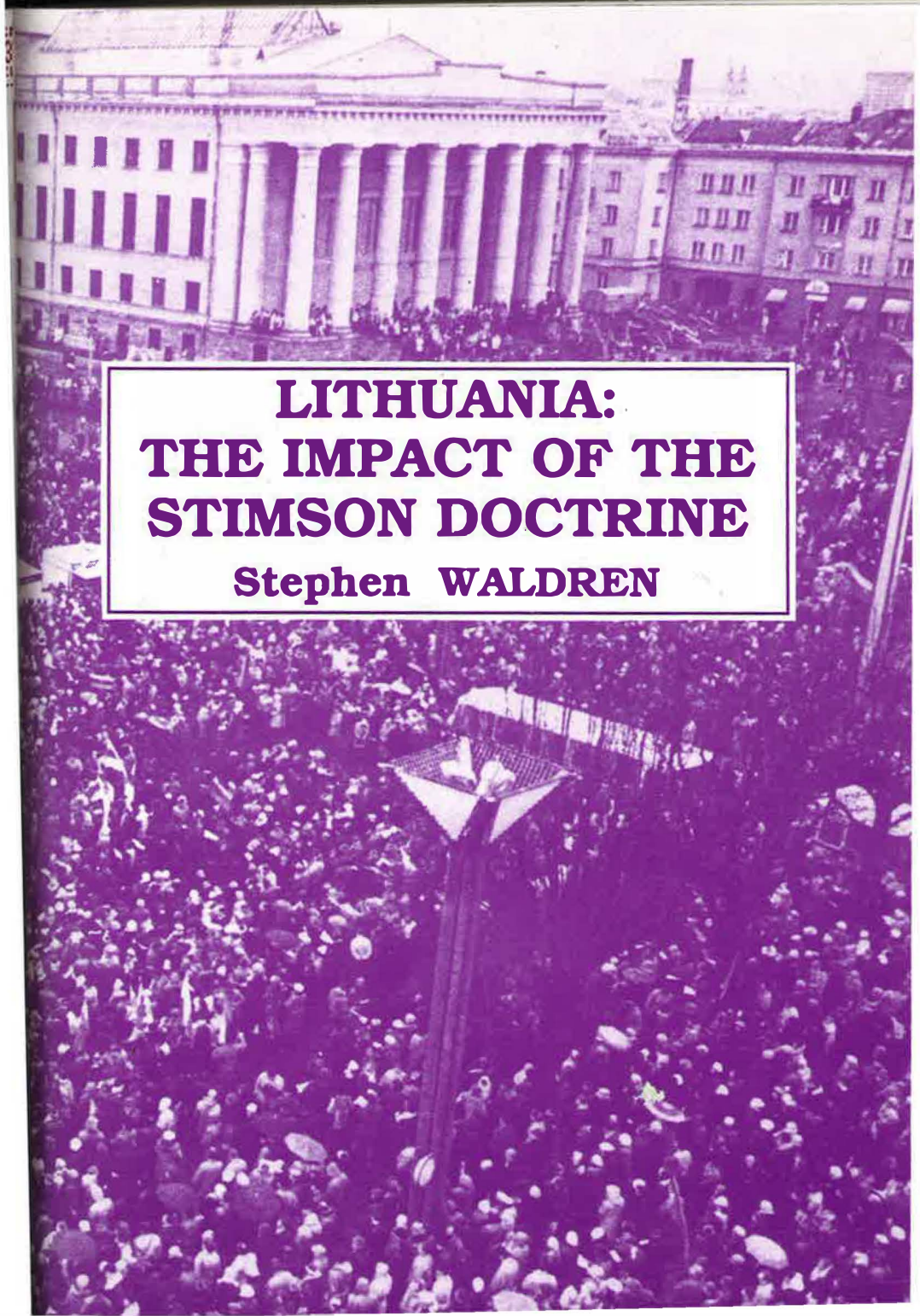

LITHUANIA: THE IMPACT OF THE STIMSON DOCTRINE

Stephen WALDREN

THIS PAPER examines the implications of Lithuania's past subjection to the control of the Soviet Union and the doctrine of non-recognition, pursued by the world community in response to the annexation.
Lithuanian liability for Soviet treaties and debts is likely to present a new challenge for international law as the legal framework established to deal with the annexation in 1940 now determines the legal position of the modern state of Lithuania.

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Stephen developed an interest in international relations during his studies of Political Science and International Law at the University.

Cover picture: **The Lithuanians may not be affluent, but they treasure their independence. This photograph shows part of the huge crowd who rallied in Vilnius on January 14, 1991, to protest against the presence of foreign troops in their country.**
- Photo by unknown cameraman, reproduced from *Lithuania in 1991*.

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- Reprinted from *Lituanus*, Vol.35, No.1, Spring 1989, p.4.

Introduction

The case of Lithuania, along with those of the other Baltic republics, is a watershed in international law in the sense that it provides one of the first opportunities for an evaluation of the effect of the application of the Stimson Doctrine of non-recognition of forcible seizure of territory on the international obligations of a liberated state. This paper adopts as its thesis the proposition that the Republic of Lithuania in its emergence as an independent state in 1991, resumed the identity of its predecessor - the state forcefully incorporated into the Soviet Union in 1940.

While the practical implications of this proposition may or may not be of significance in Lithuania's present endeavours to develop democratic government and a market economy, the implications for the obligations of Lithuania to other States as a matter of international law merit closer examination. In the absence of Lithuanian reliance on the goodwill and assistance of the West, they may prove to present a major problem for international law in constraining the actions of re-emergent States such as Lithuania.

That Lithuania views its independence as regained from a period of Soviet oppression is clearly apparent by the language used by the then Supreme Council of Lithuania:

> *The Supreme Council of the Republic of Lithuania, expressing the will of the Nation, resolves and solemnly proclaims that the execution of the sovereign power of the Lithuanian State, heretofore constrained by alien forces in 1940, is restored and henceforth Lithuania is once again an independent state.*[1]

[1] Para. 1 of *Act on the Restoration of the Lithuanian State*, a resolution of the Supreme Council of the Republic of Lithuania, Vilnius, March 11, 1990. Reprinted in *Lituanus* : The Lithuanian Quarterly, 1990, Vol. 36, No. 2, p. 11. [My emphasis]

Lithuania was formally admitted to the U.N. General Assembly on September 17, 1991, at which time President Landsbergis proclaimed :

> *Today, like the mythical phoenix, we are reborn from the ashes.'*[2]

The use of these words on the part of the Lithuanian government intends to convey the continuity between the Republic of Lithuania forcefully incorporated into the Soviet Union in 1940 and the emergent state in 1990.

Annexation of Lithuania by the Soviet Union in 1940 prompted the first major application of the Stimson Doctrine of non-recognition of forcible seizure of territory by the world community. This paper will assess the impact of this doctrine as applied to the case of Lithuania, its development as customary international law and the consequences of application upon Lithuanian treaty obligations subsequent to independence. Finally the paper will address some of the wider ramifications of this doctrine for the law governing succession of states in respect of treaties.

Background

The Stimson Doctrine was first proposed by U.S. Secretary of State Henry L. Stimson in response to the Japanese occupation of Chinese Manchuria in 1931. In a note the governments of both China and Japan, Stimson referred to Article 10 of the League of Nations Covenant[3] protecting the territorial integrity of members, and of the principles in the Treaty of Paris[4] which condemned

[2] Lithuanian President Vytautas Landsbergis, in 'Baltic Countries Are Admitted to the U.N. General Assembly', *New York Times*, September 18, 1991. p. 8.[My emphasis]

[3] Article 10, cited in William J. Hough III, 'The Annexation of the Baltic States and its Effect on the Development of Law Prohibiting the Forcible Seizure of Territory" in *New York Law School Journal of International and Comparative Law*, Vol. 6, No. 2, Winter 1985. p. 326.

[4] Treaty of Paris, August 17, 1928, Text : 4 U.S.T. 5130. See Articles I and II. Cited in Hough ibid.

recourse to war as an instrument of international relations. The note stated in part that the U.S. government would

> *...not admit the legality of any situation de facto, not does it intend to recognise any treaty or agreement entered into between those Governments or agents thereof... including those which relate to the sovereignty, the independence or the territorial or administrative integrity ... and that it does not intend to recognise any situation which may be brought about by means contrary to the covenants and obligations [of the Treaty of Paris.].*[5]

The League of Nations subsequently condemned and refused to recognise the consequences of the seizure.[6]

The Stimson Doctrine was subsequently applied by the American states in the Chaco War between Paraguay and Bolivia in 1932.[7] It received intermittent support in the period leading up to World War II, being limited by the policy of appeasement favoured by Britain and France. The doctrine was nevertheless broadly applied to Italian aggression in Ethiopia in 1936, and in Albania in 1939, and German aggression in the annexation of Austria in 1938 and Czechoslavakia in 1939. These were the first indications of the development of the doctrine as a legal rather than a political tool.

In response to these events, the United States, the Soviet Union, Mexico, China and New Zealand were vocal proponents of the doctrine, while it took France until the German invasion of Czechoslavakia in 1939 and Britain until the German invasion of Poland to recognise the doctrine as the appropriate response under international law.[8]

[5] Identical Note to Chinese and Japanese Governments (January 7, 1932), reprinted in Department of State Press Releases, Jan-June 1932, at 41-42. Cited in Hough op. cit. p. 327.

[6] League of Nations O.J. Special Supplement 101 at 87 (1932). Cited in Hough op. cit. p. 328.

[7] Hough op. cit. . p. 329.

[8] ibid. p. 332-345.

The Legality of Lithuanian Annexation[9]

On August 23rd. 1939, in Moscow, the Soviet and German Foreign Ministers concluded a Treaty of Non-Aggression (known as the Molotov/ Ribbentrop Pact).[10] Attached was a Secret Protocol defining the respective spheres of influence of the parties in eastern Europe.[11] The pact established the northern boundary of Lithuania as the boundary of the spheres of influence of the Soviet Union and Lithuania. The pact was a complete disavowal of the principles underlying every Soviet agreement with the Baltic States since 1917.[12] In December 1990, the The Congress of People's Deputies of the Soviet Union acknowledged that the pact was void

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[9] In referring to the legality of the Soviet annexation of Lithuania, I am dealing with international law. The sources of international law are to found exclusively (although some may disagree) in the terms of Article 38 (1) of the Statute of the International Court of Justice. These provide as follows :
38 (1) The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

> (a) international conventions, whether general or particular, establishing rules expressly recognised by the contesting States;
> (b) international custom, as evidence of a general practice accepted as law;
> (c) the general principles of international law recognised by civilised nations;
> (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of various nations as subsidiary means for the determination of the rules of law.

[10] ibid. p. 346.

[11] ibid. See also Albert N. Tarulis, *Soviet Policy Toward the Baltic States: Estonia Latvia and Lithuania 1918-1940*, University of Notre Dame Press, Indiana, 1959.

[12] Hough op. cit., p. 370. Cites the House Committee on Communist Agression, Third Interim Report, Baltic States: A Study of their Origin and National Development ; Their Seizure and Incorporation into the U.S.S.R. 83d Cong., 2d Sess 208 (1954) at 208.
This was not merely a cold war bias at work - the Non-aggression Treaty of Septemberr 8, 1926 between the Soviet Union and Lithuania stated in part that:

> "If a political agreement directed against one of the contracting parties is concluded between third powers ... the other contracting party undertakes not to adhere to such agreement."

Clearly the assignment of spheres of influence between Germany and the Soviet Union is in breach of this provision as an agreement violating to the territorial integrity of Lithuania.

ab initio.[13] , Lithuania being a legally recognised independent state, the pact was a violation of the non-aggression treaty concluded between the Soviet Union and Lithuania and of other treaties between the two states that recognised the existence and independence of Lithuanian statehood.[14]

On February 16th, 1918, the Lithuanian Council had declared Lithuania an independent republic.[15] The legal existence and independence of Lithuania was expressly recognised by Russia in subsequent treaties between the two states. Russia formally renunciated any claim to sovereignty to Lithuania and recognised Lithuanian independence in Article 1 of the Russo-Lithuanian Peace Treaty, July 12, 1920, which stated :

> *Russia recognises without reservation the sovereign rights of the Lithuanian State with all the juridical consequences arising from such recognition and voluntarily and for all time abandons all the sovereign rights of Russia over the Lithuanian people and their territory. The fact of the past subjugation of Lithuania to Russia does not impose on the Lithuanian nation and their territory, any liabilities whatever toward Russia.*[16]

Lithuanian independence was subsequently recognised by the principal allied powers on December 20th, 1921 and by her admission into the League of Nations on September 22, 1921.[17]

The United States extended full de jure recognition to Lithuania on July 25, 1922 and proceeded in the period 1922-39 to conclude treaties in the areas of extradition, postal matters, peaceful

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[13] Linas Kučinskas, 'Lithuania's Independence: the Litmus Test for Democracy in the U.S.S.R' in *Lituanus* op. cit. Vol. 37, No. 3., 1991 p. 9. Also Vytautas Landsbergis, 'Sovereign State or Hostile Captive ?' in Taškūnas & Doyle eds. *Lithuania at the Crossroads*, Sandy Bay, Tasmania, T.U.U. Lithuanian Studies Society, 1991 p. 65.

[14] Treaty of Non-aggression, September 28, 1926. Cited above at 11.

[15] John Joseph Lapinski, 'A Short History of Diplomatic Relations Between the United States and the Republic of Lithuania', in *Lituanus* op. cit. Fall, 1990. p. 11.

[16] Cited in Tarulis op. cit.

[17] ibid. p. 10.

settlement of disputes and military service.[18] Great Britain concluded a Commerce Treaty with Lithuania in 1922 and a Trade Agreement in 1934. The existence of Lithuania as an independent State subject to, and entitled to the protection of international law is reinforced by the existence of these treaties. Treaties are by definition agreements between sovereign states[19] which entitle the parties to the fulfilment of mutual obligations and conformity with the principles of international law in the conduct of their relations.

Russia continued to recognise Lithuanian independence with treaties subsequent to that of 1920. The Treaty of Non-aggression of September 28, 1926 contained the mutual obligation to respect sovereignty and territorial integrity. [20] Under the Treaty of Mutual Assistance, October 10, 1939, between the Soviet Union and Lithuania,[21] the parties agreed to abide by '...the principles of non-intervention in internal affairs'.[22] Until the events of World War II, there is overwhelming evidence of the acceptance by the Soviet Union and the world community of Lithuanian existence as an independent state with all the rights and obligations due to a state under international law.

The Events of Annexation

On June 15-18, 1940, 300 000 Soviet troops occupied the Baltic States under the pretext of fulfilling unilaterally interpreted terms of the Treaty of Mutual Assistance and purporting to intervene in the best interests of the Lithuanian people. There is overwhelming evidence of Soviet coercion and intimidation of Lithuania during subsequent events and little evidence of the 'acts

[18] Lapinski op. cit. p. 11 -12.

[19] *The Vienna Convention on the Succession of States in Respect of Treaties 1978*, defines a 'treaty' in Art. 2 (1) (a) as 'an international agreement concluded between **States** in written form and **governed by international law,** whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.'

[20] Tarulis op. cit. p. 187

[21] The Soviet Union did not come into being until 1923. See Tarulis p. 19.

[22] Treaty of Mutual Assistance, October 10, 1939, Art. 7. Cited in ibid. pp. 187-188.

hostile to the Soviet State' used to justify the aggression.[23] It was also clear that the level of intimidation used in concluding the Treaty of Mutual Assistance rendered it void under international law.[24]

[23] ibid. pp. 185-189. Comments by Dr. Garmus, a member of the People's Diet at the time of incorporation, noted the extent of Soviet manipulation of the media and intimidation of the Diet. On the Diet he stated the following:

> "The whole People's Diet was generally a parody of a Diet. Being constituted through terror and deceit, it was only beacause of terror that it brought to formal implementation the objectives sought by the Bolsheviks. The Peoples Diet absolutely did not state the will of the people. It could only state the will of a few hundred Lithuanian communists and their masters in Moscow." [Cited in Tarulis op. cit. p. 241. The author in turn cited Bertram D. Wolfe *'Krushchev's and Stalin's Ghost'* New York 1957, pp.271-179.]

See also Hough op. cit. at pp. 375-377. He illustrates the lack of evidence of a military alliance between Lithuania, Estonia and Latvia in violation of Art. 4 of the Soviet-Lithuanian pact of Mutual Assistance, forbidding either nation to conclude 'any alliance or take part in coalitions directed against contracting parties.' There were also allegations of the kidnap and torture of three Soviet soldiers, however there is no evidence of Lithuanian Government involvement in the disappearance, and strong evidence of a willingness to investigate the incident by the government.

These resulted in an ultimatum on June 14, 1940, from Soviet Foreign Minister Molotov to the Lithuanian government, declaring :

> The Soviet Union considers that the present situation cannot be continued. The Soviet Union considers it necessary and urgent :
>
> 1. That the Minister of the Interior, Skučas and the Director of the Department of the Security Povila iti s, be immediatly delivered to the judicial authorities and tried as directly guilty of acts of provocation committed against the garrisons of the Soviet Union in Lithuania.
>
> 2. That a Government be immediatly formed in Lithuania capable of assuring and determined to assure the proper fulfillment of the Treaty of Mutual Assistance between the Soviet Union and Lithuania and to suppres firmly the enemies of this treaty.
>
> 3. That a free entry into the territory of Lithuania be immediatly assured for units of the army of the Soviet Union which will be stationed in the most important centres of Lithuania and which will be sufficiently numerous to assure the enforcement of the Treaty of Mutual Assistance between the Soviet Union and to put an end to the acts of provocation directed against the garisons of the Soviet Union in Lithuania.
>
> The Soviet Government considers that the fulfilment of these demands is a basic condition without which the the Soviet-Lithuanian Treaty of Mutual Assistance cannot be carried out honestly and in good faith.

The Soviet Government will wait for the answer of the Lithuanian Government until 10 am. of June 15. The failure to respond at the established time will be considered a refusal to carry out the abovementioned demands of the Soviet Union. [Hough op. cit. p. 378].

[24] Hough ibid. p. 373. See also Articles 51 & 52 of The *Vienna Convention on the Law of Treaties* 1969, in 1155 United Nations Treaty Series 331. The Articles state:

> 51. The expresion of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts hostile or threats directed against him shall be without any legal effect.
> 52. A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the United Nations.

The Convention was intended to codify the principles of customary international law as established by the practice of States. In any event, at any time, a Treaty must be seen as a set of mutual obligations agreed to by freely contracting States.

On the same point, Article 2 (4) of the United Nations Charter provides :

> 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other matter inconsistent with the purposes of the United Nations.'

It should also be noted that the terms of the Treaty of Mutual Assistance also included the transfer of the city of Vilnius from Soviet to Lithuanian control from the occupied Polish state. The reasons for the transfer were stated to be found in Soviet consideration of the forcible wresting of the city of Vilnius from Lithuania by Poland, its past associations with Lithuania and the national aspirations of the Lithuanian people.[Hough op. cit. 372-3. Cited as *Text of Molotov's Report on Foreign Affairs to the Supreme Soviet, N.Y. Times*, Nov. 1, 1939, at 8, col. 1.] Polish claims to title to Vilnius and the surrounding territory transferred clearly remains an issue in international law due to the likely invalidity of Soviet occupation of the area and the consequent invalidity of the purported transfer to Lithuania.

The issue is an entirely different one from the issue of Lithuanian statehood at hand, relating to the constituent territory of the state rather than to its existance. It should also be noted that as the purported transfer ocurred in 1939, prior to the annexation of Lithuania, it does not necessarily suffer from the invalidity which may be attributed to acts of the Soviet Union following the annexation in 1940.

At a practical level, the Polish claims to Vilnius are not currently being pursued by the Polish government and there is no indication of an intention to raise the issue. If the issue re-emerges there is considerable scope for further study in light of the arguments raised by this paper if they are in some measure accepted.

Lithuanian President Smetona and many members of his government fled the country, thousands were arrested, detained or deported and a 'puppet' government established which voted overwhelmingly for incorporation into the Soviet Union.[25] There are two clear areas which highlight the illegallity of the Soviet incorporation of the Baltic States. The first is the impossibility of incorporation occurring as it was purported to have occurred by the acts of the three popular assemblies in the Baltics, while the second is the presence of Soviet forces in the territories of the subject states, in turn contributing to the illegality of the purported acts.

(i) The Constitutional Fiction

As Marek[26] points out, the Presidents of the Baltic Republics were required to approve lists of nominated governments from lists drawn up by the Soviet Union with the consequence that

> *it is obvious that this procedure of effecting governmental changes was wholly at variance with the constitutional law of the countries concerned. None of the Baltic constitutions provided for the nomination of national governments from lists drawn up by the organs of a foreign State.* [27]

The incorporation was illegal according to the terms of international law, being in violation of prohibitions upon the use of force[28],

[25] Lapinski op. cit. p. 14. Also Hough op. cit. pp 380-384., and Tarulis op. cit. esp. Ch. 16 'Independence Extinguished', pp. 236-256.

[26] Krystyna Marek, *Identity and Continuity of States in Public International Law*, 2nd. ed. Librairie Droz S.A Switzerland, 1964. pp. 383 - 391.

[27] Marek *op. cit.* .p.384. See Marek further for details on the electoral proceedures used in subsequent elections.

[28] Article 2 (4) of the United Nations Charter The U.N. General Assembly, *Declaration on the Admissability of Intervention in the Domestic Affairs of States and the Protection of theit Independence and Sovereignty*, 1965 (G.A. Resn. 2131 (XX). December 21, 1965. G.A.O.R., 20th Sess. Supp. 14 p. 11.) was adopted 109 votes to 0 with only the U.K. abstaining, while endorsing the general principles contained therein. The resolution (except Paragraph 4.) was considered to be a restatement of customary international law regarding the intervention of one state in the affairs of another.

The Declaration states:

> 1. No state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. Consequently, armed ingtervenmtion and all other forms of interference or

principles of self determination of peoples,[29] and the treaties safeguarding territorial integrity between Lithuania and the Soviet Union.[30]

It was a further legal impossibility for the Parliaments of the Baltic States to dispose of their independence without full compliance with their respective constitutional mechanisms. No alteration of the constitutions of Lithuania, Estonia or Latvia was attempted in 1940.[31] As a consequence, even in the absence of

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attempted threats against the personality of the state or against its political, economic and cultural elements are condemned.

2. No state may use or encourage the use of economic, political or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights or securew from it advantages of any kind. Also no state shall organise, assist, foment, finance, incite, or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another state, or interfere in civil strife in another state.

3. The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principles of non-intervention.

4. The strict observace of these obligations is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and the letter of the Charter of the United Nations, but also leads tio the creation of situations which threaten international peace and security.

5. Every state has an inalienable right to choose its economic, social and cultural systems, without interference in any form by another State.

[29] Soviet Russia clearly endorsed this principle in 1918 in negotiations with Germany over Self determination in Lithuania that this right of peoples could not be validly exercised in the prescence of the armed forces of a foreign state. (Tarulis op. cit. at p. 16. Cites the position adopted by the Russian delegate to the Russo-German Conference of 1918.).

[30] See Hough op. cit., Tarulis op. cit. and Lapinski op. cit. throughout their papers. Also world reaction discussed below.
The Treaties of Non-aggression (1926) and of Mutual Assistance (1939) (in the event that the latter is considered valid under international law), between the Soviet Union and Lithuania clearly recognised the territorial integrity of Lithuania which was violated by the Soviet determination to intervene in Lithuania in 1940 through the threatened use of force, clearly evidenced by the ultimatum of June 14, 1940 from the Soviets to the Lithuanian Cabinet and by Soviet troop movements at that time.

[31] Marek op. cit. p. 386 - 87.

overwhelming evidence of intimidation, violence and the inequality in bargaining power between the Soviet Union and the Baltics, the resolutions incorporating the states into the Soviet Union were of no legal effect according to the domestic laws of the particular states. Incorporation and the resolutions to renounce independence never in fact occurred according to the constitutional history of each state. The result may be that the legal framework established by these states has never been legally dismantled and continues to exist in a legal sense.

(ii) The Illegality of Occupation

In any event the actions of the Soviet Union in occupying Lithuania and the other Baltics are unlikely to receive legal sanction under international law. Harris[32] observes that in subsequent cases of intervention involving the use of force by states, the justifications for intervention in the internal affairs of the neighbour may vary from the request of the constitutional government,[33] to the maintenance or exclusion of socialism or communism from a

• It all began in Moscow, nine days before the start of World War II. On August 23, 1939, Soviet foreign minister Molotov *(seated)* and his Nazi counterpart, Ribbentrop *(right)* signed the Soviet-German Non-Aggression Treaty. The document was accompanied by a secret Supplementary Protocol which virtually divided Eastern Europe into "spheres of influence". This act of collusion - which made Stalin smile *(left)* - paved the way to the Soviet invasion of Lithuania, Latvia and Estonia ten months later.

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[32] D.J. Harris, *Cases and Materials on International Law*, 4th. ed. Sweet & Maxwell, London, 1991. at p. 843.

[33] Harris op. cit. suggests that 'The Hungarian Uprising of 1956' is a case illustrating the weaknesses of intervention at the request of the constitutional government. [p. 843]

region[34], to the defence of nationals[35], to the existence of a treaty right of intervention.[36] In the majority of cases these justifications have not received endorsement by the community of States and therefore are unlikely to be evidence of customary international law.[37]

In justifying its intervention in Lithuania and the other Baltic States, the Soviet Union relied heavily upon the terms of the Treaty of Mutual Assistance of October 10, 1939 and the acts antagonistic

[34] Harris op. cit. suggests the intervention by the Soviet Union and other East European States in Czechoslavakia in 1968 under what became known as the Brezhnev Doctrine of limited sovereignty to avert leanings toward a capitalist economic system and increased freedom of speech is an example of justification sought under the maintenance of socialism in a region.

In contrast the U.S. invasion of the Dominican Republic on April 28, 1965, was justified by President Johnson's assertion that the U.S. had an obligation to prevent the establishment of a Communist Government in the Western hemisphere. This was also one of the grounds upon which the U.S invasion of Grenada in 1983 was sought to be justified, although in that case a U.N. General Assembly Resolution was adopted 109 votes to 6 with 27 abstentions deploring the U.S. action. [G.A. Resolution 38/7, G.A.O.R., 38th Sess., Supp. 47, p. 19 (1983).]
While a resolution of the General Assmebly of the United Nations is not in itself a source of binding international law, it is strong evidence of what the community of States consider appropriate action in accordance with general principles of international law (ICJ Statute Art. 38 (1) (b) & (c)).

[35] The protection of the United States nationals in the Dominican Republic was one of the reasons cited in support of U.S. intervention on April 28, 1954. It was also one of the three grounds by which the U.S. sought to defend its action in its invasion of Grenada on October 23, 1983, and its invasion of Panama on December 20, 1989. Both these invasions were deplored by the United Nations General Assembly [G.A. Resolution 38/7, G.A.O.R., 38th Sess., Supp. 47, p. 19 (1983). (Grenada) and G.A. Resn. 44/240, UN Press Release GA/7977, p. 91. (Panama- The vote was 75 to 20 with 40 abstentions.)]

[36] Intervention purportedly pursuant to Treaty obligations with the subject state were also the justification used in the Soviet invasion of Afghanistan in 1980. The intervention was subsequently deplored by the United Nations General Assembly in a Resolution off January 14, 1980 [G.A. Resolution ES-6/2;G.A.O.R., 6th Emerg. Sp. Sess., Supp. 1, p. 2 (1980)] The vote was by 104 votes to 18 with 18 abstentions.

[37] See notes 30, 31 & 32 above. Note that customary international law is determined by the practice of States. Ref. note 9 above.

to the Soviet Union alleged to have been committed, affording legality to the intervention by Soviet forces.

Even in the event that such events had occurred as alleged by Soviet officials, it nevertheless remains unlikely that international law would have sanctioned intervention by the U.S.S.R. in Lithuania pursuant to treaty obligations. The UN Charter enacted in 1948, by Article 103, provides that in the event of the treaty obligations between member States conflicting with those in the Charter, the latter would prevail. It seems unlikely that as a matter of international law, States could abandon their rights to admit or refuse foreign forces on the basis of treaties with other States.[38]

The other ground on which the Soviet Union relied was the acceptance by the Lithuanian Cabinet of the ultimatum delivered to the Lithuanian government on June 14. Again, in the circumstances at hand, with Soviet troops already based in Lithuania and greater number milling on the borders, as well as the relative size of the two States, it is unlikely the Lithuanian acquiescence could be considered as that of the free will of a sovereign and independent State. This was reinforced by the response of the world community.

The Problem of State Extinction

While the Baltic States have re-emerged from the period of Soviet control there remains the problem of the legal identity which they encompass under international law. To what extent are they bound by international obligations which were owed by the Soviet Union to others and which related to their territory, population and resources ?

The issue of whether the modern Baltic States and in particular modern Lithuania, is the re-emergent Lithuanian State annexed in 1940 or whether it is an entirely new territory has important implications under international law. Marek points out that in the light of circumstances in 1968 (the time of writing),

[38] This would appear to be confirmed by subsequent U.N resolutions in regard to the Soviet invasion of Afghanistan and the Turkish invasion of Cyprus.[See Harris op. cit. p. 847.

there would seem to be a strong prima facie case in favour of the extinction of the Baltic States. They have suffered a total loss of territory. Their population has become related to another State order. Their own legal order is nowhere effective. Their countries have not been occupied as a result of a war and are therefore not under belligerent occupation. None of the three classical rules of international law safeguards their continued existence.[39]

If the state of Lithuania ceased to exist via the doctrine of extinction under international law, there is little doubt that the re-emergence of an independent Lithuanian state in 1991 is the succession of the constituent state of the Soviet Union - the Soviet Socialist Republic of Lithuania which came into existence in 1940. As a successor state, Lithuania would be bound by the international law on the succession of states in respect to treaties.

(i) The Law on the Succession of States in Respect of Treaties

Under the provisions of the Vienna Convention on the Succession of States in Respect of Treaties (1978)[40] there is a prima facie presumption of continuity in regard to the binding effect of the treaty obligations of the former state (in this case the Soviet Union) on the successor (the modern Republic of Lithuania). This reflects the value placed upon the need for stability and certainty in treaty obligations as an area of international relations.

Article 34 of the Convention provides *inter alia* that a part of the territory of a state separates to form a new state, any treaty pertaining to the entire former state, or in respect only of the succeeding state, passes to the new state.[41] This presumption may be rebutted by the express agreement of the parties, where there is a radical alteration in the obligations or duties as a result of the succession, or where performance would conflict in the objects and purposes of the treaty.[42] Independent Lithuania succeeding to the obligations of its predecessor, would thus be obliged to comply

[39] Marek op. cit. p. 398.

[40] *The Vienna Convention on the Succession of States in Respect to Treaties* (23/8/1978) Text 17 ILM (1978) 1488.

[41] ibid. Art. 34.

[42] ibid.

with any treaty entered into by the Soviet Union unless it pertained specifically to some other area of the Soviet Union, or where there is a radical alteration of the obligations, a conflict with the objects and purposes of the treaty, or agreement by the parties. [43]

The provisions of the Vienna Convention however appear to be progressive in that they 'are not generally reflective of the practice of states.'[44] An application of customary international law may produce an entirely different result, In addition, the convention has not yet entered into force, and was not signed by the Soviet Union.[45] It therefore seems likely that custom rather than the Convention would be the determinative law upon the subject.

(ii) Customary International Law

As mentioned above, customary international law is law which has developed from the repeated practice of states in a particular area and which has at its source, a recognition that the states are so acting due to a legal obligation rather than for political or other mercenary motives. The lack of broad acceptance of attempts to codify and update the law in this area through the convention above, mean that customary international law remains the most likely to apply to the determination of disputes over treaty obligations.

Under the practices of customary international law, there is a presumption of the non-transmissability of states' rights and obligations where there has been a succession of states. [46] This 'clean slate' doctrine does not encompass localised treaties or those

[43] ibid. Art. 34(2)

[44] Brownlie op. cit. p. 668.

[45] Bowman and Harris *Multilateral Treaties and Current Statutes*, London , Butterworths, 1984, at p. 432,. do not list the Soviet Union as a signatory and it appears unlikely that they would have signed since 1984. The Soviet aversion to succession from its Federation continued into 1991 (See Jak Tremain, 'Soviet Succession Law is a Sham', *Lituanus* op. cit. Vol. 36, No. 4, 1990.) No other Federation appears to have signed.

[46] Brownlie op. cit. p. 668. Also J.B. Starke, *Introduction to International Law*, 10th ed. Butterworths, London, 1989. p. 325.

evidencing general principles of international law.[47] Lithuania may therefore be bound by Soviet treaties establishing borders, rights of transit, navigation and fishing, as well as laws established by the consistent and uniform practice of states.[48]

Of particular practical significance to Lithuania in the present case is the likelihood that Lithuania would succeed to the debts of the Soviet Union. Under customary international law, in a case of state succession, Lithuania would remain responsible for any 'localised debt' which may remain attributable to it following independence.[49] In practice this may be enforced only where the successor state (Lithuania) has recognised the debt.[50]

This is modified by the Vienna Convention on the Succession of States in Respect of State Property, Archives and Debts (1983)[51] which, like its namesake on succession to treaties (above) is yet to achieve wide acceptance and may not be applied. The convention provides for the passing of the state debt to the successor state as a general principle, with a reduction for the equitable component of the succeeding territory's share.[52] Lithuania may remain responsible for some proportion of the debt of the Soviet Union under either of these provisions if the extinction of the Lithuanian State in 1939 is accepted as a legal outcome of these events.

[47] Brownlie ibid. p. 669. Starke ibid. pp. 329-330.

[48] Brownlie ibid. suggests they will not be so bound. D.P. O'Connell in, *State Succession in Municipal Law and International Law Volume II : International Relations*, Cambridge at the University Press, 1967, considered the seminal text in the area, suggests otherwise at pp. 12-23.

[49] Brownlie op. cit.p. 659. Cites Zamenek 116 Hague Recueil (1965 III), also Guggenheim (1953), i 472; Bedjaoui, *Yearbook of the International Law Commission* (1968), ii 109 -10; and Pittacos v. Etat Belge, ILR 45, 24 at 31-2.

[50] ibid. Cites West Rand Central Gold Mining Company v. The King [1905] 2 KB 391; Shimson v. Palestine Portland Cement Company Ltd. v. A.G. , ILR 17 (1950), 72, (Israel SC sitting as Court of Civil Appeals), Dalmai Dadri Cement Co. Ltd. v. Commissioner of Income Taxes ILR 26 (1958) II), 79 India S.C.

[51] Text 22 ILM (1983), 298, 306.

[52] ibid.Art. 36-41.

The above is the legal effect of an acceptance of the extinction of Lithuania and the other Baltics and their replacement with new Soviet Socialist Republics of the same name, territory and general population. This is not as tenable in the case of the Baltic Republics as it may have been in the cases of previous forceful annexations. The essential barrier to the operation of the doctrine of extinction is the Stimson Doctrine.

Application of the Stimson Doctrine

There is an enormous problem with accepting the extinction of the Lithuanian state as it existed in 1939. This is essentially that it is wholly inconsistent with the position of *both* the Soviet Union and the world community in response to the events of 1940. On the Soviet interpretation the independent state of Lithuania requested a merger with the Soviet Union in 1940 with the result that the Soviet Socialist Republic and the independent Republic of Lithuania in 1939 are *the same state*. As a result the state which existed in Lithuania in 1939 *has never been extinguished*.[53]

The position of the rest of the world in response to the annexation (as it was perceived) is that the existence of the independent republic of Lithuania has never been in doubt, it has merely been denied its independence through the actions of the Soviet Union. The result is the same as above in that the Lithuanian state existing in 1939 continued to exist and *has never been extinguished* .

The annexation of Lithuania and the other Baltic States saw the first widespread application of the Stimson Doctrine by the world community.[54] The behaviour of the United States illustrates the form taken by the application. Following reference to the

[53] Sere Marek op. cit. Ch. 8.

[54] The following States have applied the Doctrine to the Baltic annexations : the United States; Britain; West Germany; Ireland; Canada; Australia (except, perhaps,for a brief period in 1974-75 under the Whitlam Labor Government); Great Britain; France; Yugoslavia; Denmark; Belgium; Spain; Portrugal; the Vatican; Malta; Greece; Italy; Luxembourg; Turkey; Norway; New Zealand; The Netherlands; Switzerland; Finland; the European Parliament; and numerous American and Asian States (including both Chinas). [Hough op. cit. pp. 412-446]

doctrine on July 23, 1940, [55] the U.S. froze Baltic assets and refused demands by the Soviet government for their return.[56] The United States also continued to recognise the diplomatic and consular missions of Baltic States.[57] In addition the Courts of the United States have continued to decide cases before them on the basis of the continued existence of the non-Soviet States of Lithuania, Estonia and Latvia.[58]

Subsequently President Truman in 1952, President Eisenhower in 1957, and Vice-President Humphrey in 1966, reaffirmed the U.S. condemnation of the annexations and adherence to the Stimson Doctrine.[59]

Suggestions that the signature by the United States of the Final Act of the Conference on Security and Cooperation in Europe at Helsinki in 1975 constituted de-facto recognition of Soviet sovereignty over Lithuania and the other Baltic states,[60] were rejected by President Ford [61] and the House of Representatives on November 13, 1975.[62] On June 13, 1983, President Reagan, in proclaiming Baltic Freedom Day, reaffirmed that : 'the government of the United States has never recognised the forced incorporation

55 Statement by the Acting Secretary of State Sumner Welles on the Baltic Republics, reprinted in 3 Dep't State Bull. 48 (1940). Cited in Hough op. cit. pp 391-92 and also in Lapinski op. cit. pp. 15-16.

56 Hough op. cit. p. 393.

57 ibid. p. 392. Also William Urban, 'Implications of the Past for the Future of the Baltic States', *Lituanus*, 1991, Volume 37, No. 4 at 68-69. Indeed President Smetona had instructed consuls to continue to function in the event of invasion prior to his flight. (Lapinski op. cit. p. 15). In 1980 provision was made by the U.S. government for the continuing reappointment of Lithuanian diplomats. (Hough op. cit. p. 412.).

58 See Marck op. cit. p. 399 - 403.

59 ibid. p. 405-406.

60 Lapinski op. cit. p. 18.

61 Speech to the representatives of 'Americans of East European Background' 2 Pub. Papers 1032 (1975). Cited in Hough op. cit. p. 407-408. in which he states that the Final Act provides that 'no acquisition of territory in violation of international law will be recognised as legal'.

62 121 Cong. Rec. 38, 128, (1975) . Cited in Hough ibid.p. 408.

of the Baltic States into the Soviet Union and will not do so in the future.'[63]

It is clear from the actions of the United States that its actions were premised upon the assumption that there was at stake a *legal* principle in relation to the Soviet control of Lithuania and the other Baltic Republics. It is necessary to establish, however, that the doctrine of non-recognition of forcible seizure of territory has acquired the status of customary international law if it is to affect the obligations of the newly independent Baltic Republics.

The Stimson Doctrine as Law

There is considerable evidence that the doctrine of non-recognition of forcible seizure of territory has acquired the character of customary international law.[64] This requires that the practice is uniform and consistent and be reflective of the general practice of states accepted as law.[65] The United Nations has reflected the principles underlying the doctrine of non-recognition applied to forcible seizure of territory in Article 2(4) of its Charter which forbids the use of force against the territory or political independence of a state.

The fundamentals of the doctrine were reflected in the restoration of independence to Albania, Austria, Czechoslavakia and Poland at the conclusion of World War II.[66] Subsequently it has been applied in both principle and practice in response to: the Israeli occupation of the West Bank (since 1967) by the U.N.[67];

63 United States Mission to the U.N. Press Release (July 19, 1990). In Hough ibid. pp. 411-412.

64 Hough ibid. pp 447-480, esp. 449.

65 Ian Brownlie, *Principles of Public International Law* 4th ed., Clarendon Press, Oxford, 1990, pp. 5-6. Also the opinion of the International Court of Justice in the *The Asylum Case* ICJ Reports (1950) at 276-7, *The Fisheries Case* (1951) at 116 and 131 both cited in ibid. pp.5-6 Also the *North Sea Continental Shelf Case* 1969 ICJ Reports 3 at p. 44. Cited in Hough op. cit. pp. 448-449. and most recently Nicaragua v United States (Merits) ICJ Reports (1986) p. 98 & p. !86. Cited in Brownie ibid. p. 6.

66 Hough op. cit. p. 450.

67 U.N. Security Council Resolution 242, 1967 U.N. Yearbook 257. Cited in Hough ibid. p. 460.

the Morroccan occupation of the Western Sahara by the O.A.U.(1976) and the U.N.(1979)[68]; the Indonesian annexation of East Timor (1975) by the U.N. General Assembly and Security Council in repeated resolutions[69]; the Vietnamese invasion of Cambodia (1980) by the U.N.[70]; and in the Soviet invasion of Afghanistan (also 1980) by the U.N.[71]

While U.N resolutions are not the sole determinant of the validity of the intervention of one State into the territory of another, they are indicative of the general principles of international law which may be applied to the particular situation and which are a source of law recognised by international law in Article 38 (1) of the ICJ Statute.[72] The States supporting the U.N. resolutions subsequently refused to recognise *de jure* control of the acquired territory by the annexing State, and while for practical purposes *control* may have been acknowledged, there was no recognition of the incorporation of the territory into the annexing State or the conduct of diplomatic relations with the territory through the officers of the annexing State.

Clearly these applications reflect a universality and consistency prevented from complete uniformity only by the prescence of the Cold War and a veto power in the hands of the Permanent Members of the Security Council. As such it fulfills the *prima facie* requirements of customary international law.[73]

The final requirement is that the practice has the required psychological element or *opinio juris siv necessitatis* . This requires that the practice is accepted as law by the states applying it, rather than applied for mere political convenience. The non-recognition must be seen as obligatory and not merely for the political benefit of the non-recognising state. In a case such as that

[68] See 30 U.N. Yearbook 738 (1976) for the O.A.U. resolution and 33 U.N. Yearbook 1063 (1979) for the U.N. Security Council resolution . Both cited in Hough ibid. p. 642.

[69] For the first resolution, see 34 U.N. Yearbook 728-734 (1980). Cited in Hough ibid.p. 463.

[70] 34 U.N. Yearbook 334-335 (1980) Cited in ibid. p. 464.

[71] 34 U.N. Yearbook 307 (1980) Cited ibid.

[72] Brownlie op. cit. p. 3

[73] ibid. p. 466.

at hand, the motivation cited by States for their behaviour has made specific and uniform reference to the provisions of international law.[74]

When states announced their support for a policy of non-recognition of the forceful seizure of the Baltic Republics by the Soviet Union, they did so in response to what was perceived as an illegal act and applied a legal solution previously applied in relation to other similar international events.

Both the Soviet Union and other countries who recognised the incorporation, and those applying the Stimson Doctrine of non-recognition (effectively comprising every state who had a policy on the Baltics), by definition rejected the legal extinction of the Lithuanian state existing in 1939 and the other Baltic Republics. Proponents of both views either accepted the proposition that as a result of the Stimson Doctrine, there still existed in law, a Lithuanian State - in the words of President Landsbergis in 1991 - 'heretofore constrained by alien forces in 1940', or alternatively accepted that the same Republic continued to exist as a Republic within the Soviet Union, and did so of its own free will according to law.

The effect of the Stimson Doctrine and the failure on the part of the overwhelming majority of states to recognise Lithuanian incorporation into the Soviet Union is the continued 'legal, although subjugated existence' of the Lithuanian state.[75] This is also clearly apparent in the reactions of the world community in recognising Baltic independence in 1991.

When Lithuania reasserted its legal right to statehood on March 11, 1990, political interests on the part of many states prevented immediate recognition in the presence of Soviet instability and resistance in Moscow.[76] Most States encouraged a policy of negotiated independence for Lithuania and dialogue with

[74] ibid. pp. 412-446, and pp. 460- 466.

[75] Statement by the White House Press Secretary, March 11, 1990. Reprinted in Lituanus op. cit. p. 13.

[76] Urban op. cit. p. 71.

Moscow.[77] The absence of immediate recognition led some commentators to argue that 50 years of Soviet occupation had, by the doctrine of effectiveness, legitimised Soviet control of Lithuania.[78] These writers fail, however, to address the overwhelming evidence of state practice during that 50 year period in regard to the legal force in the developing doctrine of non-recognition which expressly conflicts with that of acquired effectiveness over time.

The failed coup of August 1991 and changes in the power structure in Moscow gave the Baltics the opportunity to further their claims. In the days following the coup a flood of nations recognised Lithuanian independence.[79] The Soviet Union did so under considerable international pressure on September 6, 1991.[80] At the time of recognition most states emphasized their adherence to the Stimson Doctrine since 1940. Prior to recognition, President Bush maintained that the U.S. 'never recognised the forcible takeover... As far a we are concerned, they are still independent.'[81] The European Foreign Minister's stated jointly and in part, that members

> *warmly welcome the restoration of the sovereignty and independence of the Baltic states which they lost in 1940. They have consistently recognised the democratically elected Parliaments and Governments of these states as the legitimate representatives of the Baltic peoples.*[82]

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[77] ibid. The interests of the United States in this regard were widely shared with other states. Only Iceland (12/2/1991) and Denmark (28/2/1991) recognised Lithuanian independence during this period.

[78] R. Piotrowicz, 'Lithuania's Lust for Life : Is It Legitimate ?', in Taškūnas and Doyle.op. cit. p. 45. Also Lloyd Churchward, 'Lithuanian Background' , *Arena* (North Carlton, Victoria) Vol. 94. 1991, pp. 44-47.

[79] Norway, Finland and Argentina (25/8/1991), [*New Yok Times*, 26/8/1991, p. 1]. The European Community (27/8/1991) [*New York Times* , 29/8/1991]. Germany and New Zealand (28/8/1991) [*New York Times* , 29/8/1991]. The United States (2/9/1991) [*New York Times* 2/9/1991].

[80] *New Yok Times* 7/2/1991, p. 1. The news item was headed 'Soviets recognize Baltic independence, ending 51-year occupation of 3 nations'.

[81] ibid. 23/8/91, p. 1.

[82] Extract from Statement recognizing the independence of the Baltic States (28/8/1991) Reprinted in the *New York Times*, 28/8/1991.

The Australian Government recognised the '*restoration* of [the] full sovereignty of ...Lithuania' on August 27, 1991.[83] In couching its recognition in this way, Australia clearly treated the emergent state in 1991 as the same state which existed in 1939. The extent to which recognizing states linked the 1991 republic with that displaced in 1940 supports the proposition that Lithuanian independence was *restored* rather than granted.

The Stimson Doctrine and Treaty Obligations

The development of the doctrine of non-recognition of forcible seizure of territory may have considerable ramifications in the law of state succession in regard to treaties. International law has developed general principles which apply to a 'succession of states'[84] as to the extent to which treaty obligations pass to the emergent states. Under the Stimson Doctrine the applying states have denied the sovereignty of the Soviet Union over Lithuania and in so doing, it is submitted, have denied it the power to enter into treaty arrangements binding the territory.

In relation to the large majority of states who have applied the doctrine of non-recognition, it is therefore possible to suggest that a 'succession of states' has not occurred. As regards succession to treaty obligations *with these states*, it is possible that Lithuania in 1992 is bound only by those treaties signed and in force prior to 1940 and those which evidence customary international law. The doctrine of reversion may apply because the successor state is regarded as 'recovering a political and legal identity displaced by an intervening period of dismemberment or colonization.'[85] Therefore any treaty concluded between the non-recognising state and the Soviet Union cannot pass and bind independent Lithuania, nor will

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[83] Statement from the Department of Prime Minister and Cabinet headed 'Recognition of the Baltic States', 27/8/1991. It is worthy of note that Australia's adherence to the policy of non-recognition faltered in the period 1974-1975 as a result of the blunders of the Whitlam Government. It was restored in December, 1975 by the Fraser Government.

[84] The Vienna Convention on Succession of States in Respect of Treaties (23/8/1978) Text 17 ILM (1978) 1488, Art. 2 (1), defines a 'succession of states' as : 'the replacement of one state by another in the responsibility for the international relations of territory'.

[85] Brownlie op. cit. p. 675

these states be able to hold Lithuania accountable for a share of Soviet public debt.

It is interesting to note that in conformity with its principle of non-recognition, the U.S. State Department continues to list Lithuanian treaties concluded prior to 1940 as 'continuing in force'.[86] O'Connell (1967) notes the continued existence of two treaties in Commerce (1922) and Trade (1934) between Lithuania and Great Britain.[87] This clearly supports the proposition that the doctrine of reversion may be the applicable law in a case of a non-recognition of forcible seizure of territory.

The issue of whether a state which recognised the incorporation of Lithuania and the other Baltics into the Soviet Union would be able to hold Lithuania accountable for Soviet - imposed treaty obligations is a more difficult one. As has been noted above, the continued existence of the Lithuanian state functioning in 1939, has been accepted by both recognising and non-recognising states. Recognising states also recognised the validity of the incorporation and as such, in the case of particular treaties entered into between themselves and the Soviet Union, may feel justified in seeking to enforce such agreements on the basis of the mutual agreement of the parties.

It is submitted that there is an equally strong counter-argument for this proposition. The overwhelming majority of states who expressed a position on the legal status of the Baltic Republics did so on the basis of non-recognition. The Stimson Doctrine in the intervening period since 1940 has been widely applied by increasing numbers of states and has acquired the status of customary international law. There is a strong argument that the principle of non-recognition may encompass a general principle of international law binding upon all states - in fact an obligation not to recognise incorporation or sovereignty over a territory where it has been acquired by force.

This argument will be even more forceful where the country relying upon its recognition of the validity of Soviet control of Lithuania, has supported the doctrine in relation to other situations

86 Lapinski op. cit. p. 19.
87 O'Connell op. cit. p.xxvii.

which have developed post World War II. In such a situation, it does not seem likely that Lithuania would be likely to be held responsible for the results of a treaty which was purportedly entered into at a time when, according to the terms of customary international law, Lithuania was deprived of its legal ability to refuse or consent to the proposed duties and obligations.

The growing acceptance of the doctrine of non-recognition of forcible seizure of territory challenges the existing principles governing the law in regard to succession to treaties. The failure to admit the legality of Soviet control over Lithuania must result in the consequent failure of Soviet attempts to contract with other states on behalf of the Lithuanian territory. Such treaties would be void in 'conformity with the principle of all laws - that illegal acts should be barred from producing legal results'.[88]

Thus it would appear that the doctrine of reversion may have a much wider application in international law as a result of the increasing incidence of non-recognition of forcible seizure of territory. There remain a number of situations in which the doctrine is currently being applied and indeed it seems likely to be applied more regularly and with greater uniformity in the future.

This may represent a problem for the law in regard to succession to treaties. Treaties represent an increasingly important means of regulating the conduct of states, often within a framework of mutual cooperation. If the development of the doctrine of non-recognition is capable of producing a state which is effectively able to evade international obligations the desired framework of stability may be undermined in so far as it relies upon treaty obligations. The newly independent state would, of course, remain bound by the general principles of customary international law and by treaties which merely elaborate or confirm these.[89]

The problems posed by Lithuanian independence have been solved in practice through bilateral negotiations with other states.

88 Marek op. cit. p. 414, Hough op. cit. p. 480.
89 For example, the United Nations Convention on Human Rights or the Genocide Convention. Both are considered fundamental to the behaviour of all states - thereby allowing the world community to hold a violating state accountable regardless of its consent to be bound.

The United States, for example, following its recognition of Lithuanian statehood, sought assurances of continued compliance by Lithuania with provisions of the Conventional Arms Reduction Treaty and the Strategic Arms Reduction Treaty which may apply to Lithuanian territory.[90]

In the Lithuanian case, the success of economic restructuring is in the interests of a much wider group of states and strict legal interpretations of the Lithuanian position are likely to be replaced by practical considerations of issues as they arise on a bilateral or multilateral basis. Such bilateral agreements may not be forthcoming in all similar circumstances, however, and the problem of developing a doctrine which ensures some degree of certainty to enable reliance upon treaties affecting territories whose effective government is unrecognised, remains to be addressed.

• Lithuania regained its independence on March 11,1990, but some Russian occupation forces have not yet withdrawn from the Lithuanian territory. This photograph was taken on January 11, 1991, two days before Russian troops went on a bloody rampage in Vilnius, Lithuania's capital - leaving 13 civilians dead and 300 wounded. - Photo: Vytautas Lukšys/ELTA.

[90] *New York Times* 15/9/1991. Report on visit of Secretary of State James Baker to the Baltic States. Australia made such commitments a 'threshold issue' in regard to recognition of the Ukraine. (News Release by the Minister for Foreign Affairs and Trade 3/12/1991 No. M172. Supplied by the Department of Foreign Affairs and Trade.)

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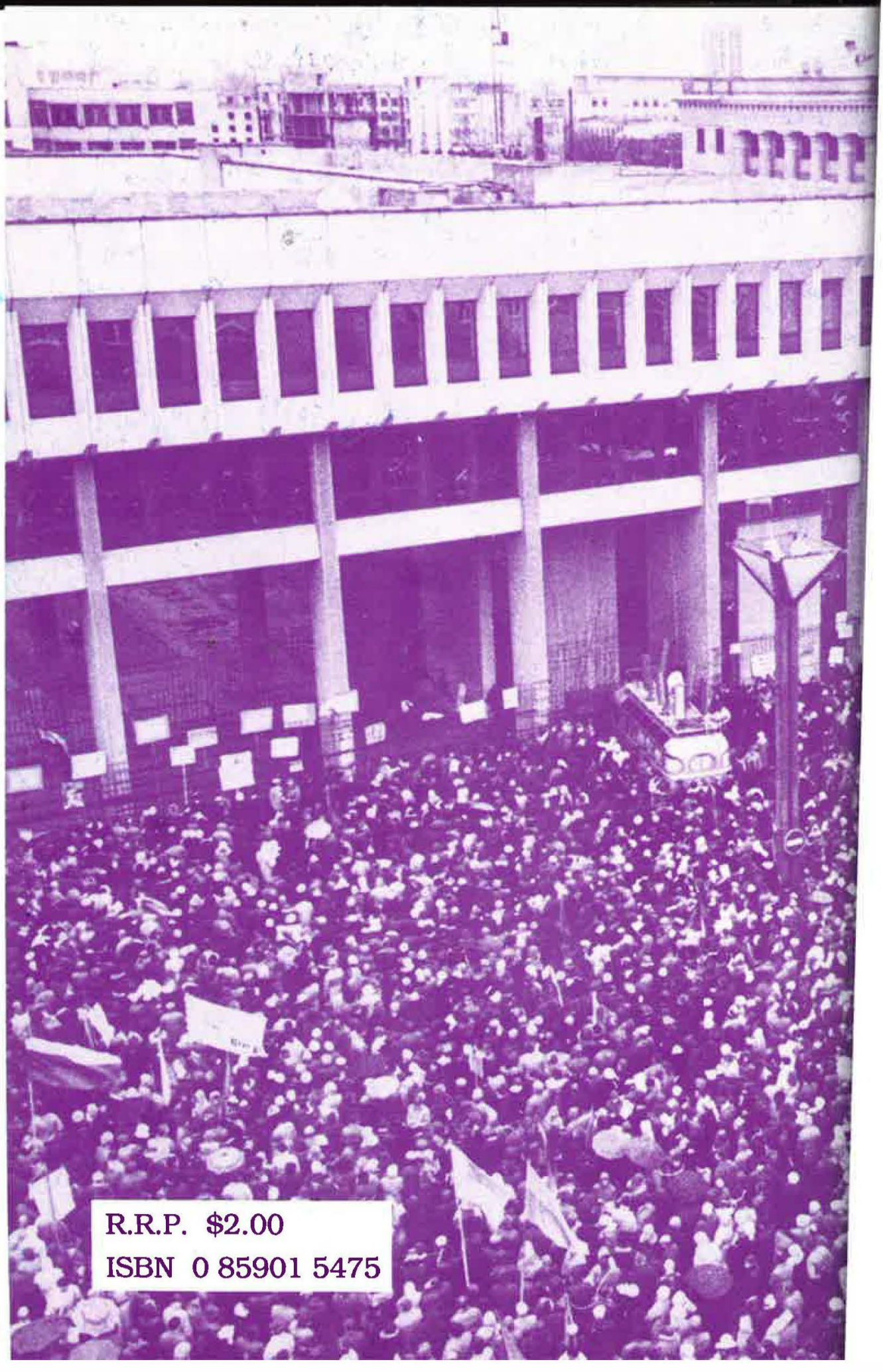

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