff, the recent military exercise of the Baltic countries, "Baltic Hope" (Klaipėda, August 1999), was a promise for future joint action also in armaments procurement for their armies.

All the three states build their forces "on the green field", but there is no question that Lithuania has made the greatest progress in this respect. It can boast of the attention which Lithuanian politicians devote to the development of the armed forces, of the well-defined priorities placing "man" first and "equipment" only second, and also of the funds allocated to support the meeting of such priorities. In December 1998 Lithuania passed a law on the gradual increase in military spending, which is to reach 2 per cent of the GDP by 2001. Estonia and Latvia have recently made commitments to a similar growth: Estonia - 2 per cent by 2002, Latvia - 2 per cent by 2003.

Czech foreign policy closely follows the efforts of the three Baltic countries to join NATO. Despite a logical (or strategic) emphasis on Slovakia, it uses all opportunities to make the Baltics aware of its support for their membership in NATO. In addition to the mentioned primary reasons for its interest in the security dimension of its relations with Lithuania, Latvia, and Estonia, the Czech Republic also has a number of other supporting reasons. It also wants to strengthen the traditional relations between our countries as well as to intensify mutually advantageous trade exchanges. By promoting partnership relations, it wants to lay a solid foundation for our relations as allies, be it in NATO or the EU (the need for small countries to cooperate in these integration groupings is beyond any doubt). The Czech Republic feels the need to define its "eastern policy" also in this way, and through it to promote constructive relations with Russia, but also with the Ukraine and the democratic representatives of Belarus. Finally, a less than modest observation: who else should cooperate with NATO membership applicants (as the Baltics were described at the NATO summit in April) than the new NATO members who by now have formed the most comprehensive picture of what it means not to be born in NATO but to join NATO?!

It is for these reasons that Czech foreign policy seeks to implement a whole range of specific cooperation forms. In respect to the relations between the Czech Republic and Lithuania, these include among others:

- donating military materials for the armed forces (the Czech Government has already endorsed such free-of-charge transfers to Lithuania two times);
- opening positions for students at military colleges (eight or nine Lithuanian officers every year);

- providing available documentation on the activities of the Czech Government's Committee for the Czech Republic's Integration in the NATO (using this documentation, Lithuania has set up its own inter-ministerial coordination commission for NATO);

- consultations on the Lithuanian national program of integration into NATO (response to the Membership Action Plan) as well as providing information about the accession talks between the Czech Republic and NATO; and also

- joint action in the peacekeeping humanitarian operation in Albania (ten Lithuanian medical experts serve with Czech personnel in a military field hospital).

Examples of initiatives planned and/or prepared:

- Long-term visits of a Czech Army military expert to the Lithuanian Ministry of Defense (or rather, consecutive short-term visits by Czech military experts focusing on various areas of the Defense Ministry's preparations for NATO membership);

- Consultations on military legislation (and other events and exchange visits under the program of bilateral cooperation between the Czech and Lithuanian Defense Ministries);

- Exchange of experience between the Security Councils of the two countries;

- Consultations on crisis management issues emphasizing the position and role of the strategic reserves institution;

- Consultations on the Conventional Armed Forces in Europe Treaty and the reporting about Czech experience with the operation of the verification center;

- Cooperation between the two National Security Offices focusing on the protection of classified information;

- Cooperation in armaments procurement through future exchanges of relevant information about the potential of the respective domestic defense industries.

In many of these areas and initiatives, Lithuania is the first and/or the only country with which Czech foreign policy has started this form of cooperation. To maintain its current fast pace and to extend it to other areas, the Czech Republic and Lithuania have developed a mechanism of "round tables". In a way, this is a junior form of the highly appreciated Czech-Polish format of 2+2 relations (foreign and defense ministers), whose functioning should help to intensify considerably the influence of Czech foreign policy in Lithuania and, in turn, in the whole region of the Baltic states. Our foreign policy has thus been given a flexible platform for creative brainstorming and the coordination of joint actions. Round tables at the level of Vice-Ministers of Foreign Affairs and Defense should be held two times a year as a rule. The first such meeting devoted to security issues was hosted by Prague on June 25, 1999. The second will be organized in Vilnius at the end of this year. Many other round table meetings on different issues and at different levels are being prepared and specified in more detail. The addition of the Parliamentary dimension to the round tables is being planned.

When the Czech Republic conducted talks with the Alliance on accession to NATO, our future allies told us: "You will enter a different (new) NATO than you intended." Paradoxically enough, the Czech Republic will be saying the same thing to the Baltic states. This applies not only to new NATO missions but also to relations with the Russian Federation. We face two tasks in this respect. One is to remind the Baltic countries of the need to meet one of the criteria for NATO membership - good relations with neighbors. The other is gradually to convince both Russian politicians and the Russian general public that the Baltic states are for them a gate leading outward rather than a path for invasion directed inward. To convince them to delete gradually the red line they have painted over the western border of the Baltic countries between their

sphere of influence and an expanding NATO. Convincing the Russian Federation about the positive effects of expanding the zone of stability while rejecting its “thinking” that ‘what is positive for the Alliance is negative for Russia’ is the only way to erase this red line completely. In this respect, the Czech Republic follows the pragmatic approach of ‘do unto others as you want others do unto you’, and will therefore refuse any third-party veto concerning any country’s freedom to choose its own security basis.

The Kosovo crisis has shown how unpredictable a partner Russia still remains. However, it has also validated Russia’s role in crisis management and shown that, ultimately, common language with Russia can be found. Russia must not be ignored, if only because the reactions of someone who is cornered are even less predictable. The Baltic countries realize this clearly and for instance Lithuania can boast of its positive cooperation with the Russian Federation by involving Russia’s Kaliningrad Oblast in regional cooperation.

Assuming that NATO enlargement is not the reaction to a threat but the reflection of efforts to expand the zone of stability, the conclusion is very clear: the Baltic states should be given an opportunity to become our allies within the Alliance, while taking into account their will and degree of preparedness, i.e. meeting the relevant criteria. Czech foreign policy should help the Baltic countries smooth out the crooked mirror of their historical destiny. The Czech Republic’s specific importance vis-à-vis this region lies in its special responsibility for keeping up the momentum of NATO enlargement; the Czech Republic also has an opportunity to share its unique experience preparing for NATO membership with the Baltic states. The efforts of the Czech Republic to convince the Alliance to add the status of “NATO Contact Embassy” to our local embassies is yet another concrete manifestation of the active security dimension of the Czech foreign policy to Lithuania, Latvia, and Estonia. At the same time, this approach would not be feasible without the very close and successful cooperation between the Foreign and Defense Ministries in carrying out such policies.

## **THE YEAR 2000: HISTORY AND CONTEMPORARY EXPERIENCE\***

Edvardas Gudavičius

The world is living on the eve of the two-thousandth anniversary of its predominant time counting system. Only 318 days remain until the start of the jubilee year.\*\* For Lithuania 10 years remain until its one-thousandth anniversary. Russia celebrated its thousandth anniversary in 1862, Hungary - in 1896, Poland - in 1966. If only listing the dates, Lithuania's lag behind these countries is not so great, but the content of these dates differs. All of the mentioned nations also celebrated at that time the anniversary of their statehood. Sometime during this decade Lithuanian statehood will count, or already has counted, three-quarters of a thousand years. But this is not what is most important. The Poles and Russians at least commemorated their thousandth anniversary, relating it to their possession of a state (the Hungarians claimed a bit too early chronology). There was no state in Lithuania in the year 1009.

The mark of the lag, often dimming our past, is also remembered today. However, can many nations say that there was no such mark in their history? And history itself, world history, if it wants to teach people, has to admit that it can show only the very difficult road on which mankind has traveled. Nothing can be made from nothing, life does not provide anything for free. The more man frees himself from nature, the more he ravages it, cutting the branch on which he is sitting. But people are part of nature and the relations among them are marked by the same law of nature - the necessity to survive. This necessity directs every person's biography and every community's or nation's history.

History and contemporary experience tells us that people have learned to live better and today are learning not to devastate their planet. With a more prosperous life, the relations of humans or nations were and are improving. Never before have people had such opportunities as those our generation is using, and we can not even imagine the opportunities that are awaiting our children. One thing is clear: the 21st century will be completely different. And that will be only the beginning of the changes that will occur during the three thousandth era. Nevertheless, in the 21st century there will also be laggards and forerunners. Humans will remain human and the necessity to survive will not abandon them.

Lithuanian history evolved in this sea of opportunities and threats, in the standoff between achievements and losses. The baptism of a Lithuanian tribal chief in 1009 becomes part of the row of baptisms in Central European countries (Bohemia, Poland, Hungary) at the end of the early middle ages. However, the Lithuanian state did not yet exist, the centers of European civilization at that time were still too far away and the visit by St. Bruno to Lithuania remained a solitary episode. Lithuania's geographic location predetermined its lagging behind, for winning one's place, while in contact with neighboring countries, was possible only by adapting to their civilization. Lithuania felt this, especially painfully, when European civilization, in the form of German colonies, directly approached it. Here history threw out a challenge to the Lithuanians, their newly

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\* An article is reprinted from weekly newspaper *Atgimimas*. An original version, please, see: "2000-iejų istorija ir šiandienos patirtis [The Year 2000: History and Contemporary Experience]," *Atgimimas*, 10 (March 12, 1999), 12; *Ibid*, 11 (March 19), 12.

\*\* An article was prepared by paper presented in 81st Anniversary of Independence of the Republic of Lithuania, February 16, 1999, Vilnius.

created state was confronted with these colonies. Arnold Joseph Toynbee, one of the pillars of the history of civilizations, used the Lithuanian encounter as a model for the emerging civilization phenomenon and for the famous cause and effect, and called our Vytis (the coat of arms of Lithuania - Ed.) a heraldic symbol of this response. In this way Lithuania's role in world history appeared.

Accepting baptism only during the later half of the Middle Ages, Lithuania became the last country in the Central European civilization area, thus completing its formation. Lithuania provided the dynasty that ruled over this whole area, preventing the dynastic assimilation that later inflicted so much damage on Czech and Hungarian statehood. The political framework expressed by the dynastic union enabled Central Europe to manifest itself as a civilization unit, while the Grand Duchy of Lithuania played perhaps the crucial role in the emergence of the separate Ukrainian and Belarusian nations. When, in 1989, Europeans asked us what will we give to the world, we could have answered that they do not know what we had already given. Someone perhaps might not like that Central Europe was and is existing, but it would probably be necessary first to ask its nations if they do or do not want to exist. Lithuania's contribution here might not be the greatest, but no one can deny it. Hungary gave mankind charity organized by the rulers St. Elisabeth and St. King. Bohemia gave the Hussite national revolution and Jerzi Podebradishki's idea of the peaceful coexistence of nations. Poland gave the heliocentric system of Michael Copernicus. Lithuania gave Kazimieras Semenavičius' basics of rocket construction. Overcoming its backwardness and the accompanying consequences, Lithuania was able to become a subject of European civilization.

The Crusades, the colonial period, and today's hot spots on Earth show that the greatest conflicts arose and, regrettably, are still arising out of the collision of different civilizations. Lithuania always had to fight for its existence, but that was also the historical problem of the whole Central European area. When mankind faced the positive changes pointing at the beginning of new, more humane relations, this area disappeared from the political map of Europe. Lithuania and Poland were the last countries which still for almost two hundred years maintained an united Republic of both nations, even though its borders were diminished. The year 1795 erased these borders. This happened at the time when the subjects of the English Crown in America established the right of self-determination and when the Great French Revolution proclaimed the Declaration of the Rights of Man and the Citizen.

These political deeds appeared at the time when steam and electricity liberated the human muscle from the role of energy provider and made them into the levers of the commands of the mind. At the beginning of our century, the history of the 19th century was singled out as the century when people produced more than ever before, the century in which the majority of people had at least the smallest possibility to live better. It was the century in which this majority understood that it could live in this way, and was given the opportunity to strive for it. The ideals of democracy and independence became the guideposts for mankind's development. In the middle of the 19th century the Chartists of England firmly established the concept of adequate pay for work, which became the basis for a society which made democratic decisions.

Politically stifled Central Europe remained on the sidelines. The empires were able to rule and control its nations, but could not break their will. The poems of Sandor Petöfi and the preludes of Franz Liszt, as the highest creations of word and sound, embody the will of these nations and loudly shout about their trampled rights. In the 19th century Lithuania revolted three times. But both the support for Napoleon, and the uprisings of

1831 or 1863 were only accompaniments to the Polish national liberation movement. Lithuanians almost lost their social elite, Lithuania - the only country in Europe where serfdom lasted until the second half of the 19th century. Lithuanians almost lost the level of a nation, just before becoming a socially unorganized ethnic group. This was the result of unfavorable political circumstances and inherited backwardness. Yet, this was not a historical process having a single meaning.

We understand the 40 year-long struggle against the prohibition of the press as one of the most beautiful manifestations of our history. No doubt this was a struggle for the printed Lithuanian word, but not only that. This was a clash of different civilizations, an examination checking if the Lithuanian nation existed. The “exam monitors” only saw a tribe here and, of course, they erred. Indeed, it would have been surprising, if they had not erred. The struggle was by a people who almost did not have an intelligentsia, but the printed word was necessary for their way of life. Desiring modest careers for their children, it had become accustomed to sending them to schools, and when these were closed down, village school teachers emerged and a secret corner for teaching the children was found. The crooked from hard work fingers of the ploughman would set aside several coins for books, and they were sufficient that the need for Latin alphabet books would appear along with other contraband goods. During the same 19th century workers in Western Europe stopped breaking machines while Lithuanian peasants, still under the yoke of serfdom, stopped drinking. The one and the other understood who was really taking their bread away. They did not have the same level of understanding, but in one place and the other it was Europe. The Lithuanian people responded to the brutal force of the empire with European methods of organization and struggle. Much has been written about the Teutonic knights as bearers of culture, their stereotype as global culture carriers was created. The world does not know anything about the Lithuanian book-carriers although they protected and defended European culture. Only in the Lithuanian language does the word *knygneðys* [bookcarrier] (other languages also have such a word) have a special meaning. Lithuanians proved that they were not only a nation, but also part of European civilization. Anatol Lieven tried to understand the phenomenon of the Baltic revolution, but was unable to understand Lithuanians. He probably did not have this in mind, when he wrote that no one was able to defeat the Lithuanians, but, nevertheless, that might be his most accurate observation, if we single out the case of the fight for and the defense of the Lithuanian printed word.

The press prohibition examination demonstrated that the modern Lithuanian nation was maturing after the abolition of serfdom. The heritage of the European estate society helped to pass this examination, but it was also an obstacle. Western Europe solved this contradiction by decapitating its kings, the people put their own king on trial. The rulers of foreign occupying forces removed the rulers in Central Europe. In the historic memory of these nations, the rulers did not embody social oppression, but the lost statehood. In the youngest country of Central Europe, Lithuania, they were also remembered in this way, but the time period of time separating their era from the occupational present was the longest. And not so much the duration of the period but its nature was the determining factor. Latvians and Estonians developed as modern nations without having had the experience of past statehood, but newly reaffirming their national identity. Lithuanians had to overcome the unionist tradition of the past. Latvians and Estonians were separated from the Germans by a glass wall, generation after generation saw them as the conquerors. The Polonized Lithuanian gentry was regarded as if our own, not getting Lithuanian prayer-books, the people acquired Polish ones. Therefore, the chronologically closer but also more



remembered tradition of statehood acted more to suppress than to promote the Lithuanian national identity. Lithuanians encountered a problem which the Latvian and Estonian national movements did not experience. But the image of ancient Lithuanian statehood, resurrected by romantics, became a support which neither the Latvians nor Estonians had. Such were the peculiarities of the formation of the modern Lithuanian nation. Vincas Kudirka, a genius, comprehending the importance of this past began his poem, which later became the national anthem, with such words. In this way, the ideals of democracy, just as in the other countries of Central Europe, did not come into conflict with the memory of the old rulers, but was supported by it.

The heritage of the 19th century was the First World War. Empires with their imperial methods resolved the question of the division of the whole world. For the first time in the history of mankind, a state was able to feed, arm, “move by” railroads, drive millions of men into trenches and maintain them in these trenches for several years. For the first time the human mind introduced in this web of ditches the manufacturing industry of mass slaughter. The “cabinet” politics of the empires prepared and planned the world war. A war caste of officers, distinguished by birth in a majority of the empires, “led” the gray meat of the cannons. After successful operations the noble generals would prepare parties for these officers, taking them away from their direct work and in this way sentencing the hungry soldiers to the additional hardships of chaos. This was the way it was in the past, and still is in the present. The inter-war Lithuanian novels and Latvian paintings described in memorable works what the people of these nations felt, in the words of the czarist strategist Mikhail Dragomirov turned into the holy greyness of the little animals, and the immortal soldier Zweick laughingly buried the ideals of the empires. And it is probably natural that such biting satire of imperial politics appeared in Central Europe. Central Europe was the hot spot in which the self-determination principle, expressed in the Declaration of Independence of the United States of America became the existence program of the whole region.

This program also affected the development of the modern Lithuanian nation. The decade after the abolition of the press ban was distinguished by very rapid and universal progress. The start of the war interfered with the discussion of the Lithuanian autonomy project in the Russian State Duma, but also the new occupiers, when the victorious army of the Kaiser got bogged down at the fronts, were forced to begin negotiations about Lithuania’s future with its representatives. The empires were exhausted. Even the “tiger” of democratic France, Georges Clemenceau, had to take extreme measures - to execute every tenth soldier refusing to go to the front. The intervention of the most powerful country of the new world, which along with small Switzerland had developed the most civil society in the history of mankind, outweighed the plate of Blind Fortuna. At the beginning of 1918, the Fourteen Points of Thomas Woodrow Wilson, setting forth the new, corresponding more with the positive changes in human relations, were announced. According to these points granting independence only to Poland was foreseen, but this led to the abolition of the other consequences of imperial politics. The end of the war, prompting the collapse of the empires which had divided Central Europe, turned this concession into a chain reaction of national self-determination. Just as the baptism of Netimer ends the row of baptisms of the leaders and heads of the emerging Central Europe, just as the fresco in the St. Peter Church in Strasbourg fixes Lithuania in the ranks of the European nations under the flag of Christ at the junction of the 14th-15th centuries, so does the Act of February 16 enter into the ranks of the declarations of independence of Central Europe’s politically reborn states.

We are talking about the modern Lithuanian nation at the beginning of the 20th century. Truly, we can specify the indications of such a level and such a structure. But these characteristics also show how fragile that structure still was. The scanty Lithuanian intelligentsia in Lithuania itself had been decreased, part of it withdrew to Russia. The persons, who made up the Council of Lithuania and declared the independence of the state under unfavorable circumstances, had to declare this after much reflection, coordinating the postulates with contrary meanings and assigning them to the idea of the total sovereignty of the nation and of unrestricted statehood. They understood that they were making an extraordinarily responsible step, marking and determining the further development of events and also the historical fate of Lithuania. They were only incidental political figures with no past experience whose educational background fit the qualifications of statesmen only slightly. No experts held consultations with them, they themselves had to find the needed words and expressions, determining the effectiveness, weight, and power of the declared act's political manifestations. And they found these words.

In 1789 the Declaration of the Rights of Man and the Citizen had 17 points, the number of points in T.W. Wilson's Fourteen Points is mentioned in its title. The Declaration of Independence of the United States of America also contains many postulates. The Act of February 16 fits in one page, of which almost half is devoted to the signatures, and of the four articles of the text only two are devoted to the statehood of Lithuania. These articles are only two sentences and I will cite them here:

“The Council of Lithuania, as the sole representative of the Lithuanian nation, in conformity with the recognized right to national self-determination, and in accordance with the resolution of the Vilnius Conference of September 18-23, 1917 proclaims the restoration of the independent state of Lithuania, founded on democratic principles, with Vilnius as its capital, and declares the termination of all state ties which formerly bound this State to other nations.

The Council of Lithuania also declares that the foundation of the Lithuanian state and its relations with other countries will be finally determined by the *steigiamasis seimas* (Constituent Assembly), to be convoked as soon as possible, elected democratically by all its inhabitants.”

In evaluating political declarations one usually looks at what they had to say and how it was said. The analysis of the Act of February 16 should be done in an opposite manner: seeking what it did not say. The consciousness of the young modern Lithuanian nation was based on two principles - the right of national self-determination and the pre-union historical tradition of the Lithuanian state. In the Act of February 16 paragraphs are not devoted to these principles, but the very principles are divided by paragraphs, i.e. every one of them is based on these principles, but this is done in a different plane. In other words, the principles are expressed realistically, adapting their expression to the existing situation to a maximum degree, making concrete their validity both for that moment and for the future. Such behavior was dictated by the specifics of historical Lithuania, and the Council of Lithuania understood this very well. It directed its attention not to the somewhat known statehood of the union Lithuania, but to that of the forgotten earlier Lithuania. But the world considered the reminder of statehood only a mothball smelling illusion. Briefly and in a concentrated manner expressing the viewpoint of French society, the small Larousse encyclopedia (1906 edition) described Lithuania as an old province of Poland annexed by Russia. And the same encyclopedia in its 1926 edition illuminates the history of the already existing Lithuanian state in that perspective. Meanwhile, in writing about Poland, Lithuania's statehood is mentioned, noting that Jogaila became the king of Poland.

In this way the signatories of the Act of February 16 had to evaluate how the world understood the old statehood of Lithuania. This was both support and chains for Lithuania's new statehood. The right of self-determination in this case could also have been used against Lithuanians. Polish activists were already working in this direction. The signatories unraveled this complicated knot with two formulations. The Act announced that an independent country was being restored (rebuilt) and it also noted that it "terminated all state ties which formerly bound this State to other nations." This formulation also defended Lithuania from the claims of Germany which could have arisen from the agreement of December 11, 1917. Relying on the principle of national self-determination, the past, present, and future were evaluated in this way. The reestablishment of the state on democratic grounds (foundations) declared the most general principle of harmony between statehood and self-determination, and the directive that the democratically elected Constituent Assembly will have to decide the nature of the state's structure and relations provided content to this trite declaration. The Act of February 16 does not mention state borders, but it is clear that they had to conform with the ethnic territory of Lithuanians. However, this territory was not uniform, and all the more it was impossible to talk about uniformity in seeking even the minimal borders of historic Lithuania. There is more than incidental mention of Vilnius in the Act: this was absolutely necessary if one wanted to rely on the argument of the historic tradition of the Lithuanian state. The Constituent Assembly, elected by all the inhabitants, had to resolve at the same time the questions of the Lithuanian national state and of the rights of the national minorities to flourish. Empires also hide their national problems behind the veil of democracy. The Act of Lithuanian statehood pointed out that this problem had to be determined not by the scale of a multinational large state, but of the national state, not forcing nations to be national minorities, but giving each nation the possibility to have its own home, not forcing it to live in the dormitory of nations controlled by the commandant of the ruling nation.

This decision of the signatories was especially important because the "cabinet" politics which were being pushed out of the history of mankind very quickly decided to use the idea of the self-determination of nations in its own way. During the Berlin conference Otto von Bismark was angry that the affairs of some Danube shepherds prevented him from using the best time for vacation. At the beginning of the 20th century politicians loved the word *Balkanization*, but it appeared because there had not been any national states in the Balkans for several centuries. Declaring the powers of the *seimas* elected by all the inhabitants of the state, the Council of Lithuania foresaw an agreement with the national minorities, as its further activities showed.

The most complicated heritage of Lithuania's past is its relations with Poland. Why does Poland celebrate its declaration of independence nine months later than Lithuania? Already in 1916 Austria-Hungary had given Poland guarantees of independence, it was the only one mentioned in W. Wilson's Fourteen Points, it disposed the forces of an armed legion. It could wait for the appropriate moment. The Council of Lithuania did not foresee any better perspectives, a defeated Germany could only be replaced by the victorious Russia and Poland. The Council of Lithuania had to dare, and it did so. The signatories of the Act of February 16 were very brave men.

For several months it appeared that this Act was only an empty declaration. We have recently experienced that governments declaring the ideas of human rights and democracy, first ask the small nations if their state institutions control their territory. When the government of Lithuania began to control this territory, Soviet Russia had already occupied half of it. And here in addition to the bookcarriers we have to talk about the

second phenomenon of the modern Lithuanian nation - the volunteers. Several or tens of thousands of volunteers are not many. And historians have to assert that the promise of land was as important an incentive for the volunteers as it was for their fathers to distinguish between the incentives of contraband books, sugar, and matches. However, the essence is that the bookcarriers and volunteers felt the great support of the people behind their backs. This indeed showed that Lithuanians were a nation and the signatories of February 16 understood this. That is why they were not afraid, that is why they made to some extent real the power of their declaration. The year 1918 showed that in Lithuania such people would always appear and be supported.

Statistics did not say then and, of course, will not say now what percent of the people of Lithuania supported the Council of Lithuania and organized the Lithuanian army. It is clear that the percentage was greater in Estonia, and smaller in Belarus. We can not ignore those who opposed, just as it would be impossible to see only them. Speaking about national consciousness and the very nation, these percentages, even if it would be possible to determine them, would remain as only one of the facts allowing one to make the more important conclusion: did the percentage of supporters determine the direction of the state. The implementation of the Act of February 16 allows one to answer this in a positive manner. The Act became and remains the most important landmark of Lithuania's history. It embodied the return of the Lithuanian nation, already in the form of a modern nation, to world history, after successfully winning its place among the world's nations. It is, therefore, necessary to talk about this place, but one also needs to understand the meaning of these values. That is not only the red carpet, being placed for representatives of Lithuania. That is foremost the opportunity to use better all the victories of mankind. That is the opportunity for people living better, to become more rapidly the majority of the inhabitants. One will not achieve this only through a red carpet, but it will not achieve it without it.

The First Republic of Lithuania realized the points of the Act of February 16. It is possible to and we should discuss how and how successfully this was completed. In many places the number of people living well and the amount of democracy and culture was significantly greater than in Lithuania. However, the amount of these values was much greater than when foreigners ruled, and greater than ever before in the past. Only the sum of these values cultivates a citizen. One can find many things to criticize in Lithuania between the world wars, but the citizen grew up in it, all of our newest history proves it. And although the situation was different, Lithuania during the postwar resistance and of January 13 was the same. In 1991 Lithuania persevered and the history of the world turned in this and not another direction. This is how the question "what will you give" was answered. The people who answered it knew that they were defending the points of February 16.

*Translated by Saulius Girnius*

## “GENTLEMEN’S AGREEMENT” OF LITHUANIA AND THE USSR

Algimantas Kasparavičius

As far as we were able to determine the term “gentlemen agreement” was first used in international practice at the beginning of this century. In 1907 the USA and Japan gave this name to the international agreement according to which Japan assumed the responsibility of not giving passports to immigrants to the USA (except for some categories of businessmen and specialists), while the President of the United States on his part promised to endeavor that San Francisco abolish the discriminatory prohibition of Japanese children being taught together with whites.<sup>1</sup> In later years the “gentlemen agreement” began to be used more broadly in diplomacy. Its importance and meaning was discussed in historiography and international law.

In the tradition of Western international law a “gentlemen agreement” is usually understood to be a verbal act, not recognized as a juridical act. According to it, such an agreement of diplomats or politicians “recognizes only a concurrence of the wills of the agreeing states,” but does not entail any juridical consequences.<sup>2</sup> In fact, in the period between the world wars there were instances when the League of Nations Commission for Legal Affairs or the International Court, taking note of the circumstances of the formation of unsigned agreements as well as their importance recognized their juridical effect or consequences.<sup>3</sup>

The lawyers, diplomats, and historians of the Soviet school interpret the “gentlemen agreement” in a different way. According to them, the “gentlemen agreement” is a special kind of informal international agreement, of a simplified manner, based upon the special mutual trust of the states, having the same juridical validity as signed treaties.<sup>4</sup> According to Soviet tradition the “gentlemen agreement” can be verbal or written, but does not have the “usual text of a treaty.”

Thus, the difference between the traditional Western and Soviet “gentlemen agreement” is sufficiently clear. In our opinion, it arises from principle matters: the different origins of international law and the interpretation of its relation with an international treaty. According to the formula of the Vienna Convention, a treaty is an agreement of subjects of international law regulating international rights.<sup>5</sup> The Soviet position in this respect is different: a treaty is an agreement of subjects of international law “regulating the rights of international treaties.”<sup>6</sup> In our understanding, in the latter case any kind of moral imperatives are eliminated from *jus gentium* leaving only the bare nature and actions of political interests.

In analyzing the circumstances, development, and consequences of making the “gentlemen agreement” between Lithuania and the Soviet Union, all the previously mentioned events have to be considered.

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<sup>1</sup> *The New Encyclopaedia Britannica* (Chicago, 1991), 5, p.186.

<sup>2</sup> E. J. de Arechaga, *El derecho Internacional Contemporaneo* (Madrid, 1980). (Compare with E.X. de Arechaga, *Sovremennoye mezhdunarodnoye pravo [Contemporary International Law]* (Moskva, 1983), p. 62).

<sup>3</sup> *Ibid.*, p. 63-64; J. Brownlie, *Principles of Public International Law* (Oxford, 1973). (Compare with J. Brounli, *Mezhdunarodnoye pravo [International Law]* (Moskva), 2, p. 349-350).

<sup>4</sup> *Slovar mezhdunarodnogo prava [Dictionary of International Law]* (Moskva, 1982), p. 39-40; *Slovar mezhdunarodnogo prava [Dictionary of International Law]* (Moskva, 1986), p. 71.

<sup>5</sup> J. Brounli, *Mezhdunarodnoye*, p. 306.

<sup>6</sup> *Kurs mezhdunarodnogo prava [Course of International Law]* (Moskva), 4, p. 6.

The “Gentlemen agreement”<sup>\*</sup> was made in Moscow on September 28, 1926 while signing the Lithuania-USSR Nonaggression Pact. Lithuanian Prime Minister and Minister of Foreign Affairs Mykolas Slepevičius and USSR People’s Commissar for Foreign Affairs Georgii Chicherin made this pact.<sup>7</sup> According to it, the states made the commitment to exchange all information and coordinate their political policies in regard to Poland and to some extent the Baltic states of Latvia and Estonia. Moreover, the Soviet Union promised Lithuania to influence Germany and other friendly states in a beneficial manner, to support in general Lithuania’s position in the international arena, and through Germany also in the League of Nations.<sup>8</sup>

For self explanatory reasons such an agreement of two gentlemen was kept in total secrecy. Lithuanian diplomats concealed their gentlemanliness completely. Lithuanian Ambassador to Russia Jurgis Baltrušaitis, who was the most ardent member of the Kaunas-Moscow “gentlemen club”, it seems did not trust the security of the diplomatic pouch and telegraph for sending information on this matter. The question was coordinated *tête-à-tête* with Premier Slepevičius when Baltrušaitis or Moscow embassy secretary Leopoldas Bagdonas visited Kaunas. Only several of the highest state officials in Kaunas knew about Slepevičius’s deal with Chicherin which in principle can be regarded as a secret protocol to the Lithuania-USSR Nonaggression Treaty. Even the Seimas (parliament) was not informed about this act.

In analyzing the prehistory and circumstances of the creation of the “gentlemen agreement” we have reason to believe that its initiator was Moscow, which after investigating the tendencies of Lithuania’s foreign policy and diplomacy offered Kaunas a program of “gentlemen” cooperation. That in Lithuania at that time there was little understanding of the style and content of gentlemen agreements in diplomacy is supported by an assertion of Baltrušaitis. After the change of governments in Lithuania after the *coup d’état* of December 17, 1926, according to Baltrušaitis “There was little understanding in Kaunas what such an agreement meant.”<sup>9</sup> The Lithuanian diplomat,

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\* In discussing the Lithuania-USSR “gentlemen agreement” one should explain two things. First, we did not succeed in finding the text of the “gentlemen agreement” in the archives. However, there is no doubt about its existence; in preparing the new edition of the “gentlemen agreement” in the spring of 1931 FMPC board member Boris Stomoniakov gave the instructions “to find the gentlemen agreement of 1926 in the archives.” The main points of the “gentlemen agreement” of 1926 mentioned in this article are reconstructed from secondary documents: the discussions of Lithuanian and Soviet diplomats on renewing and expanding the mentioned agreement. Another matter is the technique for forming the “gentlemen agreement”. Unfortunately, we can not provide final opinions on it. After analyzing the documents preserved in the RFFAA archive, we are inclined to believe that the Lithuania-USSR “gentlemen agreements” were formed in written form and confirmed by the signatures of the representatives (foreign affairs ministers) of the states. Thus, not the Western, but the Soviet meaning of “gentlemen agreements” was realized. On the other hand, it is also possible that the “gentlemen agreements” were confirmed not by signatures, but only by the word of honor to comply with the concrete “letter and spirit of the agreement.”

<sup>7</sup> Algimantas Kasparavičius, *Didysis X Lietuvos užsienio politikoje. 1926 metų Lietuvos ir Sovietų Sąjungos sutarties sudarymo analizė [The big ‘X’ in Lithuanian Foreign Policy. The Analysis of Conclusion of the 1926 Lithuania - USSR Nonaggression Treaty]* (Vilnius, 1996), p. 246; Rusijos Federacijos Užsienio politikos archyvas [Russian Federation Foreign Policy Archives (henceforth - RFFPA)], F. 0150, Ap. 17, Apl. 35, B. 5, L. 94 (SSRS užsienio reikalų liaudies komisaro M.Litvinovo diplomatinis dienoraštis 1929.10.22 [The diplomatic diary of USSR Foreign Affairs People’s Commissar M. Litvinov 22.10.1929]).

<sup>8</sup> Ibid.

<sup>9</sup> RFFPA, F. 0150, Ap. 20. Apl. 41, B. 6, L. 67-68 (URLK kolegijos nario B.Stomoniakovo 1931.04.21 pokalbio užrašas Nr. 24999 su Lietuvos pasiuntiniu J.Baltrušaičiu [Notes from a conversation of FMPC [Foreign Ministry People’s Commissariat] board member B. Stomoniakov on 21.04.1931 No. 24999 with Lithuanian envoy J. Baltrušaitis]).

who arrived in Kaunas shortly after the *coup d'état*, had to make serious efforts until he could explain the meaning and rules of the gentlemen club formed by Slepevičius and Chicherin to the new Premier and Minister of Foreign Affairs Augustinas Voldemaras, who “was accustomed to do without international acts.”\*

Except for the extravagance<sup>10</sup> and the poetics of two Jurgis and one Petras - Baltrušaitis, Savickas, and Klimas the diplomacy of the First Republic (at least until the beginning of the 1930s), unfortunately was not distinguished by rich fantasy, fanciful style, or splendid manners. The activities often were coarse. For example, seeking to resist the federalistic-union ideas of Józef Piłsudski, which at times threatened to grow into more material force, Lithuanian politicians and diplomats almost fatally sought the support of Russia. Lithuanian requests to protect them from the Poles would at times raise sneers in Moscow. The USSR FRPC\*\* section head Stanislav Ganetski once commented this way about the annoying pleas from Kaunas: “Don’t they exaggerate the threat from Poland. We do not have information on this question. This unfortunate state is so blocked up that it is afraid of everything, everywhere, and all the time.”<sup>11</sup>

The Lithuania-USSR “gentlemen agreement” arose in such a shadow of fear. In 1926 during Lithuania’s negotiations with Russia about the creation of a political treaty, the diplomats of Kaunas quite simply (one could even say primitively) tried to organize for Lithuania a Russian shelter. Juozas Purickis, the director of the Policies and Economics Department of the Lithuanian Ministry of Foreign Affairs, in the winter and spring of 1926 tried to convince Moscow to form a military alliance with Lithuania.<sup>12</sup> At the same time Leonas Bistras, the premier of the Christian Democratic government, and his authorized Minister of Foreign Affairs Meišlovas Reinys held discussions for adding a secret protocol to the planned Lithuania-USSR Nonaggression Treaty. Lithuania desired that in it Russia would not only diplomatically and politically support the struggle of the Lithuanians for Vilnius, but if the need arose to defend with all its military forces Lithuania’s independence, and in the period of peace would make a commitment: “to guarantee the territory now controlled by the Lithuanian government.”<sup>13</sup>

After the elections of the III Seimas, the government of the left of Center coalition of Populists and Social Democrats that gained power did not in essence change the aims and methods for implementing Lithuanian foreign policy. Practically the same demands as during the time the Christian Democrats ruled were raised for a political pact with the USSR. Looking at the wishes of Lithuanian politicians and diplomats retrospectively, a sacrilegious idea arises that at times Kaunas almost sought the status of a Moscow protectorate. Of course, the more sensitive reader could try to reject such rebukes against Lithuania’s national diplomacy by the “danger from Poland.” But in so doing an even more sticky question would arise: was the threat to Lithuania from Russia in the interwar period smaller? We will allow the implied opponent to formulate an answer to this question himself.

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\* This is what professor Augustinas Voldemaras once said about himself.

<sup>10</sup> RFFPA, F. 0150, Ap. 17, Apl. 35, B. 5, L. 84 (SSRS užsienio reikalų liaudies komisaro M. Litvinovo diplomatinis dienoraštis 1929.09.30 [The diplomatic diary of USSR Foreign Affairs People’s Commissar M. Litvinov 30.09.1929]).

\*\* Foreign Ministry People’s Commissariat.

<sup>11</sup> RFFPA, F. 0151, Ap. 7, Apl. 6, B. 2, L. 14 (URLK kolegijos nario Stanislavo Ganeckio 1922.08.18 laiškas Nr. 775 Rusijos pasiuntiniui Lietuvoje Jakovui Davtianui [Letter of FMPC board member Stanislav Ganetskii 18.08.1922 No. 775 to the Russian envoy in Lithuania Jakov Davtian]).

<sup>12</sup> Algimantas Kasparavičius, *Didysis*, p. 156.

<sup>13</sup> *Ibid*, p. 78-80.

The Soviet Union regarded the previously mentioned initiatives of Lithuanian diplomacy skeptically (as totally unacceptable “wild offers” (*dikii predlozhenie*)<sup>14</sup> which had to be made more civilized. After rejecting in principle the possibility of making a military convention, the idea of a secret protocol and the requests to guarantee the independence and territorial integrity of Lithuania (foremost from the imagined aggression by Poland), Soviet diplomacy in the middle of the 1920s succeeded in convincing Slepevičius to accept the “gentlemen agreement.” This, apparently, served to enrich the Kaunas fantasy of gaining an alleged political partner or ally and to some extent ease the pain of this political bachelor’s obsession, or, in other words, to help Lithuania avoid international isolation. The making of the “gentlemen agreement” in 1926 was also meant to show the triumph of Soviet “civilization” in Lithuanian diplomacy.

In other words, it would be risky to assert that this indeed did happen. Although the Kaunas-Moscow “gentlemen agreement” worked quite smoothly from 1926 to early 1929 (Lithuanian military officers held talks with the USSR military attaché over Poland’s military capacity and Lithuania’s defense plans, diplomats held consultations over relations with Poland and the Baltic states),<sup>15</sup> discords also occurred.

Moscow trusted the foreign policy carried out by the National Party (*tautininkai*) (*Voldemaras*) only conditionally because it understood that if the dispute with Poland were settled, Lithuania would become one of the latter’s strategic partners. When in the spring of 1927 Premier and Foreign Minister *Voldemaras* decided to normalize relations with Poland to some extent, to give up the declared “war status” policies,<sup>16</sup> one did not have to wait long for Soviet reaction. Although cooperating directly with *Voldemaras* and *Baltruðaitis*, the Russian diplomats did not oppose and even supported

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<sup>14</sup> RFFPA, F. 04, Ap. 27, Apl. 187, B. 124, L. 1-2 (URLK kolegijos 1926.01.20 posėdžio protokolas Nr. 8 [Minutes of the meeting of the FMPC board 01.20.1926 No. 8]); RFFPA, F. 04, Ap. 27, Apl. 187, B. 124, L. 6 (URLK kolegijos posėdžio 1926.04.07 posėdžio protokolas Nr. 40 [Minutes of the meeting of the FMPC board 27.04.1926 No. 40]); RFFPA, F. 0151, Ap. 20, Apl. 42, B. 10, L. 59 (Išrašas iš 1931.05.26 M.Litvinovo pranešimo URLK kolegijai [Excerpts from the report of 26.05.1931 to the FMPC board by M. Litvinov]).

<sup>15</sup> Algimantas Kasparavičius, *Didysis*, p. 276-281; RFFPA, F. 0150, Ap. 15, Apl. 29, B. 9, L. 61 (URLK kolegijos nario B.Stomoniakovo 1927.04.11 pokalbio užrašas Nr. 5481 su J.Baltruðaičiu [Notes from a conversation of FMPC board member B. Stomoniakov on 11.04.1927 No. 5481 with J.Baltruðaitis]); RFFPA, F. 0151, Ap. 15, Apl. 29, B. 9, L. 1-5 (B.Stomoniakovo 1927.12.15 pokalbio užrašas Nr. 43643 su J.Baltruðaičiu [Notes from a conversation of FMPC board member B. Stomoniakov on 15.12.1927 No.43643 with J.Baltruðaitis]); RFFPA, F. 0151, Ap. 15, Apl. 29, B. 9, L. 6-12 (SSRS pasiuntinio Nikolajaus Krestinskio 1927.11.08 pokalbio užrašas su Lietuvos pasiuntiniu Vokietijoje Vaclovu Sidzikausku [Notes from a conversation of USSR envoy to Germany Nikolai Krestinskii on 08.11.1927 with Lithuanian envoy to Germany Vaclovas Sidzikauskas]); RFFPA, F. 0151, Ap. 15, Apl. 29, B. 9, L.44-45 (SSRS užsienio reikalø liaudies komisaro pavaduotojo M.Litvinovo 1927.06.06 laiðkas Nr. 3407 SSRS užsienio reikalø liaudies komisarui G.Èierinui [Letter of the USSR Foreign Ministry People’s Deputy Commissar M. Litvinov on 06.06.1927 No. 3407 to USSR Foreign Ministry People’s Commissar G.Chicherin]); RFFPA, F. 0150, Ap. 16, Apl. 33, B. 9, L. 43-68 (SSRS ágaliootojo atstovo Lietuvoje Arosevo 1928.08.28 ir 1928.08.30 pokalbiø užrašai su A.Voldemaru [Notes from a conversation of USSR designated deputy in Lithuania Arosev on 28.08.1928 and 30.08.1928 with A. Voldemaras]); RFFPA, F. 0150, Ap. 16, Apl. 33, B. 9, L. 33-42 (B.Stomoniakovo 1928.07.16 laiðkas S.Aleksandrovskiiui [Letter of B. Stomoniakov on 16.07.1931 to S. Aleksandrovskii]); RFFPA, F. 0150, Ap. 17, Apl. 35, B. 5, L. 8-9 (B.Stomoniakovo 1929.01.23 pokalbio užrašas Nr. 6577 su J.Baltruðaičiu [Notes from a conversation of B.Stomoniakov on 23.01.1929 No. 6577 with J.Baltruðaitis]); RFFPA, F. 0150, Ap. 17, Apl. 35, B. 5, L. 16-17 (B.Stomoniakovo 1929.02.05 pokalbio užrašas Nr. 6648 su J.Baltruðaičiu) [Notes from a conversation of B.Stomoniakov on 05.02.1929 No. 6648 with J.Baltruðaitis]).

<sup>16</sup> Algimantas Kasparavičius, T. Mieliauskas, “Lietuvos-Lenkijos santykiai ir Lietuvos kariuomenės modernizacija 1926-1939 metais [Lithuanian-Polish Relations and the Modernization of the Lithuanian Army in 1926-1939]” *Karo archyvas [War Archive]*, XV (Vilnius, 1998), 146-147.



such a policy, FRPC office secretly asserted that it was essential in all possible means to inspire the foreign press and the Lithuanian opposition because only a strong opposition “just as in previous years will keep Lithuania from drawing nearer to Poland.”<sup>17</sup> It should be noted that although not desiring it, the Lithuanian opposition at that time poured lots of water on Moscow’s political mill. The Populists and Christian Democrats in the press and in private talks with USSR envoys explained that the policy of “war status” with Poland is the only correct one and its abandonment would mean a renunciation of Vilnius.<sup>18</sup> Although in December 1927 in Geneva Lithuania under quite complicated circumstances gave up its pompastic “war status” policy in regard to Poland, Voldemaras, however, due to subjective and objective reasons did not succeed in any essential manner to improve relations with Poland.

After the doubtful attitude of Moscow during the time of the crisis in the relations of Lithuanians and Poles at the end of 1927 and especially after the deceit at the beginning of 1929 when Lithuania joined the so-called “Litvinov protocol” (the historian Èslovas Laurinavièius investigated this intriguing history).<sup>19</sup> The faith of Voldemaras in the Soviets finally was shaken. In the spring of 1929 the premier asserted that a “crisis of trust” between Lithuania and the USSR had begun.<sup>20</sup> A threat even arose to the “gentlemen agreement” made by Slepevièius because Voldemaras declared that the Bolsheviks *de facto* did not give Lithuania anything and did not offer anything concrete, but only sought a coordination of activities and secrets.<sup>21</sup> The advocate of good relations with the USSR Baltruðaitis was also criticized. The chief accused him of “immeasurable” optimism, favoring, and even obsequiousness to Russia.<sup>22</sup> Soon afterwards it became clear that Voldemaras wanted to “correct” the “gentlemen agreement” and raised questions about the formation of a Lithuania-USSR military convention. In view of the two facedness and methods of activities of Voldemaras, one can not reject that the latter proposals to the Soviets were only an attempt of a provocational manner seeking to find out the political aims and essence of their policies toward Lithuania or to gain concessions in other areas.

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<sup>17</sup> RFFPA, F. 0151, Ap. 15, Apl. 23, B. 2700, L. 20 (URLK referentès Levkoviè 1927.03.30 atmintinè URLK kolegijai [Pro-memoria to the FMPC board by FMPC advisor Levkovich on 30.03.1927]); RFFPA, F. 0151, Ap. 15, Apl. 23, B. 2700, L. 18 (URLK referentès Levkoviè 1927.04.06 praneðimas URLK kolegijai “Dël Lietuvos klausimo” [Report to the FMPC board by FMPC advisor Levkovich “About the Lithuanian Question” on 06.04.1927]); RFFPA, F. 0151, Ap. 15, Apl. 23, B. 2700, L. 14 (SSRS atstovybës pirmojo sekretoriaus Dovydo Skalovo 1927.05.11 praneðimas URLK kolegijai [The report to the FMPC board by the USSR embassy in Lithuania First secretary Dovyd Skalov on 11.05.1927.05 to the FMPC board]).

<sup>18</sup> Ibid; “Rimta padëtis [Serious Situation],” *Lietuvos þinios [News of Lithuania]* (03.01.1927), 1; “Lenkija ir Pabaltijys [Poland and the Baltic States],” *Lietuvos þinios [News of Lithuania]* (24.02.1927), 1; “Dël naujos krypties uþsieniø politikoje [On New Directions for Foreign Policy],” *Lietuvos þinios [News of Lithuania]* (01.03.1927), 1; “Laikas suprasti [Time to Comprehend],” *Lietuvos þinios [News of Lithuania]* (14.03.1927), 1; “Kas ið Genevos? [What from Geneva?],” *Rytas [Morning]* (07.12.1927), 11; “Ar galimas kompromisas tarp Lietuvos ir Lenkijos? [Is a Compromise Possible Between Lithuania and Poland?],” *Rytas [Morning]* (09.12.1927), 1; “Laiðkai ið Genevos [Letters from Geneva],” *Rytas [Morning]*.

<sup>19</sup> Èslovas Laurinavièius, “Litvinovo protokolas (1929 m. vasario 9 d.) ir Lietuvos diplomatija [Litvinov’s Protocol (of February 9, 1929) and Lithuania’s Diplomacy],” *Politika ir diplomatija [Politics and Diplomacy]* (Vilnius, 1997), p. 157-187.

<sup>20</sup> RFFPA, F. 0150, Ap. 17, Apl. 35, B. 5, L. 28-29 (B.Stomoniakovo 1929.03.02 trumpas pokalbio uþraðas Nr. 6749 su J.Baltruðaièiu [A short note of a conversation of Stomoniakov of 02.03.1929 No. 6749 with J.Baltruðaitis]).

<sup>21</sup> Ibid, L.28; Alfonsas Eidintas, “Lietuva Europos pacifistinèje politikoje 1928-1930 m. [Lithuania in the Pacifist Politics of Europe in 1928-1930],” *Lituanistika*, 3(11) (1992), 5.

<sup>22</sup> Ibid.

As in 1926 Moscow categorically rejected the idea of a military convention, but, however, agreed to hold negotiations on a “gentlemen agreement.” On May 23, 1929 the Political Bureau of the VKP (B) decided to ratify a new “gentlemen agreement” with Lithuania about exchanging information in respect to Poland and the Baltic states.<sup>23</sup> Unfortunately, I must regret that I was unable to find any data about its content in the archives.

After becoming familiar with Moscow’s position in the beginning of June 1929, Baltrušaitis told FMPC board member Boris Stomoniakov that he “is fully satisfied with Moscow’s counterproposals,” but doubted whether Voldemaras would find them acceptable because “in Lithuania the prejudice that Lithuania is very important to its neighbors as a buffer state, similar to Belgium or even more important than Belgium has become strong. Therefore, the neighbors are interested in guaranteeing Lithuania’s independence.”<sup>24</sup> The Lithuanian representative also tried to prove that Voldemaras himself should make a new “gentlemen agreement” with the USSR Foreign Ministry People’s Commissar Maksim Litvinov. For that reason it was urgently proposed to the latter that he go to Kaunas.<sup>25</sup>

However, Litvinov did not visit Lithuania’s provisional capital in 1929 and, apparently, the plans to revise the “gentlemen agreement” were not fulfilled. After the dismissal of Voldemaras from his duties (formally he resigned) at the beginning of the fall of 1929, the new Minister of Foreign Affairs Dovas Zaunius<sup>26</sup> and President Antanas Smetona<sup>27</sup> himself hastened to declare that there was no “confidence crisis” between the countries, that the government understood Moscow’s position and would not seek a military convention, that Lithuania would abide by the “gentlemen agreement” and strengthen friendly ties with the USSR.<sup>28</sup> Baltrušaitis also tried to convince Moscow that after “the departure of Voldemaras Lithuanian policies would not change but would lack the extravagance.”<sup>29</sup> Litvinov, in turn, assured Baltrušaitis that “our policies in regard to Lithuania remain unchanged from when during the visit of Slepevičius the Nonaggression pact and “gentlemen agreement” were signed.<sup>30</sup>

By the way, after the resignation of Voldemaras from the posts of premier and foreign minister, President Smetona not only apologized to the Soviet representative “for the outbursts of Voldemaras,” but also declared that “he did not know anything

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<sup>23</sup> Rusijos naujausios istorijos dokumentø saugojimo ir tyrimo centras [Russia’s Center for Protecting and Investigating Documents of the Latest History (henceforth - RCPIDLC)], F. 17, Ap. 162, B.6, L.82 (Išrašas iš SSRS VKP(b) CK Politinio biuro 1929.05.23 posėdžio protokolo Nr. 81 (Ypatingas aplankas Nr. 79) [Excerpt from the protocol of the minutes of the USSR All-union Communist Party (Bolsheviks) Politburo of Central Committee No. 81 on 23.05.1929 (Special paper No. 79)]).

<sup>24</sup> RFFPA, F. 0150, Ap. 17, Apl. 35, B. 5, L. 65-66 (B.Stomoniakovo 1929.06.03 trumpas pokalbio užrašas Nr. 7111 su J.Baltrušaičiu [A short note of a conversation of B.Stomoniakov of 03.06.1929 No. 7111 with J.Baltrušaitis]).

<sup>25</sup> Ibid, L.65.

<sup>26</sup> Ibid, L.84 (SSRS pasiuntinio Lietuvoje Michailo Karskio 1929.09.30 pranešimas URLK [The report to the FMPC of envoy to Lithuania Mikhail Karski on 30.09.1929]).

<sup>27</sup> Ibid, L.94 (M.Litvinovo 1929.10.22 diplomatinis dienoraštis [The diplomatic diary of M. Litvinov on 22.10.1929]).

<sup>28</sup> Ibid, L.93 (Michailo Karskio 1929.10.22 pranešimas URLK [Report to the FMPC of Mikhail Karski on 22.10.1929]).

<sup>29</sup> Ibid, L.84 (Michailo Karskio 1929.09.30 pranešimas URLK [Report to the FMPC of Mikhail Karski on 30.09.1929]).

<sup>30</sup> Ibid, L.94 (M.Litvinovo 1929.10.22 diplomatinis dienoraštis [The diplomatic diary of M. Litvinov on 22.10.1929]).

about the proposed military convention of Voldemaras.”<sup>31</sup> This supposes a certain kind of controversy: did Smetona in this way try to separate himself from the risky and unsuccessful policies of his former associate or on the eve of the resignation of Voldemaras was the role of the president in foreign policies only marginal?

The “gentlemen agreement” assumed a qualitatively new dimension in 1931 when the Lithuania-USSR Nonaggression treaty was extended. Lithuania once again initiated the revision of the “gentlemen agreement” treaty. The most important reason were the changes in Europe’s political constellation and the swiftly deteriorating Lithuanian relations with Germany. On April 22, 1931 Baltruðaitis presented to Moscow a proposed project for the “gentlemen agreement.” This supports the explanation that in the beginning of the 1930s Lithuania sought to correct in essence the accents of the “gentlemen agreement” with the USSR: to expand the geography of the “gentlemen agreement” require the Soviet Union to influence Italy and Persia to act in behalf of Lithuania; to get Moscow’s “support for Lithuania’s rightful position in the Klaipėda case with Germany; to assure the support of the USSR in neutralizing Germany’s aggressive tendencies in regard to Lithuania; to strengthen and expand the article of the 1926 “gentlemen agreement” on an “open and total” explanation of mutual relations and political tasks, as well as periodic, comprehensive mutual information in regard to Poland, Latvia, and Germany.<sup>32</sup> Moreover, Kaunas took steps that the “gentlemen agreement” would be separated from the Lithuania-USSR Nonaggression Treaty.

The main author of this project, most likely was Zaunius. Undoubtedly, while preparing the document he held consultations with President Smetona, who as revisionism in Germany became clearer turned more to Russia.<sup>33</sup> Baltruðaitis and other Lithuanian diplomats, apparently made some corrections. Comparing the content of this project with the “gentlemen agreement” made by Slepevičius in 1926 two essential differences can be noticed: 1. it was more anti-German than anti-Polish, 2. Lithuania’s diplomacy matures and begins to understand the dangerous precedent and the harm made to the state’s national interests by wrapping official, public international treaties with secret additions, and therefore it was attempted to separate the “gentlemen agreement” from the protocol extending the Lithuania-USSR Nonaggression Treaty.

Kaunas succeeded in realizing only part of this “gentlemen” program. The Soviets described the Lithuanian proposed project as “not very successful.”<sup>34</sup> Moscow categorically expressed its opposition that the Klaipėda question be mentioned in the agreement and rejected the symmetry principle of commitments by the two states. That meant that Moscow wanted to get more than it gave. Stomoniakov explained to Baltruðaitis in a fatherly manner that Lithuania can not “be interested in information about our relations with Yemen and Hejaz,” but if Lithuania wanted to have the

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<sup>31</sup> Ibid.

<sup>32</sup> RFFPA, F. 0150, Ap. 20, Apl. 41, B. 6, L. 61 (J.Baltruðaièiu 1931.04.22 URLK áteiktas “dþentelmeniðko susitarimo” projektas [The project of the “gentlemen agreement” of J. Baltruðaitis of 1931.04.22 presented to the FMPC]).

<sup>33</sup> RFFPA, F. 0151, Ap. 20, Apl. 29, B. 6, L. 50 (B.Stomoniakovo 1931.03.28 pokalbio uþraðas Nr. 24900 su J.Baltruðaièiu [Notes from a conversation of B. Stomoniakov on 28.03.1931 No. 24900 with J. Baltruðaitis]); Ibid, L.76-77 (B.Stomoniakovo 1931.04.27 pokalbio uþraðas Nr. 30022 su J.Baltruðaièiu [Notes from a conversation of B. Stomoniakov on 27.04.1931 No. 30022 with J. Baltruðaitis]).

<sup>34</sup> Ibid, L.67 (B.Stomoniakovo 1931.04.21 pokalbio uþraðas J.Baltruðaièiu [Notes from a conversation of B. Stomoniakov on 21.04.1931 with J. Baltruðaitis]); Ibid, L.77 (B.Stomoniakovo 1931.04.22 pokalbio uþraðas Nr. 30022 su J.Baltruðaièiu [Notes from a conversation of B. Stomoniakov on 22.04.1931 No. 30022 with J. Baltruðaitis]).

comprehensive support of the USSR on general or specific questions, “we have to have information about all the significant facts about Lithuania’s international position.” After such arguments Lithuanian diplomats could only agree that such an asymmetry of the “gentlemen agreement” is . . . “correct and acceptable.”<sup>35</sup>

Zaunius and Litvinov approved a new edition of the “gentlemen agreement” at about 20:00 on May 25, 1931 in Geneva to which both ministers had come for a League of Nations Assembly. The planned in advance scenario for making the “gentlemen agreement” was somewhat changed at the last moment. Reporting on this event to the FMPC college Litvinov wrote: “It had been agreed to meet with Zaunius in Geneva at half past three in the afternoon. I had left free for him the whole afternoon, but Zaunius telephoned that we would not be able to come before seven in the evening (...) I had to invite him for supper (...) We exchanged information with Zaunius about third countries and approved the Gentlemen agreement according to the Moscow formulation.\* Zaunius did not offer any wild proposals as Baltruðaitis had, he did not also talk about a military union (...)<sup>36</sup>

A day later Zaunius met with Litvinov in Geneva once more. The Lithuanian envoy to France Petras Klimas also participated in this meeting of “gentlemen.”<sup>37</sup> I could not find any data about what was discussed. However, it seems that both sides remained happy with the meetings in Geneva. On June 2, 1932 talking with Stomoniakov Baltruðaitis did not hide his “satisfaction with the achieved results” in Geneva. Moscow also did not have any objections with the results of this meeting.<sup>38</sup>

How, when and to what degree the states complied with the “gentlemen agreement” is another broad theme. At this time one can only note that both sides did not make excessive efforts. Moscow gave Lithuania more an alleged support of a propaganda type. Kaunas in turn was also not very zealous) in providing information to Moscow. For example, Moscow usually learned about secret Lithuanian diplomatic contacts with Poles only after the negotiators had parted without results.<sup>39</sup> Of course while such principles of informing one another were in effect, misunderstandings also arose: about the secret Lithuanian negotiations with Piłsudski in Vilnius and Warsaw, Moscow would at times learn even before Kaunas informed them.<sup>40</sup> Smetona himself would restore the “gentlemen” relations of the states in such cases. Finding an opportunity, the president would express regret to the Russian envoy for the past “misunderstanding”, the “negligence” of the foreign minister or some other diplomat

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<sup>35</sup> Ibid.

\* See Appendix No. 1 for the text of the “gentlemen agreement.”

<sup>36</sup> RFFPA, F. 0151, Ap. 20, Apl. 42, B. 10, L. 59 (Iðraðas ið M.Litvinovo 1931.05.26 praneðimo ið Þenevos á Maskvą URLK kolegijai [Excerpts from the report of 28.05.1931 by M. Litvinov from Geneva to the FMPC board in Moscow]).

<sup>37</sup> Ibid.

<sup>38</sup> RFFPA, F. 0150, Ap. 20, Apl. 41, B. 6, L. 102 (B.Stomoniakovo 1931.06.02 pokalbio uþraðas Nr. 30188 su J.Baltruðaièiu [Notes from a conversation of B. Stomoniakov on 02.06.1931 No. 30118 with J. Baltruðaitis]).

<sup>39</sup> RFFPA, F. 0151, Ap. 19, Apl. 39, B. 6, L. 105 (SSRS laikino reikalø patikètinio Lietuvoje A.Fechnerio 1930.07.24 praneðimas URLK [Report to FMPC of 24.07.1930 by the USSR charge d’affaires to Lithuania A. Fechner]); RFFPA, F. 0151, Ap. 19, Apl. 39, B. 5, L. 80-81 (B.Stomoniakovo 1930.09.02 pokalbio uþraðas Nr. 6287 su J.Baltruðaièiu [Notes from a conversation of B. Stomoniakov on 02.09.1930 No. 6287 with J. Baltruðaitis]).

<sup>40</sup> RFFPA, F. 0150, Ap. 23, Apl. 46, B. 6, L. 206 (M.Karskio 1933.11.29 diplomatinis dienoraðtis Nr. 347 [Diplomatic diary of M. Karski on 29.11.1933 No. 347]).

and he would inform Moscow about the curves of Lithuanian diplomacy from a retroactive date. Stressing that the Soviets can not become insulted because they get the information from the first lips - those of the very president.<sup>41</sup>

#### In place of conclusions

Due to reasons known to everyone the diplomacy of the Lithuanian Republic in the first half of the 20th century was formed without a more serious theoretical tradition and even a minimally professional corps. It was formed mostly from intellectual people in the humanities who for the most part were educated in Russia's universities, possessed a system of values characteristic of the mentality of that country. Thus the sufficiently long steady journey of the foreign policy and diplomacy of the between the wars Lithuania along the safe political water route of Russia (Soviet Union) should not be too surprising today. On the other hand, not to see or to ignore this sad historical event, I think, would be dangerous not only to the contemporary historiography and diplomacy of Lithuania.

Seeking guarantees and model of secure international existence, Lithuanian diplomacy in some cases did not escape from some questionable forms of activities, dilettantism or even the destruction of international relations. Moreover, the problems which the diplomats of the reborn First Republic had to resolve were not standard ones. The Lithuanian-Polish territorial conflict, the differently understood and interpreted national identity of the states, the problems of geopolitical security and securing sovereignty entangled the historical partnership of Lithuania and Poland into not historical destruction. Lithuania turned away from Poland and turned to Russia. The secret diplomacy of the between the war Lithuania can serve as an example of that: regressing from the episodic secret point<sup>42</sup> of the July 12, 1920 Peace Treaty of Lithuania and Russia until the secret companion, the "gentlemen agreement," of the September 28, 1926 Lithuania-USSR Nonaggression Pact. The irony of the latter international treaty, ignoring its later metamorphoses persecuted Lithuania until the fateful year of 1940. And, perhaps, it was one of the preludes of the Soviet invasion of Lithuania.

#### *Appendix No. 1*

#### The "Gentlemen Agreement" of Lithuania and the Soviet Union Confirmed by D. Zaunius and M. Litvinov in Geneva on May 25, 1931.<sup>43</sup>

I

a) The Union government promises to inform the government of Lithuania about its relations with the Baltic states, Poland, Germany, and Western states to the extent that these relations touch Lithuania's interests from its international position;

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<sup>41</sup> Ibid.

<sup>42</sup> For more information see: Èeslovas Laurinavièius, *Lietuvos ir Sovietø Rusijos Taikos sutartis [The Peace Treaty of Lithuania and Soviet Russia]* (Vilnius, 1992), p. 149-150.

<sup>43</sup> RFFPA, F. 0151, Ap. 20, Apl. 42, B. 10, L. 50 (1931.05.25 D.Zauniaus ir M.Litvinovo patvirtintas Penevoje Lietuvos ir SSRS "dþentelmeniðkas susitarimas" [The "gentlemen agreement" of Lithuania and the USSR approved in Geneva on 25.05.1931 by D. Zaunius and M. Litvinov]).

b) The Union government further promises, according to its possibilities to give Lithuanian diplomatic assistance against third countries resolving questions involving Lithuania's problems in general or in detail.

## II

a) The Lithuanian government promises the Union government to inform it about **all** (boldness - A.K.) its relations with Baltic states, Poland, Germany, and Western states if these questions from the viewpoint of the international position of the USSR or from the viewpoint of international position of Lithuania are important (predstavliayut interes);

b) The Lithuanian government promises the Union government according to its possibilities to provide diplomatic assistance in cases when that can be significant from the viewpoint of the international position of the USSR.

*Translated by Saulius Girnius*

## CONSEQUENCES OF THE MOLOTOV-RIBBENTROP PACT FOR LITHUANIA OF TODAY INTERNATIONAL LAW ASPECTS\*

Dietrich A. Loeber

The consequences of the Molotov-Ribbentrop Pact (Editor note: henceforth - MRP), concluded exactly 60 years ago, have not been overcome to this day. But, at the same time, there is a widespread belief that after regaining independence Lithuania has achieved everything necessary for determining its own future, and that the country's primary objective now is integration into European structures.

### I. A "Lame" Lithuanian Continuity Is One of the Consequences of the MRP

Unfortunately, there is one circumstance that weakens Lithuania's international status and hampers its foreign policy. This circumstance is a direct consequence of the Molotov-Ribbentrop Pact (more precisely of its Secret Protocols) which I shall call for short MRP. What I have in mind is the matter of continuity, i.e., the question of whether the renewed Lithuania is or is not a continuation of Lithuania as it existed prior to World War II. This involves, for example, such issues as recognition, status, state agreements as well as state property and liabilities.

Lithuania claims to have re-established pre-war Lithuania. This was proclaimed by the Supreme Council in 1990.<sup>1</sup> Three weeks later Estonia declared the restoration of the [pre-war] Republic of Estonia, referring to the proper legal term "restitutio in integrum."<sup>2</sup> In a similar manner the Supreme Council of Latvia expressed on May 4, 1990 its determination "to restore de facto the ... independent Republic of Latvia."<sup>3</sup>

If we answer the question of continuity in the negative, then Lithuania is a new state, which separated from the USSR on the basis of self-determination. As long as continuity with pre-war Lithuania is not generally recognized, such continuity is "lamed". Here and subsequently I refer to Lithuania as being representative of all three Baltic countries.

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<sup>1</sup> Lithuanian text : *Ėiniuos[News]* (1990); *Sbornik dokumentov Verkhovnogo Soveta Litovskoj Respubliki [Collection of Documents of the Supreme Council of the Republic of Lithuania]*, 1 (Vilnius, 1991), p. 21; Russian translation: *Ibid*, p. 34; *Vedomosti Verkhovnogo Soveta i Pravitel'stva Litovskoi Respubliki 1990 [The News of the Supreme Council and Government of the Republic of Lithuania 1990]*, 9, item 222; English translation: *Supreme Council of the Republic of Lithuania. The Road to Negotiations with the USSR* (Vilnius, 1990), p.33; *Revue Baltique*, 2, 1 (1991) 108; German translation: *Jahrbuch des baltischen Deutschtums 1991*, p. 164; *Die baltischen Nationen*, 2 Auflage (1991), p. 387-388. [Editor note - the Act on the Re-establishment of the State of Lithuania is publishing in this issue of the "Lithuanian Foreign Policy Review". Please, see paragraph "From the Archives"].

<sup>2</sup> *Teataja*, 1990; Russian translation: *Vedomosti Verkhovnogo Soveta Estonskoi Respubliki 1990 [The News of the Supreme Council of the Republic of Estonia]*, 12, item 180; English translation: *Restoration of the Independence of the Republic of Estonia. Selection of Legal Acts* (Tallinn, 1991), p. 22-23; *Revue Baltique*, 2, 1 (1991), 115-116 (the words "restitutio in integrum" are missing in the translated text); German translation: *Jahrbuch des baltischen Deutschtums 1991*, p. 165; *Die baltischen Nationen*, 2 Auflage (1991), p. 389.

<sup>3</sup> *Latvijas Republikas: Ziņotājs*, 20, item 356 (1990); Russian translation: *Vedomosti...Latvijas Respubliki 1990 [The News of the Republic of Latvia]*, 20, item 356; English translation: *Revue Baltique*, 2, 1 (1991), 118-120; German translation: *Jahrbuch des baltischen Deutschtums 1991*, p. 167-169; *Die baltischen Nationen*, 2 Auflage (1991), p. 390-392.

The “laming” effects of continuity, and thus also the consequences of the MRP, are visible in various areas. I shall briefly deal with three of them: legal literature, state practice, and the status of Latvia in international organizations. Little has been written in Lithuania about this subject.

## 1. Legal Literature

Authors of legal literature often agree with Lithuania’s claim to continue pre-war Lithuania. However, this matter has remained controversial. Some legal writings support the contrary view. Indeed, these publications do not appear in some marginal journals, but are found in respected major legal periodicals in the USA, Great Britain, France, Russia, and Germany. Simplifying the issue, one can state that the opponents of continuity use three arguments to support their view:

Argument One: Continuity is a “legal fiction”. The passage of 50 years is too long a period to continue a state’s relationships in the manner as they were in 1940. Real life must start anew, for example, international agreements have to be re-confirmed.<sup>4</sup>

Argument Two: The Soviet Union violated existing agreements and acted contrary to international law by presenting its 1940 ultimatum and by sending its armed forces into the Baltic states. However, this does not mean that the incorporation of the Baltic states into the Soviet Union was without effect, in other words, the annexation was lawful. Therefore, the Lithuania of today is a new state, which separated from the USSR on the basis of self-determination of peoples.<sup>5</sup>

Argument Three: The 1940 ultimatum constituted duress and a threat to use force, but international law at that time did not prohibit such conduct. Moreover, Lithuania submitted to the Soviet ultimatum and agreed with the entry of Soviet armed forces into its territory. Considering also this fact, the annexation was lawful. Furthermore, it is not possible to annul an annexation retroactively,<sup>6</sup> as was done by the Lithuanian Parliament in 1990.<sup>7</sup>

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<sup>4</sup> Martti Koskenniemi, Marja Lehto, *La succession d'états dans l'ex-URSS .., Annuaire Français de Droit International*, 38 (1992), p.179-219 (191-198); Rein Mullerson, “New Developments in the Former USSR and Yugoslavia,” *Virginia Journal of International Law*, 33 (1992/93), 299 (308-315); Rein Mullerson, “The Continuity and Succession of States, by Reference to the Former USSR and Yugoslavia,” *International and Comparative Law Quarterly*, 42 (1993), 473 (480-487); “Rapport préliminaire sur la succession d'états en matière de traités (Brigitte Stern, France),” *International Law Association. Report of the Sixty-seventh Conference held at Helsinki* (London, 1996), p. 655-696 (668, 674, 678-680, 682-683); Richard Visek, “Creating the Ethnic Electorate through Legal Restorationism,” *Harvard International Law Journal*, 38 (1997), 315 (329-330).

<sup>5</sup> Oliver Dörr, *Die Inkorporation als Tatbestand der Staatensukzession* [Schriften zum Völkerrecht, Band 120] (Berlin, 1995), p. 350-355.

<sup>6</sup> S[tanislav] V. Chernychenko, *Kontinuitet, identichnost' i pravopreemstvo gosudarstv. Rossijskij ezhegodnik mezhdunarodnogo prava 1996-1997 [Continuity, Identity and Succession of Rights of the States. The Russian Yearbook of International Law, 1996-1997]* (St. Petersburg, 1998), p. 9-41 (19-24, 36-38, 40); see also: Stanislav Chernychenko, “Ethnic Russians in the Baltics,” *International Affairs*, 44, 3 (1998), 118-123; Stanislav Chernychenko, “1940 gada notikumi Baltijā kā krievvalodīgo iedzīvotāju diskriminācijas iegansts,” *Diena* (August 27, 1998), 11; answer: Aivars Fogels, *Diena* (August 28, 1998), 12.

<sup>7</sup> “Decree of February 7, 1990,” *Vedomosti Verkhovnogo Soveta i Pravitel'stva Litovskoi Respubliki 1990 [The News of the Supreme Council and Government of the Republic of Lithuania 1990]*, 8, item 182 (1990).



These arguments, I repeat, are not mine, but a summary of the views of some opponents of continuity.

Lithuanian jurists have not responded to these arguments, either in a widely known language or on a level corresponding to the standing of the periodicals mentioned. One exception are the works of Vilenas Vadapalas.<sup>8</sup> In Latvia Ineta Ziemele has published on the subject.<sup>9</sup>

Of course, the arguments of the opponents of continuity do not represent the last word, and it is possible to raise convincing counter-arguments. However, this is not the purpose of the article, for it would require an additional lecture.

## 2. State Practice

Let us now examine the second area: state practice on the question of continuity. The majority of states agree with the position of Lithuania that the present state is a continuation of pre-war Lithuania. But, some states decline to recognize continuity. This is shown by the language used in documents on the recognition of Lithuania after gaining independence in 1991.<sup>10</sup>

### Continuity is recognized

by the countries of the European Union, with certain exceptions. Sweden had recognized the annexation of Lithuania by the USSR and diplomatic relations were thus established anew. Austria bases its recognition on the self-determination of people (and not on regaining independence).

Of the other European states, Switzerland also refers to the self-determination of people, but agrees to “renew” diplomatic relations. It is significant that of the states which were formerly part of the “socialist bloc” Czechoslovakia (now the Czech Republic and Slovakia), Poland, Romania, and Hungary unequivocally recognize continuity. Indeed, in stating its position, Romania specifically referred to the MRP.

### Continuity is not recognized

in the first instance by Russia, but also, it seems, by other formerly socialistic states such as Albania, Bulgaria, Cuba, and China. Among states further removed geographically, Egypt, India, and Japan, do not refer to continuity in their declarations on recognition.

### Outside of this overview

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<sup>8</sup> Vilenas Vadapalas, *Tarptautinė teisė [International Law]* (Vilnius, 1998), p. 93, 102, 154 (MRP), 206 (Vilnius), 198-200, 226-227 (continuity), 214-217 (annexation), 221-223 (recognition).

<sup>9</sup> Ineta Ziemele, *State Continuity and Nationality in the Baltic States* [Ph.D. dissertation, University of Cambridge, Faculty of Law] (Cambridge, 1998); Ineta Ziemele, “The Application of International Law in the Baltic States,” *German Yearbook of International Law*, 40 (1997), 243-279 (262-263).

<sup>10</sup> For Latvia see: *Dokumenti par Latvijas valsts starptautisko atzīšanu ... 1918-1998* (Rīga, 1999), 543; *Starptautiskās organizācijas. Starptautiskie līgumi* [Ed. by Ineta Ziemele, Gunārs Kusiņš] (Rīga, 1996), 124.

are states that have not renewed diplomatic relations, such as Yugoslavia as well as states which maintained no diplomatic relations with Lithuania in the pre-war period.

### 3. International Organizations

The third area in which the consequences of the MRP are visible is the attitude of international organizations. The President of the United Nations Security Council, in a brief statement made after the admission of Lithuania to the United Nations, mentioned the fact that Lithuania had “regained” its independence.<sup>11</sup> This view, however, has not been applied in practice. The United Nations determined Lithuania’s membership contribution on the basis of data supplied by the USSR (and not by Lithuania itself). Thus, the United Nations treated Lithuania as if it were a state that had separated from the USSR and not as a state which had regained its independence. The International Labor Organization (ILO) takes a similar course. Although an original member since 1921, Lithuania had difficulties proving its “qualite de continueur, et de reconstituer retroactivement. l’evolution de leur situation - y compris financiere - depuis 1940”. For that reason Lithuania chose to apply for “admission” (rather than re-admission), stating at the same time that the application “shall in no way affect the legal consequences proceeding from the [original] membership of the Republic of Lithuania” in the organization.<sup>12</sup>

Latvia is attempting to obtain within the system of the United Nations the recognition that Latvia was “occupied” in 1940. To this end the Parliament of Latvia in 1998 charged the government with the task of suggesting to the United Nations that it ask the International Court of Justice in The Hague to give an advisory opinion. The question which Latvia seeks to clarify is which international obligations were violated by the USSR through its 1940 “occupation of Latvia, and what legal consequences were a result of these violations.”<sup>13</sup> I am not sure that this objective will be achieved.

The European Parliament in Strasbourg supported, already in 1983, the position that Lithuania should regain its independence. The Council of Europe in the same city also proceeds from the concept of the renewal of independence.

## II. Attempts to Eliminate the Consequences of the MRP

An analysis of the legal literature, state practice, and the policy of international organizations, leads to the conclusion that the legal consequences of the MRP are still with us and are one of the factors which determine Lithuania’s real position in foreign policy. Russia, for example, regularly protests against Lithuania’s decision to link its security with NATO, arguing that Lithuania, “as a former Soviet republic”, is within Russia’s sphere of interest.

In order to remove the remnants of war, both the victors and losers of the war have at least two roads open to them. One is the traditional path used by the victorious side to

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<sup>11</sup> “The independence ... of Latvia ... was regained peacefully ...” [Official Records, 46th year, UN Doc. S/INF/47] (New York: UN Security Council, 1991), 49; Ineta Ziemele, *State*, 180, 183.

<sup>12</sup> “Rapport preliminaire (Brigitte Stern)... ,” p. 616-658 (625-626); Ineta Ziemele, 1998, *State*, 181-184; *Dokumenti par Latvijas*, 543;

<sup>13</sup> *Latvijas Vēstnesis* (June 18, 1998), 2.

force the loser to accept the demands for indemnity, typically by signing a multilateral peace treaty. An alternative is the innovational variation of leaving the matter in the hands of the victim countries themselves, who then face the task of making arrangements with their neighbors.

## 1. The Traditional Path

has been followed by European nations that are outside of the region of the victim countries of the MRP, such as France and Belgium. These states re-obtained the territory that had been annexed by Germany during the war. Germans were expelled from Czechoslovakia. The sovereignty of Austria was renewed. German war criminals were brought to justice.

We can see the traditional solution also within the region of the MRP victim countries as well. At the Conferences of Yalta and Potsdam, Poland was given territory in the West to compensate for territory that was taken away in the East. The German inhabitants were expelled. In the case of Finland and Romania, territorial questions were resolved by peace treaties.

## 2. The Innovative Path,

on the other hand, has been applied to Lithuania by the Pact on Stability in Europe. This agreement was adopted in Paris in 1995 by the 52 states of the Organization for Security and Cooperation in Europe (OSCE), including Lithuania and Russia. This same organization was entrusted with implementing the agreement.<sup>14</sup> The Pact is based on the so-called “Copenhagen Criteria”, which the European Council (not to be confused with the Council of Europe) had adopted two years earlier as prerequisites for membership in the European Union.<sup>15</sup> The criteria are focused on intensifying “good-neighborly relations” and include two requirements relevant in our context : protection of national minorities and respect for internationally recognized frontiers.

We must recall that, at the time of negotiating the Stability Pact, the armed forces of Russia were still present in the Baltic states. For that reason Lithuania’s joining the Pact on Stability in Europe was essential in order to obtain the support of Western states for the withdrawal of Russian troops from Lithuania.<sup>16</sup>

The basic idea of the Stability Pact is that candidate states, prior to membership in the European Union, must “overcome the problems inherited from the past”. This is smart diplomatic language. In plain language, it means that the candidate states must

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<sup>14</sup> Pact on Stability in Europe, adopted on March 20, 1995 by the 52 States of the OSCE at the Concluding Conference on the Stability Pact in Paris. On the participation of Latvia : *Latvijas Vēstnesis* (March 23, 1995), 1, 3.

<sup>15</sup> *Official Journal of the European Communities*, L 339 (1993), 1-2 (adopted on the basis of Art. J 3 of the Maastricht Treaty of 1992).

<sup>16</sup> At the time when Lithuania was still incorporated in the USSR, the Council of the Baltic States declared in 1990 that “the full restoration of the independent statehood of Estonia, Latvia, and Lithuania must be the object of international negotiations on the liquidation of the consequences of World War Two”: *Restoration of the Independence of the Republic of Estonia. Selection of Legal Acts (1988-1991)* (Tallinn, 1991), p. 84-85; Russian text : *Vosstanovlenie nezavisimosti Estonskoj Respubliki. Podborka pravovykh aktov (1988-1991) [Restoration of Independence of the Republic of Estonia. Adaptation of the Legal Acts (1988-1991)]* (Tallinn, 1991).

“overcome the problems inherited from the Molotov-Ribbentrop Pact” and they have to do it themselves.

In order to assess the problems the Baltic states inherited from the Molotov-Ribbentrop Pact, it is useful to distinguish between Estonia, Latvia, and Lithuania. While the human suffering through repression was tragic and the material losses were enormous in all three states alike and under both Soviet and German rule, the consequences of the MRP with regard to territory and the influx of settlers differed. **Estonia** lost five per cent of its territory (near Narva and Petseri) to neighboring Russia on the basis of Soviet decrees in 1944 and 1957. Estonia, furthermore, has to cope with an in-migration numbering about one third of its population (of 1.5 million). The new inhabitants arrived from the Soviet Union after 1940. With the collapse of the USSR the newcomers and their descendants did not automatically acquire Estonian citizenship. They are entitled, however, to apply for naturalization after five years of residence in Estonia.<sup>17</sup> **Latvia** has inherited similar problems. It lost three per cent of its territory (the Abrene district) to Russia in 1944. Latvia became the home for about 700,000 persons from the Soviet Union after 1940. When the USSR ceased to exist in 1991, most members of this group became stateless, but they can apply for Latvian citizenship after living in Latvia for five years.<sup>18</sup> **Lithuania** became the subject of a deal between the Soviet Union and Germany when these two countries divided Poland between themselves in 1939. Lithuania regained its historical capital, Vilnius, which Poland had unlawfully occupied in 1920 and annexed in 1922. Lithuania also acquired some areas from the Belarus SSR. Recently, Lithuania and Poland mutually confirmed their territorial integrity, “with capitals in Vilnius and Warsaw”.<sup>19</sup> During Soviet rule the Lithuanian leadership succeeded in preventing massive immigration. The share of non-Lithuanians in the population is estimated to be about 20 per cent (in pre-war Lithuania the share amounted to 16 per cent). Permanent residents were eligible to opt for Lithuanian citizenship.<sup>20</sup> One of the first victims of the Sovietization of Lithuania was the Church. Parallel to mass-scale repressions, the authorities moved some cultural objects to the Soviet Union and damaged the economy by exploiting it.

This short survey describes some consequences of the MRP. The Stability Pact leaves it to the MRP victim-states to find a solution. This means that it is up to the Baltic states to take the following steps :  
presenting claims for regaining territories lost to Russia, (This has been done by Estonia<sup>21</sup> and Latvia.<sup>22</sup>),

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<sup>17</sup> *Law on Citizenship of 1995* (Riigi Teataja); Russian translation: *Pravovye akty Estonii 1995 [Legal Acts of Estonia 1995]*, 13, item 122; German translation by Cornelius Hasselblatt: *WGO Monatshefte für Osteuropaisches Recht*, 1-2 (1995), 79-90.

<sup>18</sup> “Law on Citizenship of 1994 with later amendments,” *Ziņotājs* 17, item 371 (1994); English translation: *Humanities and Social Sciences Latvia 1994*, 3, 86-97; German translation by Detlef Henning, *WGO Monatshefte für Osteuropaisches Recht*, 5 (1994), 304-314.

<sup>19</sup> “Treaty on Friendly Relations and Good Neighborly Cooperation of the Republic Lithuania and Republic of Poland,” *Lithuanian Foreign Policy Review*, 2 (1998), 161-172.

<sup>20</sup> Law on Citizenship of 1989, replaced by a Law of 1991 (Russian translation: *Vedomosti ... Litovskoj Respubliki [The News of...Republic of Lithuania]*, 36, item 977 (1991), amended 1995. English translations: *Selected Anthology of ... Legislation* (Vilnius, 1991), p. 60-68 [Law of 1989]; *Standard Acts on Citizenship of the Republic of Lithuania* (Vilnius, 1992), p. 29 [Law of 1991].

<sup>21</sup> Decree, *Teataja*; Russian translation: *Vedomosti ... Estonskoj Respubliki [The News of...Republic of Estonia]*, 32, item 389 (1991)

<sup>22</sup> Decree, *Ziņotājs*, 6-7, item 69 (1992).

integrating thousands of ex-Soviet citizens. To this end naturalization is offered, in accordance with the laws just cited, and some social programs are being implemented. seeking indemnity from both parties of the MRP (Germany and the Soviet Union) for human and material losses suffered during the occupation.<sup>23</sup>

A realization of this task is difficult for at least two reasons :

The state-parties to the MRP do not exist any more and are succeeded by the Russian Federation and the Federal Republic of Germany, respectively.

The successor states are reluctant to acknowledge their responsibility fearing financial liabilities and unwelcome political consequences.

However, the unlawful character of the MRP induced both successor-states to state that they consider the Secret Protocols to be null and void from the moment they were signed. The Federal Republic of Germany declared this in 1989 on the 50th anniversary of the outbreak of World War II.<sup>24</sup> The Soviet Union reached an analogous conclusion on Christmas Eve 1989 after having denied the existence of the Secret Protocols for almost 50 years.<sup>25</sup>

Despite this, Russia refuses to recognize that the Soviet Union had occupied the Baltic states unlawfully. Russia argues that the Baltic states had agreed to the entry of Soviet armed forces in 1939 and 1940 and that with their incorporation into the USSR, the Baltic states lost their status under international law. Russia, consequently, treats the present Baltic countries as new states and refuses to accept the notion that pre-war Estonia, pre-war Latvia, and pre-war Lithuania continue to exist. For that reason Russia objects to including references to the Peace Treaties concluded with each of them in 1920. These treaties fixed the boundaries and contained, moreover, a stipulation that Russia “irrevocably” renounces all sovereign rights over the territory of the Baltic states. The closest the Soviet Union has come to acknowledging its co-responsibility for the MRP is the Christmas Eve Decree of 1989. This document states that a division of “spheres of interest” violates the independence of third states and also the agreements the USSR had concluded with the Baltic states. In the document it is further admitted that the Secret Protocols were used by Stalin for presenting ultimata and for applying pressure by force (*silovoe davlenie*). Another noteworthy formulation in this context has been used by the Russian Federation. It is embodied in its Treaty of 1991 with Lithuania. In the Preamble Russia refers to the “liquidation by the USSR of the consequences of the annexation of 1940 which violated the sovereignty of Lithuania.”<sup>26</sup>

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<sup>23</sup> The Supreme Council of Lithuania obligated in 1991 the State delegation to raise before the USSR the "question of compensation for losses suffered" between 1940-1991: *Vedomosti ... Litovskoi Respubliki [The News of...Republic of Lithuania]*, 17, item 456 (1991).

<sup>24</sup> *Erklärung der Bundesregierung am 1.September 1939, Bulletin* (Presse-und Informations-amt der Bundesregierung 1989), 34, p. 735; reprinted: *Acta Baltica*, 27 (1990), 34-35.

<sup>25</sup> *Vedomosti S'ezda narodnykh deputatov SSSR [The News of the Congress of the USSR People's Deputies]*, 29, item 579 (Moskva, 1989); reprinted: *Sovetskaya Litva [Soviet Lithuania]* (December 28,1989); German translations : *Freundschaft (UdSSR)* (December 29, 1989), 1; *Acta Baltica*, 27 (1990), 50-52; *Baltica* (March 1990), 32-34. See also the Decree of the Supreme Council of the Lithuanian SSR of February 7, 1990 on the liquidation of the consequences of the MRP for Lithuania, *Sovetskaya Litva* (February 9, 1990).

<sup>26</sup> Russian text : *Biuletten' mezhdunarodnykh dogovorov [The Bulletin of the International treaties]*, 2 (1994), 29-35; English translation: *Lithuanian Foreign Policy Review*, 1 (1998), 119-127. In this translation the quoted sentence reads as follows: “...once the USSR annuls the consequences of the 1940 annexation violating Lithuania’s sovereignty...”

Estonia and Latvia have not been able to include a statement to this effect in their border treaties with Russia which have been drafted, but not yet signed or ratified. Estonia and Latvia seem to be ready not to insist on a reference to the Peace Treaties.

The Stability Pact brushes aside these and other conflicting views on how to assess the past and tries to find a modus vivendi for the future, emphasizing “good-neighborly relations”. While this aim deserves support, the placing of the burden of the past unilaterally on the victim-states seems to be unfair. The Stability Pact is a political document setting forth political goals. It does not bind the parties under international law. Thus, they are free to seek a change and the assistance of the international community in reaching a just solution and in particular to hold the MRP successor states responsible for the consequences of the Secret Protocols. But if Estonia, Latvia, and Lithuania do not attempt such change or fail to attain it, the status quo would continue.

The Stability Pact expects Lithuania to waive the rights that derive from the consequences of the MRP. This results in injustice. In World War II, the victor nations retained their right to demand indemnity for wrongs committed against them (*restitutio in integrum*). Similar wrongs were suffered by the MRP-victim states. But Lithuania is asked to forget past injustices and to cross them out from its historical record.<sup>27</sup> In other words, Lithuania is supposed to continue Soviet Lithuania which disregarded moral and material losses suffered by pre-war Lithuania as a result of the Secret Protocols. The effect of the Stability Pact, therefore, is a conservation of this part of the Soviet inheritance while at the same time freezing the consequences of the Molotov-Ribbentrop Pact. The Stability Pact, thus, produces an asymmetry in European structures. Such inequality does not promise stability.

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<sup>27</sup> A precedent for this is the so called "Schlussstrich-Erklärung", agreed upon between the Federal Republic of Germany and the Czech Republic in 1997. Text : *Bulletin der Bundesregierung*, 7 (1997), 61.

## LITHUANIA AS A NATO PARTNER

Darius K. Mereckis\*

### INTRODUCTION

On September 8, 1999 Lithuania became the first North Atlantic Treaty Organization (NATO) candidate country to submit its national NATO Membership Action Plan (MAP). By outlining achievements and stressing objectives, this document is another milestone in Lithuania's integration into NATO. Since January 1994, when Lithuania formally requested membership in the Atlantic Alliance, and June 1994, when Lithuania (second only to Romania) joined the NATO Partnership for Peace (PFP) program, close cooperation with NATO has been an integral part of Vilnius's foreign and security policy. Lithuania's participation in PFP is not limited to strictly formal adaptation procedures, but also includes extensive internal reforms and active regional and bilateral cooperation efforts.

The April 1999 NATO Washington Summit, which approved an updated NATO's Strategic Concept, reaffirmed the Alliance's commitment to enlargement, and approved a Membership Action Plan for countries wishing to join, was met in Lithuania with enthusiasm and optimism. By naming Lithuania (along with eight other countries) as potential candidates for the next round of enlargement, the Washington Summit contributed greatly to Lithuania's resolve to become a member.

The purpose of this article is to review Lithuania's activities while being a NATO partner. Lithuanian perspectives regarding NATO enlargement issues will also be discussed.

### PFP AND NATO ADAPTATION PROCESSES

The end of the Cold War led to NATO adaptation processes that in turn influenced the international order in Europe and beyond. NATO's Strategic Concept, adopted by the Heads of State and Government of the Alliance in Rome on November 7-8, 1991, "recognized the profound political changes" that had taken place in Central Europe leading to the "radically improved security environment" in which:

The USSR's former satellites have fully recovered their sovereignty. The Soviet Union and its Republics are undergoing radical change. The three Baltic Republics have regained their independence. Soviet forces have left Hungary and Czechoslovakia and are due to complete their withdrawal from Poland and Germany by 1994. All countries that were former adversaries of NATO have dismantled the Warsaw Pact and rejected ideological hostility to the West. They have, in varying degrees, embraced and begun to implement policies aimed at achieving pluralistic democracy, the rule of law, respect for human rights, and a market economy. The political division of Europe that was the source of the military confrontation during the Cold War period has thus been overcome.<sup>1</sup>

As a symbol of this new international situation, the North Atlantic Cooperation Council (NACC), inaugurated on December 20, 1991, included all the members of NATO, former Warsaw Pact states, former neutrals, the Baltic states, and the CIS countries.

Moreover, on January 1994, the NATO Summit in Brussels also decided to welcome NATO enlargement to the East. Eventually, this opened the way for three

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\* This article is written based on research paper compiled for the Atlantic Council of the United States. The views expressed are those of the author and do not necessarily represent the views of the Atlantic Council or the Ministry of Foreign Affairs.

<sup>1</sup> "The Alliance's Strategic Concept," *NATO Handbook* (Brussels: NATO office of information and Press, October 1995), Appendix IX, p. 235

former Warsaw Pact members, the Czech Republic, Hungary, and Poland, to join on the eve of NATO Summit in Washington in April 1999.

As a part of opening up the enlargement process NATO leaders started the Partnership for Peace (PFP) initiative, whose aim was to organize the enlargement process. Although sometimes sarcastically called a “policy for postponement,” the PFP provides the countries of post-Cold War Europe with a unique security cooperation framework. The cooperation tools established within the PFP are oriented toward improving the capability and readiness of the Partners to participate in NATO led missions and, eventually, to integrate into the Alliance. The Partnership Work Program (PWP) serves as a “menu” from which Partner countries can choose their cooperation options. Their choices are cemented within the Individual Partnership Program (IPP), developed jointly by the Partner country and NATO. Another tool, the Planning and Review Process (PARP), introduced in January 1995, should enhance Allied - Partner interoperability and transparency.

After the establishment of the Euro-Atlantic Partnership Council (EAPC) at the last meeting of the NACC on May 30, 1997 and the decision on PFP enhancement a new quality in NATO - Partner cooperation was established. The main goal of the enhanced PFP is to increase the participation of the partner states in the PFP decision making-process.<sup>2</sup> The enhancement also foresees a role for the Partners in PWP development in 1998-2000, greater participation of the Partners in the work of NATO Senior Committees, international posts for Partners at the Partnership Coordination Cell (PCC), and the expansion of PARP.<sup>3</sup> The enhanced PFP also uses NATO assets in providing security investments, supporting regional cooperation and consulting on terrorism and sabotage. It also foresees the possibility of establishing NATO/PFP offices in the Partner countries.<sup>4</sup>

For Lithuania, the end of the Cold War has opened the way to rejoin the international community after 50 years of Soviet domination. Europe changed in many ways over the fifty years, and “coming back to Europe” became the main objective for every Lithuanian cabinet. Applying for membership in NATO and taking part in PFP has become one of the ways that Lithuania decided to take in order to be able to “fit into” Eastern Europe. The first post-Cold War NATO enlargement, although somewhat obscured by the crisis in Kosovo, also brought the Atlantic Alliance right up to the Lithuanian borders, making the membership objective far more real.

## LITHUANIA IN PFP

Within the PFP framework, Lithuanian - NATO cooperation efforts include the Lithuanian-NATO Individual Partnership program initiative in 1994, Lithuania's accession to PARP in 1995 as well as Lithuania's newly formed armed forces' units participating in a number of PFP military exercises. To demonstrate this in greater detail a short review of Lithuanian security and defense policy is needed.

Upon restoring its independence from the USSR in 1990, Lithuania also embarked on the difficult task of forming its own military. On November 19, 1992 Lithuania's parliament adopted the “Armed Forces of the Republic of Lithuania Restoration Declaration” re-establishing Lithuania's armed forces.<sup>5</sup> The Constitution of Lithuania foresaw strict civilian control over the defense establishment. According to

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<sup>2</sup> Javier Solana, *Comprehensive Progress Report on PFP Enhancement and Implementation of the EAPC Basic Document*, Document EAPC(C)D(97)6, December 1, 1997.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> *Valstybės žinios*, 34-1030 (1992).



the Constitution, the Commander-in-Chief of the Armed Forces is the President of the Republic. Defense issues are coordinated by the State Defense Council, consisting of the President, the Prime Minister, the Chairman of the Seimas, the Minister of Defense, and the Commander of the Armed Forces. "The Government, the Minister of Defense, and the Commander of the Armed Forces shall be responsible to the Seimas for the provision and command of the State's armed forces. The Minister of Defense may not be a serviceman who has not yet retired from active service."<sup>6</sup> The laws and regulations also provided for civilian deputy ministers of defense as well as civilian staff of the Defense Ministry (KAM).

Since, Lithuania's defense structures grew out of volunteer formations and were aimed at a very limited range of activities (mostly providing security for government institutions, strategic objects, and border posts), their goals and purposes were not clearly defined. The landmark legislation in this area was the Law on the Basics of National Security. Adopted by the Seimas (parliament) on December 19, 1996, the Law on Basics of National Security<sup>7</sup> provided the legal framework for establishing the National defense system based on both citizens and government initiatives directed at enhancing Lithuania's security and stability. According to this document, the risks and threats to Lithuania's security are seen in "the specific geopolitical environment, hardly predictable due to existing militarized territories and states of unstable democracy."<sup>8</sup> The main national security enhancing measures include "participation in international security consolidating organizations, membership in NATO, the EU, and WEU, strategic planning of national security and preparation and implementation of long range State security strengthening programs, [...] and legislation regulating the system of ensuring security and defense."<sup>9</sup>

Subsequently Lithuania also adopted the Laws on National Defense Service, Military Conscription, Mobilization and Mobilization Reserve Training, and National Defense Organization and Service. These laws outline the responsibilities and status of the defense establishment and personnel.

The development of the armed forces, initiated in 1996, aims at reforming the chain of command, size, and structure of the forces. Directed and overseen by the Seimas (mostly its Committee for National Security), the Government (through the KAM), and the President, the reforms are oriented towards fulfilling NATO standards so as to enable Lithuanian forces to act together with the Allied military. Under this new structure Lithuania's Armed Forces will be better situated and better prepared both for territorial defense and international operations. The Rapid Reaction Force is being developed with the specific mission to respond quickly both to national defense and international contingencies.

Today, there are approximately 11,000 men and women serving and working in the Lithuanian National defense system. The National Defense Volunteer Force (SKAT) or home guard of 12,000 comprises a strategic reserve. Providing appropriate funding for the armed forces is one of Lithuania's budgetary priorities. According to the Law on Funding Strategy of the National Defense Establishment, Lithuania's defense expenditures should be 1.7 - 1.75 percent of the country's GDP in 2000 increasing to 1.95 - 2 percent of GDP in 2001.

Upon joining the PFP, the paramount political objective of Lithuania in PFP was to pave the way to becoming a full member of the Atlantic Alliance. Lithuanian

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<sup>6</sup> *The Constitution of the Republic of Lithuania* [Parliamentary record], Chapter 13, Article 140, 11, 1992.

<sup>7</sup> "The Law on Basics of National Security," *Valstybės žinios*, 2-16 (1997).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

officials have frequently said that they see PFP strictly as a means of joining the Alliance. Lithuania welcomed the NATO Enlargement Study presented to Vilnius on October 16, 1995 by NATO Assistant Secretary General for Political Affairs Ambassador Gerhart von Moltke. Being both an EU associated country and a candidate, Lithuania welcomed the Alliance's intent to give particular consideration to countries with a perspective of EU membership in order to determine whether to invite them to join NATO.

Although in PFP political and military integration and cooperation have certain distinct features (i.e. making political decisions on participation in certain programs, considering budget appropriations, on the one hand, and, operational planning and actual participation in Partnership events, on the other), usually they are closely intertwined. When, in 1994 Lithuania started its Individual Partnership Program (IPP), this was seen as having more of a political meaning - demonstrating the depth of the country's interest in cooperation. Since 1995 the implementation of the IPP could already be evaluated in military terms. For example, in 1995 the Lithuanian IPP contained 91 PFP activities and 35 activities "within the spirit of PFP." These included both military exercises and various courses, workshops, and seminars on everything from English language training to mine clearance during peacekeeping operations, logistics and command, control, and communications (C3).

The military task, which could be identified as Lithuania's prime objective in PFP, is to achieve greater interoperability of the Lithuanian military with the Allied militaries. Already in 1996 in the Lithuanian IPP, PFP was an important factor, regarded as the most important tool for improving the interoperability of the Lithuanian armed forces with the Alliance. Initially, however, concerning this main military objective, Lithuania found itself at the crossroads. Not having large armed forces, it could have attempted to make all its troops interoperable with NATO as soon as possible. However, simultaneously with participation in the Partnership program, Lithuania had to continue to build up its military capabilities, which put an additional burden on conversion to NATO standards. Other obstacles were scarce resources and the poor knowledge of English language among Lithuania's military. Taking these factors into account, as well as seeking to speed up the conversion process, Lithuania decided to adopt the "cornerstone unit" approach. According to it, certain armed forces units were identified as the first ones to become interoperable with NATO. Later, the "interoperable" units will be used as examples in forming and training other units, thus achieving a positive spillover effect for the whole armed forces.

The assets Lithuania identified and made available for operations, training, and exercises within the PFP include ground and maritime units as well as training and base facilities. The ground units include the three motorized infantry battalions and an infantry company (LITCOY) of BALTBAT. The maritime units are two light frigates.

Since joining the PFP, Lithuanian Armed Forces units took part in many NATO-led exercises abroad and in Lithuania. These included "Baltic Challenge '98" (Lithuania), "Best Effort '97" (Latvia), "Amber Hope '99, '98, '97, '96" (Lithuania), "Winter Forest '96," which were highly visible and received positive public recognition. Participation in these exercises allowed Lithuanians to come into contact with the armed forces of other countries (particularly the US, Nordic, and Polish), to gain international cooperation experience, and to share it with others.

The peacekeeping and "peace support" operations in Croatia and Bosnia in which Lithuanian forces have participated are also important. In 1994-1995 three Lithuanian platoons LITPLA 1-3 served within a Danish peacekeeping battalion in the UNPROFOR mission in Croatia. Later in February 1996, Lithuania participated in the IFOR mission in Bosnia-Herzegovina by sending a platoon (34 soldiers) to the Danish

battalion within the NORDPOL brigade. The platoon was later replaced by a company (145 personnel). In 1997 LITPLA-5 and LITPLA-6, containing 40 and 41 persons, participated in the SFOR mission. In 1998 participation in SFOR was continued by LITPLA-7.

In addition to early entry in the Partnership for Peace program, Lithuania also responded actively to other NATO incentives. The Lithuanian Discussion Paper on NATO Enlargement was presented to NATO Secretary General Javier Solana during his visit to Vilnius in 1996. It outlined Lithuania's readiness to undertake the reforms necessary for NATO membership.

In the intensive talks within a "16+1" formula Lithuania presented to the Alliance its views concerning the NATO enlargement process, discussed the degree of tactical preparedness of the Lithuanian armed forces, its further development, and set the agenda for future deliberations.

In 1999, responding to NATO's MAP initiative, Lithuania formed a Coordination Commission on integration into NATO, which in September presented to NATO its national MAP. The Commission's duty is to inform the Government about Lithuania's implementation of the preparation plans for NATO membership and to suggest ways to implement the MAP.

## LITHUANIA'S OTHER STRATEGIC RELATIONSHIPS

Participation in PFP and other common interests have led Lithuania to engage in strategic relationships with several NATO and Partner countries. The most outstanding examples are the US - Baltic Charter, 'strategic partnership' with Poland, cooperation efforts among the Baltic States, Baltic-Nordic cooperation, and the "Friends of the Balts" initiative.

The presidents of Lithuania, the USA, Estonia, and Latvia signed the Charter on January 16, 1998 in Washington. This document initiated more intense US - Baltic economic cooperation and created consultative mechanisms in policy and defense. During the Charter signing ceremony in Washington, Lithuanian President Algirdas Brazauskas said that he saw the Charter as proof that Lithuania was regarded as a serious candidate for NATO membership. Echoing this statement, US Deputy Secretary of State Strobe Talbot on July 16, 1999 after the meeting of the US - Baltic Charter Partnership Commission, declared that no potential NATO candidate would be excluded from membership for reasons of "geography or history."

In spite of quite strong disagreements during the period between the world wars and considerable distrust in the early nineties, Lithuanian - Polish relations are now the "best in history." The turning point came after intensive bilateral efforts produced the Lithuanian - Polish Declaration and the Lithuanian - Polish Treaty on Friendly Relations and Good Neighborly Cooperation, signed in Warsaw in 1992 and in Vilnius in 1994, respectively, by Presidents Algirdas Brazauskas and Lech Walesa. These documents, to a large degree inspired by the NATO expected enlargement, consolidated such principles as the recognition of present borders and their inviolability, territorial integrity, and the rights of national minorities in both countries. Lithuania and Poland have altogether signed over 60 treaties and agreements, 20 of them at the state and governmental level. In view of traditionally close ties and similar positions of both countries on European and trans-Atlantic cooperation, Lithuania and Poland have forged a strategic partnership. This partnership is aimed at strengthening bilateral economic relations and providing mutual political support regarding the countries'

integration in the EU, as well as achieving greater security through membership in NATO.

Lithuanian-Polish cooperation is not the only example of ties among the partners or partners-allies in the Baltic-Nordic area. There also are the Baltic cooperation arrangements that include only Lithuania, Latvia, and Estonia (Baltic Assembly, Baltic Council of Ministers, joint peacekeeping battalion, joint naval squadron, joint defense college, common air space control project) as well as wider regional cooperation frameworks including Nordic countries (formula "5+3") and some European Allies ("Friends of the Balts" initiative).

The purpose of the 'Friends of the Balts' initiative is to increase the effectiveness of defense related assistance which Lithuania and the other two Baltic countries receive and to involve all the countries concerned in dialogue and cooperation in the field of security and stability. The initiative was launched in Oslo on April 10, 1997 during the first Baltic Security Assistance Group (BALTSEA) meeting. It was agreed that further BALTSEA meetings would be held three times a year.

## NATO ENLARGEMENT AND LITHUANIA

Partnership for Peace was the crucial instrument for bringing about the first NATO enlargement after the Cold War. Tested in PFP, the Czech Republic, Poland, and Hungary were able to demonstrate sufficient political will to be accepted within the Alliance. And while the first round of NATO enlargement was built on Alliance - Partners solidarity, the perseverance of the Partners in meeting Alliance identified objectives and geopolitical logic, the second round will also take into account the incredible progress that some partner countries have made in developing up from ground zero. Lithuania, Estonia, Latvia, and Slovenia have made huge strides towards entering NATO in this regard. Recent developments in Slovakia also call for a review of its standing vis-a-vis NATO. Romania, Bulgaria, Albania, and the Former Yugoslav Republic of Macedonia have also expressed their desires to join NATO. The question today is not if, but when and which of these countries ought to be invited to join the Alliance.

Understandably the enlargement is not the only issue being considered by the Alliance today. The issues of trans-Atlantic cooperation, burdensharing, the nature and ways of combating new threats, as well as the development of a new yet effective NATO posture, are sometimes seen as more important than enlargement.<sup>10</sup> Yet the issue of enlargement will persist, at times even interfering with and magnifying the 'larger issues', if only demonstrating that the Alliance's ability to solve complex ones is compromised if it is unable to solve 'simple' problems. This also applies to the sometimes proposed cancellation or suspension of further enlargement. Such decisions would not only compromise the Alliance in the eyes of its Partners, but also challenge NATO's capability to respond positively to the needs of the new Europe.

The formula for the second round of the enlargement foreseen for the year 2002 could probably include up to three countries selected from among the eight candidates. While the first post Cold-War enlargement round included three middle-tier countries of Central Europe, the logical area for the second round would be both north and south

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<sup>10</sup> Lynn Davis (Rand Corporation; Undersecretary, Arms Control and International Security Affairs, 1993-1997), "An American View," Presentation at NATO symposium Atlantic Partnership: *NATO's Focus for the New Millennium* October 30-31, 1998.

of the first three. If Slovenia is the most likely candidate in the south, Lithuania is the obvious candidate in the north.<sup>11</sup>

Nonetheless, some apprehension is felt when considering NATO membership for the Baltic States, including Lithuania. There are few if any concerns about the Baltic States' democratic development or economic liberalization and growth. If one disregards the indefensibility argument (many European Allied countries could have been considered indefensible during the Cold War), the main obstacle to Baltic accession is the possible negative Russian reaction.

True, the NATO - Russia relationship is an uneasy one. Some Russians still think "the West, the former Warsaw Pact countries and the Soviet republics owe Russia [...] for the spectacular retreat, within two years, from Magdeburg to Smolensk."<sup>12</sup> This notion wrongly assumes the continuity of the Soviet Union in Russia and of NATO-USSR relations in contemporary NATO-Russian relations. It ignores the fact that the West appreciated Russia's greater engagement today in European and global cooperation.<sup>13</sup> It has to be realized that the ideological confrontation between democracy and communism that characterized the political landscape of Cold War Europe in the second half of the 20th century, is over. NATO no longer sees Russia as the main Western security threat. The new international situation, although full of dangers and uncertainties, has had a positive impact on developing Western - Russian relations'.

Yet the Russians themselves have to decide if they want to seize this historic opportunity to build an essentially new Western - Russian relationship. The main ingredients of such a relationship include both an understanding of Russia's specific internal situation concerning its political, social, and economic transition; and, on the part of Russia, upholding its international obligations in the areas of disarmament, non-proliferation, trade, and relations with its immediate neighbors.

By allowing Russia to draw a "red line" NATO would face both a credibility problem and growing Russian assertiveness in this area. In fact, having Lithuania as the first Baltic state would help NATO solve its Russian dilemma.

First, Lithuania, just as Poland, does not have a border with 'mainland' Russia - only with the Kaliningrad enclave. Thus, Lithuania's accession will not bring 'the Alliance up to Russia's borders' any closer than Poland's accession did, which is a major Russian concern. Even Kaliningrad's 'encircling' by the Alliance (another Russian concern) is not likely to be any different than the 'encircling' by the ally Poland and Partner Lithuania. Lithuania and Russia already have a mutual understanding on civil and military transport to the enclave and this is unlikely to change if Lithuania joins NATO.

Second, the Lithuanian - Russian Treaty of 1991 has an explicit reference to the countries' right "to independently realize their sovereignty in the area of defense and security [...] as well as through the systems of collective security."<sup>14</sup> Within the framework of the 1991 Treaty Lithuania and Russia have also fully settled the issues of ethnic Russians and borders (delimitation agreements signed in 1997).

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<sup>11</sup> Zibigne Brzezinski, "NATO: The Dilemmas of Expansion," *The National Interest* (Fall 1998).

<sup>12</sup> Dmitri Trenin, "The Process of NATO Enlargement and the Baltic States," Talking Points at the Vilnius Conference, September 1-4, 1998.

<sup>13</sup> Strobe Talbott, Address at a conference on "Russia at the End of the 20<sup>th</sup> Century," Stanford University, November 6, 1998.

<sup>14</sup> "Treaty between the Republic of Lithuania and the Russian Soviet Federated Socialist Republic on the Basis of Relations Between States," *Lithuanian Foreign Policy Review*, 1, (1998), 119-127.

Third, Lithuania's constitutional provision banning peacetime foreign military stationing on Lithuanian soil could serve as a reassurance to Moscow of not 'spreading NATO's military infrastructure' which is also a major Russian concern.

Finally, Lithuania's membership in NATO would serve as a material gesture to reassure Latvia and Estonia on the Alliance's continued engagement in the area.

In terms of the membership criteria Lithuania fulfills all the requirements outlined in the North Atlantic Treaty. Lithuania today is a stable and predictable democratic country with a growing economy and thriving private sector. Its experience in Partnership for Peace has familiarized young Lithuanian military with the NATO defense concept and techniques. Lithuania, which less than eight years ago did not have a single soldier, has managed to build up credible armed forces capable of participating in NATO-led operations and exercises. By becoming a member of the Atlantic Alliance, Lithuania would bring not only substantial cooperation experience, good neighborly relations, and democratic stability, but also its willingness and capabilities to contribute to future NATO endeavors.

## CONCLUSION

While actively pursuing full membership in NATO, Lithuania also regards its current ties with the Alliance and the other Partners as highly beneficial in terms of security and stability. In this sense, the reassurances that NATO provided to its partners in the Balkans during the Kosovo crisis, supporting their national security, are good news for Lithuania. Such reassurances reinforce the clause of the PFP Framework Document that "NATO will consult with any active participant in the Partnership if that Partner perceives a direct threat to its territorial integrity, political independence, or security."<sup>15</sup>

"Growth in security" coupled with the NATO's pledge to keep Alliance's door open provides Lithuania with a strong incentive to work industriously towards the preparedness objectives identified in the Lithuanian NATO Membership Action Plan. In particular, the Lithuanian MAP addresses Political and Economic, Military and Defense, Resource, Security and Legal issues of Lithuania's integration into the Alliance and defines areas of consultation with NATO.

Through the ever strengthened partnership with NATO Lithuania is becoming closely associated with European processes not only by being a European state, but also by taking part in the above mentioned cooperation mechanisms. Yet the ultimate objective, membership in the Alliance, remains the high priority on Lithuanian political agenda. The April 1999 NATO Washington Summit not only mentioned Lithuania as a potential future member, but also named 2002 as the year when further enlargement will be considered. As the year 2002 approaches Lithuania expects that it will be prepared and the Alliance ready to deal positively with further enlargement issues, especially in extending membership invitations to Lithuania and the other Baltic states. (This article was written based on research compiled for the Atlantic Council of the United States. The views expressed are those of the author and do not necessarily represent the views of the Atlantic Council or the Ministry of Foreign Affairs.

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<sup>15</sup> *NATO Partnership for Peace brochure* (Brussels, 10th January 1994).

## LITHUANIAN POLITICAL SYSTEM AND FOREIGN POLICY DECISION MAKING

Evaldas Nekrađas

The political system of a state encompass all the institutions and organizations involved in politics. Thus, for example, pressure groups may be regarded as a rather important part of the political system. This article will examine Lithuania's political system thoroughly. Its main purpose is to determine by whom and how the foreign policy decisions in this country are made. A necessary precondition for a proper understanding of the foreign policy making process in Lithuania is a review of Lithuania's political system and the changes that took place in it. Some important changes occurred in this system during the new period of independence. They affected the roles which different branches of government and their representatives play in the process of shaping and implementing foreign policy decisions. Of special importance are the changes in the distribution of political power at the governmental level and, thus, the article will begin with a very brief review of the development of the party system in Lithuania..

Lithuania's progress on the road to democracy was directly linked with the development of the multiparty system. The first steps toward reestablishing a multiparty system were made in the years 1988-1989 with the founding of the Lithuanian Restructuring Movement *Sąjūdis*, the establishment or reestablishment of non-communist parties and the elimination of the article proclaiming the leading role of the Communist Party from the Constitution of the Lithuanian Soviet Socialist Republic by the Supreme Council of Soviet Lithuania. At the end of 1989 three of the five most important current political parties in Lithuania already functioned: the Social-Democratic Party, established at the end of the 19th century, the Christian Democratic Party, founded in the 1910s, and the independent Lithuanian Communist Party which severed its ties with the Communist Party of the Soviet Union in December 1989 and later changed its name to the Lithuanian Democratic Labor Party (LDDP). Two other, now very popular and influential parties: the Center Union and the Homeland Union, also called the Lithuanian Conservatives, were established in the early nineties.

In the first years of independence, parties (except for the LDDP) were weak. The parliament which proclaimed the restoration of independence in 1990 and ruled until 1992, was not organized on a party basis. Yet the electoral law it passed, distributing 50 percent of the seats in the parliament according to a proportional system among parties overcoming a minimum threshold, together with the reduced role of *Sąjūdis* which dominated Lithuania's political life in 1990-1991, created favorable conditions for strengthening political parties. The fixed threshold was intended to limit the number of parties which could play an active role in Lithuania's political life.

Until March 11, 1990 Lithuania's basic law was the Constitution of the Lithuanian Soviet Socialist Republic. That day immediately after the restoration of the statehood of Lithuania, the pre-war Constitution of the Republic of Lithuania was put into force (more exactly, not the whole Constitution but an essential part of it). This move was primarily a symbolic act to insure the continuity of Lithuanian statehood, broken by Soviet occupation and annexation in 1940. Later that day, the 1938 Constitution was replaced by the newly adopted Provisional Basic Law of the Republic of Lithuania.

The Provisional Basic Law determined that the Lithuanian state would be an independent and democratic parliamentary republic, but the very law was designed on the basis of the Constitution of the Lithuanian Soviet Socialist Republic. In fact, the

constitution was simply rewritten, eliminating outdated articles (especially those related to the Republic's subordination to Moscow) and introducing new ones only out of necessity. The Provisional Basic Law was not a masterpiece of legal work.

According to it, practically all political power was concentrated in the hands of the Lithuanian parliament then called the Supreme Council and the legal situation was characterized by an almost total lack of checks and balances. The powers of the parliament and its chairman were not clearly defined. Although his main function, supposedly, was to be the speaker of the Parliament, Vytautas Landsbergis, acted practically as the Head of State. Combining these two functions is not very typical, to put it mildly, for modern democracies. In general, the Lithuanian Parliament in 1990-1992 was a bit like the Convention of the French Revolution. Being quite suspicious of other institutions, their staff, and even of its own members, the parliament wanted to decide everything. Accordingly, the Cabinet did not play an important role in policy making: it did not make major political decisions. The third branch of government - the court system - was also weak. In this respect Lithuania simply continued bad Soviet traditions.

The similarity of the Lithuanian Supreme Council to the French Convention was also shown by the coming of the moment, at the end of 1991, when its chairman and leader lost the Council's support. A so-called "New Majority" emerged in the Supreme Council which did not support Landsbergis or his Prime Minister, Gediminas Vagnorius. New elections were the only possible solution. It was clear to everyone that the Provisional Basic Law was a bad constitution for Lithuania. With great efforts and after overcoming many political difficulties, a compromise project for a permanent Constitution was prepared by the Supreme Council. It was presented to the people for approval in a referendum on the same day (October 25, 1992) as the elections to the parliament (now called the Seimas).

The elections brought defeat to the political forces led by Landsbergis and Vagnorius, but the Constitution was approved and came into force a week later. The new Constitution made important changes in the distribution of political power among the different branches of government. A system of checks and balances was created. The powers of the Seimas were diminished. Two new important institutions: the Presidency and the Constitutional Court were established.

According to the Constitution, the President is the Head of State. Of the 24 special powers and areas of responsibility mentioned in article 84 of the Constitution, the most important one is probably his power to settle basic foreign policy issues and, together with the Government, to implement foreign policy. The President may (in two specified cases) dissolve the Parliament. He is the Commander in Chief of the Armed Forces and is the head of the State Defense Council. In general, according to the Constitution he is in charge of the country's foreign, defense, and security policies. He, however, has very limited powers in domestic policy. Thus, there is a great degree of asymmetry between the presidential powers in domestic and international policy making.

The President's executive powers and his election by a popular vote make Lithuania a semi-presidential republic. Scholars who want to emphasize that the powers of the Lithuanian president are more limited than, say, those of the president of France and that in exercising most of them he needs the consent of the Seimas or the Prime Minister, use the term parliamentary-presidential republic.<sup>1</sup>

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<sup>1</sup> Alvydas Lukođaitis, "Prezidentas Lietuvos politinėje sistemoje: vietos ir galių paieðkos" [The President in the Political System of Lithuania: Seeking His Place and Powers], *Politologija*, 2, 1998.



The second basic innovation introduced by the Constitution was the establishment of a Constitutional Court for the first time in Lithuania's history. The third branch of government was seriously strengthened, and the constitutional mechanism for solving disputes between the Parliament, Cabinet, and President was created.

With the election of the President in February 1993, who was sworn into office later that month, and the beginning of the activities of the Constitutional Court a bit later, the legal framework for the political system of present day Lithuania was created. There were few legal innovations in the subsequent years. The stability of the constitutional framework of the political system strengthened the system's stability.

The functioning of this system depends, however, not only upon its legal basis but also upon the political color of its elements, on the character and political strength of the individuals in key positions and their personal relations. Due to this and depending upon formal or informal decisions made by key political players, Lithuania's political system gradually changed.

In a semi-presidential republic the smooth functioning of the political system depends upon the close cooperation among the Parliament, Cabinet, and President. Between the Seimas elections of 1992 and 1996, all political power centers were under the control of the Democratic Labor Party. In accordance with the Constitution, President Algirdas Brazauskas suspended his membership in the party, which he was then leading, but this did not change his political sympathies. His authority in the Party was really great and the cooperation between the power centers initially proceeded smoothly. Yet after some time the Prime Minister and later new leader of the Party, Adolfas Šleževičius and his cabinet began to act more independently, ignoring the opinion of the President, not to speak that of the party's rank-and-file members in the Seimas. Gradually it became clear that the Prime Minister and not the Chairman of the Parliament or the President was politically the most powerful person in Lithuania. With the support of the absolute majority in the Seimas, he is able to implement major decisions with the President having no real power to block them. It should be mentioned that the President in Lithuania has only rather weak powers to veto legislation: the Seimas can overturn the President's veto by a repeated vote of more than half of *all* its members. It was only the scandal caused by the revelation that Šleževičius withdrew his personal savings from the Lithuanian Joint-Stock Innovation Bank before the decision to suspend its operations was announced allowed Brazauskas and the opponents of Šleževičius in the ruling party to oust him in early 1996. For a short while, Brazauskas reestablished the prevailing position in political life which he had held in 1993, but he lost it after the parliamentary elections at the end of 1996. The elections were won by the Conservatives who formed a coalition Cabinet with the Christian Democrats. Since the coalition had an absolute majority, Brazauskas had to face a politically rather hostile Parliament. His relations with it were not good, his vetoes were repeatedly overturned. This was probably one of the reasons why he did not seek a second term.

The election of Valdas Adamkus as president at the beginning of 1998 considerably changed the political configuration in Lithuania. First of all, he did not have the political burden (i.e. Communist past) which restricted the activities of Brazauskas, especially during his last year in office. In 1998 Adamkus managed to do much more politically than most of his supporters expected. Yet the majority of his political actions, especially in shaping the cabinet, required the cooperation of the prime minister. And on the crucial question: does the president have the right to nominate a new prime minister after presidential (and not parliamentary) elections, the Constitutional Court answered *no*. This was the first time that a decision of the

Constitutional Court was criticized by a number of lawyers, politicians, and political analysts. This controversial decision further strengthened the already strong position of Prime Minister Vagnorius, who was serving his second term as premier. In many respects, his position in Lithuania's political system was similar to that of a prime minister in a parliamentary republic. In 1998 Vagnorius strengthened his position in the Conservative Party at the expense of Party and Seimas Chairman Vytautas Landsbergis.

At the beginning of 1999, it became clear, however, that the political weight of the prime minister and his role in Lithuania's political system depended upon his ability to control the ruling party and, especially, its parliamentary faction. Prime Minister Vagnorius was for some time the powerful Chairman of the Board of the Homeland Union and this position assured him - as it seemed then - the unconditional support of the Seimas. Yet when the economic situation in Lithuania worsened, his position in the Homeland Union became more shaky. Probably already at the very beginning of 1999, Vagnorius decided to step down as prime minister. His relationship with the President and the Seimas Chairman became tense and he left office in the spring of 1999.

His successor as prime minister, Rolandas Paksas did not have the great support in the Homeland Union which Vagnorius had gathered during his long political career. Although he replaced Vagnorius not only as prime minister, but also as the chairman of the board of the ruling party, he did not have its unconditional support. Thus, he was forced to resign from both posts when his opinion on an important economic and foreign policy issue (the sale of the state-owned "Mapeikiai oil refinery" to "Williams International") clashed with that of the rest of the party's leadership.

It is necessary to stress that the changes we have mentioned took place within the confines of a *democratic* political system. Lithuania successfully passed the test of a *consolidated* democracy on two occasions. In both 1992 and 1996 political power was passed to the former opposition peacefully and constitutionally. Lithuania today also fulfills other criteria of a consolidated democracy: it has practically no antisystemic political forces, a wide consensus exists among the political elite concerning democratic principles and procedures, and in spite of the rather low confidence in the Parliament and Cabinet (which contrasted until recently with the much higher confidence in the President) there is a high degree of support for democratic values in society.

The legal and political changes that took place in Lithuania had a substantial effect on determining foreign policy. Most importantly, the role of the legislative and executive branches in making foreign policy decisions changed.

In 1990-1992 when all the power in Lithuania was clearly concentrated in the parliament, the Supreme Council- Reconstituent Seimas (in shaping foreign policy in the Supreme Council, its chairman Vytautas Landsbergis clearly dominated) shaped foreign policies. On the other hand, after the adoption of the permanent Lithuanian Constitution, the role of the executive branch and especially of the president in foreign policy clearly increased after 1993.

The 1992 Constitution grants the President the right to decide most important questions of foreign policy and President Brazauskas began to use this right, beginning with the solving of the complicated questions concerning the withdrawal of the Russian army from Lithuania in August 1993. Most of his decisions, for example, the appeal in January 1994 for Lithuania's acceptance into NATO (this, undoubtedly was influenced by the resolution of the Seimas on this question in December 1993), the activities improving relations with Poland, Belarus, and other neighbors near and far, produced good results. The activities of President Brazauskas in the field of foreign relations were crowned by the Vilnius Conference, attended by 11 presidents and one prime minister, the signing of the border treaty with Russia and of the Charter with the United States which strengthened the security of all the Baltic states and their ties with the

most influential world power. All of his actions, however, were not always so successful, and even he himself now critically views, for example his effort to intervene actively in determining Lithuania's sea borders and economic zones with Latvia. However, the aim of this article is not an evaluation of the foreign policies of the first post 1990 Lithuanian president, but the determination to what extent he truly formed and led policies.

In the field of foreign policies the Constitution grants the President of the Republic of Lithuania, at least at first glance, major powers. As we mentioned, his powers in the fields of domestic and foreign policies are clearly juridically asymmetric; the first are quite meager while the second are impressive. Nevertheless, despite all the significant and generally very useful to Lithuania international documents signed by Brazauskas, by the end of his term it became increasingly clear that the President does not determine basic foreign policy questions, but only approves with his signature agreements reached by others. The President did not try to conceal this, honorably stressing for example, the great work of the delegation and especially its leaders in settling the border with Russia. During the last days of his term and after its completion Brazauskas stated directly that his real possibilities as president to make political decisions in all areas, including foreign policy, were very limited and suggested that either the powers of the president be expanded, or accepting that they should be *minor*, the direct presidential elections be abandoned replaced by an election by the parliament, as is the usual practice in parliamentary republics.

The real powers of the Lithuanian President even in the field of foreign policies are actually smaller than from the impression one would obtain by superficially reading the Constitution. The President *alone* does not have the power to make any decisions having serious consequences. He appoints and recalls the diplomatic representatives to foreign states and international organizations only after the proposal of the government, he appoints and dismisses the minister of foreign affairs (as with all other ministers) at the proposal of the prime minister, the Seimas has to ratify (although they can also not ratify) the international treaties the president signs. Thus, the real influence of the president in foreign affairs is very dependent on his relations with the majority of the Seimas and with the government. It seemed that during the period when the LDDP was in power Brazauskas had really free hands in foreign policies. However, this was clearly the case for only a short period, perhaps for a year or a year and a half. At first, Brazauskas very seriously lacked experience in the field of foreign relations, and moreover, he was restricted by the fear of being accused of making concessions to Russia; the minority in the Seimas very carefully and very suspiciously followed his every step. From the end of 1994 the real control of the majority of the Seimas (and, clearly, the government) slipped from his hands, shifting to Prime Minister Dlebevičius. After the Seimas elections in 1996, oppositional political forces had a majority and it became very difficult for the president to cooperate with the Seimas.

Such are the political realities. The president does not have the power to change them. But he is also partially responsible that the situation developed in this way. It is worth remembering, for example, that the real powers of the U.S. President in foreign affairs were at first relatively small, but they were expanded *without changing the U.S. Constitution*, by the political actions of later presidents.<sup>2</sup> The courts in which the Congress and its members have more than once accused various American presidents of overstepping their powers, simply did not find anything in the U.S. Constitution that would *prohibit* the President from taking initiatives in this field. The error of President

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<sup>2</sup> J.A. Nathan, J. K. Olivier, *Foreign Policy Making and the American Political System* (Boston, Toronto: Little, Brown & Co., 1987).

Brazauskas was that he formed his staff almost exclusively from the representatives of one party. Moreover, that was also the reason why it was difficult for him to remain the real leader of foreign policy when another politician became the real leader of the party. After the 1996 Seimas elections the position of Brazauskas, of course only worsened.

Brazauskas could have shown more initiative in foreign policy. But he was hindered not only by his personal political biography, but also by the presence in the Presidency of only several officials assisting him in foreign affairs. Many more officials work in the Ministry of Foreign Affairs [in Lithuanian - Užsienio reikalų ministerija; henceforth - URM]. Thus, if he liked it or not, the President in practice had to hand over most of his powers to the URM. At the same time he also handed over any initiative.

President Valdas Adamkus collected a stronger team of advisors and assistants. The appointment of Albinas Januška as advisor for foreign policy and national security questions and of other talented people, who had gone through the good school of the URM, to the Presidency suggests that Adamkus has serious intentions to be more than the titular steerer of Lithuania's foreign policy. The previous disproportion in the qualifications and experience between the officials of the URM and the Presidency has been reduced. In fact, as we mentioned, the decision of the Constitutional Court, taking away the right of the new president to influence the selection of the premier after presidential elections, did not strengthen the juridical powers of the president. However, the actual role of the president in Lithuania's foreign policy is affected much more not by this decision, but by the activities of the president and his small staff.

It is still too early to evaluate this seriously today. But up to now the initiatives of the President in foreign policy have not been numerous. Just as Brazauskas, Adamkus became president without almost no experience in the field of foreign relations. This, of course, made it more difficult for him to try to make fundamental decisions in foreign policy. The priorities of Lithuania's foreign policy - membership in NATO and the European Union - were settled much earlier and have seldom been questioned. But their proportional importance can be evaluated and the Lithuanian President's word in this question could be important.

President Adamkus, it seems, believes that NATO is a more important organization for Lithuania. However, today while waiting for the start of Lithuania's negotiations with the EU, the real (although never officially declared) priority, which until now not only he but in principle all the politicians in Lithuania assigned to NATO, raises substantial doubts. After seriously weighing all the current interests of Lithuania (and not just the security requirements of the country), one might perhaps come to the conclusion that the European Union is a more important structure for the state than NATO. In one way or another, the not very good preparation by Lithuania for entry into the EU is in part influenced by the absence in Lithuania of any state official capable of *realistically* (and not only according to the Constitution) reviewing and changing the country's main long standing political orientation or, more specifically, the importance assigned to various orientations. This is a major shortage of the process shaping Lithuania's foreign policy. Because of the peculiarities of Lithuania's foreign policy mechanism it is particularly difficult to *change* the direction of movement of the foreign policy train. To turn Lithuania's policy more in the direction of the European Union (and not of NATO or the USA) is particularly difficult because various state institutions (also including those which are responsible for domestic policy) would have to coordinate their activities properly to prepare for EU membership. Not being the head of the executive branch, the President of Lithuania does not have the real authority to coordinate the work of its institutions or to initiate principal reorientations of its activities.

The Foreign Policy Coordinating Council was established in Lithuania to help the president determine the fundamental foreign policy questions and to coordinate the activities of different state institutions in this field. However, the council does not have a Constitutional status and its role in forming and implementing foreign policy is not large.

In most parliamentary (and also in half presidential) republics the prime minister plays an important role in shaping foreign policy. Heading the executive branch, he also has the possibility to direct the work of the Ministry of Foreign Affairs. Actually, he can use this possibility only if he is seriously interested in foreign policy. In Lithuania, however, a different situation developed: the premiers usually pass the decisions on foreign policy questions (as much as it is a matter of the government's competence) to the foreign minister. The experience of minister Algirdas Saudargas in the foreign policy field is great and in this respect no Lithuanian prime minister could and can really match his credentials. For this reason, as well as because it disposes major human resources and through its constant ties with Lithuania's embassies abroad and with foreign embassies in Lithuania receives the broadest information available, the URM plays an especially important role in shaping the state's foreign policy. In practical terms, it prepares all the decisions dealing with foreign policy. But the power of the ministry and the minister to make decisions is, nevertheless, limited by the Constitutional powers of the president as well as the circumstance that some foreign policy questions are discussed and resolved in the State Defense Council in which the vote of the foreign minister is not decisive.<sup>3</sup> The council, whose main task is to discuss and coordinate the state's most important defense questions, is another participant in the process of shaping foreign policy and at times its decisions have a truly great meaning for Lithuania's international orientation. The last example of such a decision is the approval of the sale of the "Mabeikiai oil refinery" to "Williams International."

What role does the Seimas play in shaping Lithuania's foreign policy? In recent years this role was quite small although one could not say the same about the role of the Seimas chairman. This is in part due to the small resources available to the Seimas. It has almost no foreign policy advisors and experts and apparently does not even feel any need to have more. In this respect, it can not compete with the U.S. Congress which has a hundred times more advisors, but can also not even remotely match the parliaments of Sweden and Great Britain. In general, the staffs of the Seimas committees are very meager in both the number of employees and in their qualifications. The government was completely satisfied with this situation and was not interested in changing it because without a proper staff the Seimas could neither seriously control its activities nor say anything about forming policy.

But, nevertheless, the new, i.e. elected in 1996, Seimas clearly tried to increase its role in shaping foreign policy. The old Seimas never passed a National Security concept although it was proposed in different versions. written and rewritten, discussed and corrected many times. On the other hand, the new Seimas quite swiftly, already on December 19, 1996 passed the law on the foundations for the National Security of the Republic of Lithuania. The Seimas also had serious plans to approve a foreign policy concept.

It should be mentioned here that the Lithuanian government in 1994 discussed and in principle agreed with the Lithuanian foreign policy concept prepared by the

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<sup>3</sup> Article 140 of the Constitution of the Republic of Lithuania does not even determine the membership of this council in which as it is said include "the Republic's President, Prime Minister, the Seimas Chairman, Minister of National Defense and the head of the army". *Lietuvos Respublikos Konstitucija* [Constitution of the Republic of Lithuania] (Vilnius: Press of the Republic of Lithuania Seimas, 1993), p. 90.

URM. It or at least the priorities for Lithuania's foreign policy mentioned in it have in practice been followed up to now. However, the document (incidentally, not the worst one for those times) was not to my knowledge formally ratified. It was not presented to the parliament. The chairman of the Seimas Foreign Affairs Committee several times in 1994-1995 openly complained that despite his repeated requests, the government did not allow him to become acquainted with the document. The current Seimas planned to change this situation. There is no doubt that the determination of foreign policy priorities in the Seimas would increase its role in foreign policy. I think that it could be more significant. But one could also provide many serious arguments against the ratification of a broad concept that would severely limit the executive in the dynamically changing international situation. It is, apparently, worth stressing that the majority of the world's countries, including the USA whose Congress has considerable influence in foreign policy, do not have a legally approved foreign policy concept, limiting the rights of the executive organs and do not miss it.

The process of shaping and implementing the foreign policy in Lithuania is influenced by the Constitution, which changed the *formal* status of the participants in this process as well as by the subsequent change in the *real* political powers of its participants. The latter was determined by the actualities of the state's political life and the specific personal peculiarities of its political figures. One particularly important drawback of the foreign policy shaping process in Lithuania is the absence of a clear center which would have both the Constitutional power to make decisions and the administration to implement them. The half presidential (or parliamentary-presidential) republic in which the powers of the president in the executive field are very limited is not the best political frame work for making foreign policy decisions and implementing them smoothly and effectively. The author in a comprehensive and critical manner reviews the development of the formation of Lithuanian foreign policy and evaluates its current status. In his opinion: "Lithuania's accomplishments in foreign policy are better than the institutional frames in which this policy was formed and realized and which hinder its consistent planning and coordination. The relatively successful Lithuanian foreign policy up to now was determined by the quite large consensus of the views of various political forces on foreign policy questions. Although the friction between the main participants in shaping and implementing foreign policy are clearly seen, it never grew into a direct confrontation on questions of principle. And the fact that the consensus of the President, Seimas, and Government is necessary to approve and implement the most important foreign policy decisions, of course, also has some merits—swift and unexpected changes in Lithuania's foreign policy are almost impossible.

*Translated by Saulius Girnius*

## **LEGAL AND POLITICAL ISSUES ON THE CONTINUITY OF THE REPUBLIC OF LITHUANIA**

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Some historical dates remind us of the current legal and political status of the Republic of Lithuania. First, this year the 60th anniversary of the signing of the Molotov-Ribbentrop Pact was commemorated. On August 23 and September 28, 1939, Germany and the USSR signed two secret protocols that determined Lithuania's fate for the next 50 years. The Republic of Lithuania whose independence was officially recognized by many states during 1918-1922 was made part of the Soviet sphere of interests. As a consequence, in 1940 the Soviet Union occupied and annexed Lithuania.

Moreover, next year marks the 10th anniversary of the restoration of Lithuania's independence. On March 11, 1990 the Supreme Council (Parliament) of Lithuania declared the reestablishment of the sovereign powers of the Republic of Lithuania.

Therefore, it is useful to evaluate the Molotov-Ribbentrop Pact once again from the standpoint of international law. This issue has great importance because it determines the legal basis on which the independence of Lithuania was restored in 1990. This article will focus on two issues: 1) has Lithuania ever been a legitimate part of the former USSR? (the issue of the status of Lithuania in 1940-1990), and 2) is the contemporary Republic of Lithuania identical to the pre-war Republic of Lithuania? (the continuity and identity of Lithuania).

The legal assessment of the restoration of Lithuania's independence may play a role in some significant political issues, such as Lithuania's desire to become a fully-fledged member of NATO as soon as possible. On January 12, 1999 the Seimas (Parliament) of Lithuania adopted a special memorandum addressed to the parliaments of the NATO Member States. The document pointed out Russia's inability to hamper Lithuania's integration into NATO on the grounds that Lithuania is a former republic of the USSR. The Seimas stressed the fact that from the standpoint of international law the Republic of Lithuania had never been a constituent part of the USSR. Russia maintains a different viewpoint and it is, thus, worthwhile to mention briefly the principal international legal issues concerning the status of Lithuania.

**Evaluation of Lithuania's occupation and annexation in accordance with international law.** The Molotov-Ribbentrop Pact brought about the occupation and annexation of the independent Republic of Lithuania. Therefore, it is reasonable to examine the Pact and its consequences. The Pact's provisions (especially the one granting the USSR the possibility to take special measures to protect Soviet interests in the territory of Lithuania) and their implementation (namely, those pertaining to Lithuania's occupation and annexation) violated several legal obligations of the USSR to Lithuania and the international community. The obligation to respect the territorial integrity and political independence of states was stipulated in Article 10 of the Statute of the League of Nations. The 1928 Paris Treaty on the Renunciation of a War as a Means of National Policy (the

Briand-Kellogg Pact) was also violated. In accordance with the Treaty, any use of force is prohibited. In 1940, this norm had already become a part of international customary law.<sup>1</sup>

The most sensitive issue is whether the threat of force used in 1940 was illegal. Some Russian authorities and legal scholars claim that at that time such conduct was legitimate under international law because they understand the term *a war* in its most narrow meaning, i.e. as the direct use of military force by one state against another. According to them, the ultimatum presented by the USSR to the Republic of Lithuania was only duress constituting a threat of force rather than the use of force. Russia sometimes declares that because Lithuania accepted the conditions of the ultimatum and did not resist the occupation, the annexation of Lithuania should therefore be treated as legal.

This position has some contradictions. First of all, it disagrees with the nature of law and state practice. The main objective of any law system, including international law, is to ensure that the actions of countries and the international community are based on justice. Moreover, the law should be interpreted so that it would be consistent with common sense. Keeping in mind these two principles, it is clear that the term *war* used in the 1928 Paris Treaty should be interpreted in a broader sense to include any use or threat of force. In fact, it is impossible to treat the use of force and the threat of force differently because they are interrelated actions of the same nature: the former usually coming after the latter. A different interpretation would allow states to employ force in a disguised way not assuming any international legal responsibility. This would be immoral and unjust because it would lead to the justification of the so-called *pacific* occupation which occurs with the consent of the occupied state after the threat of force by the occupying state. Thus, this kind of foreign occupation should be the same as the use of force and the same norms of international law should be applied as in the case of classic military occupation.<sup>2</sup> To sum up, consent made under duress is not consent, and this violence constitutes a violation of international law.<sup>3</sup>

At that time, state practice had also confirmed that point of view. Many states considered Lithuania's occupation and annexation as illegal and thus did not recognize the incorporation of Lithuania into the USSR.<sup>4</sup> For instance, the United States expressed its opinion on July 23, 1940: "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*. The United States will 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."<sup>5</sup> Moreover, at that time the same criteria were applied in other analogous cases. For example, the annexations of Austria, Czechoslovakia, Ethiopia, Albania, and Poland were not recognized. Some of them (for

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<sup>1</sup> *Encyclopaedia of Public International Law* (Amsterdam: Elsevier, 1982), 3, p. 238.

<sup>2</sup> *Encyclopaedia of Public International Law* (Amsterdam: Elsevier, 1982), 4, p. 67-70.

<sup>3</sup> Vilenas Vadapalas, Vytautas Žalys "Ar galioja aneksijai senaties terminas [Does the Prescription Deadline Apply to Annexation]," *Atgimimas* (August 18-25, 1989).

<sup>4</sup> Dainius Žalimas, *Lietuvos Respublikos nepriklausomybės atkūrimas: pagrindiniai klausimai pagal tarptautinę teisę [The Reestablishment of the Independence of the Republic of Lithuania: Fundamental Questions under International Law]* (Vilnius: Rosma, 1997), p. 110-118.

<sup>5</sup> Krystyna Marek, *Identity and Continuity of States in Public International Law* (Geneve: Librairie E.Droz, 1954), p. 399.



instance, Austria and Czechoslovakia) were annexed without serious military resistance. The reaction of the international community to the annexation of the Baltic States and of the other mentioned countries was a clear manifestation of the Stimson doctrine under which any situation, treaty, or agreement that contradicts the Statute of the League of Nations and the 1928 Paris Treaty can not be recognized.<sup>6</sup> The principles of that doctrine were confirmed by the Assembly of the League of Nations in 1932.

Therefore, it is possible to conclude that the occupation and annexation of the Republic of Lithuania should be regarded as a major international crime. This is because the peremptory norms and main principles of international law such as the non-use of force, respect of sovereignty, non-interference in the domestic affairs of other states and the self-determination of all nations had been violated. With respect to the latter, it is reasonable to treat the annexation of Lithuania as a flagrant violation of clause 2 of the Atlantic Charter, according to which no territory may be transferred without the free will and consent of the inhabitants concerned.<sup>7</sup> Such a qualification may be supported by the Statute and practice of the Nürnberg International Criminal Tribunal. The Tribunal decided that the serious violations of Article 10 of the Statute of the League of Nations and of Article 1 of the Briand-Kellogg Pact made by Germany in 1938-1941 were international crimes. There are no reasons to treat the analogous actions of the Soviet Union in 1940 in a different way. If we took an opposite view, we would deny the legal nature of international law. Under any system of law it is impossible to qualify analogous acts made under the same circumstances differently, i.e. we can not treat an action made by one state as an international crime and the same action made by another state as a legitimate act.

It would therefore be logical to treat the Molotov-Ribbentrop Pact and the annexation of Lithuania as null and void. Hence, the position of Russia (or some of its leaders) justifying the occupation and annexation of Lithuania possesses no legal basis. It can be explained by the traditional Soviet practice of viewing international law as a very flexible method for justifying any act of its foreign policy. Such a position is clearly based primarily on political interest.<sup>8</sup> In my opinion, the political interest is clear: in order to avoid possible international responsibility for the performed act and not to reveal the true essence of the former Soviet empire, Russia is making every effort to justify any act of the former USSR.

What is more interesting, Russia as the legal entity continuing the rights and obligations of the former USSR intends to ignore the position of the latter expressed on December 24, 1989 by the Congress of the People's Deputies of the USSR, following its decision on the political and legal evaluation of the Soviet-German non-aggression pact. Thereafter, the USSR recognized that the secret Soviet-German protocols (Molotov-Ribbentrop Pact) and their accompanying acts had violated the sovereignty and independence of some third countries. The Soviet Union itself therefore declared the Molotov-Ribbentrop Pact null and void from the very date of its signing.

Finally, it seems that the Russian officials who declare that the occupation and annexation of Lithuania was legitimate are determined to forget that Russia supported the

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<sup>6</sup> Vilenas Vadapalas, *Tarptautinė teisė: bendroji dalis [International Law: General Part]* (Vilnius: Eugrimas, 1998), p. 95.

<sup>7</sup> Marek, *Identity*, p. 405.

<sup>8</sup> Pranas Kūris, "Lietuvos nepriklausomos valstybės atkūrimas ir tarptautinė teisė [The Reestablishment of the Lithuanian Independent State and International Law]," *Teisės problemos [Problems of Law]*, 1 (1998), 10.

opposite position in the preamble of its July 29, 1991 Treaty on the Fundamentals of Interstate Relations with Lithuania. In this document Russia declared that the USSR had to eliminate the consequences of the 1940 annexation which violated Lithuania's sovereignty. Thus, the opposite statements may be viewed as attempts to violate the fundamentals of the friendly relations between Russia and Lithuania.

**The continuity and identity of the Republic of Lithuania.** Every legal system tries to prevent any actions that do not comply with its principles and provisions. International law can not recognize the legal effect of acts that can destroy the fundamentals of the international community. Undoubtedly, aggression and illegal annexation are some of the most dangerous international crimes. According to the fundamental principle of law *ex injuria non oritur jus* (this principle is common to all legal systems), no legal benefit can be derived from an illegal act.

In the case of the illegal occupation and annexation of Lithuania, the application of the principle *ex injuria non oritur jus* leads to the conclusion that the Soviet Union did not have any sovereign rights over Lithuania's territory. Therefore, in accordance with international law, Lithuania had never been a legitimate part of the USSR. The Lithuanian SSR established in the territory of the Republic of Lithuania by the occupying forces of the Soviet Union should be considered as nothing more than a puppet creation<sup>9</sup> that could also not obtain any sovereign rights to Lithuania's territory. It is also necessary to note that the long period of occupation did not grant the Soviet Union any rights to Lithuania because international law does not know any general term of prescription.<sup>10</sup> This statement was confirmed by the fact that many members of the international community never recognized the incorporation of Lithuania into the USSR. Moreover, it would be a bold thing to assert that Lithuania was a *de jure* constituent part of the Soviet Union because this statement would acknowledge the law-making power of illegal acts that are also among the most dangerous crimes for the international community.

The most important thing is that according to the principle *ex injuria non oritur jus*, even though all the territory of Lithuania was occupied by the USSR, the Republic of Lithuania continued to exist as a subject of international law. This continuity was recognized by the major Western powers and other democratic states and was maintained by the Lithuanian legations in foreign states. The representatives of Lithuania were considered to be the representatives of the Republic of Lithuania appointed by the last government prior to the occupation of the country. Lithuanian passports and other official documents issued by the operating Lithuanian embassies and consular agencies were considered as valid by some countries. Therefore, the continuity of the Republic of Lithuania was an obvious fact.<sup>11</sup> It is clear that it would be absurd to recognize operating embassies and consular agencies as well as the citizenship and passports of a non-existing state. Thus, the Republic of Lithuania was treated as an occupied State; the rights and obligations of which were not impaired by the foreign occupation. Lithuania preserved all of its sovereign rights including the legal title to its territory although it could not exercise these rights until independence was restored in 1990.

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<sup>9</sup> Marek, *Identity*, p. 396.

<sup>10</sup> Vadapalas, *Tarptautinė*, p. 200, 214-215.

<sup>11</sup> About the continuity of Lithuania see: Žalimas, *Lietuvos Respublikos*, p.75-83.

Therefore, it is only logical that the restoration of the independence of the Republic of Lithuania was enacted on the basis of the *de jure* continuity of the State. On March 11, 1990, the Supreme Council (the Reconstituent Seimas of the Republic of Lithuania) after free elections and expressing the will of the people proclaimed the restoration of the country's independence. The "Act on the Re-establishment of the Independent State of Lithuania" clearly stated that the execution of the sovereign powers of the State of Lithuania abolished by a foreign force in 1940 had been re-established.

Therefore, on this basis the current Republic of Lithuania should be considered to be identical with the pre-war Republic of Lithuania. The same origin of statehood was fixed in the following provision of the Act: the Act of Independence of the Council of Lithuania on February 16, 1918 and the Resolution on the Re-established Democratic State of Lithuania of the Constituent Seimas (Assembly) on May 15, 1920 had never lost their legal force and remained the constitutional basis for the Republic of Lithuania.

Of course, the restoration of the independence of the Republic of Lithuania did not mean a full *restitutio in integrum*. It was impossible to re-establish the situation that had existed 50 years earlier in 1940. After all, there is no similar requirement under international law. On the contrary, international law is based on general legal principles common to all law systems. According to one of these principles well known from Roman law, no law may require impossible things (*ad impossibile nemo tenetur*). The continuity and identity of the Republic of Lithuania are therefore modified by the impact of previous legal norms and the actual situation, of the previous fifty years.<sup>12</sup> Such a modification is unavoidable for justice and effectiveness to be reconciled within the framework of international law. For example, while restoring its independence, Lithuania could not neglect the principles of the inviolability of frontiers that occurred during the time of its occupation. Thus, the "Act on the Re-establishment of the Independent State of Lithuania" states that "the State of Lithuania stresses its adherence to universally recognized principles of international law, recognizes the principle of inviolability of borders as formulated in the Helsinki Final Act of Conference on Security and Cooperation in Europe of 1975, and guarantees human, civil, and national minorities rights." On the other hand, it was impossible to ignore the actual situation in the country. For that reason, the inter-war Lithuanian laws (excepting the 1938 Constitution) were not made valid again and the laws of the Soviet period were left in force as long as they did not contradict the Temporary Fundamental Law of the Republic of Lithuania.

The concept of modified state continuity and identity is well known in international law. For instance, Prof. Ian Brownlie states that the continuity and identity of states that restored their independence shortly after World War II were modified. He also asserts that even in the cases of clear state continuity and identity, it is necessary to take into consideration concrete circumstances, with applicable principles of law and good policy dictating the decisions only in part predetermined by state continuity.<sup>13</sup>

To sum up, the restoration of the independence of the Republic of Lithuania as well as of the other Baltic States has been a unique phenomenon in contemporary international law and state practice. There are no other examples of restoring independence after so long a period of occupation. The norms and principles of international law had preserved the

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<sup>12</sup> Ibid., p. 93-100.

<sup>13</sup> Ian Brownlie, *Principles of Public International Law* (Oxford: Clarendon Press, 1991), p. 83.

continuity and identity of the Republic of Lithuania for fifty years. Therefore, the restoration of the independence of the Republic of Lithuania could be rated as a clear manifestation of the basic aim of that law founded on the idea of justice. According to Prof. Romain Yakemtchouk, it was a nice victory for international law which successfully passed a long 50 - year political and moral test.<sup>14</sup>

The continuity and identity of the Republic of Lithuania have been recognized by most European and other democratic states. Iceland was the first foreign country to recognize the restoration of independence of the Republic of Lithuania based on *de jure* state continuity. On February 11, 1991, the Alting (the Parliament) of Iceland passed a Resolution confirming that the recognition of the independence of the Republic of Lithuania granted by the Government of Iceland in 1922 was still fully in force. Other states recognized the restoration of Lithuania's independence after the failed August coup in the Soviet Union. In the period between August 24 and the beginning of September 1991, many foreign states recognized the restoration of Lithuania's independence without worrying about getting the explicit consent from the USSR. This recognition by other states can not be considered as premature because Lithuania's previous incorporation into the USSR was illegal.

The more important thing is that the recognition of the restoration of the Republic of Lithuania independence means recognition of the Government rather than of the State.<sup>15</sup> Since the *de jure* recognition had already been granted to Lithuania during the inter-war period and subsequently maintained by the international community, the recognition was extended only to the Government of Lithuania, i.e. only the legality of the new government had to be recognized. Consequently, Lithuania was recognized as a State that had restored its independence rather than as a newly born entity. This is the principal difference between Lithuania and the former republics of the Soviet Union, which are regarded as new states.

In this respect, it would be useful to mention the Russian view on the restoration of Lithuanian independence. Currently, Russian officials frequently declare that they regard Lithuania and the other Baltic States as former Soviet republics. This implies their refusal to recognize the continuity and identity of the Republic of Lithuania. However, these statements contradict the official Russian position established in Article 1 of its July 29, 1991 Treaty on the Fundamentals of Interstate Relations with Lithuania. In that document, Russia recognized the Republic of Lithuania as a subject of international law and Sovereign State under its state status defined in the fundamental acts of March 11, 1990. Due to this provision, one is compelled to conclude that Russia like other states has recognized that the restoration of independence of the Republic of Lithuania was based on the principles of state continuity and identity. The fundamental Treaty of 1991 is still in force and comprises the legal grounds of Lithuanian-Russian relations. In my opinion, Lithuania should consider the statements by Russian officials that Lithuania is a new State like other former Soviet republics as an unfriendly act undermining the fundamentals of bilateral relations.

Of course, this Russian position has influenced other states and international organizations. For example, the UN and some other international organizations have not

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<sup>14</sup> Romain Yakemtchouk, "Les republics baltes en droit international: Echech d'une annexion operee en violation du droit des gens," *The Baltic Path to Independence* (New York: William S. Hein & Co., 1994), p. 261.

<sup>15</sup> Vadapalas, *Tarptautinė*, p. 216.

clearly recognized the continuity of the Republic of Lithuania.<sup>16</sup> However, we can not disregard the fact that international organizations usually are nothing more than the union of different states. So, as they do not have any position of their own, an independent and transparent position of any international organization might only be possible in case of consensus by the member states. Anyway, Russia's refusal to conform to its position expressed in its July 29, 1991 Treaty with Lithuania does not alter the real continuity and identity of Lithuania. Any previous recognition of Lithuania's incorporation into the USSR can not legalize the situation because the recognition of an illegal situation does not make it lawful.<sup>17</sup>

While dealing with the issues of the restoration of the independence of the Republic of Lithuania, one can not ignore the issue of self-determination. It is necessary to note that the restoration of the independence of Lithuania is primarily based on state continuity rather than self-determination. Obviously, the restoration of the independence of the State of Lithuania was also a result of the self-determination of the Lithuanian nation. Nevertheless, Lithuanians were determined not to create a new State but to restore the independence of the old one; the Republic of Lithuania was established in 1918. Therefore, self-determination is only a subsidiary legal basis for the restoration of the independence of the Republic of Lithuania. It also had great political importance as it had strengthened the international position of the restored Independent State of Lithuania.<sup>18</sup>

**International legal and political consequences following the restoration of the independence of the Republic of Lithuania.** The continuity and identity of the Republic of Lithuania have some important international legal and political consequences. First of all, Lithuania can not be considered to have been a former Soviet republic or a legitimate part of the USSR due to the illegality of the annexation of Lithuania in 1940. Therefore, it is unreasonable to state that Lithuania has seceded from the USSR.<sup>19</sup> Neither the Soviet constitution nor any other Soviet laws could have been applied to Lithuania in the course of the restoration of its independence because the USSR had always been a foreign State for Lithuania.

Second, the Republic of Lithuania is not a successor State of the USSR because the latter had never obtained any sovereign rights over Lithuanian territory. The succession of states may take place only when the sovereignty of one State over the certain territory is replaced by the sovereignty of another State. The Republic of Lithuania had never lost its sovereign rights and legal title to its territory. Consequently, Lithuania only resumed its rights and obligations that were suspended during the period of occupation. Therefore, it is not possible to conclude that Lithuania is responsible for the debts of the Soviet authorities or for any damage done by the USSR to other states. This position was clearly expressed by the Presidents of Latvia, Lithuania, and Estonia in the Statement of March 16, 1992 of the Baltic States Council: "The Baltic States are not states-successors to the former USSR and they can not therefore be responsible for the facilities and repayment of the foreign debt of the USSR".

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<sup>16</sup> For more information about the position of Lithuania in international organizations see: Ineta Ziemele, *State Continuity and Nationality in the Baltic States* (Ph. D. Dissertation) (Cambridge: University of Cambridge, Faculty of Law, 1998), p. 180-186.

<sup>17</sup> Vadapalas, *Tarptautinė*, p. 223.

<sup>18</sup> Kūris, "Lietuvos...", 11.

<sup>19</sup> Vadapalas, *Tarptautinė*, p. 199.

Third, Lithuania is entitled to reparations for the damage caused by its illegal occupation. Russia as the State continuing the rights and obligations of the former USSR must compensate all losses sustained by Lithuania in 1940-1993 (the term responsibility includes an obligation to pay reparations to the victim). This period comprises the entire Soviet occupation and the subsequent illegal presence of the Russian army in Lithuania's territory after the restoration of the independence of Lithuania in 1990 before its complete withdrawal in 1993. However, it seems that the responsibility of Russia will remain an unresolved issue forever. In this sense, justice will not be accomplished thoroughly. It would be useful here to remember that Russia has no intention to start fulfilling even its minor international obligations to the Baltic States or to the Council of Europe, i.e. Russia has not returned to the Baltic States the real estate (embassy buildings in third countries) as well as the cultural and historical property which had been taken by force by the USSR, despite the request of the Council of Europe upon admitting Russia in 1995.

In fact, it is impossible to make Russia recognize its answerability for past Soviet illegal actions. It is not Lithuania's problem that no international tribunal has ever accused the leaders of the Soviet Union. This is a fact demonstrating a weakness of the international system where large states have enough power to avoid any international responsibility for the damage done to their smaller and not so powerful neighbors. As long as some Russian influential political leaders mourn the collapse of the USSR, Lithuania will continue to feel insecure. Lithuania also can not feel secure while Russia invades and destroys Chechnya, disregarding norms of international law, the rule of law and other principles of democracy. For that reason, such actions constitute a factor that strengthens Lithuania's aspiration to join NATO as soon as possible.

## **BALTIC STATES IN THE PERSPECTIVE OF RUSSIA'S SECURITY POLICY**

Donatas Piugpda

### **Introduction**

Russia's unexpected offer at the end of 1997 of security guarantees to Lithuania, Latvia, and Estonia was met with surprise not only in the Baltic states but also in the West. The Baltic states considered the Russian proposal as not relevant to the real needs of bilateral and regional cooperation and totally incompatible with the growing spirit of European cooperation and greater integration processes which should include them.

The Russian offer, however, seems sufficiently logical in the broader context of Moscow's policies toward the Baltic states and its opposition to NATO expansion. Moreover, it also illustrates well Russia's traditional geopolitical thinking. This article will describe the main directions of Russia's relations with Lithuania and the other Baltic states and present the broader context forming these views. The article will also attempt to show that the issues of military Confidence and Security Building Measures (CSBMs) in the Baltic region are much less relevant than the need for enhanced cooperation in the field of so-called civic security.

### **GEOPOLITICAL BALANCE - OF - POWER THINKING VERSUS INTEGRATION OF SECURITY COMMUNITY**

Russian politicians in domestic as well as in international fora, at least since late 1993<sup>1</sup>, have stressed that Russia is a great power and its foreign policy should play an appropriate role. The Russian ruling elite and much of the intelligentsia, as an expert on Russia's history observed,

“are less concerned with low living standards than the loss of power of influence, perhaps because inwardly they doubt whether Russia, can ever equal the West in anything else. Power and influence for them take the form of imperial splendor and military might second to none.”<sup>2</sup>

Although Russia no longer, at least officially, considers the Western democracies as antagonists, the answer to the question whether this great Eurasian country will associate itself with the Western community or retreat into traditional assertive expansionism is still unclear.

There are many indications suggesting that Russian foreign policy makers are returning to the postulates of the classic balance of powers and realpolitik thinking. The lowest common denominator in Russia uniting liberal, democratic, neo-communist, orthodox, and chauvinistic thinkers is the claim of the country's great power or superpower status.<sup>3</sup> Therefore, the incompatibility between the vision of an integrated Euro-Atlantic security community of democratic states, shared by the majority of

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<sup>1</sup> For the evolution of Russian security debate see, for example, Alexander Kononov, “International Institutions and European Security: the Russian Debate” [ed. by Marco Cornovale], *European Security and International institutions after the Cold War* (New York: St. Martin's Press, 1995) or James Sherr, *Russian Great Power Ideology: Sources and Implications* (Sandhurst: Conflict Studies Research Center, July 1996).

<sup>2</sup> Richard Pipes, “Is Russia Still an Enemy?” *Foreign Affairs*, 76, 5 (September - October 1997), 68.

<sup>3</sup> Of course, one should not make this an absolute claim because as some representatives of the Russian academic elite have noted there is not a single viewpoint on this question. In addition to the ruling anti-NATO rhetoric there are also voices promoting constructive cooperation with NATO in all directions. Pavel Ivanov, Boris Mikhailov, “NATO i interesi nacional'noi bezopasnosti Rosssiy” [NATO and Russian national security interests], *Mirovaya ekonomika i mezhdunarodnye otnoshenya* [World Economics and International Relations], 8 (1997).

European post-communist societies, and Russia's policy based on a power play by "key European powers." The first vision is embodied in the process of NATO enlargement, the second in Russia's opposition to it.

Russia's anti-enlargement rhetoric is apparently based on the belief that NATO enlargement to the East would interfere with Russia's national interest and that Baltic, Polish, or even Balkan interests are a permanent part of Russia's historical interests, which do not change as political systems and ruling ideologies change inside Russia. Foreign policy analysts, supporting such a view, assert that Western democracies should accept Russia's claims and together with her engage in the "power play", which would be the cornerstone of European stability. "World War II proved that when there are substantial reciprocal interest, there is also the possibility of cooperation - even between Western democracies and the Stalinist dictatorship."<sup>4</sup> In 1997 Minister of Defense General Igor Rodionov proposed that a European order should be restored around the classical balance of power, and not integration by suggesting that the 19th century "Concert of Europe" was the most relevant model for the modern European security system.<sup>5</sup>

Even in academic circles Gorbachev was criticized for failing to preserve a favorable balance of power by underestimating the Soviet military potential and the importance of military factors for international stability. According to this view, Russia fell into strategic and economic traps by signing the START-1, START-2 treaties, and the Treaty on Conventional Forces in Europe (CFE).<sup>6</sup>

One of Moscow's main goals, while pushing its plans for reconstructing the European security system, is to oppose NATO becoming the foundation of pan-European security. Russian diplomacy persistently emphasized the importance of OSCE as a key European security body. This Russian strategy for pushing the model of a collective security system was not greeted with enthusiasm by Western countries. A successful collective security system requires the community of states to use, or at least threaten to use force against the aggressor state. This poses a number of questions and problems. In the case of violent conflict, how can international intervention be functionally effective and legitimate? How can some general understanding about who is the aggressor be reached? Even if some effective and legitimate decision-making mechanism could be invented,<sup>7</sup> the problem of implementation, the highly complicated question of using international military forces would still remain. And that means, that in all cases violations of international norms could not probably be met with effective action.<sup>8</sup> The historical experience of the League of Nations serves here as the best illustrative example: the collective security system after World War I was unable to

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<sup>4</sup> Igor Maksimichev, "Russia and Western Europe" [ed. by Robert D. Blackwill, Sergei A. Karaganov], *Damage Limitation or Crisis?* (Washington. London: Brassey's, inc., 1995), p.181. To reinforce his realpolitik arguments the author notes only examples from 19th and early 20th century European history, but insists that they are relevant to post-cold war Europe (p. 173).

<sup>5</sup> *The Times* (March 12, 1997).

<sup>6</sup> Irina Zhinkina, "Stabil'nost' mezhdunarodnich otnoshenii i vneshnyaa politika Rossii" [The Stability of International Relations and Russia's Foreign Policy], *S.Sh.A.: ekonomika, politika, ideologiya [USA: Economy, Politics, Ideology]*, 4, 1997.

<sup>7</sup> Russian experts and politicians proposed settling the extremely ineffective processes of the OSCE by creating a special Security Council as the key decision making body within the OSCE. Sergei Oznobistchev, "Russia and the International Security System, War report," *Bulletin of the Institute for War & Peace Reporting*, 34 (June 1995), 28.

<sup>8</sup> *The Future of European Security* [ed. by Christoph Bluth, Emil Kirchner, James Sperling] (Aldershot: Dartmouth Publishing Company), 1995, p.10-13.



prevent World War II (because the European community failed to integrate Germany and include the U.S.), but allowed the USSR to play power games.

The argument of some Russian analysts that the failure to establish a Europe-wide collective security framework on the basis of the OSCE and NATO expansion to the East helped or even induced Moscow to consolidate the post Soviet republics into an area of Russian influence<sup>9</sup> is not a convincing explanation. Russia views the “geopolitical space” of the former Soviet Union according to the rationale of the balance of power.

Proponents of the geopolitical school of thought insist that the Cold War with its bipolarity originated not from ideological confrontation, but had a purely geopolitical nature. Only reality is geopolitics, and international relations should be subordinated to it. Because one of the principle laws of geopolitics is the law of the block-confrontation, that is the inevitability of territorial expansion: “from territorial state, to state-continent.”<sup>10</sup> That is why the Russian dominated Eurasian block is considered to be a geopolitically predetermined reality.

### **THE CONCEPT OF THE “NEAR ABROAD”**

The picture would be incomplete without mentioning the established important distinction in Russian security discourse between the “near abroad” and the “distant abroad.” According to this view, the former USSR members are deprived of normal rights in international relations and their sovereignty can be legitimately restricted. There is considerable ambiguity concerning the Baltic states, which are not members of the CIS and have made much progress in reintegrating into the Western community, but, nevertheless, are treated as a special case not just by Russian politicians but also by the Western security community. This conception of the “near abroad” is a logical consequence of Great Power ideology and the realpolitik approach to international relations, for it implies that Russia has special responsibilities, interests, and rights there. The demand to preserve and exploit the USSR defense perimeter and even push it out as far as possible reflect mentalities left over from the Soviet period rather than a careful assessment of Russia’s security interest.

Democrats in Russia openly declare that they were thinking about the reintegration of the former Soviet republics from the very moment of the signing of the Agreement on Commonwealth of Independent States (CIS) and mention energy, capital, and financial resources as the main tools of influence and leverage to realize this “principal objection.”<sup>11</sup> In 1992 Yevgenii Ambartsumov, then the chairman of the Russian parliament’s Committee on International Affairs, stated that:

“Russia is something larger than the Russian Federation in its present borders. Therefore, one must see its geopolitical interest more broadly than what is currently defined in maps. That is our starting point as we develop our conception of mutual relations with ‘our foreign countries’”<sup>12</sup>

While acknowledging the formal independence of the former Soviet states, the “near abroad” advocates believe that Russia should compete with foreign influences in the “post-Soviet geopolitical space” and forbid the formation of alliances between CIS members and third countries. The emergence of “new power centers” in CIS space is

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<sup>9</sup> Andrei Zagorski, “Russia and the CIS,” *Redefining Europe. New Patterns of Conflict and Cooperation* [ed. by Hugh Miall] (London: The Royal Institute of International Affairs, 1996), p. 78-79.

<sup>10</sup> Aleksandr Dugin, “Pochemu nikak nezakonchitsya cholodnaya voina” [Why the “Cold War” Will Never End], *Krasnaya zvezda* (April 25, 1997).

<sup>11</sup> See for example the interview with Sergei Shakhrai. *Nezavisimaya gazeta* (December 12, 1996).

<sup>12</sup> Quoted in Rajan Menon, “In the Shadow of the Bear. Security in Post-Soviet Asia,” *International Security*, 20, 1 (Summer 1995), 158-159.

perceived as extremely dangerous.<sup>13</sup> The most salient feature of this ideology of reintegration is the strict rejection of the principles and practices of European integration. Its adherents view the model of the EU as dangerous. They insist that military and political integration should proceed before economic integration. “The best and most suitable example for the CIS is not the experience of building and developing the European Communities, but, probably, the experience of German unification.”<sup>14</sup> The consolidation of post-Soviet space is a top priority and condition sine qua non for the survival of Russian statehood, thus the internal destabilization of former republics is a legitimate means to this end.

Although Russia is not capable of full-scale imperial revanche and the forceful takeover of most former Soviet republics, it is also not prepared to respect the democratic sovereignty of newly independent states in the post-Soviet geopolitical realm. Thus, the Russian political elite must choose between the partial reintegration of part of the former Soviet Union into a confederation like structure or try to create a system of dependent and dominated states with only formal independence “very much along U.S. relations with Central American states.”<sup>15</sup>

No doubt, such fatalistic predicaments from a realpolitik perspective seem to be logical and natural. At the same time, the profound economic degradation, which caused a dramatic deterioration in Russia’s military power and armed forces, considerably constrains Russia’s great power ambitions.<sup>16</sup>

There is a growing awareness in the Russian security community about the dangers which Russia’s geopolitically driven strategy for the speedy integration of the CIS contains for Russia itself. As Dmitri Trenin, an analyst from the Carnegie Moscow Center, notes”:

“To avoid the rapid and destabilizing expansion of NATO even if only by the admission of a single country - Moscow would be ill-advised to attempt to patch together anything resembling a Warsaw Pact, this time within the Commonwealth of Independent States (CIS). This tactic has already shown itself to be counter-productive, provoking new divisions among the members of the post-Soviet Commonwealth, rather than consolidating the CIS around Moscow.”<sup>17</sup>

This is the most general context in which the security policy of Lithuania and the other Baltic states should be understood and the notion of the “Russian sensitivities” interpreted.

## **THE BALTIC STATES: STILL FORMER SOVIET REPUBLICS?**

Ever since the collapse of the USSR, Western officials, academics, and journalists have struggled to find a term to denote the twelve countries that emerged in its place. The three Baltic states, of course, were and continue to be treated separately.

The “Former Soviet Union” has become the accepted term for describing the ex-Soviet republics for several reasons, but, unfortunately, it is also frequently used in

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<sup>13</sup> “SNG: nachalo ili koniec istorii?” (CIS: The Beginning or the End of History?), *Nezavisimaya gazeta* (March 26, 1997).

<sup>14</sup> *Ibid*, 5.

<sup>15</sup> Blackwill, Karaganov, *Damage*, p. 19.

<sup>16</sup> Sergei Rogov argues that the collapsing “de-industrialized” Russian economy can not provide sufficient financial support even to meet the minimal needs of the armed forces. “Bezopasnost’ strani i voenaya reforma” [Security of the Country and Military Reform], *Krasnaya zvezda* (November 23, 1996), 3.

<sup>17</sup> Dimitri Trenin, “Avoiding a New Confrontation with NATO”, *NATO Review*, 44, 3 (May 1996), 17-20.

regard to the Baltic states. Some of the reasons are innocent and perhaps justified, but others have profound negative consequences.

At least since early 1993, the term East-Eastern Europe was used to define the area composed of Poland, the Czech Republic, Slovakia, Hungary, and with some reservations the Baltic States of Lithuania, Latvia, and Estonia. In this context some researchers suggested that it is possible to consider Latvia and Estonia as new members of the Northern region and even predicted a probable split of the three Baltic states.<sup>18</sup> Lithuania was apt to emphasize the historical and cultural tradition of its Central European identity.

Compared with the rest of the former Soviet republics, the Baltic States are viewed as a special case in legal terms and in their relations with Russia. The very label “former soviet republic” should not be relevant for the Baltic States - Western governments never recognized their forcible incorporation into the Soviet empire and they are not successors states of the USSR and thus do not have any obligations toward the political or military arrangements of the former USSR or Warsaw Pact. In this respect their situation is like that of Sweden or Finland.<sup>19</sup> However, Russia and Western policy-makers do not always treat the Baltic states as part of Central Europe in geopolitical terms.

In this context it is worth noting the remarks made by former British Foreign Secretary Malcolm Rifkind maintaining that Western leaders should stop referring to the group of countries that emerged from the collapse of the USSR as the “Former Soviet Union.”<sup>20</sup> Rifkind argued that such references are “unwise” because they carry with them “the unconscious legitimization” of the possible return of Russian rule there in the future. Instead Western governments should consider these countries in terms of strictly geographic categories.

Commenting on Rifkind’s statement, Paul Goble noticed that the term “Former Soviet Union,” like any other word chosen to designate a group of countries, can and does have profound policy consequences.<sup>21</sup> Anyone who lumps these countries under the term “Former Soviet Union” will almost inevitably view them through a Moscow prism and thus evaluate them in Russian terms rather than in terms of their often very different interests.

The choice of terminology has been at the center of most public discussions on the enlargement of NATO. Far too often, Moscow has insisted and Western governments have at least implicitly acknowledged that the former Soviet border continues to have meaning, even as both sides insist that they are not interested in drawing lines in Europe.

But the dangers that arise from such terminological continuity are even greater when they shape the structure of Western government institutions. Goble points out that in many cases Western foreign ministries are divided in precisely the same way as they were structured when the Soviet Union still existed.

It is time to end the search for a single term to comprehend the group of countries whose greatest commonality was in the past rather than in the future. And that in turn means that “Former Soviet Union” should be retired as both a term and an idea.

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<sup>18</sup> Christoph Royen, “The Visegrad Triangle and the Western CIS: Potential Conflict Constellations,” *East European Security Reconsidered* [ed. by John R. Lampe and Daniel N. Nelson] (The Woodrow Wilson Center Press and Sudeuropa-Gesellschaft, 1993), p. 93.

<sup>19</sup> Egidijus Vareikis, “Baltic States in the Concept of European Security,” *Branderburgishes Bildungswerk* (Berlin, May 6-9, 1996).

<sup>20</sup> Paul Goble, “It’s Time to Forget the FSU (CIS: Analysis From Washington)” (RFE/RL, March 11, 1997).

<sup>21</sup> *Ibid.*

In the debate on NATO enlargement so far, unfortunately, the argument that the three Baltic countries are a “special case” not only among the former Soviet republics, but also in Central Europe remains the strongest argument against extending Alliance membership to the three states. The term “Baltic states” should not be just a code name for the territory where Russia has some legitimate (less than in other republics of former Soviet Union) interest.

Even though the Baltic states were mentioned, one would say rather too cautiously<sup>22</sup> in the final communiqué of the Madrid summit on NATO enlargement, there is a strong feeling that the West seriously takes into consideration “Russian sensitivities” about the escape of the Baltics from its, at least, soft control.

On such occasions the earlier declarations on Baltic policy made by Russian politicians are apparently being revoked. For example, Andrei Kozyrev, then Russia’s Foreign minister, told Russian ambassadors in January 1994 that Russia “should not withdraw from areas which have long been spheres of interaction, spheres of Russian interest” such as the CIS and the Baltic states. It is symptomatic that Kozyrev, subsequently, denied that his statement also referred to the Baltic states. Ambiguity and contradicting statements seems to be the deliberate tactics of Russian diplomacy dealing with the Baltic states.

## **RUSSIA’S BALTIC POLICY: CAN IT BE ARTICULATED?**

The only sure element in Russian policy toward the Baltic states is its fierce and often unarticulated opposition for their accession to NATO.

This seems to be a Russian foreign policy priority, a boundary that should not to be crossed. As a Russian scholar put it:

“admitting any former Soviet republic into NATO would be regarded by Russia as a provocative move, just as Washington regarded the 1962 deployment of Soviet missiles in Cuba. This idea has already taken root in Russian political circles”<sup>23</sup>

In an article<sup>24</sup> in 1994 Alexei Arbatov admitted that the Baltic states were unlikely to reintegrate with Russia in any sense and were not any security threat to Russia if it did not push them into military alliances with other states by its position-of-strength policies. Arbatov did not explain how the participation of the Baltic states in “military alliances” could threaten Russia’s security.

It seems that Russia does not have a sufficiently elaborated or rationally articulated Baltic policy, but relies on Moscow’s general strategy toward the West and its involvement in the “near abroad.”

The justifiable question arises: Is the so-called “Monrovisky Doctrine”, whose meaning is vague and subject to interpretations from quite benign to very aggressive, toward the Baltic states just a policy by default and not a comprehensive long term strategy?

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<sup>22</sup> The text stated that “alliance expects to extend further invitations in the coming years” without exactly saying to whom and when. The communiqué stops short of a pledge to admit any specific country (except Poland, Hungary, and the Czech Republic, of course) saying only that “we recognize with great interest and take account of a positive developments towards democracy and the rule of law in the southeastern European countries, especially Romania and Slovenia.” An even vaguer nod was made into direction of Lithuania, Latvia, and Estonia: NATO leaders saluted the “progress achieved towards greater stability and cooperation in the states of the Baltic region who are also aspiring members. See excerpts of remarks by Solana about invitation to three countries to join alliance, *International Herald Tribune* (July 9, 1997).

<sup>23</sup> Vladimir K. Volkov, “Expanding NATO Eastward. View from Moscow,” *Problems of Post Communism*, 44 (May-June 1997), 66

<sup>24</sup> Alexei G. Arbatov, “Russian National Interest,” Blackwill, Karaganov, *Damage*, p. 65.

In the spring of 1994, then Foreign Minister Andrei Kozyrev proposed a plan for the Central and Eastern European countries, including the Baltic states, by which Russia and the West would give so-called “cross security guarantees.”<sup>25</sup>

This was, in effect, a proposal to manage jointly the security ‘stock’ of Central and Eastern Europe. Europe would be divided into three spheres: the Western sphere covered by NATO security guarantees; the CIS sphere with Russian security guarantees; and a NATO-Russian ‘security condominium’ covering much of Central and Eastern Europe.<sup>26</sup>

After the agreements at the Helsinki summit by Presidents Boris Yeltsin and Bill Clinton and the signing in Paris on May 27<sup>27</sup> with NATO of the “Founding Act on Mutual Relations, Cooperation and Security,” Moscow admitted the inevitability of NATO expansion. Russia was forced to accept its strategic withdrawal from Central Europe,<sup>28</sup> in which some Russian strategists wanted to preserve a ‘buffer zone’ - a group of states with weak defense capabilities. This ended for a while Russia’s attempts to push its project of “cross security guarantees” for Central Europe.

Many Russian policy makers admitted that NATO expansion would be less than catastrophic long before the Helsinki summit. In 1996 First Deputy Minister of Foreign Affairs Igor Ivanov suggested that Russia is going to “be in touch with reality” and will agree with the extension of NATO membership to the “Visegrad group.”<sup>29</sup> Ivanov mentioned completing the adaptation of the CFE treaty and greater CIS integration while preserving Russian military bases there as the key priorities of Russia’s foreign policy.

The Baltic states were surprised when during the meeting of the U.S. and Russian heads of state in Helsinki on March 23-24, 1997, Yeltsin announced that Russia would guarantee the security of the Baltic countries and find the good will to maintain positive relations with them.

This declaration was preceded by the release on February 11, 1997 of a document in which Moscow codified a new “long-term” policy for the Baltic states.<sup>30</sup> This policy called for greater Russian influence there and preventing these countries from joining Western institutions.

While the statement claimed that Moscow sought “to fully realize the potential of good neighborliness” between Russia and the Baltic countries, this was clearly not its most important message.

Appearing in the heat of Russia’s campaign against NATO expansion to the East, the document asserted Moscow’s total opposition to NATO membership for Estonia, Latvia, and Lithuania. Their entry into the Western alliance, the statement said “would have an extremely negative impact” on relations. The only basis for Baltic security is “the preservation of their status outside blocs.”

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<sup>25</sup> Andrei Kozyrev, “Common European Partnership,” *Nezavisimaya gazeta* (February 2, 1996).

<sup>26</sup> Èeslovas V. Stankevièius, “NATO Enlargement and the Indivisibility of Security in Europe: A View from Lithuania,” *NATO Review*, 44, 5 (September 1996), 21-25.

<sup>27</sup> *The Economist* (May 17, 1997), 43.

<sup>28</sup> However, some Central European states still worry that their security interest could be jeopardized in the quest for compromise between Russia and NATO in the newly created NATO-Russian Permanent Joint Council. “Central Europeans Hold Their Breath,” *International Herald Tribune* (March 17, 1997).

<sup>29</sup> Igor Ivanov, “Faktor sili” [Power Factor], *Krasnaya zvezda* (November 19, 1996).

<sup>30</sup> *ITAR-TASS news agency (World Service)* (February 11, 1997).

According to Paul Goble, this statement was “the most authoritative indication yet that Moscow intends to take steps to include the Baltic states within a Russian sphere of influence.”<sup>31</sup>

The document outlined the main themes of Russia’s Baltic policy.

- First, the long-standing Russian claim that Estonia and Latvia are mistreating their ethnic Russian minorities.
- Second, steps should be taken to “strengthen” the position of Russian capital in the economies of the Baltic countries using Moscow’s ability to shift the flow of goods across Baltic territory.
- Third, Moscow should not sign any border agreements with the Baltic states until there are “specific measures” to improve the situation of Russian “compatriots” there.

Because NATO made the existence of border agreements a requirement for membership, Moscow could demonstrate its the ability to block the efforts of Estonia, Latvia, and Lithuania to rejoin the West. Yeltsin’s spokesman Sergey Yastrzembzsky made this point very eloquently when he declared that the Baltic states “even from a formal point of view fail to meet very many criteria set by NATO countries themselves. (...) These requirements include clear-cut relations with neighbors. Taking into account the experience of Latvia and Estonia, it is evident that the issue is not topical now.”<sup>32</sup>

It is interesting to note that Lithuania was not directly mentioned in these Russian policy guidelines. This was done in a roundabout way by stating that the Russian government will insist on “creating favorable transport conditions for the Kaliningrad region.” This particular demand is addressed to Lithuania through which the movement of goods, services, and military equipment between Russia proper and Kaliningrad takes place.

Formally, Russia does not have any formal complaints to Lithuania concerning its transit to Kaliningrad region. When Poland joined NATO, Lithuania became the only landbridge through non-NATO territory to the Kaliningrad region. And the full negative geopolitical weight of the region’s “question” fell on Lithuania.

In the policy guidelines Moscow did not make any direct hints in this direction. But nevertheless, any time Russia mentions Kaliningrad it sends a signal to Lithuania and the West about its ability to complicate the issue.

According to the official Russian position, the Helsinki summit “prevented a resurgence of the cold-war spirit.”<sup>33</sup> However, Moscow warned that this spirit could be recalled. Russian Foreign Minister Yevgenii Primakov persistently repeated that NATO “is perfectly aware” that the whole system of Russian-NATO relations will collapse in the foreseeable future if the former Soviet republics, including the Baltic states, are included in the process of NATO enlargement.<sup>34</sup>

Nevertheless, Primakov stipulated that Russia could change its position concerning the bid of the Baltic states for NATO membership if the Alliance would transform itself into an organization free of any cold-war element.

Obviously wanting to change the general negative image of Russia’s Baltic policy, Primakov declared that if the Baltic states, despite Russia’s objections, joined NATO, Russia would not react as it did in Czechoslovakia in 1968.

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<sup>31</sup> Paul Goble, “Putting Pressure On The Baltics (Russia: Analysis From Washington)” (RFE/RL, February 14, 1997).

<sup>32</sup> “Russia, U.S. in for no bargaining, Yeltsin’s spokesman says,” *BNS* (March 14, 1997).

<sup>33</sup> *bid.*

<sup>34</sup> “Interview with Primakov,” *Novoe Vremya* (November 15, 1997).

These overtures of Russian diplomacy could be perceived as an attempt to change its traditional Baltic policy of threats to a policy of persuasion.

Before leaving for the NATO-Russia summit in Paris, Yeltsin again warned that NATO would “fully undermine” its relations with Moscow if its expansion included former Soviet republics. He stated that he hoped to convince the Baltic states that joining NATO would not improve their security.<sup>35</sup>

After signing the Founding Act between Russia and NATO in Paris, Moscow began to use it as an argument against Baltic states membership in NATO.

For example, Russian Deputy Foreign Minister Nikolai Afanasievski stated that now that Russia and NATO had signed the accord in Paris they could no longer consider themselves as adversaries, and this situation “seriously weakens the arguments of countries that want to join the alliance”<sup>36</sup> After reminding that Baltics bid for NATO “would not serve the interest of their security, and on the contrary would create immense tensions” between Russia and West, Afanasievski asserted that “Russia is willing to take into consideration, in the most benevolent fashion, all the concerns of the Baltic countries concerning their security.”

These declarations could be understood as Moscow’s attempt to impose on the Baltic states its supported model of “cross security guarantees..”

## **BALTIC CHARTER AND RUSSIAN SECURITY GUARANTEES**

This even became more clear in the context of U.S. Secretary of State Madeleine Albright’s visit to Vilnius on July 13, 1997. She asserted that the U.S.-Baltic charter will not provide security guarantees. “The Baltic Charter is not a security guarantee, it is an umbrella that allows U.S. to cooperate on the basis of shared values and shared goals.”<sup>37</sup>

The very first draft of the U.S. sponsored Baltic security plan was presented to the Baltic Defense Ministers on September 24, 1996 and received rather cautious Baltic support.

The U.S. proposal, called the Baltic Action Plan and unveiled by Secretary of Defense William Perry, called for Washington to lobby European governments to include the Baltic states into the European Union, to help improve relations between the Baltic states and Russia, and to broaden bilateral ties between Washington and the three northern European countries. The plan was described in most general terms and its real content was not known.

In Vilnius Albright did not further explain the charter’s content, but noted that it would reflect common U.S. and Baltic views on an undivided Europe and mention the importance of cross-border cooperation.

It is worth noting that Albright came to Vilnius from St. Petersburg where she had two days of discussions with Russian Foreign Minister Primakov. As the Russian press reported, Primakov expressed Moscow’s traditional opposition toward Baltic membership in NATO, but noted that he has nothing against the creation of a security guarantee system for the Baltic states if Russia was also a part of it.<sup>38</sup>

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<sup>35</sup> Phil Reeves, “Russia Balks over Baltic States,” *The Independent* (May 28, 1997).

<sup>36</sup> “No need for Eastern Europe to join NATO, Kremlin says,” *Agencia EFE* (June 2, 1997).

<sup>37</sup> “U.S. Secretary of State Albright promises Baltic inclusion in NATO,” *DPA* (July 13, 1997).

<sup>38</sup> Marina Kalashnikova, “Madlen Olbrait razocharovala Pribaltiku” [Madeleine Albright disappoints Baltics], *Komersant-daily* (July 17, 1997), 4.

In May, however, Primakov said that Moscow was prepared to negotiate reliable security guarantees with the Baltic states, either with or without Russia's participation.<sup>39</sup>

That was a more than obvious attempt by Russia to push its model of "cross security guarantees" for the Baltic states.

## **RUSSIA'S "SECURITY PACKAGE": THE DIFFERENTIATED APPROACH TOWARD THE BALTIC STATES?**

The next, and rather far reaching, step in this direction was made by Russian Prime Minister Viktor Chernomyrdin, who made new efforts to block possible future NATO membership of Lithuania, Latvia, and Estonia

On September 5, 1997 during a speech in Vilnius at the international conference "The Peaceful Coexistence of Peoples and Good-Neighborly Relations - a Guarantee of Security and Stability in Europe," Chernomyrdin announced that Russia would offer Lithuania, Latvia, and Estonia "a comprehensive security package if they remained unaligned.<sup>40</sup> He also proposed establishing a "hotline" between the Russian military command in Kaliningrad and the Baltic states as well as mutual advance notification for all military exercises in the region. The Russian premier offered to hold only "defensive" military exercises in Kaliningrad, have an increased number of mutual visits by warships, and establish no-maneuver zones in the Baltic Sea.

These Moscow's gestures toward Lithuania were obviously aimed at strengthening the new image of a cooperative Russia. Moscow's benevolent approach is supposed to indicate a new trend, a new more positive view in Russia's politics.

On October 25, 1997 presidents Brazauskas and Yeltsin signed the long awaited border treaty which was the "first border agreements between Russia and a former Soviet republic."<sup>41</sup>

This gave Moscow the opportunity to give the highest profile to its new Baltic policy. Yeltsin also offered Brazauskas a new package: Russia would provide unilateral security guarantees for the Baltic States by signing with them a legally binding international agreement or a multilateral "Regional Security and Stability Pact."

He described his country's offer to the Lithuanian President in his characteristic style: "No unexpected strides would be made by Russia, and if someone threatens Lithuania they will have to deal with Russia."<sup>42</sup>

Lithuania politely rejected the proposal noting that "A new agreement on good neighborly relations and assured mutual security, or a regional pact are not necessary."<sup>43</sup>

By saying "a new agreement" Lithuania was clearly referring to the Lithuanian-Russian Treaty on the Basis for Relations Between States, signed on July 29, 1991. In the treaty both parties agreed on the fundamental principles of relations and on the right of each state to choose independently how to guarantee its security, pledged to refrain from the use of force and the threat of the use of force and to respect the sovereignty, territorial integrity, and inviolability of borders.

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<sup>39</sup> *BNS* (May 24, 1997).

<sup>40</sup> *DPA* (September 5, 1997).

<sup>41</sup> "Brazauskas' Moscow visit to spark Lithuanian-Russian relations," *DPA* (October 22, 1997).

<sup>42</sup> "Lithuania uninterested in Russian security guarantees," *DPA* (October 25, 1997).

<sup>43</sup> Rokas M. Tracevskis, "Lithuania and Estonia Reject Russian Security Guarantees," *The Baltic Times* (November 6-12, 1997).



In the Baltic states and the West there was a general perception that Russia would prolong its border disputes with the Baltic countries in order to prevent them from joining NATO. It was Russia's "trump card" in its effort to subdue the desire of Lithuania, Latvia, and Estonia to join NATO.

On the eve of President Brazauskas' official visit to Moscow, Foreign Minister Algirdas Saudargas commented that the visit marks the beginning of a new Russian-Baltic relationship.<sup>44</sup>

Saudargas predicted that Russia would choose Lithuania as its partner for intensive cooperation in the Baltic region. That was not so difficult to anticipate, because relations between Russia and Lithuania have been less rocky than with Latvia or Estonia.

Lithuania signed an agreement with Russia on September 8, 1992 that led to the departure of Russian forces by the end of August 1993 - one year before the Russian forces withdrew from Germany as well as Latvia and Estonia. Lithuania had granted the small Russian minority the right to its citizenship by the "extremely liberal provisions" of its citizenship law.<sup>45</sup> As many as 37 percent of the Russians living in Lithuania speak the local language, "the highest share for any post-Soviet republic."<sup>46</sup> Russia's relations with Lithuania have been less tense than with Latvia or Estonia. In view of these differences some Russian analysts predicted that once united Baltic front could split, with Lithuania on one side and Estonia and Latvia on the other.

Did Russia by signing the border delimitation treaty with Lithuania try to use the differences between the Baltic states for its own benefit? Or was it just the first concrete step of Moscow's new "positive" Baltic policy? If the second, then quite understandably Russia decided to start with the least problematic Baltic state.

Russia sees the movement of the EU, unlike NATO, to the East in a positive light. Moscow considers such an advance acceptable, if its economic ties with new members did not suffer. Moscow analyst Dmitry Trenin argued that if the Baltic countries were taken into EU, Russia "itself would have one foot in the union."<sup>47</sup> He suggested that Moscow occupies a solid position in Latvia and Estonia. The hundreds of thousands of ethnic Russians would become the first "Eurorussians."

One could say that Russian foreign policy experts realized that Russia "can not match its exalted aims with existing means,"<sup>48</sup> But there is also another explanation based on the theory of "cross-security guarantees."

Before the Helsinki summit Primakov mentioned Russia's concerns about the "red lines" that can not be crossed in NATO expansion, making clear that the success of the Helsinki agreement would depend on several points, one of which was "no" to Baltic NATO membership. Moscow described the Helsinki summit as a relative success. Does this mean that the American and Russian presidents accepted a code language in which "success" means that the Baltics will never get into NATO, as Jim Hoagland observed.<sup>49</sup>

An analytical report in the fall of 1997 prepared by the influential Council on External and Defense Policy attempted to present the ideological grounds for proposing security guarantees. The authors of the study invited the formulation of a "New Agenda

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<sup>44</sup> "Brazauskas' Moscow..." *DPA*.

<sup>45</sup> Fadeyev, Razuvayev in *Damage* [ed. by Blackwill, Karaganov], p.116.

<sup>46</sup> *Ibid*.

<sup>47</sup> Dmitry Trenin, "Baltics at the Crossroads," *The Moscow Times* (July 16, 1997).

<sup>48</sup> Sherman Garnet, "Help Russia Join the Real World," *International Herald Tribune* (March 17, 1997).

<sup>49</sup> Jim Hoagland, "The Very Tricky Consequences of a NATO Deal with Russia," *International Herald Tribune* (March 8-9, 1997).

for Moscow Relations with the Baltic States” and tried to create the impression that Russia was starting to search for an honorable dialogue with the Baltic states as it was possible “already today to change the vector of mutual relations in the positive plane” because “normal and good-neighbor relations of Russia and the Baltics are completely compatible with the interest of the two sides.”<sup>50</sup>

However, the main leitmotif of the study - the search for a way by “civilized means” to keep Lithuania, Latvia, and Estonia in Russia’s sphere of interest as well as the categorical (and cautionary) assertion “only friendly Russia can give the Baltics real security guarantees. Western guarantees will not help for sure, if the relations with Moscow are bad.” The idea of formulating specific political-military CSBMs for the Baltic region, a kind of “regional security table” was also mentioned: “Russia should propose its own version of guarantees, in the region, which could include limitations of naval weapons, measures of confidence, including the bilateral, etc.”<sup>51</sup>

However, the Russian Government’s campaign of vilification and threats against Latvia, begun in the early spring of 1998 whose pretexts were the Latvian Waffen SS veterans march through the streets of Riga and the dispersion in Latvia’s capital of the Russian speaking pensioners making excessive social demands showed that Russia was not yet ready to seek an honorable dialogue with the Baltic states. It is worth noting that the second report of the Council on External and Defense Policy on Russia’s relations with the Baltic states valued Russia’s pressure on Latvia in an essentially positive manner and justified the Russian foreign policy line to make the intensity of Russia’s political and economic relations directly dependent on the determination of the Baltic states to establish relations based on good neighborliness.<sup>52</sup>

## **FROM SECURITY GUARANTEES TO REGIONAL COOPERATION**

Russia had to accept reluctantly the idea that the topic of security guarantees did not have a clear future; that the question of security and trust in the Baltic region has to gain a contemporary sound. That was once again affirmed by the presidents of the Baltic states, who on November 10, 1997 in Palanga issued a joint communiqué reiterating their shared position that unilateral security guarantees do not correspond to the spirit of the new Europe and that such guarantees, as well as regional security pacts, had never been on the agenda of Estonia, Latvia and Lithuania. They stated that security and stability in Europe would be strengthened by the integration of the Baltic states into the EU and NATO. However, the presidents welcomed the expressed wish of Yeltsin to further expand good neighborly relations and mutually beneficial practical cooperation.

Russia decided that the time had come to change accents. During his visit to Sweden on December 3-4, 1997, Yeltsin made a gesture of good will by announcing that from January 1, 1999, Russia would unilaterally reduce by more than 40percent its

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<sup>50</sup> “Rosyia i Pribaltika [Russia and the Baltics],” *Nezavisimaya gazeta* (October 28, 1997).

<sup>51</sup> On May 24, 1997 Primakov raised the issue that Soviet-built defense systems in the Baltic states, including the early warning systems and naval bases, could be brought into the NATO fold. *ITAR-TASS* (May 24, 1997). Some Russian analysts are very actively proposing on the basis of, or according to, the model of BALTBAT to establish joint Russian-NATO-Baltic units. Such projects as well as mixed Russo-Baltic exploitation of Baltic military ports are conceived to be a solution helping to dilute the “new dividing lines in the region.” This might probably be how Moscow imagines the draft of the practical implementation of the cross-security guarantees for the Baltic countries. Igor Maslov, “Baltiyskiy aspekt rasshireniya NATO [Baltic aspect of NATO Expansion],” *Nezavisimaya gazeta* (April 16, 1997).

<sup>52</sup> I. J. Jurgens, S. A. Karaganov, “Russia and the Baltic - II,” *Council on External and Defense Policy* (July, 1999), 7, 24-25.

ground and naval units in northwest Russia. Lithuania and the other Baltic Sea states evaluated these developments positively as their implementation would contribute to the security and stability of the region and of Europe as a whole. Swedish Foreign Minister Lena Hjelm-Wallen noted that Yeltsin had changed his wording: “today we did not hear anything like [a pact and guarantees], today it was confidence and cooperation.”<sup>53</sup> However, on the same day December 3 in Stockholm Primakov, nevertheless mentioned that Russia “is ready for *cross-security guarantees*. The United States could guarantee together with us the security of the Baltic states.”

It became clear that the idea of security guarantees, at least in its first appearance became totally unacceptable. On December 12, 1997 the EU Presidency issued a Declaration on the Russian Federation’s proposals regarding security aspects, confidence-building measures, and regional cooperation in the Baltic Sea region. The Presidency on behalf of the European Union noted with interest the Russian proposals. The EU stressed “its commitment to the principles of the indivisibility of European security and the fundamental right of Estonia, Latvia, and Lithuania and all other sovereign States to choose their security arrangements freely.”

On December 19, 1997 Russian Deputy Foreign Minister Aleksander Avdeyev visited Lithuania and held talks with Foreign Ministry officials. Avdeyev clarified that the Russian President’s proposal did not mean that Russia intended to guarantee Baltic security against possible threats from other countries. Instead, it meant that Russia guaranteed not to jeopardize the Baltic states themselves.

On January 20, 1998 Foreign Minister Primakov described the Partnership Charter signed between the United States and Latvia, Lithuania, and Estonia as a “normal development”, and said that the Russian proposals on regional Baltic security arrangements have been misinterpreted: “Our position is often distorted. No one ever spoke of unilateral guarantees.” He said that security guarantees to the Baltic States should be given not only by Russia, but also by other countries: the Nordic countries, U.S., and NATO. Russian Foreign Ministry spokesman Gennadii Tarasov also said that Russia’s security proposals to the Baltics deserved more attention if the Balts really wanted to strengthen mutual trust. But he added that Russia understood the non-binding character of the charter and therefore would issue its final stance after it sees how the charter works in the context of Baltic and all-European security.

As if answering these comments of the Russian official, on January 21, 1998 Strobe Talbott said that the U.S. wanted to enhance confidence-building measures in the Baltic Sea region by supporting cooperation between Russia and Europe through all available channels. Russia was also being strongly urged to realize ever more strongly the importance of practical cooperation in the Baltic region and direct attention to its economic interests in the region. On January 23, 1998 Chernomyrdin called for measures to prevent the EU’s planned enlargement from severing future members’ economic contacts with Russia and other members of the CIS and suggested that Russia discuss the problem with the EU and candidate states. Chernomyrdin told the conference that Russia supports the idea of setting up a Baltic common energy market: “Time has arrived to use to the full the geographic advantages of the Baltic region and turn it into a true bridge between Europe and Asia.”

Notably he said the recent proposals by Yeltsin were “yet another proof of the importance we attach to the principle that security in the Baltic region and the north must be based not on the philosophy of the balances of military potential but on large-scale confidence-building measures and practical cooperation.”<sup>54</sup>

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<sup>53</sup> B. Goldsmith, “Yeltsin upbeat with success on Sweden trip,” *Reuters* (December 3, 1997).

<sup>54</sup> *Interfax News Agency* (January 23, 1998).

All these changes for the better showed that Russia was quietly forsaking the idea of security guarantees for the Baltic states or at least was trying to find a more positive interpretation for these proposals. In his February 17, 1998 annual report Yeltsin offered the Baltic states “to give up the search for illusionary threats and to concentrate attention on the creation of good neighborliness and mutually beneficial partnership.” However, while speaking about regional cooperation he expressed his preparedness “to work for the development of regional cooperation and for strengthening measures of confidence at a multilateral level with the fate of all interested states.”

Yeltsin stressed the priority of the OSCE, noting that Russia “consistently maintains the position that the OSCE plays a systematic role in creating the architecture of security of the European continent.”<sup>55</sup>

Russia understood the goal of Western states to maintain as constructive as possible cooperation relations with Russia, above all in the context of NATO expansion. Russia presented the “Baltic pact” proposal at the time when it was already practically clear that the decision on the membership of Poland, the Czech Republic, and Hungary had already been made. By initiating discussions about Russian “security guarantees” for the Baltic states, Russia attempted to take over the initiative into its own hands and force the West to listen more closely to its voice and demands.

After the Madrid meeting in which Germany achieved its strategic goal, the NATO invitation to Poland, the efforts of German politicians to demonstrate their understanding for Russia’s “concerns” became more active. Chancellor Helmut Kohl stressed that it is vitally important also to include Russia in European security agreements: on the one hand, opening the doors of NATO and the EU, and on the other hand, partnership with Russia are political concepts, an integral part of “security for all Europe,” and they are not in conflict, he asserted at the international conference on security problems in Munich on February 9, 1998, at which about 200 experts from the whole world participated.<sup>56</sup>

## **MILITARY CSBMS AND REVISING THE VIENNA DOCUMENT**

The head of the Russian general staff Anatolii Kvashnin at the OSCE conference stated Russia’s conditions for continuing the reduction of weapons and armies: 1) the balance of conventional weapons remains, 2) military equipment or armies can not be stationed at the Russian border.<sup>57</sup> The possibility of converting the Russian proposals of guarantees into the language of regional CSBMs was discussed in some Western states. One should notice that in political, diplomatic, academic discussions the CSBMs are understood in two ways: the military context and in a broader understanding of the CSBMs. The concept of the military nature of the CSBMs was begun to be used in the context of the OSCE and for a long time was understood to include the strictly military security aspects.

The Vienna document, later renewed in 1992 and 1994, established the results of the 1990 negotiations on CSBMs. This document determined state obligations, whose purpose was to increase trust and transparency in the OSCE sphere of states in respect to purely military might. The Forum for Security Cooperation with continuous negotiations in Vienna discusses CSBM questions in the OSCE forum.

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<sup>55</sup> *Interfax* (February 17, 1998).

<sup>56</sup> *Reuters* (February 7, 1998).

<sup>57</sup> “Russian general outlines disarmament terms,” *DPA* (January 27, 1998).

One has to admit that talks in the OSCE about Baltic and Balkan regional “tables” were begun considerably earlier than Russia’s proposals appeared. The idea of regional “tables” was realized in the Stability (Balladur) Pact, but this was limited strictly to the questions of borders and national minorities, i.e. military aspects were not discussed.

The military aspects of the CSBM in Russia’s proposals of guarantees were stressed increasingly less when it began to raise the economic dimension, but this aspect received unexpected activation.

In 1998 an article in a German journal Political Director of the Federal Foreign Office Wolfgang Ischinger raised the idea of applying “regional tables” to the Baltic region.<sup>58</sup>

Ischinger raised the question: Is it possible to reach three goals at the same time while expanding NATO: 1) not to have gray zones of security, a security vacuum in Eastern and Central Europe; 2) to strengthen and maintain the right to choose freely security structures/unions as a basic element of the security system enveloping Post-Cold War Europe; 3) to implant and nurture this new security order not against Russia, but with it.

It seems that Ischinger made the silent assumption that in fact this was impossible because the three goals contradict one another. He asserted that:

“the proposal for a “regional table” to discuss security -related issues in the Baltic deserve close attention.<...> Germany does not want to force anyone into regional arms control measures, but is convinced, that regional military confidence-building can contribute towards creating a cooperative environment in the Baltic.”

Ischinger also noted that any agreements which were to remain restricted to countries in the region would lack balance if the U.S. were not involved along with Russia.

This article by the German diplomat can serve as a basis for suspecting that there is a desire to view the Baltic states as an “unifying chain” between NATO/EU and “associated Russia,” using the instruments of the Vienna Document review.

However, the urgent German proposal to regionalize security and revitalize “the regional tables” did not receive broader support “in the interested region.”

In a Non-paper reflecting their general position Finland and Sweden underlined that there are no military threats in the Baltic region. They especially emphasized that political-military cooperation is an aspect of wider security and the Baltic region must not be separated from the common security of the entire Europe. This step of Sweden and Finland was understood to be a tactful way of rejecting the Russian proposals on regional security arrangements and the support for them by Germany and France.<sup>59</sup>

The views of the two Scandinavian states essentially coincided with the position of Lithuanian diplomats. President Adamkus already on March 26, 1998 in the statement “On the Development of Relations with Russia and the Security and Confidence Building Measures” made it perfectly clear that the discussion on the security elements in the military area was at this time not relevant in the context of bilateral relations and regional cooperation.<sup>60</sup>

Adamkus also drew attention to the fundamental priorities of the Lithuanian-Russian relations timetable stressing that Lithuania is prepared to cooperate with Russia in many fields: economic, social, environmental. The text of the statement also shows

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<sup>58</sup> Wolfgang Ischinger, “Not against Russia: Security and Cooperation in the Baltic Region,” *Internationale Politik* (February 1998).

<sup>59</sup> *Helsingin Sanomat* (April 23, 1998).

<sup>60</sup> “Lithuanian President proposes Russia should promote security, develop cooperation,” *BNS* (March 26, 1998).

that Lithuania's view toward the CSBMs is not negative, but stresses that many factors, and not only military elements, promote indivisible security and trust. It is most important that the new proposals would not regionalize security and "tear away" the region of the Baltic states from the general European context.

Moreover, the questions of trust and openness are mentioned in the proposals of the Lithuanian president. Lithuania declared that it is taking the initiative with concrete actions on a bilateral basis to discuss the possibility of informing the OSCE states about considerably smaller changes in military units or their movements than was foreseen in the 1994 Vienna document, and also offered to swap additional evaluation visits and inspections according to the Vienna document provisions. Of course, Lithuania hoped that its neighbors and especially Russia would express their preparedness to use these suggestions. Adamkus's policy statement received a positive evaluation from Yeltsin,<sup>61</sup> but did not receive further distribution.

The question of special military CSBMs in the Baltic regions died down, and the OSCE summit meeting in Istanbul on November 18-19, 1999 adopted the 1999 Vienna document, i.e. approved the conclusion of the revision of the 1994 Vienna document on measures to strengthen trust and security. The renewed document was supplemented with a separate section on regional measures which foresaw the possibility for states to accept voluntarily additional regional and bilateral means "according to concrete needs." Thus, the issue of regional measures was not separated from the sphere of Europe's general undivided security.

One should state that the discussion about regional Baltic CSBMs or "regional tables" died out naturally because the arguments and, at least temporarily, the motives were exhausted. The reminder of Russian Foreign Minister Ivanov to his colleagues from the Nordic and Baltic states at the meeting of foreign ministers in St. Petersburg that "the proposals of Russian President Yeltsin made a year and a half ago still apply"<sup>62</sup> did not make an impression on anybody and did not receive greater attention. And that is understandable. Not finding any support among the states of the region the Baltic political-military CSBMs proposals could not be realized first of all because they were not compatible with the currently in Europe dominating and ever becoming stronger integration processes. The documents of the April 1999 NATO summit meeting affirmed the determination of 19 states, including into the Baltic states, to further expand the Alliance and the December summit meeting of the European Union states in Helsinki invited both Latvia and Lithuania to begin membership negotiations (Estonia had received such a proposal a year earlier).

On the other hand, the countries located around the Baltic Sea are relatively well equipped with the institutional tools necessary to cope with new threats and challenges. Therefore, it is hard to find convincing arguments substantiating the need to create new regional structures. One should make full use of the currently existing institutions. The CBSS and bilateral contacts are the principle structures providing the web of cooperation in the region.

Lithuania tried to use its term as chairman of the CBSS, which started on June 23, 1998, to demonstrate its complete compliance with the principles of regional

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<sup>61</sup> The Press-office of the President of the Russian Federation on April 14, 1998 issued a statement declaring that Russia is prepared to continue active dialogue and practical cooperation in various fields with Lithuania with the hope that by joint efforts "we will be able to convert our common home - *Baltiya* [the Baltic] - into a region of peace and stability." There was the unexpressed notion that for Russia a "peaceful *Baltiya*" is a "*Baltiya* without NATO."

<sup>62</sup> Speech of Russian Minister of Foreign Affairs I. S. Ivanov at the Nordic and Baltic states foreign affairs meeting according to the formula 5+3+1 in St. Petersburg, May 15, 1999.

cooperation, but especially stressed the necessity to include Russia more deeply into Baltic cooperation.

Lithuania was striving to mark its presidency with the efforts aimed at concrete cooperation in the region. Lithuania had shown that practical involvement of the Kaliningrad and St. Petersburg regions in the wider network of the Baltic Sea region's cooperation was among the priorities of its chairmanship in the CBSS. Lithuania attached great importance to the inclusion of Kaliningrad region into the framework of the CBSS as well as through the development of the Euroregion "Nemunas" and "Baltic" projects.

Lithuania's relations with the Kaliningrad region hold a special place in its overall Russian policy and regional cooperation. Lithuania encourages the Kaliningrad region to pay more attention to economic cooperation with neighboring states and the EU in order to develop the production of goods in the district and thus promote the social and economic development of the area. It is believed that a higher level of social and economic development of the Kaliningrad region will enhance integration process in the Baltic Sea Area.<sup>63</sup> It is self evident that such a policy - directed to the expansion of economic, ecological, social, and cultural cooperation as well as to the new risks and challenges dominating regional security such as illegal migration, environmental problems, organized crime - best suits the real interests of the two states and the whole region and therefore has the best perspective. The future will show whether Russia will abandon its traditional thinking and utilize fully the possibilities offered by such cooperation.

## CONCLUSIONS

It is difficult to predict today how Vladimir Putin's replacing Yeltsin as Russia's president will influence its relations with Lithuania and the other Baltic states. It is equally difficult to state whether Putin's exhibited determination and pragmatism not recognizing any ideological constraints will be transferred to foreign policy and particularly to its relations with the Baltic states. The new (corrected) defense doctrine, signed by Putin in January 2000, lowering the nuclear threshold by providing for its use when all other means of crisis settlement have been exhausted, might signal the start of a "harder" Russian foreign policy. However, that would be a hasty conclusion. In an official American reaction Washington did not think that the doctrine strayed in any major or significant way from the concept presented in 1997 by Moscow. One could even believe that growing internal problems, especially the war in Chechnia, will force Russia to cooperate more with the West and also utilize the opportunities for constructive cooperation with the Baltic states and the whole Baltic Sea region.

Russia's proposals to provide security guarantees for the Baltic states were not relevant to the real needs of the region, but with the broader tasks of Russia's policies toward the West, primarily its opposition to NATO expansion, which was understood as resulting in Moscow losing its traditional spheres of influence. Russia's traditional geopolitical thinking, looking suspiciously at the strengthening of integration processes in Europe, supports this perception.

On the other hand, one can explain the certain understanding in the West about the Russia's "security guarantees" proposal not only by its desire to strengthen dialogue and cooperation relations with Russia, but also by certain doubts about the "political"

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<sup>63</sup> Vygaudas Uđackas, "Linking Russia with New Europe. Kaliningrad could become gate of opportunity," *The Washington Times* (January 12, 2000).

status of the Baltic states, which, moreover, has increased as their integration into European and trans-Atlantic structures became stronger.

The main priorities of the region are strengthening the cooperation of states, subregions in the economic and social spheres and developing common ecological projects. It is essential to solve as quickly as possible the new threats - illegal migration, environmental problems, organized crime. To solve these problems separate negotiations in an OSCE "regional table" or in some other form are really not needed. In answering these threats it is essential to use effectively bilateral, regional cooperation, also including the CBSS format.

It is worth noting that the mentioned 1999 report of Russia's Council on External and Defense Policy on Russia's relations with the Baltic states also devoted considerable attention to the regional dimension of these relations. The authors exhibited a much more positive attitude toward the activities of the CBSS in practically resolving important regional problems and contributing to defeating negative tendencies. The importance of economic cooperation is particularly stressed, noting that it should contribute to drawing together the wealthy Western states with the quickly developing countries of the eastern shore of the Baltic Sea.

In the military area the problematic question of the region is the insufficient development of the armed forces of the Baltic states. Their rapid strengthening could contribute to the stability of the region and whole Europe.

The up-dated Vienna Document on confidence and security building measures and the completed adaptation to the changed security situation of the post Cold War period of the CFE Treaty, the principle arms control agreement in Europe providing the basis for military balance and transparency in the continent,<sup>64</sup> can also open new possibilities for the Baltic states.

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<sup>64</sup> Jeffrey D. McCausland, "Endgame: CFE Adaptation and the OSCE Summit," *Arms Control Today* (September - October 1999).