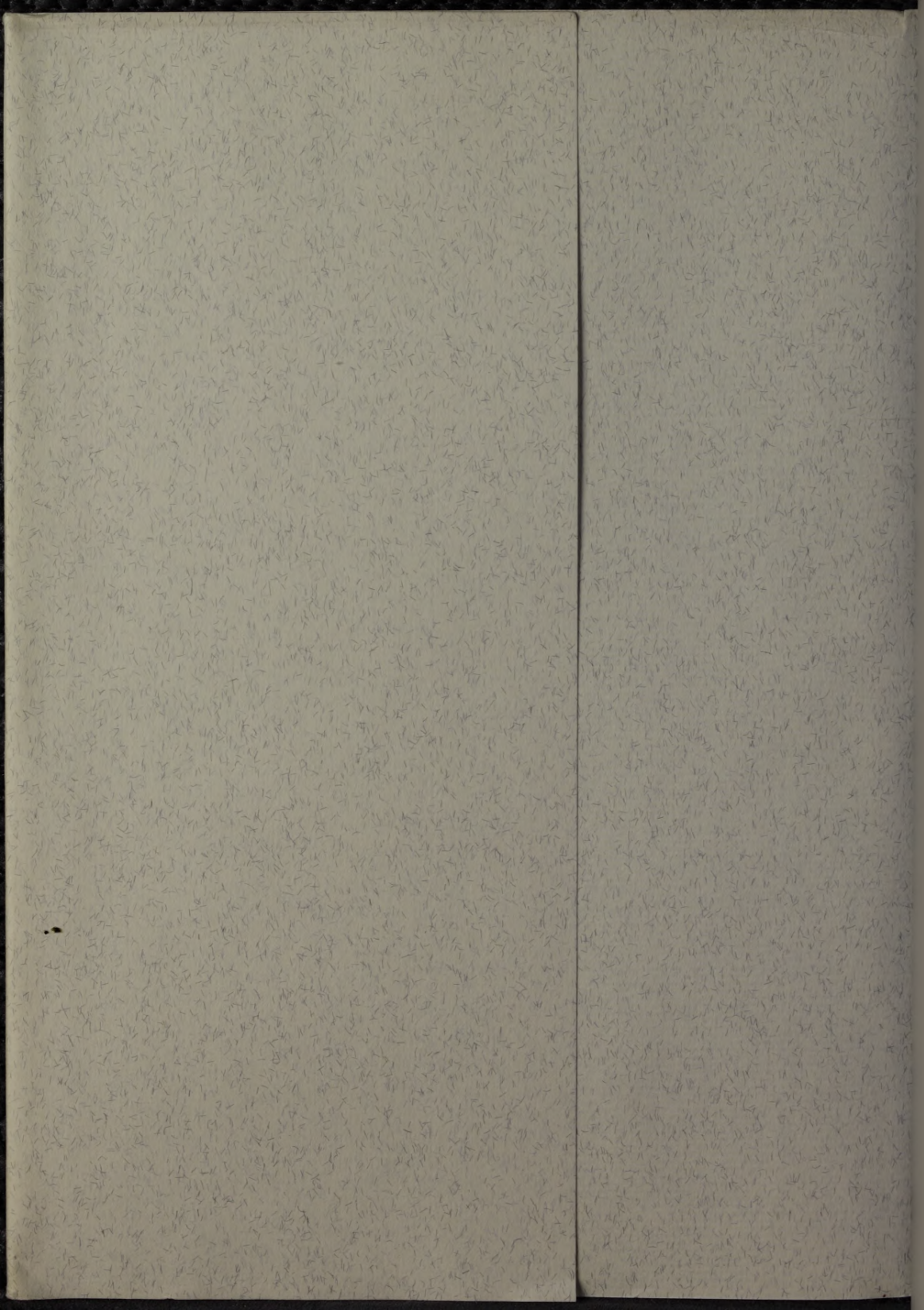
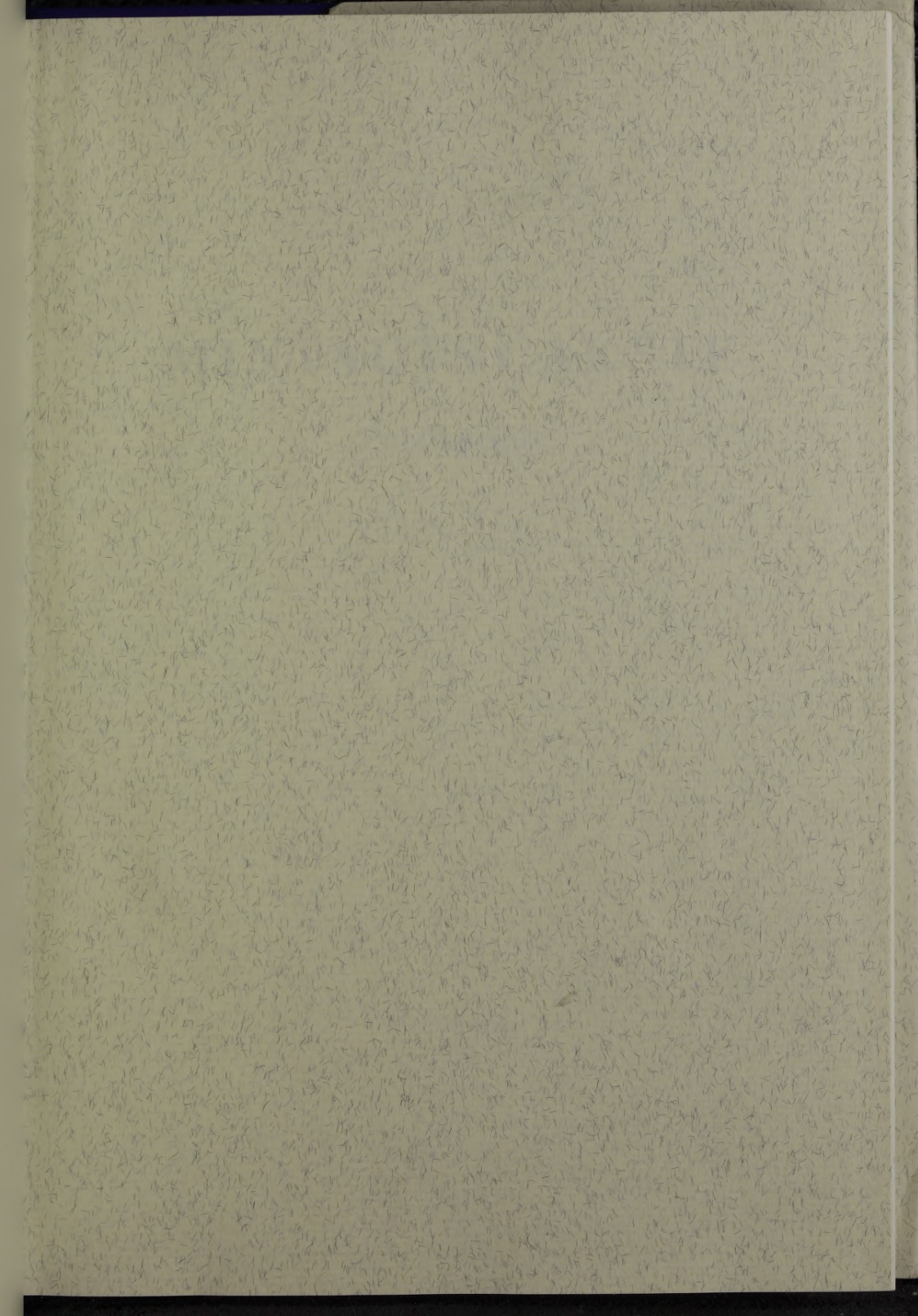


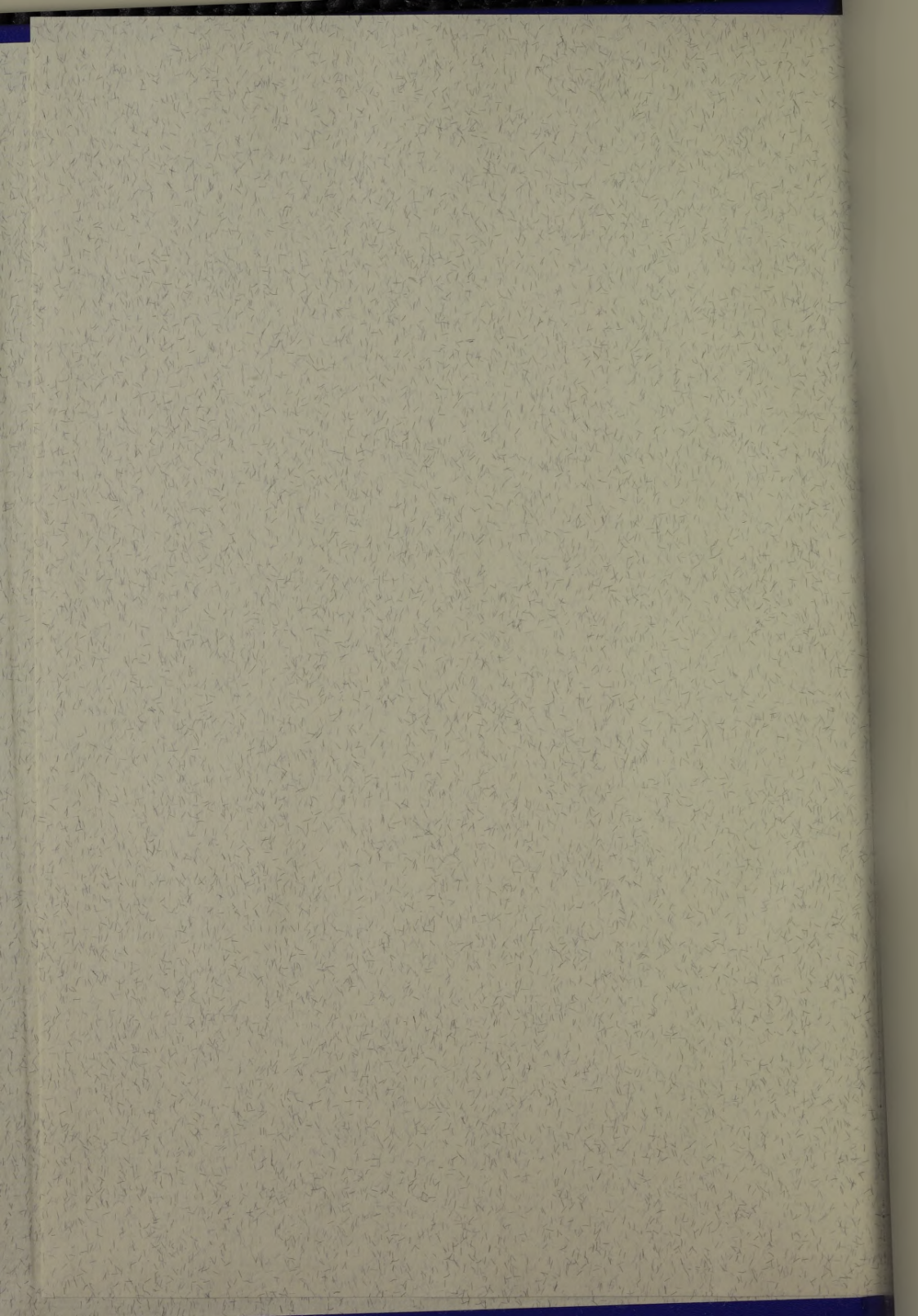
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*Aija Čakste
Stokholmā, 1994*

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LATVIEŠU IZCILIE JURISTI

SENĀTORS MINTAUTS ČAKSTE

Mūžībā aizgājušo latviešu juristu saimei pagājušā gada 16. septembrī pievienojās senātors Mintauts Čakste. Viņš šķirās no mums 69 gadu vecumā un līdz pat savai islaicīgai slimībai bija darba spara un labu nodomu pilns. Mums, bijušajiem M. Čakstes darba biedriem, viņa nāves ziņa nāca pilnīgi negaidīta, jo no Senāta darbības laikiem atcerējāmies viņu kā apveltītu ar labu veselību, nekad viņš nesūdzējās par kādām kaitēm vai pat nogurumu daudzo darbu dēļ. Daļēji šai veselībai viņš varēja arī pateikties par savām lielajām darba spējām.

M. Čakste dzimis 1893. g. 11. aprīlī, kā tai laikā pazīstamā Jelgavas advokāta, vēlākā Latvijas valsts prezidenta, Jāņa Čakstes otrais dēls. 1902. g. viņš iestājas Jelgavas ģimnazijā, kuŗu pabeidz 1911. g. Tā paša gada rudenī M. Čakste dodas uz Maskavu studēt jurisprudenci.

Studiju laikā M. Čakste aktīvi piedalās latviešu studentu sabiedriskajā dzīvē. Viņš ir viens no komisijas locekļiem, kas 1912. gadā izstrādā studentu vienības „Austrums” pirmos statūtus un vienu semestri ir arī šīs vienības vecākais. Studiju gados viņš arī izmanto tās iespējas, kādas Maskava kā Krievijas lielpilsēta sniedz mākslas baudīšanai. Viņš apmeklē pazīstamās Maskavas mākslas galērijas, teātrus un it sevišķi koncertus, jo ir liels mūzikas mīļotājs. 1915. gadā M. Čakstes tēvs ar ģimeni dodas bēgļu gaitās, kāpēc vairs dēlu nevar materiāli atbalstīt. Tad M. Čakste sagādā pats sev līdzekļus eksistencei un studijām, strādājot kādā ieroču fabrikas kantorī, un studijas beidz 1916. g. Tā paša gada beigās viņš iestājas Konstantīna artilērijas kaŗa skolā, kuŗu beidz 1917. g. jūnijā. Pēc 1917. g. oktobra revolūcijas M. Čaksti demobilizē, un viņš dodas pie vecākiem uz Kazaņu, kur strādā par sekretāru bēgļu palīdzības komitejā. Kad čehu leģionāri ieņem Kazaņu, M. Čakste pievienojas krievu pretliecinieciskajiem spēkiem, kas toreiz saucās par brīvprātīgo tautas armiju un vēlāk pakļāvās admirāļa Kolčaka vadībai. Saņēmis ziņas par latviešu vienību formēšanu tālajos austrumos, M. Čakste dodas uz Vladivostoku, kur iestājas Imantas pulkā. Ar imantiešiem M. Čakste atgriežas pa jūras ceļu Latvijā un ierodas Rīgā 1920. gada jūnijā.

Dzimtenē tad nu sākas M. Čakstes ražīgais darbs juridiskajā laukā. To viņš sāk 1920. g. kā kaŗa tiesas sekretārs, bet ar 1920. g. 22. decembri ir jau kaŗa prokurora palīgs un ar 1921. g. 14. jūliju — kaŗa prokurors. 1922. g. 12. oktobrī M. Čaksti ieceļ par Rīgas apgabaltiesas locekli, bet 1926. g. oktobrī — par tās pašas tiesas priekšsēdētāja biedru. No 1934. g. janvāra līdz 1940. g. 26. novembrim, kad krievu okupācijas vara pārtrauc Senāta darbību, M. Čakste ir senātors.

Ar M. Čaksti iepazīnos Rīgas apgabaltiesas II civīlnodaļā, kad tur īsu laiku strādāju par tiesamatu kandidātu. No jauna darbā mēs satikāmies 1938. gadā, kad mani ievēlēja par senātoru pensijā aizejošā prof. Lēbera vietā. Toreiz jau M. Čakstem Senātā stāvēja smags darba posms aiz muguras. Proti, Senāta civīlā kasācijas departamentā līdz 1934. gadam, nepietiekama senātoru skaita dēļ, bija uzkrā-

jies liels neizspriesto lietu daudzums. Lai to likvidētu, 1934. gada janvārī palielināja senātoru skaitu minētā departamentā ar trim no jauna ievēlētiem senātoriem: M. Čaksti, prof. Bukovski un J. Grotu. Kad 1938. g. es stājos Civilā kasācijas departamenta darbā, veco lietu sastrēgums jau bija likvidēts. Viens no tiem, kas šo lielo darbu paveica, bija senātors M. Čakste. Un tomēr arī tad vēl darba bija tik daudz, ka bieži vien pat svētdienās es cauru dienu nostrādāju pie rakstāmgalda. Varēju tikai iedomāties, kādu kolosālu darbu bija veikuši mani vecākie darba biedri. Man bieži nācās piedalīties mūsu departamenta sēdēs tādā sastāvā, kur prezidēja M. Čakste. Šis kopējais darbs, bet it sevišķi Senāta spriedumu projektu izgatavošanas kārtība deva man iespēju iepazīties ar M. Čaksti kā ļoti spējīgu juristu. Senāts kā kasācijas instance lietas būtību vairs nepārbaudīja. Tāpēc Senāta sēdēs prāvinieki nekādus jaunus pierādījumus nesniedza. Savukārt kasāciju motīvi jau bija sīki iztirzāti kasācijas sūdzībās un uz šīm sūdzībām iesniegtos pretinieku paskaidrojumos. Sēdēs prāvinieku pilnvarnieki tikai plašāk centās apgaismot savu galveno argumentāciju un retumis no jauna atsaucās uz kādiem komentāriem vai juridisko literatūru, kas pastiprina viņu viedokli. Tāpēc bija iespējams jau motivētus sprieduma projektus izstrādāt pirms sēdes. Attiecīgu lietu referenta projektus vispirms nosūtīja otrajam piesēdētājam un, kad viņš tos bija pārbaudījis — prezidējošam. Senāts lietas referentu savos spriedumos neatzīmēja, un spriedums skaitījās kā kopīgi izgatavots. Pēc Senāta spriedumos izteiktiem atzinumiem vadījās zemākās instances. Visu to vērā ņemot, katra sēdes dalībnieka interesēs bija pamatīgi pārbaudīt savu kolleģu projektus. Par visu to, kam pārbaudītājs referenta projektā nepievienojās, tas taisīja uz projekta savas piezīmes. Tās attiecās ne tikai uz juridisko argumentāciju, bet arī uz tās izteiksmi vispār un it sevišķi uz secinājumu formulējumu. Sēdēs prezidējošiem gan bija mazāks referātu resp. lietu skaits, toties tie pamatīgāki pārbaudīja pārējo dalībnieku projektus un sajuta lielāku atbildību par visu spriedumu pareizību un teicamu motivāciju. Sēžu spriedumēm un tajās izšķiramiem juridiskiem jautājumiem M. Čakste bija vienmēr sagatavojies rūpīgi, un viņa piezīmes uz referentu projektiem bija lietišķas. Likumu iztulkojumos un to piemērošanā es ar M. Čaksti ļoti sapratos, un mūsu viedokļi parasti saskanēja. Daļēji tas varbūt bija tāpēc, ka M. Čakste līdzīgi man bija lielāks formālists, nekā, piemēram, lielais taisnības meklētājs katrā lietā T. Zvejnieks, kas tajā laikā bija Tiesu palātas civildepartamenta priekšsēdis. Te nu gan piebilstams, ka Tiesu palāta, kā apelācijas instance, pārbaudīja no jauna lietas faktisko pusi un izsprieda lietu pēc būtības. Tāpēc arī Tiesu palātā tiesnesim bija lielāka iespēja nodoties maksimālās taisnības sasniegšanai lietā nekā Senātam, kas lietas būtību vairs nepārbaudīja. Turklāt Senātam vienmēr bija jāpatur prātā, ka no tā atzinumiem parasti vadās zemākās instances, kāpēc konkrētā lietā teiktais var ietekmēt tiesu praksi arī citās lietās.

Man, trimdā esot, nācies dzirdēt par M. Čaksti, ka domstarpību gadījumos ar viņu nav iespējams saprasties un panākt kādu kompromisu. Var jau būt, ka to zināmā mērā var attiecināt uz viņa sabiedrisko un politisko darbību, kādā man ar viņu saskare nav bijusi. Bet to nevaru teikt par Čaksti kā darba biedru Senātā. Pārlicināts par sava viedokļa pareizību, viņš gan mēdza to sīvi Senāta apspriedēs aizstāvēt un, pārbaļots, dažreiz rakstīja savas atsevišķās domas. Bet ne jau viņš viens to darīja. Citi tikai darija to varbūt retāk. M. Čakste bija — ja varam tā izteikties — principu cilvēks. Tā, pie-

mēram, kā pārliecināts demokrāts un parlamentārās iekārtas aizstāvis, viņš nevarēja samierināties ar 1934. g. 15. maija apvērsumu un toreizējo autoritāro režīmu Latvijā, ko privātās sarunās darba biedriem arī neslēpa. Bet Senāta tiesas vai apvienotās sapulces sēdēs jautājums par minētā režīma legalitāti vai nelegalitāti nekad netika apspriests. Par to gan Senāta apvienotā sapulcē bija vienreiz debatēts 1935. g. zv. adv. V. Zāmuēļa disciplinārlietā, kurā M. Čakste bija palicis pie atsevišķām domām. Bet ne šini, nedz arī kādā citā lietā Senāts nav atzinis Latvijas satversmi par spēkā neesošu, kā tas kādreiz minēts „Londonas Avīzē”. Šai jautājumā bij. Senāta apvienotās sapulces priekšsēdis A. Gubenis man 1948. g. 9. jūnija vēstulē rakstīja: „Senāta apvienotā sapulce jautājumu, vai un kādā apmērā pēc 1934. g. 15. maija apvērsuma ir spēkā Latvijas 1922. g. 15. februāra satversme, nav nekad apspriedusi”. Atgriezoties pie sēžu apspriedēm Civilā kasācijas departamentā, man jāsaka, ka atsevišķos gadījumos debātes izvērtās diezgan „karstas”, it īpaši departamenta kopsēdēs, kur apsprieda juridiskā ziņā sevišķi sarežģītas lietas. Pēc departamenta kopsēdes, kas katru mēnesi bija pēdējā, mēs parasti gājām uz Latviešu biedrību vakariņot. Senātors J. Grots kā šīs biedrības nama pārzinis tad parūpējās, lai mums „māmuļā” būtu rezervēta kamīna istaba, kurā mums ienākot, jau kurējās kamīns. Tur pie klāta galda tad valdīja omulība, nāca jautri stāsti par studiju laikiem, medībām u.t.l., pie kam M. Čakste bija atjautīgs valodu risinātājs un patīkams galda biedrs. Mūsu „strīdi” sēdes apspriedē tad bija aizmirsti, un, ja tos pieminēja vēl, tad ar humoru.

Jau atgriezoties ar Imantas pulku no Tāļajiem austrumiem, M. Čakste garajā ceļā bija sācis mācīties angļu valodu. To viņš turpināja arī Rīgā, un kad es sāku strādāt Senātā, tad Čakste jau bija labs angļu valodas pratējs. Kad sākās otrais pasaules karš, M. Čakste mūs bieži informēja par to, kas ziņots angļu (BBC) raidījumos. Viņš bija angļu draugs un to kultūras cienītājs, protams, arī biedrs angļu-latviešu tuvināšanas biedrībā. Kādu laiku viņš bija arī šīs biedrības priekšsēdis. Viņš otrā pasaules karā visu laiku ticēja Anglijas un tās sabiedroto uzvarai, bet arī cerēja, ka šī uzvara mums atnesīs atkal brīvību. Kad krievu okupanti Senāta darbību jau bija pārtraukuši, bet M. Čakste strādāja Finanču komisāriāta likvidācijas daļā, tad kādreiz tiekoties uz ielas, mēs norunājām apciemot zv. adv. P. Bergi. Mūsu apciemojuma nolūks bija apmainīties domām, kas nākotnē saistāms mūsu tautai. P. Bergis īsi pirms otrā pasaules kara sākuma bija apceļojis Vāciju un Franciju. Atgriezies Latvijā, tas bija pesimistiski noskaņots un kādreiz mums Senātā stāstīja par acimredzamo Vācijas gatavošanos karām, kamēr Francijā valdot dzīves baudīšana. Domu izmaiņā pie P. Berga Čakste izteicās diezgan optimistiski, jo nebija zaudējis savu lielo paļaušanos uz rietumu sabiedrotiem. Turpretī P. Bergis bija drūmi noskaņots un nekā laba neparedzēja, it kā netaudzams savu likteni — vēlāko deportāciju. Tā arī sākās dažus mēnešus vēlāk 1941. g. jūnijā. Deportācijas pirmās dienas ritā, ejot pāri Bastejkalnam, nejauši satikos ar Čaksti. Viņš mani paņēma pie rokas un noveda sāņus pie kāda nomaļa sola, kur apsēdāmies. Pirmie viņa vārdi bija: „August, vai tu tagad saproti, kas ir terrors!” Tik satrauktu es to nekad vēl nebiju redzējis. Viņš iepriekšējā naktī bija pieredzējis bij. valsts prezidenta adjutanta Kuplā ģimenes aizvešanu. Drīz pēc tam sākās Vācijas uzbrukums Padomju Savienībai, kas triecās cauri krievu okupētām zemēm. Jau 1941. g. 1. jūlijā krita

Rīga, un drīz vien visa Latvijas teritorija atradās vācu armijas rokās.

Jūlija sākumā atkal satikos ar M. Čaksti. Tad mēs, vairāki agrākie Latvijas tiesneši, kas bijām paglābušies no komunistu vajāšanām, salasījāmies ik dienas Rīgas apgabaltiesas namā, lai apspriestos par Latvijas tiesu darbības atjaunošanu. Šim nolūkam mēs Tiesu palātas civildepartamenta priekšsēža T. Zvejnieka vadībā sākām izstrādāt attiecīgus projektus (kā pārejas laika noteikumus u.t.l.) un arī iesniedzām vācu okupācijas iestādēm par tiesu darbības atjaunošanas nepieciešamību. Faktiskā vara Latvijā toreiz atradās vācu okupācijas iestāžu rokās un no tās nebija viegli „izkaulēt” mūsu tiesu darbības atjaunošanu. Vācieši visādi centās mūsu nākamo tiesu darbību ierobežot un trešās instances — Senāta darbībai vispār nepiekrita. Vienīgi panācām, ka kasācijas un no jauna arī revīzijas funkcijas miertiesu lietās piešķīra Tiesu palātai. Minētā darbā viens no aktīvākiem T. Zvejnieka palīgiem bija M. Čakste. Kad Tiesu palāta atsāka savu darbu, es līdz ar dažiem citiem senātoriem pārņēmu šīs tiesu instances darbību, bet M. Čakste ar R. Alksni palika Tieslietu Ģenerāldirekcijā par juriskonsultiem. Tieslietu Ģenerāldirekcija vācu okupācijas laikā zināmā mērā izvērtās par latviešu interešu aizstāvi iepretim vācu iestādēm. Šī latviešu interešu aizstāvēšana, piemēram, izteicās gan atsaukmēs, kuŗas pieprasīja citas latviešu pašpārvaldes iestādes, gan arī pavadrakstos privātpersonu lūgumiem, kad tos nācās pēc piederības nosūtīt kādai vācu okupācijas varas iestādei. Bet bija arī vesela rinda gadījumu, kad Tieslietu Ģenerāldirekcija pati uz savu ierosmi protestēja pret vienu vai otru vācu rīcību, kā, piemēram, pret policijas vienību formēšanu sūtīšanai uz Krieviju, pret vācu izdotajiem noteikumiem par miesas sodiem dzelzceļniekiem un citos gadījumos. Bieži vien šādi iesniegumi tika motivēti ar pašu vācu izdotajiem noteikumiem vai rīkojumiem, ko kāds viņu varas virs nebija ievērojis. Kaut arī parasti viens no juriskonsultiem bija attiecīga iesnieguma izstrādātājs, svarīgākos gadījumos visi juriskonsulti apspriedās kopīgi, bieži vien piedaloties pašam ģenerāldirektoram. Tādā kārtā M. Čakste kā Tieslietu Ģenerāldirekcijas juriskonsults dabūja daudzkārt pielikt savu roku tur, kur nācās aizstāvēt latviešu intereses iepretim patvarīgai vācu okupācijas varas rīcībai.

Kad latviešu pašpārvaldē pēc atkārtotām vācu okupācijas varasviru prasībām un spiedieniem radās jautājums par latviešu mobilizāciju (kaujas vienību formēšanai), tad M. Čakste krasi nostājās pret to. Šai jautājumā viņš pāris reizes nonāca asā vārdu apmaiņā ar ģenerāli Bangerski, kas kādu laiku bija arī strādājis par Tieslietu ģenerāldirekcijas referentu. Pēdējais kā kaŗavīrs vairāk domāja par Latvijas teritorijas pasargāšanu no krievu iebrukuma, kamēr M. Čakste uzsvēra latviešu tautas dzīvā spēka saglabāšanas nepieciešamību un baidījās no politiskajām sekām, kādas latviešu mobilizācija varētu radīt, Vācijai kaŗu zaudējot. Par vienu no šiem strīdiem ir pieminēts ģenerāļa Bangerska atmiņu trešajā sējumā, M. Čaksti gan vārdā tur nenosaucot. (Mana mūža atmiņas, III, 1959, 80—81). Kad 1943. g. „pagrīdē” nodibinājās Latvijas Centrālā padome, M. Čakste piedalās tās darbā kā juridiskās komisijas loceklis. Šī komisija savāca okupācijas varas izdotos likumus un rīkojumus un arī izgatavoja pārskatus par apstākļiem Latvijā. Šo informāciju nogādāja uz Stokholmu mūsu sūtnim V. Salnajam, kas to pārsūtīja sūtnim Dr. A. Bilmanim ASV. Latvijas sūtniecība 1944. g. publicēja Vašingtonā dokumentu krājumu „Latvian-Russian Relations,” ko sastādījis

Dr. A. Bilmanis. Tajā, starp citu, ir ievietots Latvijas Centrālās padomes pārskats (statement) par notikumiem Latvijā pēc 1940. g. 17. jūnija. (lpp. 235.—238.). Arī šajā pārskatā ir nosodoši norādīts uz latviešu piespiedu mobilizācijām gan vācu darba dienestā, gan armijā un citur. Tā kā M. Čakste bija minētās Centrālās padomes juridiskās komisijas loceklis, tad jāpieņem, ka viņš ir strādājis pie šī pārskata. Par šo pagrīdes darbību vācieši M. Čaksti apcietina, kad arī viņam, starp citu, pārmet līdzdalību augstāk minēto dažādo iesniegumu sastādīšanā, kas vērsās pret vācu iestāžu vai varas vīru patvarīgo rīcību. M. Čaksti no apcietinājuma atbrīvo 1944. g. rudenī, tikai neilgi pirms Rīgas krišanas sarkanarmijas rokās, un tam izdodas ar ģimeni pārbēgt uz Zviedriju.

Nonācis Zviedrijā, M. Čakste sākumā strādā archīva darbus, bet no 1950. g. ir zinātniskā darba stipendiāts pie Stokholmas universitātes juridiskās fakultātes. Kā labs starptautisko tiesību pazinējs, M. Čakste bija aicināts piedalīties trijās starptautiskās juristu sanāksmēs. Pirmā no tām bija Starptautiskās advokātūras savienības (International Bar Association) konference 1948. g. Hāgā. Tajā M. Čakste runāja par agresiju sakarā ar patvarīgo Baltijas valstu iekļaušanu Padomju Savienībā. Otrā no minētām sanāksmēm bija Starptautiskās juristu komisijas (International Commission of Jurists) kongress, kas notika 1952. g. Berlīnē Vācijas brīvo juristu izmeklēšanas komisijas ierosinājumā. Tajā piedalījās juristi no 44 valstīm, un M. Čakste šī kongresa publisko tiesību komisijā sniedza pārskatu par cilvēku tiesību deklarācijas pārkāpumiem un deportācijām krievu okupētajā Latvijā. Trešā sanāksme bija Starptautiskās juristu komisijas kongress 1955. g. Atēnās, kur Latviju reprezentēja M. Čakste un Dr. V. Māsēns. Tajā piedalījās 140 juristi no 48 zemēm un iztirzāja, starp citu, to netaisnības un cilvēku tiesību ignorējošo sistēmu, kas pastāv komunistu pārvaldītās zemēs. Kā Latvijas pārstāvis M. Čakste piedalījās arī 1950. g. jūnija beigās Berlīnē sasauktajā kongresā Kultūrai brīvībai. Tajā ieradās 150 ievērojami rietumu pasaules gara darbinieki. Kongress izstrādāja manifestu, kurā aicināja cilvēci aizstāvēt brīvību, un arī vēstījumu tautām aiz dzelzs aizkara, apliecinot savu solidaritāti šo tautu brīvības centieniem. Kongress nodibināja permanentu 25 vīru darba komisiju. Kā viens no šīs komisijas locekļiem M. Čakste piedalījās komisijas darbā. Visās šajās sanāksmēs M. Čakstem bija iespēja norādīt uz pretiesisko Latvijas „inkorporāciju” Padomju Savienībā un līdz ar to propagandēt Latvijas atbrīvošanas nepieciešamību. Visām šīm sanāksmēm bija liela politiska nozīme, it sevišķi Padomju Savienības varmācīgās politikas apgaismošanai, un par tām rakstīja daudzu zemju laikraksti.

Jau no trimdas pirmajām dienām M. Čakste pievērsās politiskai darbībai, kuŗu bija sācis vācu okupācijas laikā „pagrīdē”. Par šo viņa darbību varu šeit pieminēt tikai vispārējos vilcienos, jo politiskajā laukā, kā jau teicu, man ar viņu nav nācies sadarboties. M. Čakste aktīvi piedalījās jau dzimtenē nodibinātās Latvijas Centrālās padomes darbā, un sākumā arī Zviedrijā izveidotajā Latviešu liberāļu apvienībā. Arī M. Čakstes politiskajā darbā visnozīmīgākā bija viņa aktivitāte starptautiskajā laukā. Šeit vispirms atzīmējama viņa darbība par latviešu piesaistišanu Eiropas kustībai. M. Čakste bija viens no pirmajiem, kas uzņēma kontaktu ar šo kustību un izveidoja Zviedrijā šīs kustības Latviešu nacionālo komiteju, kuŗu kopā ar lietuviešu un igauņu komitejām pēc lielākas cīņas uzņēma 1950. g. Eiropas kustības organizācijā, tās Vidus- un Austrumeiropas komisijā. Kā

Latviešu nacionālās komitejas priekšsēdis M. Čakste arī piedalījās minētās komisijas sasauktajā Vidus- un Austrumeiropas konferencē 1952. g. Londonā. Šī konference pieņēma deklarāciju, kuŗā, starp citu, teikts, ka paliekošu nokārtojumu ar Padomju Savienību varēs panākt tikai tad, kad Vidus- un Austrumeiropas zemēs būs atjaunota nacionālā neatkarība un personiskā brīvība. Kad 1953. g. minētā komisija kļuva patstāvīga, no Eiropas kustības neatkarīga organizācija, M. Čakste piedalījās tās pirmajā izpildu biroja sēdē Londonā. Kādu laiku M. Čakste bija arī viens no valdes locekļiem Latviešu liberāļu apvienībā, kuŗa izveidojās trimdā no agrākā Demokratiskā centra un Progresīvās apvienības darbiniekiem, un ko 1948. g. uzņēma Liberālā internacionālē. Kā šīs apvienības pārstāvis M. Čakste piedalījās Liberālās internacionāles kongresos: 1949. g. Dovilā un 1951. g. Upsalā. Bet vēl pirms tam 1949. g. tas bija piedalījies Londonā Liberālās ūnijas sasauktajā Viduseiropas liberālo trimdinieku konferencē un šīs konferences laikā turējis runu masu sapulcē vienā no lielākajām Londonas hallēm — Alberta hallē. Aktīvi līdzdarbojoties minētās sanāksmēs, M. Čakstem bija laba izdevība aizstāvēt un propagandēt neatkarīgās Latvijas un latviešu intereses. Tā Upsalas konferencē viņš piedalījās latviešiem svarīgajā rezolūcijas izstrādāšanā par Padomju Savienības vergu darba nometnēm un latviešu deportāciju. Ar savu labo svešvalodu prasmi viņš arī minētās sanāksmēs nodibināja labu kontaktu ar vairākiem valstsvīriem un pazīstamiem politiķiem, kāpēc arī privātās sarunas ar tiem varēja izmantot mūsu interešu labā.

Līdzās savai politiskai darbībai M. Čakste pievērsās trimdas gados arī avīžniecībai. Viņš bija dalībnieks „Daugavas” apgādā, kas Zviedrijā izdeva laikrakstu „Latvju Ziņas.” Šajā laikrakstā M. Čakste publicēja daudzus rakstus. Pašķirstot šī laikraksta vecos gada gājumus, redzams, ka M. Čakste ir bijis ļoti produktīvs, gan rakstot kodoļīgus ievadus, gan arī ārpolitikas apskatus, pēdējos ar pseudonimu „Vērotājs.” Viņa ievadraksti skaŗ kā latviešu sabiedriskos un nacionālpolitiskos jautājumus, tā arī starptautiskus notikumus un problēmas. Visos viņa rakstos izjūtam cilvēku, kas neatlaidīgi aizstāvējis tos principus, par kuŗu pareizību viņš bijis pārliecināts un no kuŗiem nav atkāpies.

Ar senātoru M. Čakstes nāvi mēs esam zaudējuši ne tikai spējīgu un pieredzes bagātu juristu, bet arī izcilu politiķi starptautiskās cīņas laukā par mūsu tautas brīvību un Latvijas valsts faktiskās suverēnitātes atgūšanu.

A. Rumpēters.

MINTAUTS ČAKSTE KĀ TIESĪBU ZINĀTNIĒKS

Ar Mintautu Čaksti aizgāja aizsaulē ne tikvien izcils Latvijas patriots un tiesnesis, bet arī ievērojams tiesību zinātnieks. Viņa vārds bija pazīstams tālu pāri latviešu trimdas saimei. Mintautu Čaksti cienīja starptautiskās juristu, politisko zinātnu un vēsturnieku aprindās kā asprātīgu un daudzpusīgu zinātnieku. Viņš nodibināja sev noteiktu vietu zinātniskajā un politiskajā pasaulē galvenām kārtām ar savām publikācijām.

Plašu atbalsi nelaiķis guva ar vienu no saviem pirmajiem darbiem, proti, ar rakstu par Apvienoto Nāciju chartu. Raksts publicēts 1948. g. autoritātīvā un iecienītā amerikāņu žurnālā par starptautiskām tiesībām (sk. bibliografiju, tituls 2). Šis darbs vairākkārt citēts literātūrā (1). Cits Čakstes apcerējums, visplašākais pēc apjoma, kļuvis par stūrakmeni Latvijas neatkarības prasības pamato-

jumam: Latvijas iekļaušanas PSRS norise un tās juridiskā un politiskā analīze. Šo darbu sūtnis Bīlmanis 1947. g. vēl pirms tā iespiešanas Amerikā (sk. bibliogr., tit. 4) bija iesniedzis Apvienoto Nāciju delegācijām kā memorandu par Latvijas tiesisko stāvokli. Rakstu izmantojusi arī Kerstena komisija savā ziņojumā (2). Daudz slavēts tika Čakstes raksts par PSRS suverēnitātes jēdzienu (sk. bibliogr., tit. 7). To rietumos vēl līdz šai dienai uzskata par šī temata klasisku iztirzājumu. Mintauts Čakste arī turpmāk pievērsa savu vērību padomju tiesībām un padarīja bagātāku šo pētišanas lauku ar vairākiem sacerējumiem, starp citu arī Latv. juristu rakstos (sk. bibliogr., tit. 13, 15). Nelaiķis vēl it sevišķi nodarbojies ar agresijas problēmu, ievērojot padomju praksi un teoriju. Viņš tematu iztirzāja vispusīgi, neaprobežodamies ar juridisko analīzi, bet meklējot arī tās vēsturiskās saknes un atklājot tās politisko nozīmi. Tādā garā autors piegāja arī aktuālām problēmām, piem., veltījot iztirzājumu „mierīgas koeksistences” jautājumam. Plašu publicitāti Latvijas labā Čakste ieguvis ar savu uzstāšanos starptautiskās juristu konferencēs, piemēram Hāgā (1948. g.) (3), Berlīnē (1952. g.) un Atēnās (1955. g.).

Mintauta Čakstes zinātniskais mantojums liecina par autora universālītāti. Viņa darbi parādījās ne tikvien vairākās valodās — latviešu, angļu, zviedru un vācu — kurās viņš pilnībā pārvaldīja, bet arī aptvēra plašu zinātnes lauku, sniedzoties no vēstures līdz tagadnei, no starptautisko tiesību zinātnes līdz civiltiesībām, no Padomju Latvijas līdz Apvienotām Nācijām. Nelaiķa darbs izceļas ar bezkompromisa nostāju. Drošsirdīgi viņš savus uzskatus uzturēja arī tad, ja tas skaitījās neērti, vai pat nepatīkami. Vēstures gaita apstiprinājusi daudzas autora izteiktās domas un brīdinājumus. Lāiekas, ka arī turpmākā pasaules attīstība pierādīs nelaiķa pūļu ilgstošu nozīmi.

Lai kādi nopelni nelaiķim būtu zinātņu laukā, visspilgtākā viņa darba un dzīves pazīme tomēr ir viņa dedzīgais patriotisms un viņa dziļā dzimtenes mīlestība. Latvija Mintautam Čakstem daudz patelcības parādā.

Ditrichs A. Lēbers.

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Latvijas starptautiski tiesiskā atzīšana

Ar 1918. gada 18. novembra Latvijas valsts proklamēšanas aktu Tautas padome izteica latviešu tautas gribu nodibināt savu neatkarīgu valsti. Ja šo aktu tai laikā vispār varēja tiesiski pamatot, tad tikai ar tautas pašnoteikšanās tiesībām. Tautas pašnoteikšanās tiesības pirmā kārtā nozīmēja tiesības atdalīties no Krievijas. Bet vecā Krievija, kuŗas ietekme uz sabiedrotajām lielvalstīm tai laikā bija sevišķi izjūtama, tādas tiesības nepazina. Jaundibinātā Padomju Krievija gan bija urbi et orbi izsludinājusi pašnoteikšanās tiesības visām Krievijai pakļautām tautām, bet visur, kur vien varēja, padomju vara ar ieročiem apspieda nacionālās kustības, kas gribēja šīs tiesības īstenot. Latviešu tautas centieni atdalīties no Krievijas neatrada atbalstu arī starptautiskās tiesībās, kā tās izprata un piemēroja sabiedrotās lielvalstis Parīzes Miera konferences laikā. Tādēļ latviešu tautai savas pašnoteikšanās tiesības bija vārda tiešā nozīmē jāizcīna ar ieročiem kuŗa laukos un ar diplomātiskiem līdzekļiem valsts viru apspriedēs un kabinetos. Kā katrā, arī šajā cīņā bija jāpiedzīvo neveiksmes, pirms tā nobeidzās ar Latvijas uzņemšanu Tautu savienībā 1921. g. 22. septembrī. Tikai tad piepildījās Tautas padomes politiskajā platformā deklarētais noteikums, ka Latvijas valsts būs Tautu savienības locekle.

Vērojot šīs cīņas posmus, par pirmo nepārprotamo soli ceļā uz starptautisko atzīšanu būtu jāuzskata Latviešu pagaidu nacionālās padomes (LPNP) 1917. gada 17. novembrī Valkas sesijā pieņemtā deklarācija, kas atklāti aicināja latviešu tautu stāvēt par savām pašnoteikšanās tiesībām un atbrīvot zemi no svešiem apspiedējiem. Tūlīt nākošajā dienā LPNP griezās ar īpašu uzsaukumu pie sabiedrotām valstīm. Tanī padome deklarēja, ka Latvijas valsts iekārtu un ārējās attiecības noteiks satversmes sapulce un tauta nobalsošanā, un protestēja pret sagaidāmo Kurzemes pievienošanu Vācijai, kas runā pretī tautu pašnoteikšanās tiesībām.¹

Savu atdalīšanos no Krievijas Latvija pasludināja Krievijas Satversmes sapulces vienīgajā sēdē 1918. g. 18. janvārī, kad LPNP pārstāvis nolasija attiecīgu deklarāciju. Vēlāk sarunu laikā Parīzē Latvijas delegāti, balstoties uz šo notifikāciju, noraidīja jebkādas krievu tautas līdzrunāšanas tiesības Latvijas neatkarības jautājumā.²

LPNP bija nodibinājusi ārējo nodaļu sakaru uzņemšanai ar ārvalstīm. Jau 1918. g. sākumā tās locekļi apmeklēja Francijas, Lielbritānijas, Amerikas Savienoto valstu un Zviedrijas diplomātiskos pārstāvju Petrogradā, iepazīstinot viņus ar latviešu tautas politiskiem centieniem un prasībām.³ Francijas vēstnieks Nulanss (Noulens)

atbildēja uz LPNP demaršu ar 1918. g. 22. janvāra vēstuli, kuŗā viņš starp citu raksta:

„J'accueille votre démarche avec une vive sympathie, comme fait par les représentants d'une nationalité qui a conscience de ces droits et dont les citoyens grâce à l'énergie de leurs aspirations ethniques, sont appelés a conquérir une légitime indépendence.”

Tālāk Nulanss raksta, ka Francija nevar neapsveikt LPNP centienus un apsola tos atcerēties, kad pienāks laiks galīgam mieram un repatriācijai.

Vai tas nozīmēja, ka tai laikā Francija atzina LPNP de facto kā pagaidu valdību? Vēlāk pati Francijas ārlietu ministrija 1920. g. 29. aprīļa rakstā Latvijas delegācijas priekšsēdētājam Parīzē kvalificēja šo Nulansa vēstuli kā „neatkarīgās Latvijas valsts pagaidu atzišanu de facto līdz sabiedroto valstu valdību galīgam lēmumam par atzišanu de jure.”⁴

Latvijas valsts nodibināšanu apdraudēja Brestļitovskas miera līgums starp Krieviju un Vāciju, pēc kuŗa Krievija atteicās no suverēnitātes uz Kurzemi un Rīgas apriņķi ar Rīgas pilsētu. Bez tam pēc līguma papildinājuma Krievija atteicās vēl arī no Cēsu, Valmieras un Valkas apriņķiem. Vācija no savas puses šajās Latvijas daļās bija iecēlusi landesrātus, kuŗiem vajadzēja pārstāvēt „tautas gribu” un prasīt šo zemju pievienošanu Vācijai. Pret Vācijas politiku LPNP 1918. g. 4. aprīlī iesniedza asu protestu Vācijas kancleram grāfam Hertlingam, bet jūlijā, kad padome sanāca uz sēdi Petrogradā, kas boļševiku terrora dēļ bija jānotur slepeni, tā pieņēma plašāku protestu pret Vācijas rīcību. Ar šo protestu LPNP nosodīja pašnoteikšanās tiesību pārkāpšanu un tautas gribas viltošanu un prasīja LPNP atzišanu par Latvijas valsts augstāko pagaidu organu un Latvijas valsts nodibināšanu ar starptautisku garantiju.⁵

Vācijas nodomu izjauca kuŗa iznākums, 1918. g. 11. novembrī Vācija kapitulēja. Tai pašā dienā, it kā viņš to vien bija gaidījis, Lielbritānijas ārlietu sekretārs lords Balfurs, atbildot uz jau agrāk izdarīto demaršu ar pazīstamo vēstuli, starp citu rakstīja, ka:

„They (His Majesty's Government) are glad to reaffirm their readiness to grant provisional recognition to the Latvian National Council as a de facto independent body until such time as the peace Conference lays the foundations of a new era of freedom and happiness for your people.”⁶

Pagaidām tā vēl nebija Latvijas valsts atzišana, bet gan tikai LPNP kā Latvijas pagaidu valdības (Latvian Provisional Government) atzišana. Vārds „Government” te, domājams, lietots plašākā nozīmē, aptvepot ne tikai ministru kabinetu, bet gan augstāko valsts pārvaldi vispār.

No sacītā redzams, ka līdz 1918. g. 18. novembrim, kad Tautas padome proklamēja Latvijas valsti un nodibināja pirmo ministru

kabinetu, LPNP jau bija paspējusi veikt lielākus priekšdarbus, starp citu panākot Latvijas pagaidu valdības atzišanu de facto no divām lielvalstīm — Francijas un Lielbritānijas. Drīz pēc proklamēšanas nāca atzišana no Vācijas. Tā savu pilnvaroto Baltijā Augustu Vinnigu iecēla par sūtni pie Igaunijas un Latvijas pagaidu valdībām. A. Vinnigs kā Vācijas valsts pilnvarotais 29. decembrī parakstīja pirmo starptautisko līgumu ar Latvijas Pagaidu valdību.⁷

Latvijas valsts proklamēšanu un augstāko valsts varas organu nodibināšanu jaundibinātā valsts tūlīt notificēja sabiedrotām valstīm Parīzē un ārvalstīm vispār caur viņu diplomātiskām pārstāvniecībām Stokholmā. Kaut arī Tautas padomei nebija formāla legāla mandāta runāt latviešu tautas vārdā, tās autoritāte kā latviešu tautas politisko centienu paudējai bija tik liela un neapstrīdama, ka neviens to nopietni neņēmas apšaubīt. Uz notifikāciju jau tūlīt 1919. g. februārī atsaucās Itālija, Japāna un Haiti ar visumā labvēlīgi formulētām notām, no kurām gan tikai Japānas un Haiti atbildes varētu kvalificēt kā Latvijas Pagaidu valdības atzišanu de facto.⁸

1919. g. 18. janvārī Parīzē uzsāka darbu Miera konference. 10. februārī Latvijas delegācijas priekšsēdētājs iesniedza Miera konferences priekšsēdētājam Klemanso vairākas notas un memorandu, prasot Latvijas neatkarības atzišanu, diplomātisku sakaru uzņemšanu un Latvijas delegācijas pielaišanu Miera konferencē.⁹ No tā laika līdz pat 1921. gada janvārim, kad sabiedroto Augstākā padome nolēma atzīt Latviju de jure, Latvijas delegācija nepārtraukti strādāja gan atsevišķi, bet kritiskos brīžos, piem., kad sabiedrotie gribēja atzīt Kolčaka valdību, kopā ar citu jaunproklamēto valstu delegācijām, lai panāktu Latvijas valsts atzišanu de jure.

Par diskusiju forumu uz kādu laiku bija kļuvusi Baltijas lietu komisija, kuru 1919. g. 9. maijā nodibināja sabiedroto valstu ārlietu ministru apspriede un kas turpināja darboties līdz augusta beigām. Komisijas viedoklis Baltijas valstu jautājumā bija jaunajām valstīm nelabvēlīgs un to nenoliedzami bija ietekmējusi tā saucamā krievu politiskā konference, kas ne tikai prasīja krievu tautai līdzrunāšanas tiesības, izšķīrot Baltijas jautājumu, bet vispār uzstājās pret Latvijas, Igaunijas un Lietuvas atdalīšanos no Krievijas. Domājams, ka komisijas locekļus būs ietekmējis arī barons Meiendorfs, kas komisijas sēdēs runāja kā baltvācu un krievu minoritātes pārstāvis. Viņš starp citu deklarēja, ka baltvāci paziņojuši admirālim Kolčakam savu nevēlēšanos atdalīties no Krievijas.¹⁰

28. maija sēdē Baltijas lietu komisija uzklusēja Igaunijas delegācijas prasības. Pret prasību apmierināšanu runāja Lielbritānijas, Francijas un Itālijas pārstāvji komisijā. Viņu viedoklis īsumā bija, ka „Baltijas provinču” statusu nevar nokārtot bez vienošanās ar Krieviju. Tā kā vienošanās nav iespējama tādēļ, ka Krievijai nav valdības, tad Baltijas jautājuma nokārtošana jāatliek, kamēr valdība nodibi-

nāsies. Ar tādu pat pamatojumu komisija 10. jūnija sēdē noraidīja Latvijas delegācijas prasības, to skaitā prasību atzīt Latvijas valsti de jure.¹¹

Baltijas lietu komisijas uzdevums bija izstrādāt ieteikumus sabiedroto Augstākai padomei Baltijas jautājumu kārtošanaī. Pēc ilgākas debatēšanas, kad no rezolūcijas projekta bija eliminēts katrs vārds, kuŗu varētu iztulkot kā Baltijas valstu atzīšanu, komisija vienojās par rezolūcijas galīgo formulējumu. Rezolūcija atkārtο viedokli, ka Igaunijas, Latvijas un Lietuvas jautājumu galīga nokārtošana var notikt tikai pēc vienošanās ar atzītu Krievijas valdību. Līdz galīgam nokārtojumam komisija ieteic palīdzēt „Baltijas valdībām” (les Gouvernements baltiques) organizēt vietējo aizsardzību un vispārējā miera labā nodibināt „šajos apgabalos” (dans ces régions) stabilas un efektīvas valdības.

Baltijas lietu komisija tomēr nevarēja pilnīgi neievērot faktisko stāvokli, kāds tajā laikā pastāvēja Baltijas valstīs, un, acīmredzot, arī Baltijas un citu no Krievijas atdalījušos valstu delegāciju intervencijas nebija palikušas bez sekām. Ar to varētu izskaidrot tās rezolūcijas daļas, kas satur dažas koncesijas Baltijas un citām jaundibinātām valstīm. Tā, piem., rezolūcija atkārtο vienu no Kolčaka valdības atzīšanas noteikumiem, kādu viņam bija uzstādījušas sabiedrotās valstis, proti: gadījumā, ja attiecību nokārtošana starp Igauniju, Latviju, Lietuvu un teritorijām Kaukazā un aiz Kaspijas jūras no vienas puses un Krieviju no otras puses nebūtu panākama tiešās sarunās, šīs attiecības nokārtojamas ar Tautu savienības līdzdalību un konsultāciju. Līdz tādām nokārtojumam Krievijas valdībai jāatzīst minēto „teritoriju autonomija” (ces territoires comme autonomes) un jārespektē attiecības, kādas varētu nodibināties starp „de facto valdībām šajās zemēs” (les Gouvernements de fait de ces pays) un sabiedroto valstu valdībām.¹² Neviens vārds tomēr par to, ka šajās „teritorijās” jau nodibinājušās, pastāv un darbojas neatkarīgas, suverēnas valstis.

Grahams pie šīs rezolūcijas piezīmē: „It was accordingly tintured by classic conceptions of the old international law, requiring affirmative action of the mother country as the condition préalable to recognition, as well as by newer notions of the mediatory role of the League of Nations in giving the earmarks of legality to new states.”¹³

Šajā sakarībā varētu pieminēt, ka tāda starptautisko tiesību izpratne ietekmējusi arī Versaļas miera līguma autorus, kas tikpat konsekventi izvairījās runāt par Baltijas valstīm kā Baltijas lietu komisijas locekļi. Domājams, lielā mērā Latvijas delegācijas ietekmētas 14 sabiedrotās valstis uzlika Vācijai pienākumu atvilkt savu kaŗaspēku no Baltijas valstīm. Bet Versaļas miera līguma 433. pants, kuŗā šīs pienākums formulēts, runā tikai par „Baltijas provincēm”,

Lietuvu un „šīm teritorijām” un nevis Baltijas valstīm. Tāpat šajā pantā runā arī par Igaunijas, Latvijas un Lietuvas Pagaidu valdībām, kuŗu darbībā, organizējot nacionālo aizsardzību, vācu kaŗaspēkam aizliegts iejaukties, kā arī izdarīt rekvizīcijas un citas spaidu akcijas.¹⁵

Sabiedroto Augstākā padome 1919. g. 25. jūlijā noraidīja Baltijas lietu komisijas ieteikumus, kuŗiem tajā laikā jau sāka zust faktiskais pamats. Sibīrijā bija sācies Kolčaka varas sabrukums, un par viņa valdības atzišanu drīz vien vairs nevarēja būt runa. Latvijā, turpretīm, un līdz ar to Baltijas valstīs vispār, politiskais stāvoklis turpināja noskaidroties un nostiprināties. Pēc Cēsu kaujām 1919. g. jūnijā Golca kaŗaspēks un Niedras valdība beidza pastāvēt, un 8. jūlijā Pagaidu valdība varēja atgriezties Rīgā. Gada otrā pusē pēc kaŗošanas uz divām frontēm — pret boļševikiem un Bermonta apvienoto krievu-vācu kaŗaspēku — Latvijas teritorija bija no ienaidniekiem tikpat kā atbrīvota. Tajā laikā Latviju atzina de facto Polija, Somija, Lietuva un Ukraina.¹⁶ 1920. g. 1. maijā Rīgā sanāca brīvās vēlēšanās ievēlētā Satversmes sapulce, kas ar vienu no pirmiem aktiem sankcionēja Tautas padomes darbu un apliecināja latviešu tautas gribu dzīvot Latvijas neatkarīgā demokrātiskā republikā.¹⁷

Tomēr uz atzišanu de jure vēl bija jāgaida. Tā vispirms nāca no austrumiem. 1919. gada septembrī Krievijas ārlietu komisārs Čičerins bija piedāvājis Latvijai un Igaunijai ievadīt miera sarunas. Igaunija priekšlikumu pieņēma tūlīt un 1920. g. 2. februārī Tērbatā parakstīja miera līgumu, ar kuŗu Krievija atzina Igaunijas valsti de jure. Latvija vilcinājās ar sarunu uzsākšnu un, pirms to darīt, gribēja noskaidrot Parīzē un Vašingtonā sabiedroto reakciju uz tādu soli.¹⁸ Tikai pēc tam Latvija nolēma runāt ar krieviem, un 1920. gada 10. aprīlī Latvijas miera delegācija izbrauca uz Maskavu. Kamēr turpinājās miera sarunas, Latvija jau 12. jūnijā noslēdza ar Krieviju līgumu par bēgļu reevakuāciju.¹⁹ Šajā līgumā Latvija apzīmēta par līgumslēdzēju valsti, tā kā Latvija faktiski saņēma no Krievijas savas valstiskās neatkarības atzišanu pirms miera līguma parakstīšanas. Formālu un galīgu atzišanu de jure Latvija saņēma no Krievijas ar 1920. g. 11. augustā parakstīto miera līgumu. Ar šo līgumu Krievija bez noteikumiem atzina Latvijas valsts neatkarību, patstāvību un suverēnitāti un labprātīgi atteicās uz visiem laikiem no visām suverēnām tiesībām, kādas Krievijai agrāk bija piederējušas uz latviešu tautu un zemi.²⁰

Šī atzišana de jure, kuŗu Latvijai bija devusi tā saucamā „mother country”, nevarēja ietekmēt sabiedroto valstu ieņemto nostāju. Vēl dienu pirms Latvijas-Krievijas miera līguma parakstīšanas prezidenta Vilsona valsts sekretārs Kolbi (Colby) notā sabiedrotajām valstīm bija no jauna pasvītrojis viedokli, ka atdalīšanās no

Krievijas var notikt tikai ar „mother country” piekrišanu, uzsvērot, ka piekrišanu var dot vienīgi atzīta Krievijas valdība.²¹ Tas nozīmēja, ka padomju valdība nebija kvalificēta dot tādu piekrišanu, jo tā nebija atzīta valdība. Itālijas ārlietu ministrs grāfs Sforca, domājams vienīgais, reaģēja uz Kolbi notu ar paziņojumu, ka Itālija rezervē tiesības atzīt Baltijas valstu pastāvēšanu. Jāpiezīmē, ka Kolbi nebija konsekvents savos slēdzienos. Polijas, Somijas un Armēnijas atdalīšanos no Krievijas viņš bija ar mieru sankcionēt.

Kolbi notas tezes, domājams, bija ietekmējušas delegātu vairākumu Tautu savienības pirmajā pilnsapulcē, kad bija jāizlemj jautājums par Baltijas valstu uzņemšanu. Komisija, kas bija caurskatījusi šo valstu iesniegumus, bija konstatējusi visus faktiskos priekšnoteikumus, kas kvalificēja Baltijas valstis kā neatkarīgas valstis starptautisko tiesību nozīmē, tāpat arī apstākli, ka Latvijas valsti bija atzinusi de jure Krievija, nosacīti arī Vācija, bet atzīšanu de facto bija devusi Lielbritānija, Japāna, Somija, Polija un Francija. Un neskatoties uz to, komisija tomēr argumentēja: whether it would not be more strictly in accordance with the legal practice to wait until they (the Baltic states) can bring positive proof of their international status in the form of recognition de jure by the States, Members of the League.” Tādēļ komisija atzina, ka „circumstances aret such as to preclude the Assembly from arriving to a definite decision”, un ieteica līdz galīga lēmuma pieņemšanai pielaist Baltijas valstis Tautu savienības tehnisko organizāciju darbā.

Pilnsapulces debatēs Francijas pārstāvis Vivianī apzīmēja komisijas priekšlikumu par kompromisu, kas panākts, lai neiejauktos Krievijas jautājumā, kuŗam jāpaliekot neskartam. Viņš tāpat kā citi runātāji negribēja attiecināt uz Baltijas valstīm politiskās neatkarības un teritoriālās neaizkaŗamības garantiju, kādu saviem locekļiem bija paredzējis Tautu savienības 10. pants. Polijas delegāts Paderevskis, motivējot Polijas atturēšanos no balsošanas, nepārprotami pateica, ka tam par pamatu ir sabiedroto politika, kuŗas dēļ viņš nevar balsot par Baltijas valstu uzņemšanu. Baltijas valstu uzņemšanu atbalstīja Kolumbijas delegāts Restrepo, Portugales Čagas, Persijas emirs Coka-Ed-Dovlė un Itālijas pārstāvis šancers, no kuŗiem pirmie divi aizstāvēja viedokli, ka atzīšana de jure nav priekšnoteikums valsts uzņemšanai Tautu savienībā. 1920. g. 16. decembrī Tautu savienības pilnsapulce ar 29 balsim, pret 5 un 13 atturoties, pieņēma komisijas priekšlikumu. Par Latvijas tūlītēju uzņemšanu balsoja Itālija, Kolumbija, Paragvaja, Persija un Portugale.²²

Bija skaidrs, ka bez radikālas sabiedroto lielvalstu politikas maiņas Baltijas valstu un Krievijas jautājumā Baltijas valstu atzīšana de jure un uzņemšana Tautu savienībā nevarēs notikt. Uz tādu kursa maiņu tomēr ilgi nebija jāgaida. 1921. gada janvārī Francijā

nodibinājās Briāna kabinets, kurā viņš pats ieņēma ārlietu ministra posteni. Briāns arī tūlīt deva Francijas ārpolitikai jaunu pagrieziena, kas drīz vien izpaudās Sabiedroto padomes 26. janvāra lēmumā par Latvijas, Igaunijas un Grūzijas atzīšanu de jure. Sabiedroto padomē bez Francijas bija pārstāvēta Lielbritānija, Itālija, Japāna un Beļģija. Tai pašā dienā Briāns kā Sabiedroto padomes priekšsēdētājs paziņoja Latvijas delegācijas priekšsēdētājam padomes lēmumu.²³

Ar to šķērslis Latvijas atzīšanai de jure no citām valstīm bija novērsts un līdz 1. septembrim, kad Latvija atkārtoja savu iesniegumu Tautu savienībai, Latviju bija atzinusi de jure jau 21 valsts. Tautu savienības otras pilnsapulces 22. septembra sēdē tad arī Latviju beidzot uzņēma par locekli. Par uzņemšanu balsoja 38 valstis, pret neviena un 10 valstis atturējās vai nebija klāt.²⁴

Pēc tam turpināja pienākt atzīšana de jure no citām valstīm, to skaitā 1922. g. 28. jūlijā no Amerikas Savienotām valstīm. Kā pēdējā Latviju atzina de jure Meksika 1927. g. 18. maijā.²⁵

Latvijas valsts atzīšana de jure bez visa cita nozīmēja, ka tagad arī citas valstis bija atzinušas agrāko piederību pie Krievijas par tiesiski izbeigušos, kā to pati Krievija jau bija atzinusi 1920. g. 11. augustā, noslēdzot miera līgumu ar Latviju. Ar to Krievija bija galīgi zaudējusi savu veco suverēnitātes titulu uz Latviju. Jaunu suverēnitātes titulu Krievija varētu iegūt tikai ar atļautiem līdzekļiem. To, kādi līdzekļi bija atļauti vai aizliegti, noteica vispārīgās starptautiskās tiesības un reģionālās starptautiskās tiesības, kādas attiecīgā laikā bijušas spēkā starp Latviju un Krieviju. Šīs tiesības skaidri un nepārprotami aizliedza agresiju un bruņotu intervenciju, ar kādām Krievija 1940. gada jūnijā panāca Latvijas okupāciju un savas varas nodibināšanu mūsu zemē. Ar tādiem aizliegtiem līdzekļiem Krievija, saprotams, nevarēja iegūt jaunu suverēnitātes titulu uz Latviju.

Vai Krievija varētu iegūt tādu titulu, ja trešās valstis atzītu de jure tagadējo status quo? Latvijas atdalīšanos no Krievijas un neatkarīgās Latvijas valsts nodibināšanu tās taču bija atzinušas de jure un vai to pašu tās nevarētu darīt ar Latvijas pievienošanu Krievijai? Būtiski te tomēr ir divi dažādi gadījumi. Starptautiskās tiesībās nav normas, kas aizliedtu tautai atdalīties no jebkuras valsts, lai arī šīs valsts likumi kvalificētu tādu rīcību kā nodevību. Tādēļ Latvijas atdalīšanai no Krievijas un neatkarīgās Latvijas valsts atzīšanai de jure ceļā nestāvēja starptautiskās tiesības. Ja arī Parīzes konferences laikā pret Latvijas atzīšanu de jure izvirzīja it kā tiesiskas dabas iebildumus, tad patiesībā tie bija domāti drīzāk politikas pamatošanai, kas gribēja saglabāt vecās Krievijas integritāti. Tikko politiskais kurss Krievijas jautājumā mainījās, atkrita arī agrāk izvirzītie it kā tiesiskie argumenti pret Latvijas atzīšanu de jure.

Ja tagad, turpretim, gribētu atzīt de jure Latvijas iekļaušanu Krievijā, tad tam par šķēslī ir starptautiskās tiesības. Tāda atzīšana pēc būtības nozīmētu legalizēt aizliegtus līdzekļus, kādi bija Krievijas agresija pret Latviju un bruņota intervencija Latvijā, un padarīt tos par atļautiem paņēmieniem suverēnitātes titula iegūšanai. Savās konsekvencēs tas novestu pie patvarības režīma sankcionēšanas valstu attiecībās, kam savukārt sekotu starptautiskās iekārtas likvidācija.

Nav šī raksta nolūks apskatīt atsevišķu valstu nostāju jautājumā par Krievijas agresijas un bruņotās intervencijas radītā status quo atzīšanu de jure. Ne visas valstis ir atturējušās no atzīšanas došanas. Tomēr apstākļi, ka valstu vairākums nav atzinis de jure tagadējo status quo Latvijā un ka ASV konsekvēnti turpina turēties pie tā saucamās Stimsona doktrīnas, liecina, ka atzīšanai ceļā stāv ļoti nopieniņi šķēršļi. Tos īsumā izteic princips „Ex injuria jus non oritur.”

1. Tekstus angļu tulkojumā sk. *Latvian-Russian Relations, Documents*, Washington, D.C. 1944, lp. 42 un Malbone W. Graham, Jr., *New Governments of Eastern Europe*, New York, 1927, lp. 687.
2. Latvijas delegātu notas Miera konferences priekšsēdētājam, *Latvian-Russian Relations*, lp. 61, 63.
3. Malbone W. Graham, *The Diplomatic Recognition of the Border States*, lp. 500.
4. *Ibid.*, lp. 472, 513. Cf. arī Graham, *New Governments of Eastern Europe*, lp. 327.
5. *Latvian-Russian Relations*, lp. 49—51.
6. *Ibid.*, lp. 58.
7. August Vinning, *Am Ausgang der deutschen Ostpolitik*, lp. 86, 87.
8. Graham, *The Diplomatic Recognition of the Border States*, lp. 407, 502, 503.
9. *Ibid.*, lp. 409, 410, 504.
10. *Ibid.*, lp. 410—412, 427.
11. *Ibid.*, lp. 271, 359, 422—425.
12. *Ibid.*, lp. 429—431, 480, 481.
13. *Ibid.*, lp. 430, 431.
14. Cf. *Ibid.*, lp. 413—416, 505.
15. *Latvian-Russian Relations*, lp. 65.
16. Graham, *The Diplomatic Recognition of the Border States*, lp. 435, 436, 513.
17. *Latvian-Russian Relations*, lp. 66.
18. Graham, *The Diplomatic Recognition of the Border States*, lp. 511, 513, 514.
19. *Latvian-Russian Relations*, lp. 67—70.
20. *Ibid.*, lp. 70.
21. R. Langer, *Seizure of Territory*, Princeton, 1947, lp. 23. Graham, *The Diplomatic Recognition of the Border States*, lp. 441—443, 486—488.

22. Records of the First Assembly. Plenary Sessions, lp. 615—630. Meetings of Committees, Fifth Committee, lp 231—233.
23. Latvian-Russian Relations, lp. 81.
24. Records of the Second Assembly, Plenary Sessions, lp 318, 319, 335—337.
25. Graham, The Diplomatic Recognition of the Border States, lp. 449—452. Cf. Langer, Seizure of Territory, lp. 23—25, par Latvijas atzišanu de jure no ASV.

THE STRUGGLE OF THE LATVIAN PEOPLE FOR THE RIGHT
TO DETERMINE THEIR OWN FATE

The article examines the diplomatic aspect of the struggle of the Latvian people for the right to determine their own fate and the

opposition the Latvians had to overcome before other states granted recognition *de jure* to the Republic of Latvia.

The claim to the right of national self-determination was advanced by the Latvian Provisional National Council as early as November 18, 1917, and later on supported by the Latvian Peoples Council, which on November 18, 1918, proclaimed the Republic of Latvia as a sovereign state and set up the Latvian Provisional Government. The claim was reaffirmed by the authority of the freely elected Latvian Constituent Assembly, which opened its sessions on May 1, 1920.

By that time the Latvian territory had actually been cleared from foreign troops, and hostilities against the Soviet Union had practically ceased. The war was formally ended on August 11, 1920, when the treaty of peace between Latvia and the Soviet Union was signed and the Soviet Government recognized *de jure* the sovereignty of the Republic of Latvia.

The Allied and Associated Powers, however, tended to disregard these developments as well as the fact that a new state had actually come into being and persevered in their earlier attitude of refusing to grant Latvia recognition *de jure*.

Legal reasons could hardly have determined this attitude, because, to quote H. Lauterpacht, "secession from an existing state, although constituting a breach of the law of the state concerned, was not contrary to international law." In fact, the Allied and Associated Governments acted on the assumption that a "definite solution could not be reached without the consent of the recognized Russian Government and therefore could not contribute to the "definite solution" of the question as to Latvia's recognition *de jure*.

That theory, however, was instantly abandoned after the policy, which it was supposed to support, had been changed. On January 26, 1921, the Supreme Council of Allied Powers decided to recognize Latvia as a state *de jure*. Other states soon followed suit and during the next few years practically all the states of the world had granted Latvia recognition *de jure*. In the meantime, on September 22, 1921, the Second Assembly admitted Latvia to the League of Nations.

The Republic of Latvia became thus a full member of the community of states and its sovereignty was incorporated as part of the law of nations. As regards the former Russian title, it was extinguished for ever.

The situation as far as its legal aspects are concerned hardly changed after the Soviet invasion in June 1940. The Soviet Union accomplished the occupation of Latvia by recourse to force, which constituted a flagrant breach of the general and particular international law governing the relations of Latvia and the Soviet Union. The Soviet aggression, being an unlawful act, could not produce legal rights beneficial to the wrongdoer i.e. extinguish the Latvian title and create a new Soviet title for the occupied Latvian territory. Nor can recognition validate what was invalid from the beginning and has ever since remained so under international law. The situation now, at any rate, differs from that which existed when the Republic of Latvia was granted recognition *de jure*. Then no breach of international law was involved, whereas now the breach of law constitutes the barrier to recognition.

M. Čakste.



Latvijas kara tiesas prokurors. 1921.g.



Imantas pulka virsnieki Vladivostokā. Mintauts Čakste otrā rindā
otrais no kreisās.

MINTAUTS ČAKSTE

Okupētās Latvijas agrārā iekārta, tās maiņas un pārvērtības

Nacionalizācija pēc padomju tiesībām ir privātīpašuma piespiedu atsavināšana bez atlīdzības, kolhozācija turpretim — it kā zemnieku brīvprātīga apvienošanās kolchozos, kas notiekot ar zemnieku nodotu deklarāciju par iestāšanos kolchozā. ¹

Par brīvprātību, kā mēs to saprotam, padomju iekārtā, kur visu dirigē partija, vispār nevar būt runa. Tur brīvprātība ir tāpat piespiesta, un starpība ir tikai tā, ka spaidiem tādā gadījumā piešķir citu veidu. Tāpēc arī kolchozu iekārtas nodibināšanā Latvijā nav izpaudusies latviešu zemnieku brīvā griba. Kolhozācija mūsu zemē bija partijas un padomju valdības uzspiesta akcija, kuŗas metodes bija terrors vai tā sauktā „revolūcija no augšas,” kuŗu padomju civiltiesību vēsture apzīmē par „lielu revolūcionāru apvērsumu, ko izveda no augšas pēc valsts varas iniciatīvas ar zemnieku masu... tiešu atbalstu no apakšas” ²

Šī „revolūcija no augšas” nav reforma parastajā nozīmē un vispār nav tiesisks akts, bet kaila vardarbība, kuŗas iniciatori un izvedēji augšā, pēc Kalnbērziņa vārdiem, bija Viskrievijas komunistu (b) partijas centrālā komiteja (PSKP CK), padomju valdība un „personīgi biedrs Staļins,” bet apakšā boļševiki Latvijā, kuŗiem augšā „pastāvīgi palīdzēja.”

Vispār boļševiki izdarīja Latvijas kolhozāciju, akli sekojot Krievijā nodibinātai praksei. No sākuma Latvijas komunistu partijas centrālā komiteja (LKP CK) norīkoja pilsētas komunistus uz laukiem, kur viņi kopā ar lauku partijas biedriem drīz vien kļuva par „īstajiem kolchozu celtniecības organizētājiem.” Partijas nospraustos kolhozācijas etapus LKP veica paātrinātā tempā un saīsinātos termiņos. 1949. gada janvārī LKP X kongress nolēma „pastiprināt trūcīgās un vidējās zemniecības iesaistīšanos kolchozos,” un jau tā pašā gadā pavasarī partija pārgāja „no kulaku ierobežošanas un izspiešanas politikas uz kulaku šķiras iznīcināšanas politiku.” Krievu „kulaka” jēdziens, kuŗam latviešu valodā nav pat īpaša apzīmējuma, ar to tika pārnests uz mūsu zemi un pielietots ar tām pašām konsekvencēm, kādas tam bija Krievijā. Šīs konsekvences bija vardarbība pret cilvēkiem, uz kuŗiem attiecināja kulaka jēdzienu, ko apstiprināja Kalnbērziņš, runājot par to, ka „partijas un

padomju aktīvam nācās pārvarēt kulaku un buržuāziski nacionālistisko elementu izmisuma pilno pretestību", jo, lūk, „sociālisma pretinieki kavējuši izvest dzīvē partijas un valdības rīkojumus par lauksaimniecības sociālistisku pārkārtošanu.”³

Padomju savienība bija sankcionējusi varas pielietošanu kolhozācijas izvešanai ar īpašu likumdošanas aktu, kas izdots lauksaimniecības kolektīvizācijas laikā Krievijā, kad, pēc Staļina vārdiem, „likumu nolika pie malas.” Tas ir Viskrievijas Centrālās izpildkomitejas un PSRS Tautu komisāru padomes 1930. gada 1. februāra lēmums, kas uzdeva novadu un apgabalu padomēm pielietot „visus nepieciešamos līdzekļus cīņā ar kulakiem, ieskaitot kulaku īpašumu pilnīgu konfiskāciju un pašu kulaku un viņu ģimenes locekļu deportēšanu no attiecīgiem rajoniem un apgabaliem.”⁴

Šis lēmums patiesībā sankcionēja neierobežotās vardarbības režīma nodibināšanu okupētajā Latvijā lauksaimniecības kolektīvizācijas laikā, lai partija un padomju valdība varētu nesodīti atņemt zemniekiem viņu īpašumus un pašus zemniekus kopā ar ģimenēm izsūtīt uz attālākiem Krievijas apgabaliem.

Liktenīgais gads bija 1949. Vēl 1948. gadā Latvijā bija kolektīvizēti ne vairāk kā 2,4 procenti zemnieku māju un 2,4 procenti sējumu platības, bet nākošajā, 1949. gadā jau 76,7 procenti zemnieku māju un 89,9 procenti sējumu platības.⁵ Par steigu, ar kādu bija rīkojusies okupācijas vara, liecina kolchozu skaita straujais pieaugums 1949. gadā: janvārī bija noorganizēti 1090 kolchozi, maijā — 3870, oktobrī — 4035.⁶

„Kulaku kā šķiras iznīcināšanas politika” skāra kā zemniekus pašus, tā arī viņu mantu. Zemniekus ar ģimenēm deportēja uz spaidu darbu nometnēm, resp. spaidu nometināšanas vietām ārpus Latvijas un vispār aizliedza tā saucamiem kulakiem iestāties kolchozos. Latvijas lauksaimniecība ar to zaudēja lielāko daļu pieredzējušu lauksaimnieku, kuņu trūkums vēl šodien ik uz soļa sajūtams Latvijā.

No otras puses, šī politika nozīmēja zemnieku īpašumu konfiskāciju un īpašumtiescisko attiecību pārkārtošanu lauksaimniecībā. Privātpašuma vietā nodibināja tā saukto sociālistisko īpašumu.

PADOMJU SOCIĀLISTISMA ĪPAŠUMA TIESĪBU SISTĒMA

Lai saprastu šī īpašuma veida īpatnības, īsumā jāapskata tā ideoloģiskais pamatojums, kas veidojis sociālistiskā īpašuma tiesisko struktūru un tiesisko režīmu, kādam šis īpašums pakļauts. Sociālistiskā īpašuma pamatā ir marksisma teze par īpašumu kā piesavināšanos noteiktā sabiedrības formā caur šo sabiedrības formu. Esot divas galvenās sabiedrības formas, kuņās un caur kuņām īpašums kā pietsavināšanās funkcionējoš — kapitālistiskā un sociālistiskā. Kapitālistiskajā sabiedrībā īpašums „dialektiski attīstījies tiesībās piesavināties svešu, neapmaksātu darbu,” bet sociālistiskajā sabiedrībā,

kuŗā īpašums tāpat ir piesavināšanās, īpašums esot „publiska piesavināšanās visas sociālistiskās sabiedrības un darbaļaužu interesēs.” Šīs intereses katram atsevišķam sociālisma celtniecības posmam nosakot valsts tautas saimniecības attīstības plāns.⁷ Tagadējam posmam, kuŗu Chruščovs apzīmēja par komūnistiskās sabiedrības izvērstās celtniecības periodu, sociālistiskās sabiedrības un darbaļaužu intereses tātad noteicis valsts tautas saimniecības attīstības plāns no 1959. līdz 1965. gadam.

Šīs mācības ietekmi var saskatīt vairākos padomju likumdošanas aktos. Zīmīgi, ka īpašumtiesību pamatnormas ietilpinātas PSRS satversmes pirmajā nodalījumā, kuŗā ir runa par PSRS sociālo iekārta. Ar to pateikts, ka īpašums ir un paliek sabiedrības formas sastāvdaļa. Cilvēkam turpretim nav nekādu fundamentālu tiesību uz īpašumu. Satversmes desmitajā nodalījumā, kuŗā uzskaitītas padomju pilsoņu fundamentālās tiesības, tiesības uz īpašumu nav minētas. Ar to padomju pilsoņa fundamentālās tiesības būtiski atšķiras no cilvēka fundamentālajām tiesībām pēc universālās cilvēku tiesību deklarācijas, kas atzīst tiesības uz īpašumu par vienu no cilvēka fundamentālajām tiesībām.

Tādēļ arī padomju iekārtā atsevišķu pilsoņu īpašumtiesības, cik tālu padomju likums tādas atzīst, tiesiski nav aizsargātas pret partijas un valsts iejaukšanos. Labs piemērs varētu būt tā sauktās LPSR Augstākās padomes prezidija 1959. g. 3. augusta dekrēts, kas aizliedza Rīgas iedzīvotājiem ne tikai turēt lopus personiskā īpašumā Rīgas pilsētas teritorijā, bet arī piespieda viņus „organizēti” pārdot savas govīs un teļus kolchoziem un padomju saimniecībām par valdības noteiktu cenu,⁸ kaut arī PSRS satversmes 10. pants nosaka, ka pilsoņu personisko īpašumu sargā likums.

Ja pilsonim nav fundamentālu tiesību uz īpašumu, tad, protams, tādas tiesības nevar arī ierobežot. Padomju tiesību teorija atzīst, ka par īpašumtiesību ierobežošanu var runāt tikai tā sauktās kapitālistiskās tiesībās, sociālistiskā iekārtā īpašumtiesībām var dot tikai saturu, kas no kapitālistisko tiesību viedokļa gan varētu izkļūst kā īpašumtiesību ierobežojumi.⁹

Tālāk, saskaņā ar mācību par īpašumu kā piesavināšanos, PSRS satversmes 4. pantā ir runa tikai par to, ka padomju iekārtā neekspluatē cilvēks cilvēku. Sabiedrības un valsts cilvēka ekspluatācija turpretim nav atcelta. Šo ekspluatācijas veidu regulē satversmes 12. pants saskaņā ar sociālisma principiem „kas nestrādā, tam nebūs ēst” un „katrs pēc savām spējām, katram pēc viņa darba.” Praksē šie principi realizējas kā padomju pilsoņa publiski tiesisks pienākums strādāt par valdības noteiktu algu. Kolchozniekiem pat nav noteiktas un garantētas darba algas. Viņu darbu apmaksā par izstrādes dienām, kas, pēc Zinātnu akadēmijas ekonomikas institūta lauksaimniecības sektora vadītāja M. Kukaiņa konstatējuma, dod iespēju

saimniekot pēc principa: kas paliks pāri, tas būs kolchozniekiem par viņu darbu.¹⁰

Atbilstoši konceptam par īpašumu kā piesavināšanos padomju īpašumtiesībās visi objekti sadalās divās pamatgrupās — ražošanas rīkos un līdzekļos un patēriņa priekšmetos: „Die grundlegende Einteilung der Sachen im sowjetischen Zivilrecht ist die Einteilung in die Produktionsinstrumente und — mittel und Konsumtionsmittel. Diese Einteilung hängt mit der Frage zusammen, wer in der UdSSR Rechtssubjekt des Eigentumsrechts sein kann, die Produktionsinstrumente und — mittel oder Konsumtionsmittel sind, und unter welchen Bedingungen er es sein kann.”¹¹ Ražošanas rīki un instrumenti, izņemot sīko inventāru, kas var piederēt kolchoznieka sētai un individuālam zemniekam vai amatniekam, pēc satversmes 4. panta, var būt tikai sociālistiskais īpašums, bet patēriņa priekšmeti, izņemot patēriņa priekšmetu kā precī, — pilsoņa personiskais īpašums satversmes 10. panta nozīmē.

Padomju īpašumtiesību sistēma tomēr nevarēja iztikt ar šiem diviem īpašuma veidiem, un par iemeslu tam ir lauksaimniecības kolektivizācija, kuŗu realizēja apstākļos, kad nepastāvēja pat marksisma prasītie priekšnoteikumi sociālisma izveidošanai — īpašuma koncentrācija nedaudzās rokās un masu proletarizācija. Nebija arī tās tehniskās bāzes, bez kuŗas lauksaimniecības lieluzņēmumi nevar sekmīgi saimniekot. No otras puses, padomju valstij bija vajadzīgi līdzekļi Staļina uzsāktai industriālizācijai un šos līdzekļus nevarēja piedzīt no daudzajām un nelielajām zemnieku privātām saimniecībām. Bija vajadzīgi lauksaimniecības lieluzņēmumi — kolchozi, kuŗiem, kā Staļins to bija spiests atzīt savā atbildē Bucharinam, varēja bez parastajiem nodokļiem un nodevām uzlikt virsnodokli jeb „it kā meslus” (nešto v rode daņi), ar kuŗiem „pārsūknēt” līdzekļus no lauksaimniecības rūpniecībā. Bet zemniekiem, lai viņi varētu šo virsnodokli samaksāt un eksistēt, bija jāpiešķir tiesības uz tā saukto personisko piemājas saimniecību.¹²

Arī Latvijas lauksaimniecība nebija „nobriedusi” sociālismam, kā to liecina 1929. g. dati, kas līdz Latvijas okupācijai 1940. gadā, domājams, nav būtiski mainījušies. 1929. gadā mūsu zemē bija 231.000 lauksaimniecisku īpašumu, no kuŗiem 216.309 īpašumi piederēja fiziskām personām, 7.074 — valstij, 5.309 — pašvaldībām un 2.363 — sabiedriskām iestādēm. No fizisku personu īpašumiem 145.693 bija vecsaimniecības, 68.460 — jaunsaimniecības un 2.156 — cita veida īpašumi. Laukstrādnieku turpretim Latvijā tai laikā bija 158.399, t.i., mazāk nekā īpašnieku.¹³

Kāds poļu komūnists, pārmetot Staļinam, ka viņš rīkojies pretēji marksismam, papriekšu kolektivizējot lauksaimniecību, lai tikai pēc tam attīstītu lauksaimniecības ražošanas spēkus, raksta, ka loģika prasa tieši pretējo, jo citādi nav iespējams saskatīt sabiedris-

kās saimniecības nepieciešamību, ja tai nav materiāla pamata. Tādēļ Staļina politika nav nekas cits, kā spaidu pielietošana vienā vai otrā veidā.¹⁴

Lai būtu kā būdams, lauksaimniecības kolektivizācija bija par iemeslu, ka padomju īpašumtiesību sistēmā parādījās divas jaunas īpašumu formas — kooperatīvais kolchozu īpašums un kolchoznieka sētas personiskais īpašums.

Tādā veidā padomju sociālistiskās saimniecības īpašumtiesību sistēma sastādās no diviem īpašuma veidiem — sociālistiskā un personiskā, no kuriem katram ir divas formas: sociālistiskam — valsts sociālistiskais īpašums un kooperatīvais īpašums (satversmes 5. pants) un personiskam — kolchoznieka sētas personiskais īpašums (satversmes 7. panta 2. rindkopa) un pilsoņa personiskais īpašums (satversmes 10. pants).

Valsts sociālistiskais īpašums pēc tam, kad mēģinājumi dot tam dalīta īpašuma konstrukciju bija atmesti kā antimarksistiski, tagad vispārīgi tiek atzīts par vienu vienīgu nedalāmu un neatsavināmu fondu, uz kuŗu īpašnieka tituls vienmēr un visur pieder PSRS. Citiem vārdiem, visi objekti Latvijā, kas minēti PSRS satversmes 6. pantā, un arī tie, kuŗus okupācijas vara būs ieskaitījusi valsts sociālistiskajā īpašumā, pieder Padomju savienībai un nevis tā sauktajai Latvijas PSR.

Blakus sociālistiskajai saimnieciskajai sistēmai, kas Padomju savienībā ir valdošā saimniecības sistēma, pēc satversmes 9. panta, pastāv arī individuālo zemnieku un sīko amatnieku mazā privātā saimniecība, cik tālu tā balstās uz īpašnieka personisku darbu un nepielieto svešu darbu. Šī mazā privātā saimniecība ir atsevišķs īpašuma veids padomju īpašumtiesību sistēmā, un tas pakļauts speciālam, diskriminējošam tiesiskam režīmam.

Okupētās Latvijas agrārajā iekārtā ir pārstāvēti visi padomju īpašuma veidi un formas, izņemot, protams, sīkā amatnieka mazo privāto saimniecību. Valsts sociālistiskā īpašumā, kuŗa īpašnieks, kā jau minēts, ir PSRS, atrodas ne tikai pati zeme, bet arī valsts lauksaimniecības uzņēmumi kā, piemēram, padomju saimniecības (sovchozi), mācību un pētniecības saimniecības, mašīnu un traktoru stacijas (MTS), cik tās vēl būtu saglabājušās, remonta un tehnikas stacijas (RTS), meliorācijas mašīnu stacijas (MMS), ar visu šo uzņēmumu dzīvo un nedzīvo inventāru, ēkām, ražu u.t.t. (satversmes 6. pants).

Latvijas zeme, pēc padomju statistikas datiem uz 1956. gada 1. novembri, starp atsevišķu lietotāju kategorijām bija sadalīta šādi:

- 3.315.000 hektari kolchoziem ,
- 459.000 hektari padomju saimniecībām,
- 109.000 hektari kolchozniekiem,
- 25.000 hektāri strādniekiem un kalpotājiem,
- 4.000 hektari individuāliem zemniekiem.¹⁶

Tāds sadalījums tomēr nav nekas paliekošs un stabils, kā to varētu spriest pēc padomju likumu tekstiem,¹⁷ to skaitā arī satversmes 8. pantu, kas nostiprina kolchoziem zemi netraucētā bezmaksas lietošanā uz „mūžīgiem laikiem.” Mūsu zemē iezīmējusies pilnīgi noteikta tendence palielināt padomju saimniecību skaitu un šo saimniecību lietošanā atrodošos zemes platību uz kolchoziem lietošanā nodotās zemes rēķina. Ja arī padomju saimniecību skaits pieaug tādēļ, ka agrāk nepārdomāti noorganizētās padomju saimniecības sadala „mūsu republikas apstākļiem atbilstoša lieluma saimniecībās,” kā tas, piemēram, noticis ar Vaiņodes padomju saimniecību, kas sadalīta trijās mazākās vienībās,¹⁸ tad tomēr daudz lielākā mērā šo saimniecību skaits pieaug taisni uz kolchozu rēķina. Laikā no 1956. gada uz 259 ekonomiski vājo kolchozu bāzes noorganizētas 72 jaunas un paplašinātas vairākas vecās padomju saimniecības. 1957. gadā vien 143 kolchozi pārorganizēti 51 padomju saimniecībā.¹⁹

Šo procesu apstiprina padomju statistikas dati: 1947. gadā Latvijā bija 41 padomju saimniecība, 1950. g. — 57, 1951. g. — 61, 1952. g. — 61, 1953. g. — 82, 1954. g. — 81, 1955. g. — 71, 1956. g. — 81,²⁰ 1958. g. — 128²¹ un 1959. g. janvārī — 129.²² Pēdējo divu gadu laikā vien padomju saimniecību lauksaimnieciski izmantojamās zemes platība pieaugusi divarpus reizes²³ un tagad tā aizņem 21 procentu Latvijas lauksaimnieciski izmantojamās zemes.²⁴

Tagadējā septiņgadē šis process, domājams, tiks patstiprināti veicināts, jo, pēc Čruščova vārdiem, padomju saimniecībām jāklūst par „galvenajiem sociālistiskajiem uzņēmumiem lauksaimniecībā,” kuņiem jāattīstās kā „sociālistiskām paraugsaimniecībām, rādot kolchozniekiem paraugu, kā labāk izmantot zemi un tehniku.”²⁵

PADOMJU SAIMNIECĪBAS

Padomju saimniecību ārējās un iekšējās attiecības regulē padomju administratīvās tiesības, un šīm attiecībām ir skaidrs publiski tiesisks raksturs. Pēc Padomju saimniecību ministrijas likvidācijas, par kuņas nolaidīgo, pat noziedzīgo rīcību vēl šodien var palaikam lasīt padomju presē, padomju saimniecības tagad pakļautas Lauksaimniecības ministrijai. Šīs ministrijas sastāvā nodibināta Padomju saimniecību galvenā pārvalde ar piecām teritoriālām pārvaldēm, no kuņām katra atbild par noteiktu padomju saimniecību grupu. Tā ir pilnīgi centralizēta pārvaldes sistēma, kas jau tūlīt pēc ieviešanas tikusi nokritizēta. LKP Dobeles rajona komitejas sekretārs P. Strautmanis raksta: „Bet kam gan no lauku rajonu darbiniekiem šodien nav skaidrs, ka Lauksaimniecības ministrijas Padomju saimniecību galvenai pārvaldei pakļautās teritoriālās pārvaldes nav spējīgas konkrēti vadīt katru saimniecību. Ka šīs pārvaldes nekāda praktiska labuma nedos, tas bija redzams pirms to noorganizēšanas...” P. Strautmanis ierosina nodot padomju saimniecību „konkrēto va-

dību" rajona vadošajām iestādēm, t.i. rajona partijas komitejai un rajona izpildkomitejai.²⁶

Arī padomju saimniecību iekšējā pārvaldes sistēma pēdējā laikā tiek pārkārtota. Agrārā trīspakāpju pārvaldes kārtība — direktors, nodaļa, brigāde — tiek pakāpeniski apmainīta pret divpakāpju sistēmu — direktors, brigāde — likvidējot starplocekli — nodaļu.²⁷ Birokratisks pārvaldes aparāts bija jāsamazina starp citu arī tādēļ, lai vairs neatkārtotos tāds sociālistiskās saimniecības kuriozs, kāds noticis Daugavpils rajonā, kur padomju saimniecībās algās vien izmaksāts vairāk nekā ieņemts no produkcijas realizācijas.²⁸

Īpaša problēma padomju saimniecību pārvaldīšanā ir direktoru jautājums. Šai amatā parasti iecelti cilvēki, kuņiem nav vajadzīgo zināšanu un pieredzes lauksaimniecības uzņēmumu vadīšanā, bet toties solīds partijas atbalsts, un tādēļ tie jutušies īsti neatbildīgi un nodarījuši saimniecībām lielus zaudējumus, par kuņiem gan nebeidza sūdzēties padomju prese, bet par kuņiem pašus direktorus nedarīja atbildīgus. Viņus gan mēdza pārcelt no viena amata otrā, bet atcelšana no amata līdz pat pašam pēdējam laikam notikusi tikai izņēmuma gadījumos.²⁹ Varbūt, ka stāvoklis mainījies pēc LKP CK 1958. g. jūlija plēnuma, kas apsprieda trūkumus padomju saimniecību darbā. Pēc šī plēnuma isā laikā no amata atcelts 21 padomju saimniecību direktors.³⁰

LKP CK vispār ir svarīgs faktors okupētās Latvijas agrārā iekārtā, kas izriet kaut vai no tā, ka divi LKP CK plēnumi bija veltīti stāvokļa apspriešanai padomju saimniecībās, proti, 1958. g. jūlija plēnumš sprieda par padomju saimniecību darba uzlabošanu, bet oktobra plēnumš — par trūkumiem padomju saimniecību kadru darbā. Abi plēnumi pieņēma lēmumus, kas uzlika partijas organizācijām un padomju valsts organiem pienākumu gādāt par padomju saimniecību darba uzlabošanu un veltīt vairāk uzmanības darbam ar šo saimniecību kadriem.

Padomju saimniecības visumā strādā ar zaudējumiem, kuņš sedz ar valsts budžeta līdzekļiem. 1956. gadā tikai sešas padomju saimniecības devušas peļņu un arī 1957. gadā tās visumā saimniekojušas ar zaudējumiem.³¹ 1958. gadā 32 padomju saimniecības devušas peļņu, bet 81 strādājusi ar zaudējumiem. Šo zaudējumu segšanai starp citu izlietota 14 milj. rubļu liela peļņa, ko Latvijā ik gadu devušas trīs zvērkopības padomju saimniecības.³²

LKP CK lauksaimniecības nodaļas vadītājs A. Luriņš apzīmē padomju saimniecības par saimniecībām ar zemu lauksaimniecības kultūru, tām ir maz organiskā mēslojuma, zemas ražas un augsta lopkopības produktu izmaksa.³³ Strādniekiem šais saimniecībās jācieš no tā, ka nav kārtības darba organizēšanā un uzskaitē, kādēļ viņi nesņem laikā un pareizi aprēķinātas algas, strādniekiem nav

dzīvokļu un normālu apstākļu „kultūrai atpūtai.” Vispār strādnieki padomju saimniecībās „ļoti bieži” mainās.³⁴

Ja padomju vara pie tādiem apstākļiem tomēr turpina organizēt jaunas padomju saimniecības, tad tas notiek vairāk politisku iemeslu dēļ. Padomju saimniecības Latvijā izveidojušās par krievu kolonizācijas centriem, kuŗu direktori un citas vadošās personas absolūtā vairākumā ir krievu ienācēji.³⁵ Kā valsts sociālistiskais īpašums padomju saimniecības pieder Padomju savienībai, kas ar tām nostiprina savu saimniecisko varu Latvijas laukos.

No otras puses, ar jaunu padomju saimniecību organizēšanu padomju vara domā iegūt vairāk darba roku lauksaimniecības sabiedriskajam sektoram. Pēc A. Ņikonova vārdiem, ar līdzšinējiem pārkātojumiem jau iegūti 35.000 darbspējīgu cilvēku, kas agrāk „atpalikušajos kolchozos rakņājās lielākoties savās piemāju zemēs,” bet sabiedriskajā saimniecībā necīgās samaksas dēļ maz piedalījās.³⁶

Kolchozu pārorganizēšanai par padomju saimniecībām padomju tiesībās ir ļoti tālejošas sekas. Ar to notiek ne tikai īpašnieka maiņa, bet arī pats īpašums maina savu formu, pārvēršoties no kooperatīvā kolchozu īpašuma par valsts sociālistisko īpašumu, kas padots citam tiesiskam režīmam. Arī kolchoznieki pāriet citā šķirā — valsts strādniekos, uz kuŗiem starp citu satversmes 7. panta 2. rindkopa, kas dod viņiem tiesības uz piemājas saimniecību, vairs nav attiecināma.

Pretēji satversmes noteikumiem, padomju iestādes tomēr atstāj to kolchoznieku lietošanā, kas iestājušies pastāvīgā darbā padomju saimniecībās sakarā ar viņu kolchozu pievienošanu padomju saimniecībai vai pārorganizēšanu par padomju saimniecību, piemājas zemi tādos apmēros, kādos viņi to lietoja kolhozā. Ar padomju saimniecības direktora un arodbiedrības vietējās komitejas kopēju lēmumu šo zemi tomēr var samazināt līdz 0,30 hektara, ieskaitot ēku un pagalmu platību, tādām bijušo kolchoznieku sētām, no kuŗām pastāvīgā darbā padomju saimniecībā bez svarīga iemesla iestājušies tikai daļa darbspējīgo locekļu, un līdz 0,15 hektāra, ieskaitot ēku un pagalmu platību, ja neviens no viņiem bez svarīga iemesla nav iestājies pastāvīgā darbā padomju saimniecībā.³⁷ Tāda sankcija acīm redzot ir vajadzīga, lai kolchoznieki pārietu pastāvīgā darbā padomju saimniecībā, kur, kā jau minēts, strādniekiem darba un dzīves apstākļi ir sevišķi neapmierinoši.

Tāds nokārtojums neapšaubāmi nodibina bijušiem kolchozniekiem zināmu privilēģiju iepretim pārējiem padomju saimniecību strādniekiem, kuŗiem nav tiesības uz piemājas saimniecību. Tādēļ jādomā, ka tas ir pagaidu nokārtojums, ko varētu secināt vēl no tā, ka PSKP CK 1958. gada decembra plēnums konstatējis, ka padomju saimniecību strādnieki un kalpotāji „pašreizējā padomju

saimniecību attīstības posmā" savas vajadzības pēc gaļas, piena un citiem produktiem varot apmierināt ar šo saimniecību produkciju. Ar to viņu palīgsaimniecība vispār zaudējot nozīmi. Ne velti šis plēnums uzdeva vietējām partijas organizācijām, padomju organiem un padomju saimniecību direktoriem veikt priekšdarbus, lai padomju saimniecības tuvāko divu trīs gadu laikā pakāpeniski uzpirktu savu strādnieku un kalpotāju lopus.³⁸

Pašu kolchozu īpašumu valsts pārņem savā īpašumā bez atlīdzības. Pēc būtības te notiek kolchozu īpašumu nacionalizācija, pie kam šādos gadījumos vairs netiek nacionalizēts tā sauktais privātais kapitālistiskais īpašums, bet gan sociālistiskais īpašums, kāds pēc PSRS satversme 5. panta ir kooperatīvais īpašums.

Kolchozu pārorganizēšana par padomju saimniecībām, resp. to pievienošana padomju saimniecībām katrā ziņā skar lielākā mērā kā pašu kolchozu, tā arī kolhoznieku ar padomju likumu nodibinātās tiesības. Normālos tiesiskos apstākļos šādu tiesību izbeigšana varētu notikt tikai ar īpašu likumdošanas aktu. Padomju presē tomēr nav datu par to, ka kolchozu likvidācija un jaunu padomju saimniecību dibināšana uz likvidēto kolchozu bāzes tiktu izdarīta ar likumdošanas aktiem. Parasti presē parādās ziņa, ka uz zināmu kolchozu bāzes ir nodibinātas jaunas padomju saimniecības.³⁹ Jādomā, ka to izdara administratīvā kārtībā, iesaistot kolhoznieku kopsapulces, kuras pēc partijas diktāta spiestas pieņemt attiecīgus lēmumus, kaut gan pēc lauksaimniecības arteļa paraugstatutiem kolhoznieku kopsapulcēm nav piešķirtas tiesības lemt par kolchoza likvidāciju.

1959. gada oktobra sākumā.

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lp. 1054—1058. ¹⁵⁾ Venediktov, op. cit. lp. 313—315. Sowjetisches Zivilrecht, Bd. 1, lp. 323—324. ¹⁶⁾ Latvijas PSR Tautas Saimniecība, lp. 68. ¹⁷⁾ PSRS likumu un rīkojumu krājums, 1935, No 82 un 135. ¹⁸⁾ „Padomju Latvijas Komūnists”, 1959, No 1, lp. 6. T. Godmans raksta, ka daudzos rajonos, nemaz neievērojot Latvijas lauku reljefa dažādību, noorganizētas pārāk lielas padomju saimniecības, kuņu teritorija nereti sniedzas līdz 60 un vairāk kilometriem. Tādas starp mežiem un purviem izvietotas teritorijas pārvaldīšana prasa sarežģītu pārvaldes struktūru un daudz priekšnieku. Tādas lielas padomju saimniecības dod arī zemākus piena un gaļas ieguvumus nekā mazākas saimniecības ar 2000 līdz 4000 hektāru lauksaimnieciski izmantojamās zemes. „Cīņa” 1958. g. 27. nov. ¹⁹⁾ A. Ņikonovs, Padomju saimniecībām jāklūst par paraugsaimniecībām, „Cīņa” 1959. g. 11. martā. cf. Kalnbērziņa referātu kolchozu priekšsēdētājiem un padomju saimniecību direktoriem, „Cīņa” 1959. g. 25. martā un „Padomju Latvijas Komūnists”, 1957, No 1, lp. 33. ²⁰⁾ Latvijas PSR Tautas Saimniecība, lp. 67. ²¹⁾ Kalnbērziņš „lauksaimniecības pirmrindniekiem,” „Cīņa” 1958. g. 13. febr. ²²⁾ Kalnbērziņš LKP XVI kongresā, „Cīņa” 1959. g. 13. janv. ²³⁾ A. Luriņš, Darbs padomju saimniecībās jāuzlabo, „Cīņa” 1959. g. 11. apr. ²⁴⁾ Kalnbērziņš LKP XVI kongresā, „Cīņa” 1959. g. 13. janv. ²⁵⁾ „Cīņa” 1958. g. 14. un 15. nov. un 16. dec. ²⁶⁾ „Cīņa” 1959. g. 25. aug. ²⁷⁾ A. Luriņš, op. cit., Kalnbērziņš kolchozu priekšsēdētājiem un padomju saimniecību direktoriem. ²⁸⁾ „Cīņa” 1958. g. 27. sept. ²⁹⁾ „Viens no vismagākajiem trūkumiem, kas nācis mantojumā no nesēnās pagātnes ir slikti vadītāji, kuņi bez apdoma iecelti, pārcelti un tikai pa retam atbrīvoti...” Rundāles padomju saimniecības direktors Konovalovs bijis „pilnīgs neprašs,” kas gadu no gada saimniekojis ar lieliem zaudējumiem. 1956. gadā pēc revīzijas viņu atlaida, bet Padomju saimniecību ministrija viņu tūlīt norīkoja par direktoru Lubezeres padomju saimniecībā, kas noslēdza 1957. gadu ar vairāk nekā 1,2 milj. rubļu zaudējumu. Tādu „saimniekotāju”, kas vēl šodien izmaksā valstij miljonus, ir desmitiem. Liepupes padomju saimniecības direktors Gluchovs ar savu „ačgārnību” nodarījis valstij zaudējumus par vairāk nekā 3 milj. rubļu. Tērvetes padomju saimniecības direktors Djaglevs „savā muižā” jūtas kā neierobežots patvaldnieks. „Cīņa” 1958. g. 10. okt. ³⁰⁾ A. Luriņš, op. cit. ³¹⁾ „Cīņa” 1959. g. 19. janv. ³²⁾ A. Luriņš, op. cit. un A. Ņikonovs op. cit. A. Karlivans raksta par padomju saimniecību grāmatvežu „trikiem,” kas zaudējumus pārvērs peļņā. Bauskas rajona Mežotnes padomju saimniecības bilancē govs vidējā vērtība uzdots 6.146 rubļi, Rundāles padomju saimniecībā — zirga vērtība 7.426 rubļi. „Cīņa” 1959. g. 8. aprīlī. ³³⁾ A. Luriņš, op. cit. „Viena no raksturīgākām padomju saimniecību īpašībām, kas kā dadzis duras acīs, ir zemais sadzīves kultūras līmenis.” „Cīņa” 1958. g. 10. okt. Padomju saimniecībā „Okte” dzeršana, huļīgānisms un sabiedriskās kārtības pārkāpumi pieņēmuši tādas apmērus, ka bijis jānodibina brīvprātīgu kārtības sargu vienība. „Cīņa” 1959. g. 19. maijā. ³⁴⁾ Vallisa ziņojums LKP CK 1958. g. plēnumā. „Cīņa” 1958. g. 8. okt. ³⁵⁾ Sk. piezīmi 29. Kā piemērus vēl var minēt Dobeles un Glūdas padomju saimniecību direktorus Provtorovu un Molčanovu un galvenos agronomus Polikarpovu un Kozlovu, „Cīņa” 1959. g. 1. jūlijā. ³⁶⁾ A. Ņikonovs, op. cit. ³⁷⁾ „Cīņa” 1959. g. 1. jūlijā. ³⁸⁾ „Cīņa” 1958. g. 20. dec. ³⁹⁾ Piemēram, „Cīņa” 1958. g. 27. sept.



Dzīves biedre Marta, dzim. Benjāmiņa.

LIKUMI UN TIESAS OKUPĒTAJĀ LATVIJĀ

MINTAUTS ČAKSTE

Okupētās Latvijas agrārā iekārta, tās maiņas un pārvērtības

(Turpinājums)

KOLCHOZI

Padomju likums, kas it kā būtu nostiprinājis kolchoziem zemes lietošanu uz mūžīgiem laikiem, nav varējis nodrošināt tiem normālai saimniecības vešanai nepieciešamo tiesisko drošību un stabilitāti. Komunistu partija parasti nerēķinās ar „virsbūvi”, pie kuņas it kā piederot tiesības, kad tā pārkārto „bazi” saskaņā ar partijas ikreizējo politisko ģenerālliniju. Latvijas lauksaimniecības „baze” tiek pastāvīgi pārkārtota, gan pārorganizējot kolchozus padomju saimniecībās, gan arī pārveidojot pašus kolchozus.

Kolchozācija Latvijā nebija vēl nobeigta — tā daļēji turpinājās arī 1953. gadā⁴⁰ — kad pašā Krievijā tuvojās noslēgumam lielkolchozu dibināšanas kampaņa, kas laikā no 1949. līdz 1953. gadam samazināja kolchozu skaitu no 254.000 uz 94.000. 1959. gada jūnijā Padomju Savienībā bija palikuši vairs tikai 59.600 kolchozu.⁴¹

Kolchozu skaits mūsu zemē nepārtraukti samazinās. Ja 1949. gada oktobrī, pēc Kalnbērziņa vārdiem, Latvijā bijuši 4035 kolchozi, tad 1950. gadā to bija palicis vairs tikai 1776, un no tā laika kolchozu skaits Latvijā turpina nepārtraukti samazināties: 1951. gadā — 1516 kolchozi, 1952. g. — 1483, 1953. g. — 1452, 1954. g. — 1443, 1955. g. — 1394, 1956. g. — 1371⁴², 1957. g. — 1352, 1958. g. — 1253 un 1959. g. — 1220⁴³. Pat 1955. un 1956. gadā, kad, labojot kolchozācijas laikā izdarītās aplamības, 25 kolchozus sadalīja mazākās saimniecībās, kolchozu skaits visumā turpināja samazināties⁴⁴, domājams galvenokārt tādēļ, ka tai laikā bija sākusies plašākos apmēros kolchozu pārorganizēšana padomju saimniecībās.

Kooperatīvais kolchozu īpašums esot viena no sociālistiskā īpašuma formām, kaut arī ar „zemāku sabiedrisko pakāpi” nekā valsts sociālistiskam īpašumam. Atšķirībā no pēdējā, kooperatīvam kolchozu īpašumam ir daudz īpašnieku, tas tādēļ tiek atzīts par grupas īpašumu. Tas esot sociālistisks īpašums starp citu tādēļ, ka kolchozu īpašumtiesības realizē „proletāriāta diktatūras vadībā”⁴⁵. Kolchozu tiesību mācību grāmatā īpaši uzsvērts, ka īpašuma forma kā tāda nenodrošina īpašumtiesību pareizu izlietošanu. Svarīgs esot

saturs, kādu ieliek formā, un tādēļ „kolchozu celtniecību nevar atstāt pašplūsmā, bet tā jāveic partijas un valsts orgānu vadībā.”⁴⁶

Partijas un valsts vadība ir kolchozu režīma svarīgākā un nepieciešamākā sastāvdaļa. Daudz piemēru rāda, ka atstājot kolchozus „pašplūsmē”, masveidīgi sākas lauksaimniecības arteļa paraugstatūtu (kas ir un paliek kolchozu iekārtas pamatlikums) un pašu kolchozu statūtu pārkāpumi. Tie parasti izpaužas „privātīpašnieciskās tendencēs”, kā, piem., piemājas zemes platības palielināšanā, personisko lopu skaita palielināšanā, tā sauktā „divgovībā”, kolchozu ganību izlietošanā personiskiem lopiem un vispār piemājas saimniecības izlietošanā peļņas nolūkos.⁴⁷ Bez pastāvīgas partijas un valsts uzraudzības un kontroles droši vien tikai retais kolchozs izpildītu lauksaimniecības produktu ražošanas un sagādes plānus.

Kolchozu vadīšana ir tik svarīga funkcija, ka to paralēli veic viss partijas un valsts aparāts, sākot ar pašiem augstākiem orgāniem un beidzot ar nelielām komunistu grupām laukkopju brigādēs un lopkopju fermās. Kolchozu vadīšanas saskaņošanai tā sauktās savienotās republikās pie PSKP CK pastāv īpaša savienoto republiku lauksaimniecības nodaļa, kuŗas apakšinstance Latvijā ir LKP CK lauksaimniecības nodaļa.

Kolchozu tiešo vadīšanu uz vietām realizē partijas un valsts aparātu zemākās instances: partijas līnijā — partijas rajonu komitejas, partijas pirmorganizācijas kolchozos un, par cik tās izveidotas, partijas biedru grupas laukkopju brigādēs un lopkopju fermās,⁴⁸ bet valsts līnijā — rajonu izpildkomitejas un pie tām pēc MTS likvidācijas nodibinātās lauksaimniecības inspekcijas un ciema padomes ar šo padomju pastāvīgām lauksaimniecības komisijām.

Tas ir plašs ierēdņu aparāts, kuŗu Čruščovs pēc apmeklējuma Rīgā aprakstīja PSKP CK 1959. g. jūnija plēnumā šādi: „LKP CK ir sekretārs lauksaimniecības jautājumos. Sekretāram, protams, ir palīgs, jo kuŗš gan sekretārs var iztikt bez palīgiem? Bez tam CK ir lauksaimniecības nodaļa, arī tur ir savi štāti. Ministru padomes priekšsēdētājam ir speciāls vietnieks lauksaimniecības jautājumos. Vietniekam savukārt ir lauksaimniecības grupa. Bez tam ir lauksaimniecības ministrs, un tam ir vesels aparāts. Bez tam ir partijas rajonu komitejas ar attiecīgiem štātiem. Ir rajonu izpildkomitejas ar zināmiem štātiem... republikā ir tikpat daudz šo darbinieku, cik kolchozu un varbūt pat vairāk.”⁴⁹

Nospraust kompetences robežas starp šīm daudzām un dažādām kolchozu vadītājām iestādēm nav iespējams. Liekas, ka vienīgais princips aparāta darbībā ir zemāko organu padotība augstākiem. Bet arī padotība ne katru reizi ir skaidra, piem., attiecībās starp Lauksaimniecības ministriju, LKP CK lauksaimniecības nodaļu un Ministru padomes lauksaimniecības grupu, kas pat nepūlās saskaņot

savus rīkojumus.⁵⁰ Ir arī gadījumi, kad partijas komitejas vienkārši aizstāj saimnieciskos un padomju organus.⁵¹

Stāvokli vēl vairāk sarežģī apstākļi, ka partijas direktīvas ir atzītas par kolchozu tiesību avotu.⁵² Tāds kolchozu tiesību avots, piemēram, ir PSKP CK 1959. g. decembra plēnuma lēmums, kas satur priekšrakstus par valsts lauksaimniecības produktu ražošanas un sagādes plāna palielināšanu, sagādes cenu samazināšanu, „progresīvāku” darba normu un samaksas likmju ieviešanu kolchozos utt.⁵³

Kolchozu vadišanas aktiem ir tieša priekšraksta vai arī tikai padoma raksturs,⁵⁴ ko katrā atsevišķā gadījumā noteic attiecīgā partijas organizācija vai padomju organs. Šie akti bieži vien nokārto pilnīgi konkrētus jautājumus kā, piem., kukurūzas sēšanu kvadrātlīdzās un atsevišķa cilvēka norīkošanu 25 hektāru kultivēto ganību kopšanai.⁵⁵ Tā sauktā administrēšana, kas aprobežojas ar lēmumu pieņemšanu un cilvēku bāršanu un strotēšanu un liekas esam plaši izplatīta parādība, ir atzīta par sliktu vadības stilu.⁵⁶ Vadībai jābūt „konkrētai”, kas ne tikai nokārto praktiskus jautājumus, bet arī kontrolē, lai vadības akts tiktu izpildīts.

Vadītājas iestādes, protams, nodara kolchoziem arī zaudējumus, kas atsevišķos gadījumos var būt ļoti ievērojami.⁵⁷ Šie zaudējumi tomēr jāpacieš kolhozniekiem, jo partijas organizācijas un padomju organi par tiem neatbild. Kā piemēru varētu minēt zaudējumus, kādus kolchoziem nodara ar tā saukto kolchozu nostiprināšanu ar vadošiem kadriem, t.i., kolchozu amatpersonu un lauksaimniecības speciālistu nozīmēšanu.

Cik liela nozīme kolchozu dzīvē ir šai funkcijai, varētu spriest no tā, ka kolchozu amatpersonas un speciālisti ir ieskaitīti rajona vadošo organizāciju nomenklatūrā, t.i., atrodas partijas rajona komitejas vai rajona izpildkomitejas pārziņā. Tuvāku datu par to nav, kādas amatpersonas ieskaitītas vienas vai otras organizācijas nomenklatūrā, bet ir zināms, ka LKP CK trešais plēnums pārskaitījis partijas rajona komitejas nomenklatūrā padomju saimniecību pārvaldniekus un brigadierus.⁵⁸ Pienotavu un krējotavu vadītāji, kas agrāk atradušies partijas rajona komitejas nomenklatūrā, vēlāk no tās izslēgti un palikuši ārpus nomenklatūras. Tādēļ atkal ierosināts jautājums par viņu ieskaitīšanu kādā no rajona vadošo organizāciju nomenklatūrām.⁵⁹

Tāpat nav ziņu par attiecīgās rajona organizācijas tiesībām un pienākumiem pret nomenklatūrā ieskaitītiem lauksaimniecības darbiniekiem. Ka partijas rajona komitejas soda kolchozu priekšsēdētājus un citus darbiniekus ar partijas sodu par nolaidīgu amata izpildīšanu,⁶⁰ tas liek domāt, ka tām pieder disciplinārvara, mazākais par tiem lauksaimniecības darbiniekiem, kas ir partijas biedri. Tāpat kā lielākā daļa citu atbildīgo kolchoza darbinieku, tā arī kolchozu priekšsēdētāji, liekas, bez izņēmuma ir partijas biedri. Partijas rajona

komitejas sekretāriem un rajona izpildkomitejas priekšsēdētājiem partijas sodu uzliek LKP CK birojs,⁶¹ bet pašiem kolchoziem sodus uzliek Lauksaimniecības ministrija.⁶²

Kolchozu vadības funkcija — nostiprināt kolchozus ar vadošiem kadriem — praktiski anullējusi lauksaimniecības arteļa paraugstātūtos un atsevišķu kolchozu statūtos paredzētās kolchoznieku kopsapulces tiesības ievēlēt kolchoza amatpersonas. Kandidātus amatiem „nozīmē” un pēc „ievēlēšanas” apstiprina amatā attiecīgā partijas organizācija. Liepājas rajonā, piem., bez partijas pirmorganizācijas ieteikuma partijas birojs neapstiprina amatā nevienu kolchoza vai padomju saimniecības vadošo darbinieku. Kolchoznieki baidās balsot pret partijas ieteiktiem kandidātiem, bet ja kāds komūnists kolchoznieku kopsapulcē ieblīst pret tādu kandidātūru, tad pēc partijas slēgtas sēdes viņš „saproto savu kļūdu.”⁶³

Kolchozi nevar arī atrīvēties no priekšsēdētājiem, ja tam pretojas partija. Tādi gadījumi bijuši Kārsavas un Dobeles rajonu kolchozos, kur priekšsēdētāji palikuši amatā pret kolchoznieku gribu un turpinājuši nodarīt zaudējumus viņiem un kolchozam. Kādā kolchozā aiz priekšsēdētāja vainas kolchoznieki saņēmuši par parasto izstrādes dienu tikai 1 rub. 40 kap., bet dažās brigādēs pat ne kapeikas un tikai 250 gramu labības, un tomēr vietējā partijas organizācija nav atļāvusi atcelt priekšsēdētāju no amata.⁶⁴ Ar to, domājams, izskaidrojams, ka Chruščovs par okupētās Latvijas kolchozu priekšsēdētājiem varējis pateikt, ka „dažos kolchozos priekšsēdētāja amatā ilgu laiku ir slikti darbinieki, no kuriem dažs nolaidīs dibenā trīs kolchozus un šķielē jau uz ceturto.”⁶⁵ Šos priekšsēdētājus, protams, amatā faktiski iecēlusi partija. Tā sauktās trīsdesmittūkstošnieku kampaņas laikā vien LKP CK nosūtīja uz kolchoziem 452 cilvēkus, kuŗus visus „ievēlēja” par kolchozu priekšsēdētājiem. LKP XV kongresā Kalnbērziņš varēja ziņot, ka vairāk nekā viena trešdaļa kolchozu priekšsēdētāju ir trīsdesmittūkstošnieki.⁶⁶

Galū galā arī „Cīņa” spiesta konstatēt, ka partijas komitejas daudzos rajonos par kolchozu priekšsēdētājiem ieteikušas „ne vienu vien neprašu” un piebilst, ka „visstingrākā atbildība par tādu stāvokli prasāma tieši no rajona vadošām organizācijām”.⁶⁷ Tas ir pareizi, jo pie tādiem apstākļiem no kolchozniekiem nevar prasīt atbildību par amatpersonu izvēli. Tā tas paliks arī uz priekšu. PSKP CK 1959. g. decembra plēnums uzlika attiecīgām partijas organizācijām kā „vienu no galveniem uzdevumiem tālāk uzlabot darbu kadru izraudzīšanā, izvietošanā un audzināšanā, maksimāli nostiprinot kolchozus un padomju saimniecības ar kvalificētiem darbiniekiem, enerģiskiem un prasmīgiem organizētājiem.”⁶⁸

Ja kolchozu vadīšanas funkcija faktiski anullējusi kolchoznieku tiesības ievēlēt un atcelt kolchoza amatpersonas, tad attiecībā uz kolchoza pienākumiem stāvoklis ir tieši pretējs. Te vadīšanas

funkcijas uzdevums ir panākt pienākumu izpildīšanu, kādā nolūkā partijas un valsts organi organizē un virza kolchozu darbību, lai tie veiktu visu, ko valsts no tiem prasa. Vispār, kolchozu režīmu raksturo pienākumu daudzums un smagums, kas uzlikti kolchoziem un kolchozniekiem. Pirmā vietā minams kolchoznieku publiski tiesiskais pienākums strādāt kolchozā. Arī kolchozos ir spēkā sociālisma princips: „kas nestrādā, tam nebūs ēst.” Kad kolchoznieki šo pienākumu labprātīgi nepildīja, partija un valdība 1939. gadā ievada obligātu izstrādes dienu minimu,⁶⁹ kuŗu 1942. gadā paaugstināja uz 100, resp. 120 un 150 izstrādes dienām gadā, atkarībā no apgabala. Par izstrādes dienu minima nenostādāšanu kolchozniekus nodeva tautas tiesai sodīšanai.⁷⁰

Kriminālo sankciju PSKP CK un PSRS MP ar 1956. g. 6. marta lēmumu papildināja ar saimniecisku sankciju, piešķiŗot kolchoznieku kopsapulcēm tiesību noteikt piemājas saimniecības zemes platību, ievērojot kolchoznieka un viņa darbspējīgo ģimenes locekļu piedalīšanos kolchoza darbos, un šo zemi pavisam atņemt vai samazināt tās platību, ja viņi visi, resp. tikai atsevišķi ģimenes locekļi, nav nostrādājuši kopsapulces noteikto izstrādes dienu minimu, kas pie tam nedrīkst būt mazāks par to, kāds pastāvēja 1953. gadā.⁷¹ Protams, arī šajos gadījumos kolchoznieku kopsapulcēm jārikojas pēc partijas organizācijas direktīvām.

Ar PSRS Lauksaimniecības ministra rīkojumu kolchozniekiem 1960. gadā ieviesta pastāvīga darba grāmatiņa, kuŗā bez saņemtās samaksas naudā un graudā jāieraksta arī nostrādātais „cilvēkdienu” skaits un nedēļas darba uzskaitē.⁷² Ar to, domājams, tiks pastiprināta kontrole par kolchoznieku nostrādāto dienu skaitu.

Otru sociālisma principu — „no katra pēc viņa spējām, katram pēc viņa darba,” kolchozos reālizē ar tā sauktām izstrādes dienām. Tā ir īpatnēja darba samaksas kārtība, kas balstās uz vairāk vai mazāk patvaļīgi aprēķinātām darba normām un samaksas likmēm, kuŗu paraugus bija noteicis PSRS MP 1944. g. lēmums, bet lopotņiem — PSRS Lauksaimniecības ministrijas 1954. g. 5. maija pavēle. Šie paraugi, protams, nebija bez trūkumiem, un padomju prese kā galvetno min to, ka darbi nav bijuši diferencēti atkarībā no augsnes un reljefa, daži darbi bijuši izdevīgi, citi neizdevīgi, un atšķirība starp visaugstāk kvalificēto un sissmagāko darbu un vismazāk kvalificēto un visvieglāko darbu samaksas ziņā bijusi nesamērīgi liela.⁷³ Galu galā PSKP CK 1958. g. decembra plēnums bija spiests atzīt izstrādes dienas trūkumus, st.c. konstatējot, ka tā neatspoguļo konkrēto laika un darba daudzumu, ko kolchoznieki patērē uz produkcijas vienību.⁷⁴ Arī saimnieciskie rezultāti nebija nekādi labie — dārgs piens un gaļa, augsta ražojuŗu pašizmaksa, slikta saimniekošana un īstas atbildības trūkums.⁷⁵

Izstrādes dienas vērtību var noteikt tikai saimniecības gada

beigās, pēc tam, kad kolchozi izpildījuši saistības ar valsti, izdarijuši obligātos atskaitījumus un papildinājumus dažādos fondos. Tikai to, kas palicis pāri no kolchoza ienākumiem graudā un naudā, var sadalīt kolchozniekiem par darbu. Šo atlikumu pie tam dažkārt aprgrūtina nesamērīgi lielle administrācijas izdevumi. Piem., kādā Kuldīgas rajona kolchozā pārvaldes un apkalpojošais aparāts sastāvēja no 18 personām, jeb 13,2 proc. no kolchoza biedru skaita, kas 1958. gadā saņēma 18,7 procentus no visām izstrādes dienām un 26,9 proc. no naudas, kas samaksāta par izstrādes dienām, un kādā Livānu rajona kolchoza pārvaldē bija 32 cilvēki jeb 19 proc. no darbspējīgiem kolchozniekiem, kas saņēma 26,5 proc. no kolchozā nostrādātām izstrādes dienām.⁷⁶

Arī samaksu par izstrādes dienām var izdarīt tikai saimniecības gada beigās. PSKP CK un PSRS MP ar 1956. g. 6. marta lēmumu gan uzdeva kolchozniekus izmaksāt kolchozniekiem mēneša avansus, bet daudzi kolchozi šo lēmumu nepilda. 1957. g. no 974 izrevidētiem kolchoziem tikai 576 maksājuši mēneša avansus, 64 kolchozi maksājuši avansus par diviem mēnešiem, 229 — vienreiz gada ceturksnī un citi vēl retāk.⁷⁷ Arī 1958. gadā ievērojama daļa kolchozu nav pildījuši šo lēmumu.⁷⁸

PSKP CK 1959. g. decembra plēnums uzdevis kolchoziem sistēmātiski pārskaitīt un noteikt „progresīvākās” izstrādes normas un darba samaksas likmes, tāpat kā to dara rūpniecības uzņēmumi. Tāda direktīva faktiski nozīmē izstrādes normu pakāpenisku palielināšanu, kas savukārt pazemina samaksu par darbu. Šī samaksa pie tam nedrīkst būt augstāka par attiecīga rajona vai apgabala strādnieku darba algas līmeni.⁷⁹ Jāatcerās, ka Chruščovs jau 1959. gada maijā Ukrainas PSRS Augstākās padomes sēdē pateicis, ka viņš ir pret liela daudzuma naudas un produktu izsniegšanu par izstrādes dienām, jo centienos pēc lielām izmaksām izpaužoties „neveselīga kulaciska psiholoģija”.⁸⁰ Padomju tautsaimnieks Blūķis izstrādājis Ogres rajona Suntažu kolchozam perspektīvo plānu, kas paredz izstrādes dienas vērtību 1965. gadā 14,60 rubļu naudā un 1,8 kg labības.⁸¹ Atliek nogaidīt, vai tādas izmaksas, ja tās izdotos reālizēt, būs „veselīgas psiholoģijas” robežās.

Tā kā darba apmaksai par izstrādes dienām ir lieli un nenolie dzami trūkumi, partija sākusī ieteikt kolchoziem pāriet uz „progresīvāku” darba samaksas formu, ar kādu jāsaprot garantēta samaksa naudā par noteiktu darba normu. PSKP CK 1958. g. decembra plēnums, norādot uz izstrādes dienas trūkumiem, uzdeva partijas un padomju organiem „visiem spēkiem atbalstīt kolchozu iniciatīvu”, ievēdot „progresīvāku” darba uzskaites un apmaksas formu. Latvijā 1958. gadā 4 kolchozi bija ievēduši šo „progresīvāko” darba samaksas formu, 1959. gada sākumā vēl daži citi. Zīmīgi, ka reformai pretojas paši kolchoznieki, kas baidās palikt bez maizes un sagaida no reformas ienākumu samazināšanos. Zinātņu akadēmijas ekono-

mikas institūta līdzstrādnieks K. Cipe, norādot, ka garantēta darba samaksa naudā vislabāk atbilst sociālisma sadales principam „no katra pēc viņa spējām, katram pēc viņa darba”, spiests atzīt, ka padomju tirdzniecības tīkls uz laukiem pagaidām nedod iespēju apgādāt kolchozniekus ar maizi, un tādēļ ieteic dot kolchozniekiem iespēju pirkt labību savām vajadzībām kolchozā,⁸² kādas viņiem tagad nav. Bet kolchoziem trūkst arī apgrozības līdzekļu, lai varētu garantēt kārtīgu algas izmaksu naudā.

Jaunā darba samaksas kārtība, par cik to varēs vispār ieviest, tomēr neatbrīvos kolchozniekus no sen ienīstā obligātā darba dienu minīma. Speciāla zinātniska konference, ko bija sasaucis Zinātņu akadēmijas ekonomikas institūts kopā ar Lauksaimniecības ministriju, lai apspriestu garantētās darba samaksas naudā ieviešanu kolchozos, atzina, ka darba dienu minīms paturams arī pie jaunās darba samaksas kārtības.⁸³

Plaši pielietots līdzeklis piespiest kolchozniekus pildīt darba pienākumu ir tā sauktās sociālistiskās saistības. Parasti tās uzspiež kolchozniekiem no augšas.⁸⁴ Pēc saistību parakstīšanas partijas un padomju organi ne tikai prasa to pildīšanu, bet arī rūpīgi pārbauda, kā tas tiek izdarīts. LKP CK birojs un Ministru padome ar īpašu lēmumu uzdeva Lauksaimniecības ministrijai, partijas rajonu komitejām un rajonu izpildkomitejām gādāt, lai „noteikti izpildītu saistības gaļas, piena un citu lopkopības produktu ražošanas palielināšanā, kādas kolchozi un padomju saimniecības uzņēmušās 1959. gadā” un „katru mēnesi pārbaudīt ikvienas fermas, brigādes un atsevišķu lopkopju darba rezultātus... un nesaudzīgi izskaust trūkumus, kas traucē saistību izpildi.”⁸⁵

Sociālistiskās saistības saista tikai kolchozniekus. Partija turpretim vienmēr var prasīt to palielināšanu, kā to, piem., darīja PSKP CK 1959. g. decembra plēnums, kas aicināja visus lauksaimniecības darba ļaudis saražot virs septiņgadu plāna uzdevumiem 4 līdz 5 miljonus tonnu gaļas „sociālistiskajā sacensībā uzņemto saistību izpildes veidā.”⁸⁶ Šī „aicinājuma” izpildīšanu tūlīt nokārtoja attiecīgās instances. Lauksaimniecības ministrija sasauca rajonu lauksaimniecības inspekciju priekšnieku un padomju saimniecību direktoru apspriedes, lai lemtu par plēnuma lēmuma izpildīšanu.⁸⁷ Tūlīt pēc tam Siguldas rajona kolchozs „Atmoda” un Kaķenieku padomju saimniecība uzņēmās jaunas paaugstinātas sociālistiskas saistības, st.c divkāršojot gaļas ražošanu 1960. gadā. Kā paraugu, kam jāseko, LKP CK uzdeva part. raj. komitejām un pirmorganizācijām apspriest šīs saistības kolchoznieku sapulcēs, resp. padomju saimniecību strādnieku sapulcēs, aicinot palielināt lauksaimniecības produktu ražošanu 1960. gadā un izpildīt septiņgadu plānu pirms termiņa.⁸⁹ Drīz vien kolchozi, padomju saimniecības un veseli rajoni Latvijā parakstīs jaunas paaugstinātas sociālistiskas saistības.

Lai kolchoznieki nevarētu izvairīties no darba, kolchozu partijas pirmorganizācijas tur viņus pastāvīgā uzraudzībā. Kolchoza komūnisti izvietoti tā, lai viņi varētu novērot kolchozniekus darbā.⁸⁹ Bez tam kolchozniekiem parasti jāstrādā zem stipra partijas organizēta sabiedriska spiediena, kuŗā „morāles pātagas” uzdevumu izpilda dažādas rādītāju plāksnes, speciāli biļeteni, „ciņas lapiņas,” sienas avīzes, „zibeņi”, žurnāli, saukļi, plakāti, lekcijas, pašdarbības priekšnesumi un, protams, mutvārdu agitācija.⁹⁰ Tādi līdzekļi, ieskaitot kriminālu un saimniecisku sankciju, ir zīmīgi elementi kolchozu darba režīmā, kas acīm redzot ir nepieciešami, lai kolchozu iekārta vispār varētu darboties.

Kolchozu darbību regulē valsts lauksaimniecības produktu ražošanas un sagādes plāns, un tādēļ pēc lauksaimniecības arteļa paraugstatūtu 6. panta kolchozu pirmais un galvenais pienākums ir saimniekot pēc plāna, lai izpildītu valsts plāna uzdevumus un saistības ar valsti.⁹¹ Par kolchozu saimniecisku patstāvību un plānošanas brīvību centrāli plānotā un vadītā sociālistiskā saimniecībā, protams, nevar runāt, un ja žurnāls „Druva” tomēr raksta, ka PSKP CK un PSRS MP 1955. gada 9. marta lēmums piešķīris kolchoziem tiesības patstāvīgi un brīvi plānot ražošanu,⁹² tad to atspēko divu runātāju atklājums LKP XV kongresā, ka LKP CK lauksaimniecības nodaļa uzspiež plāna uzdevumus rajoniem un atsevišķiem kolchoziem.⁹³ Kad Valkas rajona kolchozi bija pieņēmuši zemu kukurūzas sēšanas plānus un Līvānu rajona kolchozi izplānojuši mazu gaļas produkciju, iejaucās LKP CK birojs, kas uzdeva partijas Valkas rajona komitejai un rajona izpildkomitejai „organizēt agrāk izstrādāto kukurūzas sēšanas plānu un saistību revidēšanu, ievērojami tos palielinot” un pārmeta partijas Līvānu rajona komitejai, ka tā nepareizi izpratusi 1955. g. 9. marta lēmumu. „Kur vajadzīgs organizēt kolchozu ražošanas plānošanu, palīdzēt kolchoziem atrast un pilnīgi izmantot rezerves, partijas rajona komiteja neiejaucas šai svarīgajā darbā,” lasāms LKP CK biroja lēmumā.⁹⁴ Citiem vārdiem, partijas rajona komitejām tieši jāiejaucas kolchozu plānu sastādīšanā. Beidzot, nevar nepieminēt PSKP CK 1959. gada decembra plēnuma direktīvu vadošām partijas organizācijām un padomju valsts organiem „izstrādāt katram rajonam, kolchozam un padomju saimniecībai pasākumus, kas vērsti uz septiņģadu uzdevuma izpildi pirms termiņa,” īpašu uzmanību veltījot, lai panāktu lauksaimniecības produktu ražošanas uzdevumu izpildīšanu un pārsniegšanu jau 1960. gadā. Pie tam plēnums, kā jau minēts, grozījis septiņģadu plānu, palielinot gaļas ražošanu par 4 līdz 5 miljoniem tonnu.⁹⁵

Arī kolchozu tiesības rīkoties ar saviem ienākumiem graudā un naudā, kas pēc PSRS satversmes 7. panta 1 rindkopas ir kolchozu īpašums, drīzāk kvalificējams kā pienākums sadalīt šos ienā-

kumus pēc padomju varas priekšrakstiem. Bez obligātiem atskaitījumiem dažādos fondos, to skaitā nedalāmā fondā (par ko vēl būs runa), kolchoziem pirmā kārtā jāizpilda saistības ar valsti, t.i., jānodod valstij savi ražojumi valsts noteiktā daudzumā un vietā, par valsts noteiktām cenām. Ar šiem tā sauktajiem valsts iepirkumiem valsts faktiski piedzen no kolhozniekiem virsnodokli, par kuŗu runājis Staļins, atbildot Bucharinam, kas kopā ar Tomski bija apzīmējuši viņa politiku par „zemnieku militāri feodālu ekspluatāciju”. Staļins gan bija cerējis drīzumā atcelt virsnodokli,⁹⁶ bet gadi gāja, un virsnodoklis palika. To nav atcēlusi arī sagādes kārtības reforma 1958. gadā, kas valsts iepirkuma cenas samazināja uz apm. 80 līdz 85 proc. no agrākām valsts iepirkuma cenām. Pēc PSKP CK 1959. g. decembra plēnuma virsnodoklis atkal tiks palielināts, jo plēnums atzina par pareiziem priekšlikumus samazināt iepirkumu cenas dažiem lauksaimniecības ražojumiem, ko kolchozi pārdod valstij.

Pirms 1958. g. reformas pastāvēja četri lauksaimniecības ražojumu sagādes veidi: obligātās piegādes valstij, samaksa graudā MTS, valsts iepirkumi un kontrakcijas līgumi, no kuŗiem katram bija sava cena un savs sagādes aparāts.⁹⁷ Šī aparāta uzturēšana prasīja lielas summas, tā ka valstij lauksaimniecības ražojumi galu galā izmaksāja dārgi, kaut arī pašiem kolchoziem par tiem maksāja zemas cenas.

Kalnberziņš LKP CK 1958. g. jūnija plēnumā atzina, ka šīs cenas nav pat segušas darba un materiāla patēriņu. Tālāk viņš uzsvēra, ka partijai, „balstoties uz marksisma-ļeņinisma teoriju, izdevies atsegt lielās kļūdas un izkropļojumus, un atjaunot ļeņinisko principu par kolhoznieku maksimālo ieinteresētību lauksaimniecības attīstīšanā.”⁹⁸ Arī B. Treijs konstatē, ka sagādes cenas bijušas ievērojami zemākas par produkcijas pašizmaksu,⁹ bet G. Bluķis norāda uz cenu sistēmas aplamībām — saimnieciski vājie kolchozi pārdeva vienu centneru attiecīgās lopkopības produkcijas caurmērā par divi un pat vairāk reizes zemāku vidējo realizācijas cenu nekā saimnieciski stiprākie kolchozi. „Atklāti runājot,” Bluķis pasaka, ka kolchoziem lika palielināt ražošanu, nemaz nerēķinoties ar to, par kādu cenu produkcijas pieaugums tiek panākts.¹⁰⁰ Arī B. Treijs apstiprina, ka 1957. gadā kolchozi saimniekojuši bez produkcijas pašizmaksas aprēķināšanas, vienīgi pēc principa — dabūt ko var, lai maksā cik maksādams.¹⁰¹

Tikai pēc MTS reorganizācijas PSKP CK 1958. g. jūnija plēnums nolēma grozīt veco sagādes kārtību, ievēdot obligāto valsts piegāžu un MTS darba samaksas vietā ne mazāk obligātus valsts iepirkumus,¹⁰² bet PSRS MP, izpildot plēnuma direktīvu, apstiprināja jauno sagādes kārtību un cenas.¹⁰³

Lauksaimniecības ražojumu sagādes plānus, ieskaitot savienoto

republiku piegādes vissavienības fondam, tagad pa savienotām republikām sadala PSRS MP, aprēķinot iepirkumu apjomu no kolchoziem pēc zemes hektāru skaita. Tikai MP lēmumā neminēto kultūru sagādes plānus apstiprina savienoto republiku ministru padomes. Priekšlikumu dot savienotām republikām un apgabalu un novadu izpildkomitejām tiesības apstiprināt visu lauksaimniecības ražojumu daudzumu, kas kolchoziem no hektāra jānodod valstij, Čruščovs noraidīja, aizrādot, ka tādā gadījumā nebūtu nodrošinātas valsts resursu pienācīga papildināšana un republiku piegādes vissavienības fondam.¹⁰⁴ Čruščovs pieminēja tieši Latviju, kas „partijas un valsts disciplīnas pārkāpšanas un šaura lokālisma izpausmes dēļ” nebija nokārtojusi lopkopības produktu piegādi vissavienības fondam.¹¹⁰⁵

Sakarā ar sagādes kārtības reformu, PSRS MP palielināja okupētajai Latvijai sagādes plānu 1958. gadam par 100.000 tonnām piena un 6.000 tonnām gaļas, bet Tautas saimniecības padomes (TSP) gaļas un piena rūpniecības pārvaldes priekšnieks A. Grāviņis uzdeva sagādes iestādēm pārskatīt agrākos kolchozu līgumus, piedraudot, ka jauno līgumu nepildīšana ir valsts disciplīnas pārkāpums, kas stingri sodāms.¹⁰⁶ Tā sauktie līgumi tiek tādā veidā vienpusīgi revidēti, uzliekot kolchoziem jaunus smagākus pienākumus.

Lauksaimniecības ražojumu sagādes cenas arī apstiprina PSRS MP. Kolchoziem ir pienākums par šo cenu ne tikai atdot savus ražojumus, bet uz sava rēķina tos arī piegādāt sagādes organizācijām un pārstrādāšanas rūpniecības uzņēmumiem attālumā līdz 25 kilometriem. Kā jau minēts, tagadējās cenas dažiem lauksaimniecības ražojumiem pēc PSKP CK 1959. g. decembra plēnuma direktīvas tiks samazinātas. Tuvāku datu par jaunajām cenām, rakstot šīs rindas, vēl nav.

Viena no kolchozu vadības svarīgākajām funkcijām ir panākt valsts lauksaimniecības ražojumu sagādes plāna izpildīšanu. Savienotajās republikās šo uzdevumu veic viss partijas un valsts aparāts.¹⁰⁷ Uz vietām pirms reformas galvenie atbildīgie par iepirkuma plāna izpildīšanu bija MTS direktori, kuŗus par nolaidību sodīja administratīvā kārtā.¹⁰⁸ Pēc MTS likvidācijas šī uzdevuma veikšanā tagad lielā mērā iesaista ciema padomes, šo padomju izpildkomitejas un pastāvīgās lauksaimniecības un tirdzniecības komisijas, kā arī atsevišķus padomju deputātus.¹⁰⁹ Lai sekmētu ciemu padomju darbu, ierosināts projekts piešķirt tām tiesības sodīt ar naudas sodu no personīgiem līdzekļiem kolchozu priekšsēdētājus, kas nepārdod kolchozu ražojumus valstij, bet ved tos uz tirgu.¹¹⁰ Tā vispār ir raksturīga parādība okupētās Latvijas kolektivizētājā lauksaim-

nepīcībā, ka tā bez spaidiem nepilda partijas un valsts uzliktos uzdevumus.

(Nobeigums sekos)

1960. gada janvārī.

40) Latvijas PSR Tautas Saimniecība, lp. 67. 41) Boļšaja sovetiskaja enciklopedija, 2. izd., 22. sēj., lp. 82. Neue Zürcher Zeitung 1959. g. 30. jūl. 42) Latvijas PSR Tautas Saimniecība, lp. 67. 43) „Cīņa” 1957. g. 17. apr., 1958. g. 26. nov., 1959. g. 2. jūl. 44) „Padomju Latvijas Komunisti” 1957. g. No. 1, lp. 31, 32. 45) Sowjetisches Zivilrecht, Bd. 1, lp. 358, I. K. Tolstoi, op. cit., lp. 30, 31. 46) Kolchoznoje pravo pod red. N. D. Kazanceva, I. V. Pavlova, A. A. Ruskola, Moskva, 1955, lp. 103. Pēc V. Krūmiņa vārdiem, lauksaimniecības plānus un uzdevumus nevar izpildīt, atstājot darbu pašplūsmā. „Cīņa” 1958. g. 8. okt. 47) V. Gavrilovs „To prasa kolchoznieku intereses”, „Cīņā” 1959. g. 12. nov. Ievadraksts „Neļausim pārkāpt kolchozu dzīves pamatlikumu”, „Cīņā” 1959. g. 13. dec. Z. Eiduss „Iecietība nevietā”, „Cīņā” 1960. g. 5. janv. 48) Cf. Kalnbērziņa runu LKP XV kongresā „Cīņa” 1958. g. 24. janv. 49) „Cīņa” 1959. g. 2. jūl. 50) „Cīņa” 1958. g. 31. janv. 51) „Cīņa” 1958. g. 8. okt. 52) Kolchoznoje pravo, lp. 80, 81. 53) „Cīņa” 1959. g. 27. dec. 54) Kolchoznoje pravo, lp. 105, 106. 55) Cf. Kalnbērziņa runu kolchozu priekšsēdētājiem un padomju saimniecību direktoriem, LKP CK lēmumu „par nepareiziem ieteikumiem kukurūzas sēšanā” „Cīņa” 1959. g. 17. apr. „Nevienā saimniecībā pat nedrīkst būt runas par to, ka no kvadrātlīdzām varētu kaut soli atkāpties. Partijas rajona komitejām un rajona izpildkomitejām diendienā jākontrolē un jāvada šis darbs...” — raksta „Cīņa” ievadrakstā 1959. g. 6. maijā. 56) Ievadraksts „Cīņā” 1959. g. 7. janv. Cf. „Cīņa” 1959. g. 6. janv., 1958. g. 9. dec., 1957. g. 5. maijā. 57) Raitums „Cīņā” 1958. g. 2. martā. 58) „Cīņa” 1959. g. 11. apr. 59) „Cīņa” 1958. g. 9. dec. 60) „Cīņa” 1957. g. 31. aug., 1958. g. 10. jūnijā, 1959. g. 29. apr., 23. maijā. 61) „Cīņa” 1959. g. 13. maijā. 62) „Cīņa” 1958. g. 30. sept. 63) LKP CK atbildīgie organizātori V. Bulāns un F. Fridmans „Cīņā” 1959. g. 29. apr., Cf. „Cīņa” 1957. g. 20. jūl. 64) „Cīņa” 1958. g. 3. dec., 1959. g. 13. febr., 9. jūnijā. 65) „Cīņa” 1959. g. 2. jūl. 66) Kalnbērziņš Augstākā padomē un LKP XV kongresā „Cīņa” 1957. g. 5. jūn., 1958. g. 24. janv. 67) „Cīņa” 1958. g. 24. janv., 3. dec. J. Voss raksta „Rēzeknes rajonā visu saimniecisko neveiksmju vaininieki bija slikti vadītāji, kas joprojām sēdēja savos krēslos un neko nedarīja, lai tālāk attīstītu saimniecību. Vēl jaunāk — daži no viņiem bija slaveni plēguri un dikdieņi, kā, piem., kolchoza „Iskra” priekšsēdētājs biedrs Michailovs, Rēzeknes padomju saimniecības direktors biedrs Kukuškins, ceļojošais „standartkadrs”, kas par plēgurošanu bija atbrīvots no darba citās vietās, Leņina kolchoza priekšsēdētājs biedrs Dimitrijevs un citi,” „Cīņa” 1958. g. 28. sept. 68) „Cīņa” 1959. g. 27. dec. 69) PSRS likumu un rīkojumu krājums, 1939. g. No. 235. 70) PSRS likumu un rīkojumu krājums, 1942. g. No. 61. 71) „Pravda” 1956. g. 10. martā, Kolchoznoje pravo, lp. 249. „Cīņa” 1959. g. 1. jūl. 72) „Cīņa” 1960. g. 13. janv. 73) „Cīņa” 1958. g. 7. janv., 6. febr. „Padomju Latvijas Komunisti” 1959. g. No. 5. B. Treijs „Druvā” 1958. g. No. 17. 74) „Cīņa” 1958. g. 20. dec. 75) Ievadraksts „Cīņā” 1959. g. 11. apr. 76) „Padomju Latvijas Komunisti” 1959. g. Nr. 5. B. Treijs pēc 321 kolchoza datiem uzdod, ka 1957. g. kolchoznieks par izstrādes dienu saņēmis caurmērā 9,25

rub., ieskaitot naturālījas. Izpelnot dienā 1,6 līdz 1,7 izstrādes die-
nu, viņš rēķina, ka kolchoznieks dienā nopelnījis caurmērā 15 rub.,
ieskaitot naturālījas, kas gandrīz līdzinoties padomju saimniecības
strādnieka algai. Viduvējs Staļina kolchozs Ērgļu rajonā maksājis
par izstrādes dienu tikai 5,26 rub., ieskaitot naturālījas un papild-
maksu. („Druva” 1958. g. No. 17.). Krustpils rajona kolchozi 1959.
gadā maksājuši par izstrādes dienu tikai pāris rubļu un dažus simt-
tus gramu graudu. („Cīņa” 1959. g. 14. martā). Kārsavas rajona
Staļina kolchozs maksājis par parasto izstrādes dienu 1,10 rub. un
apm. 250 gr. labības, bet dažās brigādēs ne kapeikas. („Cīņa” 1959.
g. 9. jūnijā). Pēc Lauksaimniecības ministrijas datiem izstrādes
dienas caurmēra vērtība naudā 1958. g. bijusi 7,55 rub. („Cīņa”
1959. g. 4. apr.)⁷⁷ „Cīņa” 1957. g. 17. apr.⁷⁸ „Cīņa” 1958. g. 12.
apr., 14. aug.⁷⁹ „Cīņa” 1959. g. 27. dec.⁸⁰ „Cīņa” 1959. g. 14.
maijā.⁸¹ „Cīņa” 1958. g. 9. dec.⁸² „Cīņa” 1959. g. 17. jūl.⁸³
„Cīņa” 1958. g. 3. dec. Ērgļu rajona Staļina kolchozā pēc jaunās
darba samaksas kārtības ieviešanas kāda posma kolchoznieki nostrā-
dāja maijā tikai 3 līdz 8 dienas. („Cīņa” 1958. g. 23. jūl.). Auces
rajona kolchozā „Ritausma” „atpalikuši elementi” pretojās partijas
pirmorganizācijas priekšlikumam noteikt kā obligātu minimumu vī-
riešiem 240 dienas gadā, bet sievietēm — 180 un jautājums palicis
neizšķirts. (Padomju Latvijas Komūnists” 1958. g. No. 8, lp. 68).
⁸⁴ „Cīņa” 1958. g. 24. dec.⁸⁵ „Cīņa” 1959. g. 15. aug. Cf A. Luriņa
rakstu „Cīņā” 1959. g. 22. apr.⁸⁶ „Cīņa” 1959. g. 27. un 29. dec.
⁸⁷ „Cīņa” 1960. g. 5. un 10. janv.⁸⁸ „Cīņa” 1960. g. 14. un 15. janv.
⁸⁹ Ievadraksti „Cīņā” 1957. g. 16. maijā, 1959. g. 23. jūl.⁹⁰ Ievad-
raksti „Cīņā” 1957. g. 16. maijā, 5. sept. Cf „Cīņa” 1957. g. 19. jūl.
⁹¹ Sowjetisches Zivilrecht, Bd 1, lp. 362.⁹² „Druva” 1959. g. Nr. 12,
lp. 3.⁹³ „Cīņa” 1958. g. 25. janv.⁹⁴ „Cīņa” 1959. g. 20. febr.
⁹⁵ „Cīņa” 1959. g. 27. dec. Cf ievadrakstu „Cīņā” 1960. g. 10. janv.
un A. Nikonova rakstu „Cīņā” 1960. g. 19. janv.⁹⁶ I. V. Stalin,
Sočiņeņija, XII, lp. 49—51.⁹⁷ Kolchoznoje pravo, lp. 237, 241, 283
—287.⁹⁸ „Cīņa” 1958. g. 9. jūl.⁹⁹ „Cīņa” 1958. g. 27. martā.¹⁰⁰
„Cīņa” 1958. g. 29. jūn.¹⁰¹ „Cīņa” 1957. g. 17. dec.¹⁰² „Cīņa”
1958. g. 20. jūn.¹⁰³ „Cīņa” 1958. g. 2. jūl.¹⁰⁴ „Cīņa” 1958. g. 21.
jūn.¹⁰⁵ „Cīņa” 1959. g. 3. jūl.¹⁰⁶ „Cīņa” 1958. g. 11. okt. Pēc LSRS
Statistiskās pārvaldes aptuveniem datiem, Latvijā visu kategoriju
saimniecībās 1959. g. ražots 137.000 tonnu maļas (kaitsvarā),
1.437.000 tonnu piena, 288 milj. olu. Valsts sagādē un iepirkumā
aizgājis 115.600 tonnu gaļas (dzīvsvārā), 800.000 tonnu piena un
50,1 milj. olu. („Cīņa” 1960. g. 26. janv.) Valsts iepirkumi visumā
aug straujāk nekā ražošana: 1965. g. paredzēto gaļas ražošanas
līmeni plāno sasniegt 1963.-1964. g., bet gaļas sagādes līmeni jau
1960. (Sk. A. Pelšes runu „Cīņā” 1959. g. 26. dec.)¹⁰⁷ „Par augstiem
sasnegumiem gaļas u.c. lauksaimniecības produktu ražošanā un pār-
došanā valstij 1959. g.” ar medaļu par „Darba varonību” apbalvoti
N. Bisenieks, J. Kalnbērziņš, A. Luriņš, A. Ņikonovs, J. Peive, VI.
Stroganovs, viens partijas rajona komitejas sekretārs, viena slau-
cēja, un viens padomju saimniecības direktors un kolchoza priekšsē-
dētājs. („Cīņa” 1959. g. 31. dec.)¹⁰⁸ „Cīņa” 1957. g. 31. aug.¹⁰⁹ Ie-
vadraksts „Cīņā” 1958. g. 16. okt.¹¹⁰ „Cīņa” 1959. g. 4. augustā.

LIKUMI UN TIESAS OKUPĒTAJĀ LATVIJĀ

MINTAUTS ČAKSTE

Okupētās Latvijas agrārā iekārta, tās maiņas un pārvērtības

(Nobeigums.)

INDIVIDUĀLAIS SEKTORS.

Trīs īpašuma formas veido individuālo sektoru: kolchoznieka sētas personiskais īpašums (satv. 7. p. 2. rindk.), padomju pilsoņa personiskais īpašums (satv. 10. p.) un individuālo zemnieku mazā privātā saimniecība (satv. 9. p.). 1956. g. 1. novembrī kolchoznieku lietošanā atradās 109.000 hektaru zemes, strādnieku un kalpotāju lietošanā — 25.000 hektaru un individuālo zemnieku lietošanā — 4.000 hektaru.

1956. gada beigās Latvijā bija 206.000 kolchoznieku sētas.¹¹¹ Statistiski dati par citu kategoriju saimniecībām autoram nav bijuši pieietami.

Arī individuālais sektors nav brīvs no kolektīvā elementa, jo pēc padomju tiesībām par kolchoznieka piemājas saimniecības un individuālā zemnieka mazās privātās saimniecības īpašnieku skaitās nevis kolchoznieks, resp. zemnieks, bet gan kolektīvs, tā sauktā sēta (dvor), kuŗas locekļi ir kolchoznieks, resp. zemnieks, viņa ģimene un citas personas, kas dzīvo ar viņiem kopīgā mājsaimniecībā — „prijmaki”.¹¹² Pilngadīgiem kolchoznieka ģimenes locekļiem jādzīvo ar pārējo ģimeni vienā mājsaimniecībā, un viņu izstāšanās no sētas, paliekot kolchozā vai arī aizejot no tā, var notikt tikai aiz pamatotiem iemesliem. Viena no bieži sastopamām parādībām kolchozu praksē ir tā sauktā fiktīvā izstāšanās no ģimenes mājsaimniecības, kas tomēr tiek konsekventi apkarota.

Sēta (dvor) nav juridiska persona. Sētai nav statūtu, un nav arī likuma, kas regulētu tās iekšējo dzīvi. Tiesību subjekta stāvokli sēta iegūst ar reģistrēšanos ciema padomē, kur attiecīgā reģistrā ieraksta sētas galvu, kas ir tās pārstāvis, sētas locekļus un mantu. Kolchoznieka sētas īpašumā drīkst atrasties tikai lauksaimniecības arteļa paraugstatūtos un paša kolchoza statūtos paredzētie objekti, pie kam kolchoza statūti gan var samazināt šo objektu veidus un skaitu, bet nekādā gadījumā nevar tos palielināt.

Īpašums pieder sētai kā tādai, un tāpēc pēc sētas locekļa nāves neatklājas mantojums. Tikai pēc pēdējā sētas locekļa nāves, kad

pati sēta beidz pastāvēt, var sākties mantošana. Ja kāds sētas loceklis izstājas no sētas, viņam ir tiesība saņemt savu daļu no sētas īpašuma, kuŗu noteic pēc sētas locekļu skaita un mantas stāvokļa izstāšanās laikā.¹¹⁴

Padomju tiesību sētas jēdziens īstenībā ir cara Krievijas zemnieku tiesību institūts — „krestjanskij dvor”, kas pārdzīvojis kolchozāciju pašā Krievijā un vēlāk pārņests uz Latviju.

Svarīgas pārmaiņas kolchoznieka sētas personiskās īpašumtiesībās izdarījis PSKP CK un PSRS MP 1956. g. 6. marta lēmums. Kā zināms, kolchoznieka sētas lietojamās zemes platību un mājlopu skaitu bija noteikuši lauksaimniecības arteļa paraugstatūti, ar to piešķirot šīm tiesībām zināmu garantiju. Šo garantiju atcēlis 1956. gada 6. marta lēmums, dodot partijas dirigētām kolchoznieku kopsapulcēm tiesības samazināt piemājas zemi, vai to pavisam atņemt, ja kāds vai visi sētas locekļi nav nostrādājuši obligāto izstrādes dienu minimu. Partija un valdība pie tam „ieteica” vispār samazināt piemājas zemi un nekādā gadījumā to nepalielināt. Arī sētas mājlopu skaitu tagad noteic kolchoznieku kopsapulces, pie kam šīm sapulcēm dots norādījums dažos apgabalos pavisam likvidēt personiskā īpašuma govīs.

Ja īpašumtiesības pēc būtības ir beznoteikumu tiesības aizliegt citiem traucēt īpašnieka valdīšanu un rīcību ar īpašumu, tad pēc 1956. g. 6. marta lēmuma kolchoznieka sētas personiskās īpašumtiesības par tādām vairs nevar apzīmēt. Tās tagad ir atkarīgas no zināmu priekšnoteikumu izpildīšanas un kopsapulces lēmuma, un tādēļ šīs tiesības būtu drīzāk jākvalificē kā kolchoznieka atalgojums, ko viņš saņem papildus izstrādes dienām vai samaksai naudā, kur tāda būtu ievesta.

Kopīgās pazīmes kolchoznieka un individuālā zemnieka sētas tiesiskajā struktūrā tomēr nenozīmē, ka tās abas padotas vienādam režīmam. Taisni otrādi, individuālā zemnieka mazā privātā saimniecība ir nostādīta tiesiski neizdevīgākā stāvoklī, jo, kā tas paskaidrots kādā partijas un valdības rīkojumā par individuālā zemnieka nodokļiem un citām saistībām, nav pielaižams nostādīt individuālo zemnieku un kolchoznieku vienādā stāvoklī tādēļ, ka tas kavētu zemnieku iestāšanos kolchozos. Individuālam zemniekam uzlikti lielāki nodokļi un nodevas, viņam jāpilda klaugas — obligāti jāpiedalās ceļu labošanā, meža darbos, skolu un slimnīcu apkalpošanā u.t.t. Piem., pēc 1953. g. 8. augusta likuma par lauksaimniecības nodokli, nodokļa likme individuālajam zemniekam paaugstināta par 100 procentiem, kolchoznieka sētai turpretim jāmaksā paaugstināts nodoklis tikai gadījumā, ja kāds sētas loceklis nav nostrādājis obligāto izstrādes dienu minimu.¹¹⁵

Individuālā sektora īpatsvars padomju lauksaimniecībā ir ļoti ievērojams, un to nekādā gadījumā neatspoguļo sektora lietošanā nodotā samērā mazā zemes platība. Padomju lauksaimniecība vispār

nevarētu veikt taj uzliktos uzdevumus, ja tai nepalīdzētu individuālais sektors ar savu daudz lielāku produktivitāti. 1958. g. 1. janvārī no 514 tūkstoš govīm visu saimniecību kategorijās kolchoziem un padomju saimniecībām piederēja 244 tūkstoši, bet individuālajam sektoram — 270 tūkstoši.¹¹⁶ 1959. g. beigās, kad pēc 1959. g. 3. augusta dekrēta Rīgas iedzīvotājiem bija aizliegts turēt govīs personiskā īpašumā un viņi bija spiesti „organizēti pārdot” tās kolchoziem un padomju saimniecībām, govju skaits kolchozos un padomju saimniecībās gan pieauga līdz 271 tūkstošiem, bet individuālajā sektorā tas noturējās uz agrākā līmeņa — 270 tūkstošiem. Tai pat laikā sabiedriskajā sektorā bija 493 tūkstoši cūku, individuālajā — 363 tūkstoši, sabiedriskajā sektorā — 127 tūkstoši aitu, individuālajā — 387 tūkstoši.¹¹⁷

Liecību par īpašuma formas ietekmi un produktivitāti dod padomju statistika. 1959. gadā kolchozi un padomju saimniecības ražojuši 63 tūkstoš tonnas gaļas un speķa kautsvarā, to skaitā 36 tūkstoš tonnas cūkgaļas, bet individuālais sektors 74 tūkstoš tonnas, to skaitā 42 tonnas cūkgaļas. Pienam attiecīgie skaitļi ir 663 tūkstoš tonnu un 774 tūkstoš tonnu, vilnai — 323 tonnas un 1117 tonnas, olām — 73 milj. gabalu un 215 milj. gabalu.¹¹⁸ Kolchozi un padomju saimniecības uz katriem 100 hektariem lauksaimniecībā izmantojamas zemes ražojuši 300 centneru piena, bet visu saimniecību kategorijas, t.i. ieskaitot individuālo sektoru — 560 centnerus.¹¹⁹ Vidējā kartupeļu raža no hektara 1957. gadā bijusi 116 centneri, proti: kolchozos — 71 centners, padomju saimniecībās — 77 centneri, mācību saimniecībās — 160 centneri un kolchoznieku piemājas saimniecībās — 170 centneri. No visas sakņaugu ražas kolchozi un padomju saimniecības vispār devuši tikai 17 procentus.¹²⁰

Individuālais sektors atbalsta sabiedrisko sektoru ne tikai ar to, ka atsevišķos gadījumos audzē kolchoziem lopbarības sakņaugus¹²¹, uzbaro teļus¹²² un bekonus¹²³, piegādā kūtsmēslus¹²⁴, bet tam jāpiešķir arī valsts piena, gaļas un citu lauksaimniecības ražojumu sagādes plāna izpildīšanā. Tādā nolūkā personiskām saimniecībām spaidu kārtā „jāpārdod” valstij par sagādes cenām, kādas valsts noteikusi kolchoziem, noteikts daudzums piena, gaļas, olu, vilnas, kartupeļu un tās atbrīvotas vienīgi no labības piegādes. Gaļa „jāpārdod” pat tad, ja saimniecībā nav mājlopu, un šo nodevu pat palielina, ja kāds kolchoznieka sētas loceklis nav nostrādājis obligāto izstrādes dienas minimu. Olu daudzums jānodod neatkarīgi no putnu skaita. Tikai pēc saistību izpildīšanas attiecīgos termiņos kolchoznieka sēta drīkst pārdot ražojumu pārpalikumu kolchozu tīrgū, bet individuālā zemnieka sēta, liekas, vispār iegūst īpašumtiesības uz saviem ražojumiem tikai pēc valsts saistību izpildīšanas.¹²⁵

1959. gadā individuālais sektors nodevis valsts sagādē 35,3 tūkstoš tonnas gaļas dzīvsvārā un 222 tūkstoš tonnas piena, bet

kolchozi un padomju saimniecības 80,3 tūkstoš tonnas gaļas dzīvsvārā un 578 tūkstoš tonnas piena.¹²⁶ Šogad pirmajos sešos mēnešos kolchozi un padomju saimniecības nodevušas valstij 11,5 tūkstoš centnerus gaļas mazāk, nekā paredzēts saistībās¹²⁷, un nav arī papildinājuši ganāmpulkus saistībās paredzētos apmēros. Tas izskaidrojams ar kolchoziem un padomju saimniecībām uzspiestām pārāk smagām sociālistiskām saistībām, uzdodot tiem palielināt 1960. gadā gaļas ražošanu par 50 procentiem, salīdzinot ar 1959. gadu, un „pārdot” valstij 54 tūkstoš tonnu gaļas vairāk nekā pērn.¹²⁸ Tādēļ partija un valdība tagad spiestas mobilizēt individuālo sektoru palīgā sabiedriskajam. Individuālajam sektoram uzlikts papildus pienākums „pārdot” kolchoziem un padomju saimniecībām 200 tūkstoš teļu, sadalot tos pa rajoniem.¹²⁹ Vietām individuālajām saimniecībām uzlikts pienākums nobažot teļus vismaz līdz 50 kg, maksājot par nobažotu teļu 6 rubļus kilogrammā.¹³⁰ Tos kolchozi un padomju saimniecības, domājams, nodos valstij uz savu saistību rēķina.¹³¹ Lai individuālos lopu īpašniekus piespiestu „pārdot” teļus, aģitātoriem uzdots pārliecināt kolchozniekus un padomju saimniecību strādniekus, ka teļu iepirkšana ir „ļoti svarīgs valstisks pasākums”.¹³² Tāda ļoti „svarīga valstiska pasākuma” sabotāža, protams, var tikt kvalificēta kā valsts noziegums.

Šogad maijā tā sauktā LPSR MP pieņēma īpašu lēmumu teļu „iepirkšanas” lietā, kas gan bija adresēts Talsu rajonam, bet patiesībā bija domāts visiem rajoniem. Lēmumā konstatēts, ka Talsu rajons no plānā paredzētiem 8.000 teļiem uzpircis tikai 2227, un tāpēc rajona izpildkomitejai tika uzdots „novērst trūkumus teļu iepirkšanā” un „stingri raudzīties, lai tiktu saglabāti visi teļi, ņemt uzskaitē visus teļus, kas jau ir kolchoznieku, strādnieku un kalpotāju saimniecībās, kā arī reģistrēt laiku, kad paredzama viņiem piederošo govju atnešanās, lai tiktu iepirkti visi jaunlopi, kas pieder iedzīvotājiem.”¹³³ Ar šo lēmumu īstenībā tiek izdarīta personiskā īpašuma rekvizīcija nolūkā palīdzēt sabiedriskajam sektoram izpildīt sociālistiskās saistības, kas lieku reizi pierāda, cik maz nodrošināts padomju iekārtā ir personiskais īpašums.

Arī piena sagādē šogad nav izpildītas saistības, kaut arī kolchozi un padomju saimniecības jūlijā nodevuši valsts sagādē 86,7 proc. no visa piena ražas.¹³⁴ PSKP CK prezidija loceklis L. Brežņevs, pēc A. Vosa vārdiem, svinīgajā runā Rīgā „mūs pamatoti kritizējis” par to, ka kolchozi un padomju saimniecības pirmajā pusgadā ražojuši par 20 tūkstoš tonnām piena mazāk, nekā paredzēts saistībās.¹³⁵ Tā pati Ministru padome tādēļ pieņēmusi lēmumu, ar kuŗu, no vienas puses, uzdod pilsētu un rajonu izpildkomitejām nepieļaut, ka kolchozi un padomju saimniecības pārdod pienu un gaļu citiem, kamēr nav izpildīti noteiktie mēneša plāni piena pārdošanā un nodošanā, kā arī mājlopu un mājputnu piegādes grafiki un uzņemtas saistības, un panākt, lai vispār tiktu sašaurināts piena pa-

tēriņš saimniecību iekšējām vajadzībām, un, no otras puses, īpaši gādāt, lai kolchozi un padomju saimniecības organizētu piena vākšanu no individuālajiem piegādātājiem „pēc loka maršruta”, materiāli ieinteresējot slaucējas un fermu pārziņus piena pieņemšanā no individuālajiem piegādātājiem.¹³⁶ Piena cena individuālajiem piegādātājiem ir tā pati, kādu maksā kolchoziem par valsts sagādē nodoto pienu. Tā ir zemāka par tirgus cenu. Tādēļ jādomā, ka individuālie piegādātāji būs jāpiespiež nodot pienu valstij zem cenas.

Individuālā sektora uzdevumos tādā veidā tiek izdarīti ievērojami pārkārtojumi. Ja sākumā šī sektora uzdevums bija apmierināt personisko īpašnieku vajadzības, tad tagad tas vienmēr vairāk tiek izveidots par sabiedriskā sektora rezervi, lai pēdējais varētu izpildīt valsts lauksaimniecības ražošanu sagādes plānu un sociālistiskās saistības.

MAIŅAS UN PARVĒRTĪBAS

Jau no paša sākuma kolchozs bija pagaidu saimniecības forma. PSKP CK 1930. g. 5. janvāra lēmums, kas uzdeva PSRS Lauksaimniecības ministrijai izstrādāt kolchoza paraugstatūtus, apzīmēja kolchozu par „pārejas formu uz komūnu.”¹³⁷ Tāda kolchoza pagaidu rakstura dēļ padomju agrārā iekārta nekad nav varējusi īsti nostabilizēties, bet palaikam notikuši pārkārtojumi atkarībā no partijas ikreizējās politikas. Šīs politikas mērķis — pāriet no pagaidu saimniecības formas uz paliekamu saimniecības veidu komunistiskajā iekārtā gan palicis nemainīgs, bet jautājumā, kā sasniegt mērķi, domas dalījušās. Šai ziņā laba ilustrācija ir viena no svarīgākajām pārmaiņām padomju lauksaimniecībā pēdējā laikā — mašīnu un traktoru staciju (MTS) likvidācija.

MTS nodibināja Darba un aizsardzības padomes (Sovjet truda i oborony) 1929. g. 5. jūnija lēmums. 1933. un 1934. gadā, kad MTS tīkls jau bija kaut cik izveidots, kolchozus piespieda „pārdot” savus traktorus un lauksaimniecības mašīnas šīm stacijām.¹³⁸ Vēlāk PSRS satversmes 6. pants noteica, ka MTS ir valsts sociālistiskais īpašums. Traktori un lauksaimniecības mašīnas vairs nevarēja būt kooperatīvā kolchozu īpašuma objekti, izņemot nelielu daudzumu traktoru, kuņus valsts pārdeva kolchoziem „stacionāram darbam.”¹³⁹

MTS apkalpoja kolchozus ar lauksaimniecības mašīnām un pēc PSKP CK 1953. g. septembra plēnuma lēmuma arī ar traktoristu brigādēm uz tā sauktā tipveida līguma pamata, kuņam bija likuma spēks.¹⁴⁰ Attiecības bija ļoti komplicētas daudzo un dažādo darbu dēļ, kādi MTS bija jāveic un par kuņiem tās saņēma maksu graudā, tā ka, pēc kāda MTS direktora vārdiem, tikai reti kāds grāmatvedis varējis aprēķināt, cik un kādi produkti kolchozam būs jānodod valstij par MTS veikto darbu.¹⁴¹

MTS traktoristu brigādes nebija padotas kolchoza valdei, un

rezultātā kolchozos rikojās „divi saimnieki” ar pretējām interesēm — kolchozs prasīja labāku darbu, bet MTS — lielāku maksu. Kā to apliecina A. Ņikonovs, tāda interešu pretešķība varīen vairāk pastiprinājusies¹⁴², no kā, protams, cieta kolchoza saimniecība.

MTS darbs pie tam parasti bijis zemas kvalitātes un izmaksājis dārgi.¹⁴³ Un, kas varbūt ir vēl svarīgāk, MTS bija bremsējušas lauksaimniecības mechanizāciju. Žurnāls „Kommunist” konstatē, ka taisni MTS bija pārpludinājušas laukus ar novecojušām, mazproduktīvām, smagām un nesaimnieciskām lauksaimniecības mašīnām.¹⁴⁴

Kolchozi, cik spēdami, izvairījās no MTS pakalpojumiem, kaut arī tos par to aplika ar palielinātām obligātām piegādēm. Beidzot arī Lauksaimniecības ministrija bija spiesta atzīt stāvokli par neciešamu un deva atļauju kolchoziem, apejot pastāvošos likumus, noslēgt ar MTS jauna veida līgumus. MTS nodeva savas traktoristu brigādes ar traktoriem un lauksaimniecības mašīnām kolchozu valdes rīcībā, un kolchozu valdes izrikoja traktoristus darbā. Lai valsts neciestu zaudējumus, maksu graudā aprēķināja fiktīvi — pēc tā sauktā mīksta aruma hektara. 1957. gadā Latvijā no 1250 traktoristu brigādēm 310 strādāja pēc jaunajiem līgumiem, bet 1958. gadā vairāk par 800 kolchoziem bija pieteikušies noslēgt jaunus līgumus.¹⁴⁵

Padomju tautsaimnieki A. V. Saņina un V. G. Venžers jau Staļina laikā atzina par vajadzīgu likvidēt MTS un pārdot šo staciju traktorus un lauksaimniecības mašīnas kolchoziem īpašumā. Staļins tādu domu tomēr kategoriski noraidīja, apzīmējot to brošūrā „Ekonomiķeskiye problemy socialisma v SSSR” par „soli uz atpalcību,” kas „pagriezīs vēstures ratu atpakaļ” un „attālinās kolchozu īpašumu no visas tautas īpašuma.” Tas, kā to uzsvēra Staļins, nav savienojams ar perspektīvu pāriet no sociālisma uz komūnismu.

Arī Staļina pēcnācēji sākumā gāja pa viņa nosprausto ceļu uz komūnismu. Nevis likvidēt MTS, bet uzlabot to darbu, — tāda bija viņu programma. Viņi pārcēla kolchozu traktoristus, mehaniķus un citu tehnisko personālu no kolchoziem uz MTS un, lai uzlabotu partijas kontroli, pārkārtoja partijas lauku aparātu. Katrā MTS zonā nodibināja partijas zonālo instruktoru grupu, kas vadīja vienu līdz trīs kolchozus.¹⁴⁶

Tikai kad PSKP CK 1957. g. jūnija plēnumā Čruščovs varēja likvidēt tā saukto antipartijas grupu, kas bija pretojusies MTS reorganizācijai, varēja sākties pārkārtojumi. Kā pirmās likvidēja partijas instruktoru grupas, kuņām pārmeta iejaukšanos kolchozu un MTS „operatīvajā darbā” un partijas pirmorganizāciju un kolchozu vadošo kadru iniciatīvas apslāpēšanu.¹⁴⁷

Partijas jaunajam kursam bija jādod arī ideoloģisks pamatojums. To izdrija Čruščovs vairākās runās, it īpaši tezēs PSKP CK 1958. g. februāra plēnumam un referātā PSKP CK 1958. g. decembrā plēnumā. Ja pēc Staļina domām MTS traktoru un lauksaimniecības mašīnu pārdošana kolchoziem „attālinātu kolchozu īpašumu no visas

tautas īpašuma," tad Čruščovs apgalvoja, ka taisni kolchozu īpašuma „stiprināšana," t.i. traktoru un lauksaimniecības mašīnu pārdošana kolchoziem īpašumā, panāks šīs īpašuma formas „pāraugšanu visas tautas īpašumā." Kolchozu nedalāmie fondi „nepārtraukti aug un mainās kvalitatīvi un savas struktūras un sabiedriskā rakstura ziņā aizvien vairāk tuvojas visas tautas īpašumam," — skan Čruščova teze. Tādēļ viņš prasīja, lai kolchozi palielina atskaitījumu nedalāmos fondos, kuŗos jau pēc kolchoza paraugstatūtiem bija jāiemaksā 15 līdz 20 procenti no kolchoza naudas ienākumiem. Čruščovs gāja pat vēl tālāk un, it kā ignorējot šīs iemaksas, aizrādīja, ka kolchozu īpašumu esot radījis kolchoznieku darbs „ar visas padomju tautas palīdzību", piesakot ar to jau tagad „visas padomju tautas" pretenzijas uz šo īpašumu.

PSKP XXI kongress apstiprināja Čruščova teoriju, konstatējot savā rezolūcijā, ka „komūnistiskās celtniecības gaitā celsies kolchozu ražošanas sabiedriskošanas līmenis, kooperatīvais kolchozu īpašums tuvosies visas tautas īpašumam, izzudīs robeža starp tiem. Pieaugs un nostabilizēsies kolchozu nedalāmie fondi, plašāk attīstīsies ražošanas sakari starp kolchoziem. Kooperatīvā kolchozu īpašuma formas saplūšana ar visas tautas īpašumu notiks nevis sašaurinot kooperatīvo kolchozu īpašumu, bet ceļot tā sabiedriskošanas līmeni līdz visas tautas īpašuma līmenim ar sociālistiskās valsts palīdzību un atbalstu."¹⁴⁸

„Sociālistiskās valsts palīdzība un atbalsts", protams, ir izšķirējs faktors šai procesā, kuŗa mērķis ir kolchozu un to īpašuma likvidācija. Jau minētā kolchozu pārorganizēšana padomju saimniecībās, domājams, ievadījusi jauno kustību, jo padomju saimniecības, kā zināms, ir valsts sociālistisks īpašums un kā tāds pēc satversmes 5. panta skaitās par visas tautas īpašumu.

Tomēr svarīgākais akts kooperatīvā kolchozu īpašumu „stiprināšanā" ir PSRS Augstākās padomes 1958. g. 31. marta likums par MTS reorganizāciju par remonta un tehnikas stacijām (RTS), kas atļāva MTS pārdot kolchoziem īpašumā traktorus un lauksaimniecības mašīnas un deva kolchoziem tiesības pirkt jaunas lauksaimniecības mašīnas turklāt vēl ar atpakaļejošu spēku — no 1958. g. 1. janvāra.¹⁴⁹

Improvizācijai ar RTS nebija lemts izdoties. Pēc V. Stroganova liecības, tās jau no pašām pirmajām dienām slikti veica savus uzdevumus,¹⁵⁰ tā ka LKP CK drīz vien nolēma tās likvidēt.¹⁵¹ 1959. g. decembra sākumā LKP CK un LPSR MP pieņēma attiecīgu lēmumu un sākot ar 1959. g. 1. decembri RTS izbeidza darbību.¹⁵² Tomēr jāpiezīmē, ka PSRS Augstākās padomes likums nav nedz atcelts, nedz grozīts, un pēc likuma RTS vēl būtu jāpastāv un jāturpina darbība.

Latvijā kolchozu īpašumu „nostiprināja" vēl ar to, ka pēc Ministru padomes lēmuma tiem pārdeva 542 krejotavas, kas līdz tam piederēja valstij.¹⁵³

No otras puses, izpildot partijas direktīvu, vairāki kolchozi jau 1959. gada sākumā palielināja atskaitījumus nedalāmos fondos līdz 20, 25 un pat 35 procentiem no naudas ienākumiem agrākā 16,5 procentu caurmēra vietā.¹⁵⁴ Tie tomēr liekas bijuši izņēmuma gadījumi, jo kolchoznieki, acīm redzot, ne labprāt palielina nedalāmos fondus uz izstrādes dienu fonda rēķina. Tādēļ PSKP CK 1959. g. decembra plēnums no jauna uzdeva palielināt nedalāmos fondus.¹⁵⁵ LKP XVII kongresā A. Pelše sūdzējās, ka tikai 300 kolchozi palielinājuši atskaitījumus nedalāmos fondos līdz 20 un 25 procentiem,¹⁵⁶ bet J. Peive pāris mēnešus vēlāk jau varēja konstatēt, ka atskaitījumi pieauguši par 32 procentiem.¹⁵⁷ Nedalāmo fondu turpmāko likteni jau paspējis noskaidrot J. Kalnbērziņš. Viņš paziņoja kolchozu priekšsēdētājiem un padomju saimniecību direktoriem 1959. g. 24. martā Rīgā, ka Krasnodaras novada, Maskavas apgabala un Baltkrievijas kolchoznieki jau atzinuši nedalāmos fondus par visas tautas īpašumu.¹⁵⁸

Arī PSKP XXI kongresa direktīva par ražošanas sakaru attīstīšanu starp kolchoziem tiek pēc iespējas izvesta dzīvē. Drīz pēc kongresa LPSR MP apstiprināja Liepājas rajona starpkolchozu savienības statūtus. Savienībā piedalās divdesmit kolchozi, kas cels starpkolchozu augļu un dārzeņu pārstrādāšanas fabriku.¹⁵⁹ Jau 1958. gadā Latvijā 29 rajonos darbojās starpkolchozu celtniecības organizācijas un dažas starpkolchozu elektrostacijas.¹⁶⁰ Priekules rajonā nodibināta starpkolchozu organizācija teļu uzbarošanai,¹⁶¹ bet V. Stroganovs pēc fiasko ar RTS liek priekšā organizēt starpkolchozu remontdarbnīcas.¹⁶²

Starpkolchozu ražošanas organizācijas, protams, tiek dibinātas ar pašu kolchozu līdzekļiem. PSKP CK 1959. g. decembra plēnums uzdeva kolchoziem nodibināt īpašus starpkolchozu fondus šo organizāciju finansēšanai. Tām paredzēti arī pārvaldes organi — kolchozu savienības.¹⁶³ Par kolchozu savienību organizāciju un kompetenci liekas vēl nav panākta skaidrība. Tās katrā ziņā nedrīkst izveidoties par kavēkli kolchozu īpašuma „saplūšanai” ar visas tautas īpašumu.

Starpkolchozu ražošanas uzņēmums ir jauna īpašuma forma, kas, pēc Čruščova vārdiem, „pēc savas struktūras un sabiedriskā rakstura tuvojas visas tautas īpašumam.” šīs īpašuma formas, tāpat kā kolchozu nedalāmo fondu uzdevums, ir sagatavot ceļu kooperatīvā kolchozu īpašuma likvidācijai.

Paralēli ceļa sagatavošanai kolchozu īpašuma likvidācijai Latvijā iezīmējies vēl cits process, kas iziet uz kolchoznieku pielīdzināšanu tiesiskā ziņā padomju saimniecību strādniekiem. Ievērojams solis šai virzienā ir ievadītā kolchoznieku darba samaksas kārtības pārkarāšana, pārejot no samaksas par izstrādes dienu naudā un graudā uz garantētu samaksu par darba normu naudā. Daudziem kolchoziem jaunā darba samaksas kārtība nav pa spēkam, jo tiem vienkārši nav regulāru un pietiekami lielu naudas ienākumu. Tādiem

kolchoziem sociālistiskā valsts nāk „palīgā.” Tā pārorganizē tā sauktos atpalikušos kolchozus, kas nespēj maksāt kolchozniekiem garantētas samaksas naudā, padomju saimniecībās, kas galu galā var saimniekot ar zaudējumiem. Šos zaudējumus valsts parasti sedz ar budžeta līdzekļiem.

Kaut arī uz kolchozniekiem, tāpat kā uz padomju strādniekiem, attiecināts sociālisma princips „kas nestrādā, tam nebūs ēst,” un viņiem jāmaksā īpašs virsnodoklis, kas nav uzlikts strādniekiem, kolchoznieki, atšķirībā no strādniekiem, nav padoti padomju sociālai likumdošanai. Kalnbērziņš apstiprina, ka cilvēks, kas cietis nelaimes gadījumā vai vecuma dēļ vairs nevar strādāt, dažā labā kolchozā nokļūst grūtā stāvoklī, ja viņam nav ģimenes un apgādnieka.¹⁶⁴ Zinātņu akadēmijas ekonomikas institūta un Lauksaimniecības ministrijas rīkotajā apspriedē kāds no referentiem ierosinājis pielīdzināt kolchozniekus sociālās likumdošanas ziņā padomju saimniecību strādniekiem.¹⁶⁵ Tomēr partijas politika iet citā virzienā. Kolchozniekus paredzēts nodrošināt sociālā ziņā nevis ar valsts, bet ar pašu kolchozu līdzekļiem. Tādēļ padomju prese sevišķi izcēla kā piemēru citiem kolchoziem kāda Liepājas rajona kolchoza izstrādāto nolikumu par kolchoznieku sociālo nodrošināšanu. Pasākumu finansēs kolchoza sociālās nodrošināšanas fonds, kuŗā iemaksas jau pašā sākumā paaugstinātas no 2 uz 5 procentiem.¹⁶⁶ Tādos fondos, ja tos nodibinātu visos kolchozos, ar laiku ieplūdīs lieli naudas līdzekļi, kuŗus vēlāk varēs izsludināt par „visas tautas īpašumu,” attiecinot līdz ar to uz kolchozniekiem sociālo likumdošanu bez sevišķas valsts budžeta apgrūtināšanas.

Kolchoznieki nav padoti arī padomju darba likumdošanai, un viņus neuzņem padomju arodbiedrībās. Pēc MTS reorganizācijas šo staciju tehnisko personālu pārcēla atpakaļ uz kolchoziem. Kļūstot par kolchozniekiem, šiem cilvēkiem bija jāizstājas no arodbiedrībām, kuŗās viņi bijuši kā padomju saimniecību strādnieki. Padomju vara, acīm redzot, tomēr neuzdrošinājās pasliktināt viņu stāvokli. Tādēļ agrāko MTS tehnisko personālu kolchozos apvienoja aroddrupās. 1958. gadā 800 kolchozos pastāvēja aroddrupas kopskaitā ar 6.200 biedriem. Lauksaimnieku arodbiedrību komiteja ierosinājusi piešķirt aroddrupām kolchozos tiesības, kādas ir arodorganizācijām padomju saimniecībās.¹⁶⁷ Ar to ir nodibināta privilģēta kolchoznieku grupa, bet līdz ar to kolchozos sāk veidoties arodorganizāciju tīkls.

Kolchoznieku sētai ir tiesības uz piemāju saimniecību (satversmes 7. p. 2. rindk.), kas aizņem caurmērā ap 0,5 hektara zemes. Tā ir lielāka par padomju pilsoņa ģimenes dārziņu, kas nepārsniedz 0,07 vai 0,08 hektara. Kolchoznieka piemājas saimniecība ir savā ziņā kompensācija par viņam uzlikto virsnodokli, un tās uzdevums, pie tam vienīgais uzdevums, ir nodrošināt kolchoznieka un viņa ģimenes eksistenci. Atkrītot šim uzdevumam, zūd arī pats piemājas saimniecības pamats. Čruščova tezes septiņgadu plānam, PSKP CK 1958.

gada decembra plēnuma lēmums un vairāku padomju teorētiķu raksti satur nepārprotamus norādījumus, ka kolchoznieku eksistenci nākotnē nodrošinās ar kolchozu produkciju un ka līdz ar to piemājas saimniecība zaudēsot savu nozīmi. Bijuši pat apgalvojumi, ka kolchoznieki labprāt atteikšoties no piemājas saimniecībām.¹⁶⁸

Piemājas saimniecības ir svešs, traucētājs elements sociālistiskajā lauksaimniecībā, kā to apstiprina padomju lauksaimniecības vēsture, kas liecina par padomju varas nepārtrauktu cīņu ar šīm saimniecībām. Vēl nesēn „Cīņa” ievadrakstā „Neļausim pārkāpt kolchozu dzīves pamatlikumu” apzīmēja piemājas saimniecības par „vieglas peļņas avotiem” un vērsās pret kolchozniekiem, kas kolchozu darbā tikko spēj nokārtot izstrādes dienu minimu un to pašu dara bieži pēc vairākkārtīgiem un abpusēji apnicīgiem atgādinājumiem.”¹⁶⁹

Ka pēdējā laikā ievadīts jauns gājiens pret piemājas saimniecībām, to apstiprina LKP CK 1960. g. janvāra plēnuma lēmums. Tas uzlicis pienākumu LKP CK birojam, LPSR MP, partijas rajonu un pilsētu komitejām un rajonu un pilsētu izpildkomitejām „pastiprināt cīņu par lauksaimniecības arteļa statūtu ievērošanu republikas kolchozos, veikt nepieciešamos pasākumus, lai ierobežotu privātīpašnieciskās tendences, kas piemīt daļai kolchoznieku un kas kavē sabiedriskās saimniecības attīstību, revidēt pašreizējo kārtību kolchoznieku lopu apgādē ar rupjo barību un ganībām, ievērojot, ka jāpalielina kolchoznieku ieinteresētība sabiedriskās ražošanas paplašināšanā.”¹⁷⁰

Izpildot šo direktīvu, rajonu vadošās iestādes grozīja kolchozu statūtus. Tuvāku datu par šiem grozījumiem nav, bet ir zināms, ka tie ierobežo kolchoznieku „privātīpašnieciskās tendences.” Procedūra ir parastā, kā to var spriest pēc Cēsu rajona prakses. Ciemu padomju deputāti un aktivisti atzina, ka „jālabo” kolchozu statūti. Viņu priekšlikumus apsprieda rajona deputātu padomes pastāvīgā lauksaimniecības komisija, kas izstrādāja grozījumu projektu. Projektu apsprieda kolchozu priekšsēdētāju un lauksaimniecības speciālistu sanāksme ar rajona padomes un ciemu padomju deputātu un aktivistu piedalīšanos. Pieņemtos statūtu grozījumus „ieteica” visiem rajona kolchoziem, kas tos bez iebildumiem un vienbalsīgi pieņēma.¹⁷¹

Paralēli kolchozu statūtu grozījumiem tiek izmēģināta arī teorija par kolchoznieku labprātīgu atteikšanos no piemājas zemes. Tas noticis Kajiņina kolchozā Talsu rajonā, kur, starp citu minot, ceļ trīsstāvu dzīvojamo māju ar 30 dzīvokļiem kolchozniekiem, kas atteikušies no piemājas zemes un personiskām govīm, un kolchozā „Uzvara” Ogres rajonā.¹⁷² Atteikušies, liekas, gan tikai partijas biedri, domājams, izpildot slepenu direktīvu. 1958. gadā kolchozā „Avangards” Jelgavas rajonā daži kolchoznieki piemēra pēc jau bija atteikušies no personiskajām govīm, bet viņiem nav bijis sekotāju.

Tas arī saprotams, jo taisni tajā kolchozā kolchoznieki varējuši atlicināt no govš 2000 rubļu tīra ienākuma gadā.¹⁷³ Zīmīgi tomēr, ka TSP gaļas un piena rūpniecības pārvaldes priekšnieks A. Grāvītis pastāv uz to, ka kolchoznieki pakāpeniski atteikšoties no personiskiem lopiem, bet Kalnbērziņš uzsver, ka taisni politisku iemeslu dēļ lopkopības attīstība individuālajā sektorā nav izdevīga.¹⁷⁴ Politiskie iemesli, protams, izšķirs individuālā sektora turpmāko likteni.

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Noslēdzot rakstu, var teikt, ka okupētās Latvijas sociālistiskās lauksaimniecības organizācija nav stabila tiesiska iekārta ar nodrošinātām tiesībām. Tai ir pārejošs pagaidu raksturs, tāpat kā trim īpašuma formām: kooperatīvam kolchozu sociālistiskam īpašumam, kolchoznieku sētas personiskam īpašumam un mazai privātai saimniecībai, kas visas kopā ir organizācijas galvenā sastāvdaļa. Kā pagaidu organizācija sociālistiskā agrārā iekārta tiek vienmēr pārkārtota. Šo procesu komūnisma ideoloģija apzīmē par „attīstību no sociālisma uz komūnismu.” „Attīstību” nevar un nedrīkst traucēt likumi un tiesības.

No otras puses, Latvijas lauksaimniecībai jāveic uzdevumi, kādus tai uzliek PSRS valsts vadība. Šo uzdevumu izpildīšana ir pats galvenais un svarīgākais pienākums, kuŗu tāpat nedrīkst aizkavēt likumi un tiesības. Tādēļ pat valsts tautas saimniecības attīstības plānu, kuŗu padomju valsts tiesību teorija apzīmē par svarīgāko likumu, patvarīgi aizstāj ar uzspiestām sociālistiskām saistībām un, ja ar to nepietiek, izdara personiskā īpašuma rekvizīciju, vai arī LKP CK birojs un LPSR MP spaidu kārtā mobilizē cilvēkus darbam kolchozos un padomju saimniecībās.¹⁷⁵

Režīmam, kādam pakļauta sociālistiskā lauksaimniecība, ir noteikts spaidu raksturs, un tā nepieciešamais elements ir tā sauktā lauksaimniecības „vadīšana.” To veic viss partijas un valsts aparāts ar neaprobežotu varu. Tiesībām te vairs nav garantijas funkcijas. „Die Rechtsordnung wird zum Organisationsschema für die optimale Ausnutzung des Menschenmaterials . . .”¹⁷⁶

1960. gada septembrī.

¹¹¹⁾ Latvijas PSR Tautas Saimniecība, lp. 106. ¹¹²⁾ Kolchoznoje pravo, lp. 316 seq., Sowjetisches Zivilrecht, Bd. 1, lp. 392, 393. Boļšaja sovetskaja enciklopedija, 2. izd. 15. sēj., lp. 474. ¹¹³⁾ Kolchoznoje pravo, lp. 326 seq. Sovetskoje graždanskoje pravo, I, Moskva 1959, lp. 348. Sowjetisches Zivilrecht, Bd. 1, lp. 392. ¹¹⁴⁾ Sovetskoje graždanskoje pravo, I, lp. 348, 349. Kolchoznoje pravo, lp. 328—331. ¹¹⁵⁾ Sowjetisches Zivilrecht, Bd. 1, lp. 397. Sovetskoje graždanskoje pravo, I, lp. 344. Boļšaja sovetskaja enciklopedija, 2. izd., 15. sēj., lp. 474, 475. Kolchoznoje pravo, lp. 336. ¹¹⁶⁾ „Ciņa” 1958. g. 13. febr. ¹¹⁷⁾ „Ciņa” 1960. g. 26. janv. ¹¹⁸⁾ Ibid. ¹¹⁹⁾ A. Peļšes runa PSKP CK 1959. g. dec. plēnumā, „Ciņa” 1959. g. 26. dec. ¹²⁰⁾ A. Nikinovs „Ciņa” 1958. g. 20. febr. un 4. dec. ¹²¹⁾ „Ciņa” 1958. g. 27. maijā un

1959. g. 13. maijā. Kolchozniekiem nav atļauts kļūt par „zināma veida uzņēmējiem” un paturēt no izaudzētām cukurbietēm visus lakstus, „Cīņa” 1958. g. 21. okt. ¹²²⁾ „Cīņa” 1959. g. 20. febr. ¹²³⁾ „Cīņa” 1959. g. 29. jūlijā. ¹²⁴⁾ „Cīņa” 1959. g. 14. febr. ¹²⁵⁾ Kolchoznoje pravo, lp. 333—335. A. Grāviša raksts „Cīņā” 1958. g. 11. okt. Bolšaja sovetkaja enciklopedija, 2. izd., 15. sēj., lp. 474. ¹²⁶⁾ „Cīņa” 1960. g. 26. janv. ¹²⁷⁾ A. Voss LKP CK 1960. g. aug. plēnumā, „Cīņa” 1960. g. 3. aug. ¹²⁸⁾ Ievadraksts „Cīņā” 1960. g. 4. sept. ¹²⁹⁾ „Cīņa” 1960. g. 12. febr. A. Pelšes runa LKP XVII kongresā, „Cīņa” 1960. g. 17. febr. ¹³⁰⁾ „Cīņa” 1960. g. 21. febr. ¹³¹⁾ Cf. „Cīņa” 1960. g. 26. aug. ¹³²⁾ „Cīņa” 1960. g. 5. martā. Padomju Latvijas Komunisti 1960. g. No. 3, lp. 57. ¹³³⁾ „Cīņa” 1960. g. 21. maijā. ¹³⁴⁾ „Cīņa” 1960. g. 17. aug. ¹³⁵⁾ A. Voss LKP CK 1960. g. aug. plēnumā, „Cīņa” 1960. g. 3. aug. ¹³⁶⁾ „Cīņa” 1960. g. 17. aug. ¹³⁷⁾ KPSS v rezolūcijach i rešenijach... 7. izd. 2. sēj., lp. 544. ¹³⁸⁾ Kolchoznoje pravo, lp. 47, 195, 196. ¹³⁹⁾ M. V. Kolganov, Sobstvennostj v socialističeskom obščestve, Moskva 1953, lp. 299. ¹⁴⁰⁾ Kolchoznoje pravo, lp. 134, 138 seq. PSRS likumu un rīkojumu krājums, 1933, No. 234. ¹⁴¹⁾ „Cīņa” 1958. g. 4. janv. ¹⁴²⁾ „Cīņa” 1958. g. 5. martā un 2. apr. ¹⁴³⁾ „Nu, kā tad! Tā jau vienmēr, laukam pat apkārt neapbrauc, bet jau čupā,” — zobojušies kolchoznieki par Jēkabpils MTS remontētu traktoru, „Cīņa” 1957. g. 20. dec. Bauskas rajona kolchozam „Code” būtu bijis jāmaksā 1958. g. MTS par darbu, pārrēķinot produktus naudā pēc valsts iepirkuma cenām, apm. 260.000 rub., bet nopērkot mašīnas no tās pašas MTS tas samaksājis 304.000 rub., „Cīņa” 1958. g. 14. martā. MTS mašīnu cenas pēc bilances vispār ir augstas, „Cīņa” 1958. g. 23. martā. ¹⁴⁴⁾ „Kommunist” 1958. g. No. 4, lp. 9, 10. Katrā Latvijas MTS atradušās nederīgas lauksaimniecības mašīnas par 200.000 līdz 500.000 rubļu. Partiju kultivātoru nosūtīja „Sarkanam metallurgam” pārkausēšanai, pirms tie vagu vispār bija redzējuši, „Cīņa” 1958. g. 6. martā. Zīmīgi, ka Liepājas lauksaimniecības mašīnu rūpnīca ražojusi lauksaimniecības mašīnas vienīgi Ukrainas un Kazachijas kolchoziem un padomju saimniecībām, lai gan kolchozi Latvijā nevarējuši dabūt zirgu vilkmes grābekļus, „Cīņa” 1958. g. 17. apr. un 31. okt. ¹⁴⁵⁾ V. Krūmiņa runa „Cīņā” 1957. g. 21. un 27. dec. un A. Ņikonova runas „Cīņā” 1958. g. 26. janv. un 2. apr. ¹⁴⁶⁾ Kolchoznoje pravo, lp. 126—128, 133, 134. I. V. Pavlov, Kolchoznoje pravo na sovremennom etape, Sovetskoe gosudarstvo i pravo 1958. No. 9. ¹⁴⁷⁾ „Cīņa” 1957. g. 29. dec. Kalnbērziņš LKP XV kongresā, „Cīņa” 1958. g. 24. janv. ¹⁴⁸⁾ „Cīņa” 1959. g. 7. febr. Cf. K. Ostrovitjanov, Svarīgs solis ceļā uz komūnismu, „Cīņa” 1958. g. 3. martā. P. Fedosejev, Novije vozmožnosti razvitija proizvodstvennyh sil, „Pravda” 1958. g. 10. martā. I. Mališev, O razvitiji kolchoznoi sobstvennosti, „Pravda” 1958. g. 24. martā. K. Ostrovitjanov, Teoretičeskije problemy stroitelstva kommunisma v SSSR i zadači obščestvennyh nauk, „Pravda” 1958. g. 27. jūnijā. Autors atspēko Stalīna tezi par nepieciešamību sašaurināt preču apgrozības sfairu ar apgalvojumu, ka „sociālistiskās saimniecības attīstības dialektika izpaužas tādējādi, ka preču un naudas attieksmju vispilnīgāka attīstība sociālisma stādijā novedīs pie preču un naudas apgrozības atmiršanas komūnisma augstākās attīstības fazē.” N. D. Koļesov i K. I. Koļesova, O razvitiji i sblizenii dvuch form socialističeskoj sobstvennosti, Voprosi filosofii 1960. g. No. 1. ¹⁴⁹⁾ „Cīņa” 1958. g. 1. apr. ¹⁵⁰⁾ „Cīņa” 1959. g. 17. dec. ¹⁵¹⁾ „Cīņa” 1960. g. 17. febr. ¹⁵²⁾ „Cīņa” 1959. g. 3. dec. ¹⁵³⁾ A. Grāviša un B. Treija raksti „Cīņā” 1959. g. 10. janv. ¹⁵⁴⁾ Kalnbērziņš „Cīņā” 1959. g. 25. martā un Ņikonovs „Cīņā” 1958. g. 4. dec. ¹⁵⁵⁾ „Cīņa” 1959. g. 27. dec. ¹⁵⁶⁾ „Cīņa” 1960. g. 17. febr. ¹⁵⁷⁾ „Cīņa” 1960. g. 15. apr. 1960.

gada pirmajā ceturksnī Latvijas kolchozi iemaksājuši PSRS Valsts bankā nedalāmo fondu papildināšanai 60 milj. rubļu — turpat 15 milj. rubļu vairāk nekā attiecīgā laikā 1959. gadā, „Cīņa” 1960. g. 13. apr. ¹⁵⁸⁾ „Cīņa” 1959. g. 25. martā. ¹⁵⁹⁾ „Cīņa” 1959. g. 15. febr. ¹⁶⁰⁾ „Cīņa” 1959. g. 24. febr. ¹⁶¹⁾ „Cīņa” 1959. g. 25. apr. ¹⁶²⁾ „Cīņa” 1959. g. 17. dec. ¹⁶³⁾ „Cīņa” 1959. g. 27. dec. Cf. PSRS lauksaimn. ministra V. Mackeviča runu, „Cīņa” 1959. g. 26. dec. ¹⁶⁴⁾ „Cīņa” 1959. g. 25. martā. ¹⁶⁵⁾ „Cīņa” 1958. g. 3. dec. ¹⁶⁶⁾ „Cīņa” 1960. g. 29. jūl. ¹⁶⁷⁾ „Cīņa” 1958. g. 30. nov. ¹⁶⁸⁾ „Cīņa” 1958. g. 14. nov. un 20. dec. K. Ostrovitjanova raksts „Pravdā” 1958. g. 27. jūnijā un P. Fedosejeva — „Pravdā” 1958. g. 10. martā. N. P. Vološin, O prave ličnoi sobstvennosti kolchoznogo dvora, un I. F. Pankratov, Novoje v sočētaniji obščestvennyh i ličnyh interesov v kolchozach na sovremennom etape, Sovetskoje gosudarstvo i pravo 1959. g. No. 3 un 1960. g. No. 2. Sk. arī N. D. Koļesov i K. I. Koļesova, op. cit. ¹⁶⁹⁾ Ievadraksts „Cīņā” 1959. g. 13. dec. ¹⁷⁰⁾ „Cīņa” 1960. g. 4. febr. ¹⁷¹⁾ „Cīņa” 1960. g. 17. jūnijā, 26. un 27. apr. un 22. maijā. ¹⁷²⁾ „Cīņa” 1960. g. 14. un 28. janv. un 7. sept. ¹⁷³⁾ „Cīņa” 1958. g. 19. un 23. aug. un 1957. g. 28. sept. ¹⁷⁴⁾ „Cīņa” 1960. g. 24. jūn. un 21. aug. ¹⁷⁵⁾ „Cīņa” 1959. g. 10. janv. un 25. martā. ¹⁷⁶⁾ Hans Buchheim, Struktur der totalitären Herrschaft und Ansätze totalitären Denkens. Vierteljahrshefte für Zeitgeschichte, 8. Jahrgang 1960, 2. Heft/April, lp. 166.

S U M M A R Y

THE STRUCTURE OF AGRICULTURE IN OCCUPIED LATVIA Mintauts Čakste

(Latviešu Juristu Raksti, No. 2, 3, 4.)

In Latvia as elsewhere the Soviets enforced collective farming by extralegal means described as a revolution from above. The law, to quote Stalin, was "put on one side". The Soviet authorities were ordered to use "all necessary measures to fight the **kulaks**, including confiscation of all property and deportation of **kulaks** and their families," which order was carried out to the letter. The property of farmers qualified as **kulaks** was confiscated and the farmers and their families were deported. The crucial year was 1949, when mass deportations of the land population were reported from Latvia.

The original agrarian order in Latvia was based on private

ownership of land and consisted mainly of privately owned medium and small farms. According to the precepts of Marxism, Latvian agriculture was not "mature for socialism", not only because the number of landowners exceeded that of farm workers, but also because the way of farming and the agricultural machines were not accommodated to meet the needs of large agricultural enterprises, which constituted the prerequisite for introduction of collective farming.

The C.P.S.U. under Stalin, the real driving force behind the "revolution from above" in Latvia, however, was less concerned with the precepts of Marxism and the economic realities than with the policy of liquidation of private ownership of land and incorporation of Latvian agriculture in the Russian planned economy. Only thus could Latvian agriculture be brought to contribute its share to the Soviet plan of agricultural production and along with that to discharge what Stalin had called a surtax imposed on Soviet agriculture to provide the means for the programme of industrialization of the U.S.S.R.

The economic realities had already earlier caused the Soviets to create another form of socialist property called co-operative kolkhoz property and to divide the organization of collective farming into two sectors — the public one based on two forms of socialist property: state socialist property (The Constitution of the U.S.S.R., Art. 6) and co-operative kolkhoz property (Ibid., Art. 7, sect. 1), and the individual sector based on two forms of personal property: personal property of a peasant household (Ibid., Art. 7, sect. 2) and personal property of workers and officials (Ibid., Art. 10), and the small private economy of individual peasants (Ibid., Art. 9). In 1956, according to Soviet statistics, the land in Latvia was distributed as follows:

3.315.000 hectares to collective farms (kolkhozes),
459.000 hectares to state farms (sovkhozes),
109.000 hectares to peasant households,
25.000 hectares to workers and officials,
8.000 hectares to individual peasants.

The state farms are objects of state socialist property. They belong to the U.S.S.R., which is actually the most powerful landlord that has ever existed. The collective farms are objects of co-operative kolkhoz property and belong to the respective collective farm, which is a legal person in Soviet law. Whatever the differences as regards the law governing state socialist property and co-operative kolkhoz property may be, the basic position of sovkhozes and kolkhozes is fundamentally the same — they both are instruments of the Soviet power for the fulfilment of the state plan of agricultural production.

As such, the state farms and collective farms are administered by the party and state organs, although the methods of administration are different. The state farms are subordinated to the Ministry of Agriculture, which manages them by means of a complex system of subordinated organs comprising the Head Office of Sovkhozes, five territorial branches of that office, the directors of state farms, the managers of state farm branches, and, lastly, the brigadiers who command the workers. It is a strictly centralized system of administration operated by administrative orders.

The collective farms are administered by the party **raion** (district) committees and the **raion** executive committees, which receive orders from the higher party and state hierarchy. These committees should as a rule exercise their power through the organs of collective farms

by issuing directives, which are either direct orders or recommendations, although in practice the difference is rather vague. These acts of direction, as they are called, cover practically all the kolkhoz activities, so that a collective farm has actually no freedom whatever to conduct its affairs at discretion of its own.

The lower organs of the system of administration are the village Soviets, the party primary organizations in collective farms and groups of party members in the field brigades and cattle farms. The party apparatus has in fact so thoroughly penetrated the collective farms that hardly anything can escape its watching eye.

The organs of a collective farm: the chairman and the managing board, although in law supposed to be representatives of the peasants, are actually a link of the system of kolkhoz administration. Nominally they are elected by the general meeting of members of a collective farm, in practice they are nominated by the party organizations. There is hardly an instance of the organs of a collective farm being freely elected. The actual situation is well illustrated by the fact that in 1955 the C.C. C.P. in Latvia sent 452 party members to the kolkhozes, which, with no exception whatever, "elected" them chairman, without even asking for their proper qualification. Only later on, when the collective farms had suffered considerable losses from mismanagement of their affairs, the party organizations dismissed a good many of the chairmen for inefficiency, corruption and other reasons.

The primary duty of every collective farm is to conduct its economy according to the plan of production approved in every detail by the **raion** executive committee and to dispose of its produce, which in law is the property of the farm, in compliance with the many regulations issued to this end. First, the kolkhozes have to discharge the compulsory deliveries to the state fixed by the **raion** executive committee, and to pay taxes and insurance premiums to the state. Then the collective farms must renew and replenish the various funds of the farm and cover the costs of production. Only what is left of the incomes in kind and cash, after these disposals, can be distributed among the peasants for work, according to a strictly regulated system of remuneration.

Work in collective farms is compulsory. What is called the socialist principle, "who does not work, shall not eat", is applied in kolkhozes as elsewhere within the socialist order of the Soviet Union. The amount of work obligatory to every member of a farm is fixed by a certain **minimum**. Criminal sanctions, disciplinary action, according to the statutes of the farm, and other repressive measures, like reduction or loss of the household land, increased taxes and deliveries to the state, are applied to force the peasants to comply with the duty to work.

The peasants in collective farms do not get fixed wages for the compulsory work. They are remunerated by what is called a workday, a more or less arbitrary unit for computing the contributed work of each peasant. The amount and evaluation of work constituting the "workday" are approved by the **raion** executive committee.

The "workday" fund, from which work of peasants is rewarded, is actually approved by the **raion** executive committee, which controls and confirms the annual account of management of a collective farm. Only then, the worth of the "workday" in kind and cash is established and the collective farm may settle the accounts with its members. In 1956 a joint decision of the C.C. C.P.S.U. and the Soviet Government recommended the kolkhozes to pay the peasants monthly

advances on account of their „workdays”, but a good many collective farms have so far failed to follow the directive because of shortage of regular and adequate incomes.

The „workday” system of paying for work has recently been criticized by party quarters, which recommended the kolkhozes to adopt a more “progressive” system of payment of a guaranteed wage in cash. But even less collective farms could afford the new system than in the case of monthly advances. In some instances the peasants objected against it because of fear of being left without incomes in kind, which supplied them with the means of subsistence.

As the “workday” has proved a rather poor incentive and, on the other hand, the repressive measures had to be used with restraint, other measures, such as constant control and surveillance, propaganda and moral pressure organized by the primary party organizations, are applied to compel the peasants to work. A specific Soviet means to this end are what are called socialist obligations, which are enforced by party organizations on peasants in collective farms and workers in state farms. As a rule, socialist obligations surpass the obligations imposed by the state plan of agricultural production. Socialist competitions are organized to further fulfilment of socialist obligations and the winners are rewarded with premiums and marks of distinction.

The situation is quite different in the individual sector. There the peasants must be restrained from working on the household land, so that they can spare time for work in the kolkhoz. The peasant households in collective farms are the main component of the individual sector. In 1956 they numbered 206 thousand and covered an area of 109 thousand hectares.

The peasant household in a collective farm is a peculiar subject of limited rights, formed after what former Russian law called a **krestjanskij dvor**. It is a body comprising the head and members of the peasant family and other persons who have joined the household. The household obtains its legal status, after its head, members and property have been registered with the village Soviet. The owner of the small private economy too is the household of the individual peasant, but not personally.

The economies of the individual sector, small as they are, are noted for high rate of productivity and intensive methods of farming. In 1959 the individual sector, in spite of its comparatively small size, produced 74 thousand tons of meat, 774 thousand tons of milk, 1,117 tons of wool and 215 million eggs, whereas the yield of the public sector amounted only to 63 thousand tons of meat, 663 thousand tons of milk, 323 tons of wool and 73 million eggs. In 1957 the public sector contributed only 17 per cent to the crop of vegetables in Latvia.

All the economies of the individual sector are compelled to deliver agricultural products to the state, except cereals, and are paid prices fixed by the state for the compulsory deliveries by the kolkhozes. The deliveries include a fixed amount of meat, even if the owner possesses no animals, and eggs must be delivered irrespective of the number of fowls.

Not before 1959 could the public sector surpass the deliveries of meat and milk of the individual sector. In 1959 for the first time the public sector delivered more meat and milk than the individual one, if we are to trust Soviet statistics, which are rather questionable when Soviet achievements are to be confirmed. At any rate, according to Soviet sources, in 1959 the individual sector delivered to the state 35,3 thousand tons of meat and 222 thousand tons of milk, the

public one — 80,3 thousand tons of meat and 578 thousand tons of milk. Such a result has been achieved by rather drastic measures. In 1960, for example, collective farms and state farms had been ordered to reduce consumption of milk for needs of their own, so as to be able to increase deliveries to the state. In July the deliveries amounted to 86,7 per cent of the yield of milk. Besides that, the Soviet authorities have requisitioned 200 thousand calves from peasants, workers and officials for kolkhozes and sovkhozes in order to increase their livestock and to secure the increased deliveries of milk and meat to the state. In should also be noted that last autumn the Soviet authorities mobilized, on several occasions, the inhabitants to work in kolkhozes and sovkhozes, in which the peasants and workers appeared unwilling or unable to gather the crops.

Collective farming is, at any rate, dependent on the individual sector and could hardly fulfil its task without the help of the latter. Nevertheless, the peasant households are considered a foreign element in the Soviet agriculture, that obstructs the normal functioning of the socialist economy. It should be remembered that personal property rights had originally been granted to the peasant households for the sole purpose of providing the peasants with means of subsistence, as it was not expected that the kolkhozes, which had been charged with a surtax, could secure their existence. Under the specific conditions of Soviet economy, the tiny husbandries, however, soon developed into an important source of income of the peasants, on which they could rely more than on the unpredictable "workdays" earned in kolkhozes. Work on the household land was not only more agreeable, but also more profitable. Therefore the struggle with peasants avoiding work in kolkhozes became inevitable. It seems that only complete liquidation of household husbandries could end this endless struggle.

On the other hand, the collective farm itself is a provisional element in the Soviet economy. The decision of the C.C. C.P.S.U. of January 5, 1930, which had ordered the Ministry of Agriculture of the U.S.S.R. to draft the model statutes of the agricultural artel, described the kolkhoz as a "transition to the commune". But if the main component is a provisional one, the structure itself must inevitably be a provisional one too and actually it is treated as such. Soviet agriculture, according to Soviet ideology, is constantly developed towards communism.

The recent developments would suggest that the Soviet agriculture in Latvia has entered an early stage of transformation aiming at an agricultural order based on what the party doctrine calls a communist form of property of the people. The changes are carried out by the Party with no regard whatever for the rights acquired under the existing Soviet law. The law is actually used as a mere instrument of policy and serves no other than party political aims.

PASKAIDROJUMS PIE N. J. PIEZĪMĒM

(Latviešu Juristu Raksti Nr. 5.)

Ar savu īpatnējo metodi citēt raksta atsevišķas vietas neatkarīgi no konteksta un papildināt to ar savām kvalifikācijām, N. J., protams, var panākt vēlamās „uzskatus”, kuŗi gan varētu būt citādi, ja raksta analīzei pielietotu parastākas, korrektākas metodes. Es neatkārtotšu to, ko rakstīju par padomju īpašumtiesību sistēmu un okupētās Latvijas agrāro struktūru, bet, lai ilustrētu N.J. pielietoto metodi, norādišu tikai uz 27. lpp. žurnālā Nr. 2. Te N.J. citē teikumu no rindkopas, ar kuŗu nobeidzas paskaidrojumi, kādēļ padomju īpašumtiesību sistēmā bija jāievēd divas jaunas īpašumtiesību formas: kooperatīvais kolchozu īpašums un kolchoznieku sētas personiskais īpašums, kādas marksisms nepazīst, bet noklusē lappuses pārējo daļu, kas satur padomju īpašumtiesību sistēmas un okupētās Latvijas agrārās struktūras īsu kopsavilkumu.

Piezīmju pirmo daļu N.J. nobeidz ar vārdiem: „Pienācīgi neizceļot visas zemes nacionālizāciju Latvijā, bet konstruējot nevienveidīgu (nehomogēnu) individuālo (personisko, privāto) lauku īpašumu sektoru, radīts maldinātājs uzskats, ka Latvijas agrārā iekārta līdzinātos satelītvalstu iekārtai, kuŗas neskāra tūlītēja zemes nacionālizācija.” Es neesmu rakstījis par „individuālo (personisko, privāto) lauku īpašumu sektoru”, bet gan vienkārši par individuālo sektoru, par kādu parasti apzīmē to padomju lauksaimniecības iekārtas daļu, kuŗā neietilpst kolchozi un sovchozi. Šo sektoru es neesmu apzīmējis par privāto un neesmu arī šo apzīmējumu bez kvalifikācijām, kā arī vārdu „individuāls” attiecinājis uz kādu no īpašuma formām, kas sastāda šo sektoru. Vārds „privāts” lietots tikai kā vienas padomju īpašumtiesību formas apzīmējuma sastāvdaļa, proti: individuālā zemesnieka mazā privātā saimniecība padomju satversmes 9. panta nozīmē. Tas ir noteikts padomju tiesību jēdziens, tāpat kā arī pārējās šī sektora īpašuma formas, kas nav sajaucami ar privātīpašuma jēdzienu brīvajā pasaulē. Un, beidzot, šo individuālo sektoru „konstruējuši” padomju lauksaimniecības iekārtas autori, pie kam Staļins, kā tas redzams no manis citētā raksta, paskaidrojis, kādēļ, piem., kolchoznieka sētai bija jāpiešķir personiskās īpašuma tiesības. Mans uzdevums bija šo sektoru aprakstīt, parādot tā struktūru un apmērus un nesamērīgi lielo saimniecisko lomu padomju sociālistiskajā lauksaimniecībā.

Runājot par satelītvalstu agrārām iekārtām, būtu jāaizrāda, ka tajās pastāv lielākas dažādības. Polijai, piemēram, ir sava agrārā iekārta. Citādi tas ir ar pārējiem satelītiem, kas, ja neskaita dažādības detaļās, visumā seko Krievijas paraugam un par gala mērķi uzskata lauksaimniecības drīzu un totālu kolektīvizāciju. Pēc žurnāla „The Economist” 10. jūnija numura datiem, Bulgārija un Vācijas padomju okupācijas zona šo mērķi jau sasniegušas. Čehoslovākijā un Ungārijā lauksaimniecība kolektīvizēta par vairāk nekā 90 procentiem, bet Rumānijā — 84 procenti. Pēc vēlākiem datiem, Rumānijā kolektīvizēti 85,3 procenti. Pēdējo 12 mēnešu laikā vien 61.000 ģimenes esot „pievienojušās” kolchoziem. Pēc partijas programmas lauksaimniecības kolektīvizācija Rumānijā jāpabeidz līdz 1965. gadam („Neue Zürcher Zeitung” 1961. g. 6. jūlijā). Pie tādiem apstākļiem nevarētu runāt par it kā kādu vienu kopēju satelītvalstu agrāro iekārta.

M. Čakste.

STARPTAUTISKAIS FORUMS

LIELBRITĀNIJA UN BALTIJAS VALSTIS

Lielbritānijas valdība uzsākusi priekšdarbus sarunu ievadišanai ar Padomju Savienību par britu pilsoņu prasību nokārtošanu, kas radušās sakarā ar tagadējo status quo Baltijas valstīs. Ar īpašu rīkojumu¹⁾ tā uzdevusi ārzemju prasību reģistrēšanas komisijai (Foreign Compensation Commission)²⁾ reģistrēt britu pilsoņu prasības, kas, kā teikts rīkojumā, radušās sakarā ar Padomju Savienības pārvaldes ieviešanu Baltijas valstu teritorijās. Rīkojumā uzskaitītas 10 kategorijas dažādu prasību, no kurām piemēra pēc varētu minēt prasības, kas pamatojas uz noguldījumiem, kādi piederējuši britu pilsoņiem bankās Baltijas valstīs 1940. gada 6. augustā, vai arī prasības, kas radušās sakarā ar britu pilsoņiem 1940. gada 6. augustā piederējušo īpašumu konfiskāciju, nacionālizāciju, ekspropriāciju Baltijas valstīs 1940. gada jūlijā un vēlāk.

Angļu jurists E. Lauterpachts, komentējot šo rīkojumu, raksta, ka rīkojuma teksts apstiprina Lielbritānijas līdzšinējo politiku neatzīt Lietuvas, Igaunijas un Latvijas inkorporāciju Padomju Savienībā. Oficiālais valdības paskaidrojums nerunā par Baltijas valstīm kā Padomju Savienības sastāvdaļu, bet atsucoties uz Padomju Savienības administrāciju Baltijas valstu teritorijās. Ja Lielbritānijas valdība domā, ka panākt ar Padomju Savienību vienošanos par šo prasību nokārtošanu, tad tas pierādīs valdības viedokli, ka apstākļi, ja zaudējumi nodarīti teritorijās, uz kurām atbildētājas valsts suverēnitāte netiek atzīta, neizslēdz tādas valsts atbildību par zaudējumiem, un ka atteikšanās atzīt Baltijas valstu inkorporāciju Padomju Savienībā nav šķērslis Lielbritānijai prasīt no Padomju Savienības zaudējumus, kas izriet no Padomju Savienības de facto kontroles par Baltijas valstīm.³⁾

Ja tāds ir Lielbritānijas viedoklis, tad tomēr ir jautājums, vai Pad. Sav. tādām viedokļiem piekritīs. Ja nē, tad atliek divas iespējas — izbeigt sarunas, vai atteikties no neatzišanas politikas. . M. Čakste

1) Statutory Instruments, 1959, No 1968. The Foreign Compensation (Union of Soviet Socialist Republics) (Registration) Order, 1959.

2) Cf. Halsbury's Laws of England, 3rd ed., Vol. 7, p. 289.

3) The International and Comparative Law Quarterly, Vol. 10, Part 3, July 1961, pp. 559—561.

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LATVIJA KĀ STARPTAUTISKA PROBLĒMA

Mintauts Čakste

Senators

1. Runājot par Latvijas patreizējo starptautisko stāvokli, t.i. par Latviju attieksmēs ar citām valstīm, jāņem vērā arī faktiskie apstākļi, kādos nonākusi Latvijas valsts. Latvija kā valsts faktiski nepastāv, Latvijai pat nav valdības trimdā, kā tas bija vācu okupētām valstīm pēdējā kara laikā. Pēdējā Latvijas valdība bez protesta, ielaida sarkano armiju Latvijas teritorijā un drīz pēc tam nolikvidējās. Jau krievu okupācijas pašās pirmajās dienas K.Ulmaņa kabinetu nomainīja Kirchenšteina kabinets, un kādu laiku vēlāk Kirchenšteins pārņēma arī valsts prezidenta amatu. Ar to pēdējā Latvijas valdība izbeidza savu eksistenci. Ja šī valdība arī nebija konstitucionāla valdība, t.i. tā nebija nākusi pie varas satversmes noteiktā kārtībā un palika amatā un darbojās pretēji satversmes prasībām, tad kā faktiskā valdība tā tomēr bija saņēmusi starptautisku atzīšanu. Tādēļ Latvijas faktiskais valsts galva varēja reprezentēt valsti starptautiski. Tagad Latvijai nav reprezentanta starptautiskā laukā, kas ar tiesiski saistošu spēku varētu izteikt valsts gribu attieksmēs ar citām valstīm. Un šis apstāklis izšķirēji noteic Latvijas starptautisko stāvokli. Latvijai nav un nevar būt savas ārpolitikas. Labākā gadījumā Latvija var būt pasīvs elements citu valstu ārpolitikā. Ja šādos apstākļos runā par Latvijas starptautisko stāvokli, tad ar šo apzīmējumu būtu jāsaprot vieta, kādu Latvijas valsts vēl ieņem citu valstu ārpolitikā.

Ne visu valstu ārpolitikā Latvijas valsts vēl ieņem vietu. Nemaz nerunājot par Padomju Savienību un tās satelītiem, arī citas valstis, kā Zviedrija, Somija, arī pēdējā karā sakautā Vācija, atzinušas Latvijas inkorporāciju Padomju Savienībā de jure un ar to svītrojušas Latviju no savas ārpolitikas. Ko tas praktiski nozīmē, pierādīja vācu okupācijas politika Latvijā pēdējā karā un Vācijas plāni uzvaras gadījumā inkorporēt Latvijas zemi kā Padomju Savienības teritoriju Lielvācijas valsts sastāvā, lai to vēlāk ģermanizētu.

Citādi tas ir ar valstīm, kā piem., Angliju un Franciju, kas Latvijas inkorporāciju atzinušas de facto, un kā piem. ar Amerikas Sav. Valstīm, kas nekādā veidā nav atzinušas Latvijas inkorporāciju. Neskarot jautājumu par de facto atzīšanas nozīmi un sekām, kas teorijā un praksē liekas vēl nav dabujis vispār atzītu vienveidīgu atrisinājumu, atzīmēsim tikai to, ka de facto atzinēju valstu ārpolitikā Latvija vēl ieņem vietu kaut vai tamdēļ vien, ka šīm valstīm agrāk vai vēlāk būs

jālemj, vai dot vai nedot Latvijas inkorporācijai de jure atzīšanu vai arī atsaukt de facto atzīšanu, kas no tiesiskā viedokļa ir pielaižams. Kas attiecas uz valstīm, kas inkorporāciju nav atzinušas nedz de facto, nedz de jure, tad to ārpolitikā iepretim Latvijai principā nedrīkstētu būt pārmaiņu. Ja ar šīm valstīm Latvijai nevar veidoties normālas ārpolitikas attieksmes, tad gan tikai tamdēļ, ka šķēršļus tam likuši faktiskie apstākļi, kādos nonākusi Latvijas valsts.

Tā tad Latvijas pašreizējo starptautisko stāvokli noteic apstākļi, ka dažas valstis nemaz nav atzinušas Latvijas inkorporāciju Pad. Savienībā, bet citas inkorporāciju atzinušas de jure. Tās būtu tās atliekas no Latvijas valsts kuģa starptautiskos ūdeņos, kam bija gājusi pāri austrumu sarkanā vētra. Un tomēr šo pārpalikumu pašreizējos apstākļos, kad starptautiskās attieksmes pasaules mērogā vēl nav nokārtotas un stabilizētas, nevajadzētu novērtēt pārāk zemu. Politiski ļoti nozīmīgi ir tas, ka neatzinēju valstu starpā ir Amerikas Sav. Valstis. ASV loma un iespaids pasaules politikā nākotnē tikai pieaugs. Jau tagad var teikt, ka ASV nostāja ietekmēs arī Baltijas valstu jautājuma nokārtošanu. Otrā un trešā lieluma valstis savu politiku Baltijas valstu jautājumā orientēs pēc Vašingtonas politikas. Ja ticētu informācijai no poļu diplomātiem avotiem, tad ASV bija tās, kas aizkavēja Angliju dot inkorporācijai de jure atzīšanu 1942. g. maijā, kad Anglija slēdza ar PSRS savienības līgumu.

Bet neatkarīgi no visa tā, inkorporācijas neatzīšanai ir citas ne mazāk svarīgas sekas. Latvijas sūtņi, uz agrāk iesniegto akkreditēšanas rakstu pamata var turpināt darbību. Sūtņi Vašingtonā nav pat zaudējis savu precedences statusu oficiālajā diplomātiskā sarakstā. Anglijas valdības pēc savienības līguma parakstīšanas ar Pad. Savienību 1942. g. 26. 5. gan grozīja Baltijas valstu sūtņu statusu, svītroja viņus no oficiālā diplomātiskā saraksta un piešķīra viņiem "diplomatic privileges on a personal basis". Inkorporācijas neatzīšana ir par iemeslu tam, ka Pad. Savienībai netiek izdota Latvijas valsts manta kas atrodas neatzinējās valstīs. Savienotās Valstīs tiesas un valdības iestādes nepiešķir likumīgu spēku padomju varas Latvijā izdotiem likumiem un rīkojumiem. Anglijā kādā Igaunijas rederejas lietā pirmās instances tiesa arī neatzina padomju varas izdotos likumus un rīkojumus. Šajā lietā tomēr nav zināms otrās instances spriedums. Pirmā instance liekas nav sekojusi angļu tiesu praksei, kas de facto atzīšanu uzskatīja par pietiekamu bāzi atzīt de facto atzītas valdības likumiem un rīkojumiem likumīgu spēku. Un beidzot, liktos, ka inkorporācijas neatzīšana varētu atvieglot Latvijas valdības atzīšanu, kad mainoties starptautiskai konjunkturai valdības jautājums varētu kļūt aktuāls. Visu to ievērojot, inkorporācijas neatzīšanai ir liela nozīme un svarīgas sekas, un tamdēļ mēģināsim noskaidrot iemeslus, kas to izsaukusi, bet it īpaši arī jautājumu, cik ilgi tā var turpināties, ja faktiskā stāvoklī paredzamā nākotnē nenotiktu pārmaiņas.

2. Cik paradoksāli tas arī neizklausītos tagad, kad starptautiskās tiesības liekas zaudējušas katru jēgu un nozīmi, Latvijas inkorporācijas neatzīšana tomēr

ir starptautisko tiesību attīstības rezultāts. Starptautiskās tiesības laikā starp abiem pasaules kariem izveidojušas divus koceptus a/ agresiju un b/ neat zišanu, kas visu laiku iedarbojas uz Pad.Savienības Latvijā radīto faktisko stāvokli un panākusi to, ka ne visas valstis līdz šim atzinušas un sankcionējušas šo faktisko stāvokli. Aplūkosim īsumā šos koceptus.

A. Vārds "a g r e s i j a" sastopams versajas miera līguma 231.ptā.,kas runā par to, ka Vācijas un tās sabiedroto agresija uzspiedusi karu sabiedrotām un savienotām nācijām. Tas lietots arī Tautu Savbas pakta 10.ptā, kas uzlicis pienākumu Tautu Savbas locekļiem respektēt un pasargāt no ārējas agresijas Tautu Savbas locekļa teritoriālo neaizskaramību un politisko neatkarību. Ar to jauns tiesisks jēdziens dabūja vietu starptautiskās tiesības. Šim jēdzienam tomēr bija savāda īpašība, ka tā saturs nepadevās noskaidrošanai un formulēšanai. Daudzi mēģinājumi šajā virzienā palika nesekmīgi. Lai minam kaut vai vairākus līguma projektus,kurus izstrādāja Tautu Savbas ietvaros, ieskaitot slaveno Žņevas protokolu, ievērojamu juristu atzinumus un rakstus, — viss tas likās vēl vairāk sarežģgam problēmu, tā ka sers Ostens Čemberlens pie gadījuma bija spiests izteikties, ka viņš ir pret mēģinājumu definēt agresiju, jo definīcija varetu būt slazds nevainīgam, bet palīgs vainīgajam. Pirmskara neveiksmes panāca to, ka arī UNO čartā agresijas jēdzienam nav tāda definīcija. Agresijas jēdziens ir viens no fundamentāliem konceptiem, kas likts UNO čartas pamatos, un tomēr čarta nepaskaidro kas saprotams ar vārdu agresija. Sanfrancisko konferences laikā dažu valstu pārstāvji attiecīgā komisijā bija nākuši ar priekšlikumiem ietilpināt čartā agresijas definīciju, bet komisijas vairākums šo priekšlikumu noraidīja un atstāja Drošības Padomei lemt katrā konkrētā gadījumā, kāds akts vai rīcība uzskatams par agresiju. Komisijas viedoklim piekrita konferences plēnums. Maldīgi tomēr būtu domāt, ka Drošības Padome varētu, tā sakot patvaļīgi, lemt par to, kas ir agresija, nebūdamā šai ziņā saistīta ar kādiem priekšrakstiem. UNO čartas ievadā deklarētie mērķi, 1.ptā formulētie uzdevumi un 2.ptā izteiktie principi dod pietiekamus pieturas punktus noskaidrot, kāds akts vai rīcība ir agresija.

Bet ne tikai UNO čartā trūkst agresijas definīcijas. Ari Nirnbergas tribunāla statuss nav devis šo definīciju. Šis statuss saturēja arī materiālas normas, kas tribunālam bija japiemēro. Šajās normās agresijas jēdziens bija pats pamatkoncepts. Un tomēr tas nebija formulēts. Tas ir viens no nopietnākiem iebildumiem, kas līdzās iebildumam par ex post facto ius celti pret Nirnbergas tiesas spriešanu. Beidzot, arī sprieduma tribunāls nav pateicis, kas tad agresija īstenībā ir. Tribunāls, ja tā varētu teikt, vairāk nodarbojās ar lietas būtību. Tas deva sprieduma notikumu pārskatu un uz konstatēto faktu pamata nāca pie slēdziena, ka Vācijas uzsāktie kari, kopskaitā divpadsmit, bija agresīvi kari. Analizējot Tribunāla konstatētos faktus, var redzēt, ka tie sadalās 2 grupās — no vienas puses ir starptautiski līgumi, normas un solījumi, un no otras, Vācijas

rīcība laužot šos tiesiskos aktus. Abu šo faktu grupas pēc kopības deva slēdzienu, ka Vācijas kari bija agresīvi kari.

Ja nu tomēr šajā lielā nenoteiktībā gribētu sameklēt elementus, kas veido agresijas jēdziena saturu, tad varētu konstatēt, ka agresija ir starptautiskas saistības laušana — tādas saistības, kas aizliedz varas draudu vai pašas varas pielietošanu attieksmēs ar citām valstīm. Sekojot UNO čartas terminoloģijai, varas draudiem vai varai jābūt vērstiem pret citas valsts teritoriālo neaizskaramību un politisko neatkarību.

Un taisni tāda saistība bija spēkā attieksmēs starp Latviju un Padomju Savbu, kad pēdējā iebruka Latvijā un pakļāva to savai varai. Šo saistību bija nodibinājis Briana-Kelloga pakts, kuru vēlāk abas valstis apstiprināja un papildināja ar 1932.g.5.2. neuzbrukšanas līgumu. 1934.g.4.4. visas Baltijas valstis un Padomju Savba savu neuzbrukšanas līgumu spēku pagarināja līdz 1945.g.beigām.

Ne bez intereses jāatzīmē, ka Nirnbergas tribunāla sprieduma agresijas jēdziens parādās jaunā aspektā — sprieduma nozīmē — aptveņ ne tikai agresīvu karu, bet arī agresīvu aktu, kādi bija Vācijas iebrukumi Austrijā un Čekoslovākijā. Šie iebrukumi nesastapa pretestību un neizvērtās par karu. Un tomēr apsūdzētie, kas bija ņēmuši dalību šajos aktos, tika notiesāti un saņēma sodu taisni par šiem aktiem. Tribunāls viņus notiesāja saskaņā ar apsūdzības akta 2. punktu. Ļoti zīmīgi ir Tribunāla konstatējumi par Austrijas nac.-socialistu partijas lomu Vācijas agresijā pret Austriju. No tiem būtu secināms, ka tā saucamās "piektās kolonas" var būt agresijas ierocis agresoru rokās. Un Austrijas pilsoņa Seis.Inkvarta notiesāšana par darbību Austrijā, ar kuŗu viņš atbalstīja vācu agresiju pret Austriju, liecina, ka piektās kolonas dalībnieki ir atbildīgi par darbību savā zemē atbalstot citas valsts agresiju pret savu valsti.

Ja balstoties uz agresijas konceptu, kāds tas izveidojies valstu praksē, aplūkosim Padomju Savbas rīcību iebrūkot Latvijā un pakļaujot to savai varai, tad nemaz nenāksies grūti šo rīcību kvalificēt kā agresiju. Notikumu norisi neatkārtosim, tā mums pārāk labi zināma. Varētu tikai piebilst, ka ASV valsts departamenta publicētie dokumenti par padomju — naci attieksmēm 1939.-41.g. devusi bagātu jaunu pierādījumu krājumu. To pārliecinātais spēks ir tik liels, ka kāds angļu publicists "The Contemporary Review" p.g. aprīlī rakstīja: "Nevarētu būt šaubu, ka Molotova līdzdalība noziedzīgā savvērestībā bija lielāka par jebkura cita apsūdzētā lomu, izņemot Ribentropu. Ir parasts ļaut kroņa lieciniekam gūt labumus no liecības pret saviem līdzdalībniekiem. Bet Nirnbergā noticis kaut kas līdz šim neparasts: nozieguma līdzdalībnieku bija nosēdinājuši pie tiesas galda un apsūdzētiem nedeva tiesību viņu atstādināt... Viņam gandrīz izdevās noklusēt pierādījumus par savu līdzdalību noziegumā."

Nāv šaubu, Latvijas inkorporācija Padomju Savbā panākta ar agresiju. Kādas šai agresijai tiesiskās sekas?

Jautājumu par vainīgo eventuālo saukšanu pie kriminālās atbildības nav nozīmes apskatīt, jo tā praktiski nav panākama. Nav starptautiskas kriminālās tiesas, kas varētu lietu iztiesāt. Bez tam pārāk liels ir tas spēks, kas sargā vainīgos. Grūti būs arī paiet garām iebildumam par *ex post facto ius*, kaut arī Padomju Savba sava pārstāvja personā Nirnbergas tribunālā noraidīja šo iebildumu, kad to bija pacēluši daži no aizstāvjiem. UNO pilnsapulces 1946.g.11.12. rezolūcija, ar kušu tā apstiprināja Nirnbergas tribubunāla statuta un sprieduma tiesību principus, arī nepalīdzēs atspēkot šo iebildumu. Rezolūcija domāta nākotnei, kad starptautiskās tiesībās jābūt formulētiem šiem principiem, un nevis pagātnes notikumiem. Bet bez jautājuma par vainīgo saukšanas pie kriminālās atbildības, ir vēl jautājums, ko darīt ar teritoriju, kušu ieguvis agresors un kas palikusi viņa varā? Sakarā ar šo jautājumu mēs saduramies ar otru konceptu — ar neatzīšanas konceptu.

B. Teoretisko pamatu neatzīšanas konceptam devis agresijas koncepts. Vai nu sekojam Nirnbergas tribunāla viedoklim, ka jau pēc starptautiskām tiesībām pirms otrā pasaules kara agresija bija starptautisks noziegums, vai arī turamies pie vispār atzīta uzskata, ka agresija ir prettiesisks, illegāls akts, — abos gadījumos paceļas jautājums par agresijas ieguvuma, piem. iekarotās teritorijas, tiesisko stāvokli. Prof. G.Švarcenbergers 1945.g. publicētā grāmatā par starptautiskām tiesībām kā tās piemērotas starptautiskās tiesās un tribunālos raksta, ka tas nozīmētu starptautiskās taisnības laušanu, ja parti starptautiskās tiesas priekšā varētu atvasināt savā labā tiesības no savu pašu starptautisko tiesību pārkāpumiem. Kembridžas universitātes profesors H. Lauterpachts 1947.g. publicētā monografijā par atzīšanu starptautiskās tiesībās konstatē, ka *ex iniuria ius non oritur* ir jurisprudencens fundamentāla maksima. Atzīt, ka illegāls akts varētu suo vīgore būt tiesību avots vainīgam, nozīmētu iznīcināt pašu tiesību sistēmu. Arī starptautiskās tiesības to nepielaiž un nevar pieļaut. Citiem vārdiem — agresors uz agresijas ceļā iegūto teritoriju nevar iegūt nekādas tiesības. Viņam nav titula uz to. Šo titulu liedzās atzīt viņam arī citas valstis. Tas īstenībā ir neatzīšanas koncepta saturs.

Kad 1931.g.rudenī Japāna ievadīja agresiju pret Ķīnu, ASV valdība uz to atbildēja ar 1932.g.7.1. notu, kas lika pamatu dotrinai kušu pazīstama kā "Stimsona doktrina". Pēc būtības šī doktrina nozīmē agresijas ieguvuma neatzīšanu. Stimsona doktrīnas pētnieks R.Langers grāmatā "Seisure of Territory", analizējot Sumner Velsa pazīstamo 1923.g.23.7. deklarāciju sakarā ar notikumiem Baltijas valstīs, raksta, ka deklarācija nepārprotami nozīmē neatzīšanu. Ja arī pašā deklarācijā tas tieši nav minēts, tad deklarācijas teikums "doctrine in which these principles are inherent" norāda uz Stimsona doktrīnu. Ar šo deklarāciju ASV pēc būtības no vienas puses konstatē, ka Pad.Savbas akcija pret Baltijas valstīm ir agresija, un no otras, deklarē, ka neatzīs Pad.Savbas titulu uz Baltijas valstīm.

Stimsona doktrīna ir ASV valdības vienpusīgs akts, ar kuŗu ASV nav tiesiski saistītas un kuŗu tās tādēļ var kaut kurā laikā vienpusīgi atsaukt. Bet ir gadījumi, kad neatzīšanas koncepts ietilpināts tiesiski saistošos starptautiskos līgumos. Tādi līgumi uzliek valstīm tiesisku neatzīšanas pienākumu, atšķirībā no tiesiski nesaistošas neatzīšanas politikas, kāda ir Stimsona doktrīna. Tādus līgumus noslēgušas vairākas Amerikas valstis savā starpā. Jautājums par to, vai Tautu Savbas locekļi bija saistīti ar tiesisku neatzīšanas pienākumu, bija izraisījis domstarpības. Tie kas aizstāvēja viedokli, ka tāds pienākums pastāvēja, argumentēja ar to ka neatzīšanas pienākums izriet no Tautu Savbas pakta 10.ptā deklarētā pienākuma respektēt un pasargāt no ārejās agresijas Tautu Savbas locekļa territorālo neaizskaramību un politisko neatkarību. Pazīstamai Tautu Savbas pilnsapulces 1932.g.11.3. rezolūcijai par agresora ieguvumu neatzīšanu viņi piešķīra tikai deklaratīvu nozīmi. Rezolūcija formulējusi tikai pienākumu, kuŗu bija nodibinājis Tautu Savbas pakta 10.p.t. Bet kā tas arī nebūtu bijis an Tautu Savbu, pati TS un tās darbs pieder pagātnei. Tagadnei un nākotnei svarīgi ir, ka neatzīšanas problēma atrisināta UNO čartā. Te jakonstatē, ka čarta šajā jautājumā tieši neko nav pateikusi. Atkal būs jāņem palīgā interpretācijas ceļš, lai noskaidrotu, vai no UNO čartas deklarētiem mērķiem, uzdevumiem un principiem varētu tikt secināts UNO locekļu pienākums neatzīt agresoru ieguvumus. Šajā sakarībā ir jau aizrādīts, ka UNO čartā nav Tautu Savbas pakta 10. ptam atbilstoša panta, no kuŗa atvasināja Tautu Savbas locekļa pienākumus neatzīt agresora ieguvumus. Tā vietā UNO čarta uzlikusi Drošības Padomei pienākumu spert vajadzīgos soļus pret varas draudiem un varas pielietošanu, kas vērsti pret citas valsts territorālo neaizskaramību. Kad Drošības Padome apsprieda Čīles pārstāvja sūdzību pret Padomju Savbu par komunistu apvērsuma sarīkošanu Čehoslovākijā, ASV pārstāvis Varens Ostins deklareja: "Padomei vajaga saprast..., ka gadījumā, ja apvainojumi izrādītos par pamatotiem, būtu izdarīts netiešas agresijas akts. Tādā gadījumā Apvienotām Nācijām būs jāatrod efektīvi kolektīvi līdzekļi, lai pasargātu valstu, cik mazas tās arī nebūtu, territorālo neaizskaramību un politisko neatkarību." Liktos, ka būtu nelōģiski, ja UNO locekļi brīvi varētu dot atzīšanu ieguvumiem, kas panākti ar rīcību, pret kuŗu pašai UNO jāspert efektīvi kolektīvi soļi. Pie tam nevajaga aizmirst, ka Briana-Kelloga pakta būtiskie elementi ietilpināti UNO čartā. International Law Association Budapeštas 1934. g. konferencē pieņemot rezolūciju par Briana-Kelloga pakta interpretāciju, starp citu atzina, ka pakta parakstītājas valstis nav tiesīgas atzīt de jure territorālus un citus ieguvumus, kas de facto panākti ar pakta laušanu. Šo interpretāciju pilnā mērā varētu attiecināt arī uz UNO čartu, un atliek tikai nogaidīt tās viedokli šajā jautājumā.

Bet ja arī čartu iztulkotu tā, ka UNO locekļi ir tiesiski saistīti ar pienākumu neatzīt agresijas ieguvumus, tad tomēr paliktu vēl jautājums, vai šis pienākums aptvers arī agresijas rezultātus, kas palikuši pāri no Tautu Savbas laikiem.

Neizšķirsim patreiz šo jautājumu, bet apskatīsim lietu no citas puses, proti vai atzīšana vispār var izdziedēt argesijas rezultātus. Neatkarīgi no tā, vai atzīstam agresiju par starptautisku noziegumu, vai arī uzskatām to par prettiesisku illegālu aktu, nevienā gadījumā agresija nevar dot agresoram titulu uz iegūto teritoriju. Tādos apstākļos atzīšanai būtu jāizpilda jauna funkcija — jādod agresoram tituls, kuŗa viņam nav. Līdz šim tika atzīts, ka atzīšana var izdziedēt defektīvu titulu, bet nav dzirdēts, ka tā būtu varējusi radīt titulu tur, kur tādā nav!

Ši iemesla dēļ, acimredzot, profesors Lauterpachts raksta, ka atzīšana būtu kvalificējama kā "quasi likumdošanas akts". valsts, rīkojoties atsevišķi vai kolektīvi, izpildītu it kā likumdevēja funkciju. Tomēr jāņem vērā, ka agresors ar savu aktu pārkāpis ne tikai vispārīgu starptautisko tiesību normu, bet arī aizskāris citas valsts suverenitāti. Katras valsts pienākums ir respektēt otras valsts suverenitāti. Ja valstis atzītu agresoram titulu uz iegūto teritoriju, tās līdz ar to pārkāptu pienākumu respektēt cietējas valsts suverenitāti un kļūtu par agresora līdzdalībniecēm. Izeja varētu būt vienīgi tāda, ja atzītu, ka atzinējas valstis, rīkojoties kā quasi likumdevēji, varētu pašas sevi atbrīvot no pienākuma respektēt cietējas valsts suverenitāti. Bet tāda izeja galu galā novestu pie tiesību iznīcināšanas un tiesiskās iekārtas atcelšanas. Tādu rezultātu laikam gan neviens negribēs panākt. Tamdēļ, liekas būs jāatzīst, ka neatzīšanas pienākums ir būtiski saistīts ar agresijas jēdziena pašu būtību.

Tāds vispārējais vilcienos ir neatzīšanas koncepts un ar to saistītās problēmas. Lieki būtu runāt par to, ka neatzīšanai jāklūst par tiesiski saistošu pienākumu, ja neatzīšanu par tādu vēl negribētu atzīt, no kuŗa valsts pati sevi nevar atbrīvot. Tikai tādā gadījumā agresijas konceptam būs kaut cik reāla nozīme līdz tam laikam, kad izveidosies efektīvi līdzekļi agresijas un tās radīto seku likvidācijai.

Ja nubūtu panākts, ka atzīšana nevarēs dot Padomju Savbāi titulu uz Latviju, ar to tomēr nebūs novērsti visi priekšlikumi, par kādiem bijusi runa nolūkā panākt agresijas seku izdziedināšanu. Ir juristi, kas šajā nolūkā domā iedarbināt iesēdējuma institutu, lai panāktu saskaņu starp faktiem un tiesībām. Iesēdējuma institūts nav svešs starptautiskām tiesībām, kaut gan par iesēdējuma rekvizītiem valda uzskatu dažādība. Liekas, ka iesēdējumu tomēr nevarēs attiecināt uz agresijas gadījumiem. Viens no iesēdējuma rekvizītiem ir tituls. Liekas, ka visu civilizēto tautu tiesības atzīst šo rekvizītu. Ja tas būtu tā, tad te ir darišana ar tiesību principu, kuŗu atzīst visu civilizētu tautu tiesības un kuŗu var attiecināt uz starptautiskām tiesībām (sal. Starptautiskās tiesas statutu 38 pta c pks.). Tas nozīmētu, ka agresors nevar iegūt iesēdējuma ceļā tiesības uz teritoriju, jo viņam nav titula.

Jau minētais R. Langers noraida iespēju attiecināt iesēdējumu uz agresijas gadījumiem. Tas novestu galu galā pie notikušu faktu sankcionēšanas. Bet arī viņš domā, ka neatzīšana nevar turpināties bezgalīgi, un ka arī tai kādreiz jābeidzas. Savu viedokli viņš izteicis šādi: "...neatzīšana, neatkarīgi no tā, vai tā

pamatojas uz deklarētu politiku vai tiesisku saistību, nevarētu pārdzīvot agrākā territorālā statusa grozījumus, kuŗus izdara vispārīgā pārkārtojumā pēc lielām starptautiskām krīzēm. laiku pa laikam jānāk, kamēr starptautiskā iekārta pamatojas uz vairāku neatkarīgu valstu suverēno vienlīdzību.”

Bet lielā starptautiskā krīze, kas sākās 1939. g., vēl nav galā, un vēl nav noticis galīgs vispārīgs nokārtojums, kas iezīmētu šīs krīzes noslēgumu. Tamdēļ jādomā, ka tagadējais stāvoklis zīmējoties uz Latviju turpināsies. Tālākais atkarāsies no krīzes turpmākās attīstības, kas gala rezultātā noteiks, kāds būs vispārīgais nokārtojums, kas noslēgs krīzi. Cerēsim to labāko. (Nolasīts juristu sanāksmē Eslingenā).



”Austruma” gada svētkos 1946.g. Stokholmā. No kreisās: Arnolds Luidmanis, Emīls Kampars, Ansis Kurmis, Mintauts Čakste un Alberts Vārpiņš.

Is the Soviet Union a Federal State?

BY MINTAUTS ČAKSTE L. L. D. (Stockholm)

It seems that this query has been answered so clearly before that no necessity arises to dwell on it any more. Those who have refused to let themselves be convinced by Communist doctrine and who have had the chance to acquaint themselves in practice with the working of the Communist Régime, declare that the Soviet Union is the most centralised state that has ever been formed in the course of history. On the other hand, the friends and defenders of the Soviet régime have asserted that the Soviet Unions is a decentralised state and with its federal organisation could serve as a model to every multi-national state which has to cope with complicated national problems. These people point to the Constitution of 1936, in which it is clearly stated that the Union of Soviet Socialist Republics is a federal state based on voluntary agreements between Soviet Republics enjoying equality of rights. They also refer to the right of each of the united republics to voluntary secession from the Union.

If this question is now put anew, it is because it has lately been answered in Soviet quarters in a way which appears to run counter to the former line of argument as well as to the actual text of the Constitution. On the 800th anniversary of Moscow, Stalin asserted in his official address, among other things, that "the historical mission of Moscow was that it has been and remains the basis and initiator of the creation of a centralised state in Russia." And in order to forestall any misinterpretation of the meaning of these words, he goes on explaining that "only a country formed into a united and centralised state can be assured of the possibilities of serious cultural economic development and the possibility to safeguard its independence."

It has been asserted that the strength of the Communist dogma lies in its power of adaptability. And if we take the classic thesis of Marxism, that with the suppression of classes, the instrument of oppression of the classes — the state — will disappear, and then compare it with the recent pronouncement

of Stalin that only a united centralised state can safeguard the cultural-economic development of a country and its independence, then one can hardly help enlarging on the admirable flexibility of the above-mentioned dogma.

Stalin's new thesis, it seems, does not in reality involve anything new since the Soviet Union has, in fact, already developed into a completely centralised state. And Stalin himself has already pointed out the centralising factors in the Soviet-Russian system. While interpreting in his *Problems of Leninism* Lenin's point of view that a proletarian dictatorship really means an organised and classconscious proletarian minority (Bolshevik Party) dictatorship, Stalin explains that Lenin had not in mind the identification of the dictatorship of the proletariat with the dictatorship of the Bolshevik Party. According to Stalin, the directing role belongs to the party. That means that during the period of dictatorship of the proletariat, the Soviet or other mass organisations do not decide any important political or organisational problem without receiving instructions from the Party. It is in this sense, that Stalin describes the dictatorship of the proletariat as in effect, the dictatorship of the Party as the directing force of the proletariat.

It seems to be plain from the above that the state power of the Soviet Union is centralised. What portion of this power is left for other agencies if the Bolshevik Party issues all directives in every important political or organisational question and at the same time, naturally, also decides whether or not such a question is important enough either politically or organisationally?

This point of view concerning the position of the Bolshevik Party in the Soviet State did not, however, prevent the initiator and author of the Constitution of 1936 from calling the Soviet Union a Federal State, resting on a basis of voluntary agreement, in which each constituent republic has the right to secede voluntarily from the Union. One is justified in querying how any republic once belonging to this union could in practice realise this right. It goes without saying that the question of a republic leaving the Union will be considered an important political problem, to be solved in accordance with the decisive directives issued by the Bolshevik Party. As is known, however, the leaders of the Bolshevik Party are entrenched in the Moscow Kremlin. For us, who are not trained in the dialectics of Leninism, it is difficult to follow the trend of thought which has created the Constitution of 1936 and its theoretical foundation.

Although Stalin's thesis concerning the centralised state does not, practically speaking, mean anything new, it remains to be seen whether a consti-

tutional reform will now follow, after all. A Federal State and a centralised State are two different things, and the constitution of a federal state does not work in practice when applied to a centralised state. It would therefore only be natural if the present Constitution were to be adjusted to the thesis of a centralised state. Considering how quickly and easily the Constitution was changed after the war, when several autonomous Soviet republics had to be liquidated, it looks as if reforms and changes in the Constitution of the Soviet Union could hardly be a difficult and complicated affair.

The provisions of the present Soviet Constitution are capable of giving rise to misunderstandings as to the true character of the Soviet State. Taken at its face value, and divorced from the peculiar conceptions of the state and law as developed in the works of Marx, Lenin, and Stalin which underlie the whole structure of the Soviet Constitution, this instrument may easily convey the impression that in the Soviet Union there exist other agencies besides the Kremlin invested within certain limits with political power of their own. Professor Wheare in his recently published book on Federal Government describes the Soviet Constitution as quasi federal. Although admitting that very little of the federal principle survives in the government of the Soviet Union, Professor Wheare nevertheless says that the Soviet Union provides an example of a highly decentralised government. Stalin himself, it would seem, is of a different opinion.

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Differences of opinion may arise as well as to the solution of the problem of nationalities in the Soviet Union. The present provisions of the constitution concerning the united and autonomous national republics of the Soviet Union may create the impression that such republics do actually exist. In fact, however, there do not exist any national republics in the centralised Soviet State. And if any consideration is at all given to the national problem, it is only that the Soviet people are not denied what Professor Wilhelm Röpke justly calls a "folklore autonomy". This conception of autonomy is void of any political power and is in no way in a position to protect the Soviet peoples against the overwhelming wave of Russification, which floods them daily and which comes from Moscow. This is the same Moscow where the centralised Empire of the Russian Czars was born and where the cradle of Great-Russian nationalism and of the Russification Movement stood. These were movements which turned Russia into a "prison camp of nations", to use Lenin's own words. The mainspring and instrument of these movements was the centralised power of the Russian Government which has now been taken over and extolled

by the present heirs of this power. A centralised multi-national state is an anachronism in a world, the fundamental law of which — the UNO Charter demands that in order to develop friendly relations between nations, they must be based on the principle of equal right and self-determination of peoples. Before our eyes great changes are being wrought in the structure of ancient empires in which these principles are introduced as the basis of the principle of national self-determination. And in these cases Moscow consistently supports the most radical solutions, although simultaneously in its own home it is shaping a strongly centralised state. As a matter of fact, such a policy is only the realisation of the principles expressed by Stalin in his discussion of the problem of nationalities. He claims that the national problem is only a part of the problem of the proletarian revolution, and therefore not every national movement, from his point of view, deserves to be supported, but only such as do not collide with the interests of the revolutionary movement. A national movement is not to be considered from the point of view of abstract rights but from that of the interests of the revolutionary movement. This policy he carries out in practice by supporting national movements where they undermine old empires, and by combating them where the revolutionary movement has already proved victorious. On the latter occasions, new centralised states are being formed.

"It is the fixed policy of the United States Government to oppose any forced repatriation of displaced persons. It is also the policy of our Government to facilitate the repatriation of those displaced persons who desire of themselves to return to their homelands. This is in conformity with the principles approved by the General Assembly of the United Nations.

Any coercion of displaced persons under our jurisdiction would not be tolerated.

It is my opinion that the solution for this tragic situation demands that the democratic countries of the world join in offering sanctuary to these displaced individuals. Further, it is my opinion, that the United States should take the lead in this matter".

General GEORGE C. MARSHALL
U. S. Secretary of State.

Justice and Law in the Charter of the United Nations

By Mintauts Chakste*

The position of justice and law in the international society organized under the Charter of the United Nations seems to have become a matter of controversy among scholars commenting on the Charter. Conflicting views on this matter have been expressed, and they seem to obscure one of the very basic problems arising from the Charter of the United Nations. Professor Clyde Eagleton maintains that "the Security Council was not restricted to legal principles, solutions, and procedures; security was set above justice, and the establishment of order was to precede the reign of law."¹ Senator Henri Rolin, Delegate of Belgium to the San Francisco Conference, expressed a different view by saying that "with regard to peace, we felt the need to emphasize, that our first object was to be strong to maintain peace, to maintain peace by our common effort and at all costs, at all costs with one exception — not the cost of justice."² Professor Alfaro, Delegate of Panama, seconded him. He stressed that "we will not maintain peace and security at the cost of justice; that is to say, sacrificing the rights of any nation."³

The discrepancy between the assertion that "security was set above justice" and the contention that peace and security will not be maintained at the cost of justice appears to be fundamental. It will be well explained by the fact that the Charter of the United Nations, before achieving its final form, passed through two different phases of development each governed by different ideas: the phase of the Dumbarton Oaks Conversations and the phase of the San Francisco Conference. And the approach to the problem of the position of law and justice under the regime established by the Charter of the United Nations is partly determined by the significance we are willing to attribute to the work of the San Francisco Conference by including amendments concerning law and justice into the original Dumbarton Oaks Proposals.

The document known as the Dumbarton Oaks Proposals was the product of an outspoken political "realism". Many writers on international law have already pointed out the fact that the Proposals were conspicuous by the absence of references to the principles of justice and international law. The word "justice" was literally missing from the Proposals, and the words "international law" appeared only in a paragraph designed to protect national sovereignty against international law. But as soon as the Dumbarton Oaks Proposals were published a criticism of this omission became general even before the nations convened at San Francisco.

As a matter of fact, as early as the Chinese phase of the Dumbarton Oaks Conversations it became clear that concessions to the demands for the insertion into the document of due reference to the principles of justice and international law would have to be made. The Chinese Government put forward the following proposals:

1. The Charter should provide specifically that adjustment or settlement of international disputes should be achieved with due regard for the principles of justice and international law.
2. The Assembly should be responsible for initiating studies and making recommendations with respect to the development and revision of the rules and principles of international law.

These proposals were first accepted by the Governments of the United States, the United Kingdom and China. Later the Government of the Soviet Union joined in sponsoring them for presentation to the San Francisco Conference.⁴ They were inserted into Amendments of the Governments of the United States, the United Kingdom, China and the Soviet Union of May 5, 1945, proposed to the San Francisco Conference.⁵

But a most impressive criticism of the "realism" of the Dumbarton Oaks Proposals was made in the sixth plenary session of the San Francisco Conference by Field Marshal Smuts, Delegate of South Africa, in his inspiring appeal to proclaim in the Charter of the United Nations the faith of the United Nations in the peace of justice and honor and fair-dealing as between man and man, as between nation and nation.⁶ His was the initiative to include the Charter the Preamble which was completely missing from the Dumbarton Proposals as proposed to the San Francisco Conference. The preamble became an integral part of the Charter, conspicuous by its high idealism against the background of the realism of Dumbarton Oaks Proposals.

As soon as the Delegates of the San Francisco Conference had to express their views on the "realism" of the Dumbarton Oaks Proposals, they were most anxious to find appropriate remedies to change the spirit of the Proposals. They pointed out that "stronger language than that set forth in Paragraph 1, Chapter I, of the Amendments proposed by the Four Sponsoring Powers was needed." They felt that "the phrase 'with due regard for the principles of justice and international law' in Paragraph 1, Chapter I, was not adequate. It was believed that a more explicit requirement for strict observance of the principles of justice, international law, and morality should be written into declaration of Purposes in the Charter of the World Organization." Various delegations "concurred in the view that the original Dumbarton Oaks phraseology should be adhered to, but

strengthened where necessary by more positive references to the obligation of strict observance of international law and justice by all states as prerequisite to the primary end of the Organization for maintaining peace and security."⁷

The remedies proposed by various delegations found their expression in a great many of amendments to the Dumbarton Oaks Proposals. The Delegate of Egypt, in supporting the amendment to Paragraph 1, Chapter I, by inserting the phrase that peace and security should be maintained in conformity with the principles of justice and international law, could point to the fact that out of twenty-three different sets of amendments submitted by different powers, nineteen included amendments cognate to that which he was supporting.⁸

If not all of the amendments were carried it was partly due to the rule for voting according to which a two-thirds majority was required for an amendment to be carried, and not to the lack of support by the majority of states. In fact in some cases a minority of states prevented the amendments of the majority from being inserted into the Charter. The fact, however, remains that behind the amendments of the original Dumbarton Oaks Proposals aiming at the strengthening of the position of law and justice in the Charter was a considerable force of states to which the "realism" of the original Dumbarton Oaks Proposals had to yield ground. As Mr. Malcolm W. Davis, referring to the insertion of the words "and justice" into Paragraph 3, Article 2, of the Charter, points out, "the apparently simple amendment was in reality the result of a steady struggle to put the principle of justice explicitly into these Charter articles together with peace and security."⁹ This steady struggle for the explicit insertion of the principle of justice in the Charter, which resulted in a success for its supporters, cannot be ignored when we turn to the intentions of the makers of the Charter as a means for a better understanding of the Charter. This struggle stresses the importance the majority of the makers of the Charter attributed to the principle of justice in the functions of the World Organization.

The final text of the Charter of the United Nations, compared with the original Dumbarton Oaks Proposals, contains express references to the principles of law and justice, which were completely missing from the Proposals, and has attributed them a much more prominent position, as it would appear from a purely outward approach to the changes affected in the Proposals by the San Francisco Conference.

The first reference to these principles is made in the Preamble which declared that the Peoples of the United Nations are determined

to establish conditions under which justice and respect for the obligations arising from the treaties and other sources of international law can be maintained.

Article 1, Paragraph 1 defines the first purpose of the United Nations as follows:

To maintain peace and security, and to that end to take effective measures for the prevention and removal of threats to the peace and security, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

Among the Principles in accordance with which the Organization and its Members shall act in pursuit of Purposes stated in Article 1, Article 2, Paragraph 3 stipulates that

All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

And, lastly, referring to the functions of the General Assembly, Article 13 states that the General Assembly

shall initiate studies and make recommendations for the purpose of ...encouraging the progressive development of the international law and its codification.

It has been maintained that this was not much. But before drawing any definite conclusion as to the question of much or little, let us see why the Charter referring to justice and law contains nothing more. At this point it may be well to recall some passages from the Report of Committee I/1 to Commission I, which, with minor exceptions, was adopted by the Commission, and the Conference as well in the ninth plenary session. The Report states that it was "practically impossible to draw a sharp and clear-cut distinction between what should be included under 'Purposes,' 'Principles,' or 'Preamble.' Given the nature of the substance we have in view, some single idea or norm of conduct could go into either of these divisions of the Charter without much difficulty." The Report goes on:

...the distinction between the three parts of the Charter under consideration is not particularly profound... The provisions of the Charter, being in this case indivisible as in any other legal instrument, are equally valid and operative. The rights, duties, privileges and obligations of the Organization and its Members

match with one another and complement one another to make a whole. Each of them is constructed to be understood and applied in function of the other. It is for this reason, as well as to avoid undue repetition, that the Committee did not find it necessary to mention again in each paragraph relevant dispositions included in other paragraphs of the same chapter or other chapters.

The Report points out that there must be no doubt as to the validity and value of any division of the Charter, whether it is called "Principles," "Purposes," or "Preamble." These are no grounds for supposing that the Preamble has less legal validity than the two succeeding chapters. Then there is the following passage: "The Committee held that the Charter cannot be amplified to include all major purposes and principles that cover international behavior, but should include the basic ones, which, by virtue of their being basic, can and shall serve the Organization and its Members to draw from them, whenever necessary, their corollaries and implications."¹⁰

It would appear from these quotations that the small number of references to justice and law in the Charter of the United Nations is to be explained by the fact that all provisions of the Charter were considered to be equally valid and operative, irrespective of their place in the Preamble or in the two succeeding Articles, and that they were not isolated and independent rules and principles, but interdependent with one another to match with one another and complement one another, and to be understood and applied one in execution of the other. Therefore more references to these principles would have constituted an undue repetition which the makers of the Charter were anxious to avoid. And, lastly, they selected for the insertion in the Charter only the basic purposes and principles covering international behavior. It would be inappropriate to try to minimize the importance which the makers of the Charter attributed to the principles of justice and law in the functions of the Organization because of the fact that there are no more references in the Charter to these principles.

Two more facts from the process of the making of the Articles 1 and 2 of the Charter are to be cleared before drawing any conclusions as to the position of justice and law in the functions of the Organization. It may be recalled that the amendment to include the phrase, "in conformity with the principles of justice and international law" immediately behind the phrase, "To maintain international peace and security" in Paragraph 1, Article 1, was defeated: in Committee I/1 the amendment attained a bare majority, in Commission I-21 votes for, 21 against. A majority of two-thirds was required for the adoption. But the amendment to include the words "and justice" in Paragraph 3, Article 2 was adopted as the result of a steady struggle.

What is the meaning of the rejection of the first amendment and the adoption of the second? The Report of Committee I/1 to Commission I will help us to clear this point. As regards the rejection of the first amendment the Report states: "It may seem, at first sight, that some Members opposing the first two motions were opposed to justice itself. On the contrary, all of those who took the floor to oppose the two motions were agreed that the concept of justice is a norm of fundamental importance. All affirmed that peace, real and durable, cannot be based on anything other than justice." Then the Report goes on to point out the reasons why the "almost tangible notion of peace and security" could not be brought together with a "notion which lacks in clarity" as that is the case with the notion of justice. According to the Report, that would "provide a loophole for questioning any specific action, and a possibility for delaying measures and procedure while discussing abstract definitions." The Organization should promptly stop any breach of peace or remove it. After that it can proceed to find a just adjustment or settlement of the dispute or situation. The report goes on as follows:

The concept of justice and international law can thus find a more appropriate place in the context with the last part of the paragraph dealing with disputes and situations. There, it can find a real scope to operate, a more precise expression and a more practical field of application. There was no intention to let this notion lose any of its weight or strength as an over-ruling norm of the whole Charter.¹¹

Commander Stassen, Delegate of the United States, in explaining the views of his country on this point of the Charter, observed that the Security Council in the matter of future peace of the world would have two important functions which he characterized as being the functions of the policemen and those of a jury. The policeman at any time that anyone breaks the peace and begins to fight shall say, "Stop fighting," or at any time that anyone is poised and ready to fight, "You must not fight." Next comes the very important function of the jury, a function which must be discharged in conformity with justice and international law.¹²

These comments, it would appear, indicate that by including the phrase, "in conformity with the principles of justice and international law" in its place the Charter there was no intention on the part of the supporters of this amendment to let the notions of justice and international law lose any of their weight or strength as an over-ruling norm of the Charter. Nor do they indicate the intention to release the Organization from the obligation to respect and observe the principles of justice and international law. On the contrary, it was held that the Security Council in discharging its functions of adjustment and settlement of

situations and disputes arising from threats to the peace and suppression of acts of aggression or other breaches of the peace is bound to abide by these principles.

But what is the position of the Security Council when, to use the words of Commander Stassen, acting as a policeman, it has to stop an act of aggression or other breaches of the peace? Could the principle of justice be ignored, or even violated by the Security Council in these cases?

To find an appropriate answer to these questions we have to consider the changes brought about in the Charter by inserting the words "and justice" into Paragraph 3, Article 2. Article 2 deals with the Principles in accordance with which the Organization and its Members shall act in pursuit of the Purposes mentioned in Article 1. The Report of Committee I/1 to Commission I comments on the leading phrase of Article 2 as follows: "The keynote of collectivity is common to what precedes and follows this phrase, the text clearly indicating, 'The *Organization* and its *Members*,'" ¹³ As to the Security Council, by virtue of Paragraph 2, Article 24, the Charter expressly points out that in discharging its functions for the maintenance of international peace and security the Security Council shall act in accordance with the Purposes and Principles of the United Nations.

Commenting on the inclusion of the words "and justice" into Paragraph 3, Article 2 of the Report states that "The committee felt, in the light of past experience of some unjust adjustments or settlements, that it is not sufficient to assure that peace and security are not endangered. It added 'justice.'" ¹⁴ And further, as regards the relation of the Paragraph with other parts of the Charter, the Report says: "Going further not to the text of Paragraph 3 itself, but to its relation with other parts of the Charter, it is clear that the Paragraph provides the conditions governing the *ex officio* intervention of the Organization in the settlement of disputes. The Organization and its Members are bound to abide by this principle."¹⁵

It appears to be clear that the makers of the Charter considered the *ex officio* intervention of the Security Council in the settlement of disputes to be governed by the principle of justice. Justice was not to be endangered by the *ex officio* intervention of the Security Council in the settlement of disputes. And they did not regard the approach to this principle to be of any purely idealistic nature. Commenting on the words "In pursuit" in the leading phrase of Article 2, the Report observes that "*In pursuit* does not indicate, as was made clear in the Committee, any purely idealistic approach. It definitely indicates the resolve of the Organization and its Members to give practical and effective application to both Purposes and Principles."¹⁶ That would mean that the Security Council in cases of *ex officio* intervention in the settlement of disputes bound to give practical and effective application of the principle of justice. It seems that there

is to be found the key for the understanding of the words of Senator Rolin that the peace is to be maintained at all costs with one exception — not at the cost of justice. Because the Security Council is bound to give practical and effective application of the principle of justice, this principle cannot be sacrifice for the maintenance of the peace.

The following hypothetical case may help to clear the matter. A state, member of the United Nations, in violation of the principle to refrain from use of force against the territorial integrity or political independence of any state, commits an act of aggression against another state. The latter resists the foreign invasion by force in exercising the right of self-defense recognized by the Charter. A war is in progress. The security Council has to interfere *ex officio* and to restore the peace. The peace could be restored by suppressing the resistance of the victim of aggression; that is to say, by supporting the act of aggression. It would hardly seem that such a solution of the crisis were to be considered the right way for restoring the peace. Because it would be a solution at the cost of justice; that is to say, by sacrificing the right of the victim state to self-defense and by supporting the act of aggression. World opinion would hardly be satisfied with such a solution, and would suspect something wrong behind it. And, of course, there would be something wrong — a gross violation of the principle of justice to which the Security Council is restricted whether acting as a policeman or as a jury.

These considerations may help to clear the question as to the position of the principles of justice and law in the functions of the Organization, especially in those of the Security Council for the maintenance of the peace and security, whether their position is dominant, or subordinated to considerations of peace and security.

But, apart from this question, there is one point in the Charter which seems to have weakened the position of international law in the regime established by the Charter of the United Nations. It is concerned with the problem of domestic and international jurisdiction. The original Dumbarton Oaks Proposals in Chapter VIII, Section A, Paragraph 7, referred to international law as the criterion to define the limits of each respective jurisdiction. In the Charter the matter is dealt with in Article 2, Paragraph 7, but reference to international law is missing from it. Transferring the matter from Chapter VIII of the original Dumbarton Oaks Proposals to Article 2 of the Charter, the San Francisco Conference stressed the importance of the matter which from now on became one of the basic principles of the Charter. By omitting reference to international law the Conference deprived the principle of all legal precision which would have helped to operate it. As it is, there is no criterion in the Charter to define domestic and international jurisdiction. Nor is there reference to the competent organ to decide issues on this matter.

At the Committee I/1 state of the discussion of this Paragraph amendments were proposed to include the words "international law," but the respective motions failed to attain the required two-thirds majority. The Greek amendment to this end was defeated by a minority of 14 votes against 17, and the Belgian amendment by a minority of 14 votes against 18.¹⁷

The views of the Four Sponsoring Powers favoring the omission of the words "international law" in that Paragraph were expressed by Mr. Dulles, Delegate of the United States. According to the Summary Report they are as follows:

In reply to the contention that domestic jurisdiction should be determined in accordance with international law, Mr. Dulles again pointed out that international law was subject to constant change and therefore escaped definition. It would, in any case, be difficult to define whether or not a given situation came within the domestic

jurisdiction of a state. In this era the whole internal life of a country was affected by foreign conditions. He did not consider that it would be practicable to provide that the World Court determine the limitations of domestic jurisdiction or that it should be called upon to give advisory opinions since some countries would probably not accept the compulsory jurisdiction clause. In summary, Mr. Dulles stressed the virtue of the principle—its breadth and simplicity. The Organization in none of its branches or organs intervenes in what was essentially the domestic life of the Member states. Moreover, this principle was subject to evolution.¹⁸

The Report of the Rapporteur has no comment to make on this point, and gives no clue for the interpretation of this broad and simple principle, and no help to find the norm governing the inevitable issues on matters of domestic and international jurisdiction. He, however, did not see any need for including it in the Article.¹⁹

Mr. Dehousse, Delegate of Belgium, after his amendment had failed to attain two-thirds majority, expressed the hope that the Paragraph, even without reference to international law, would not impede the functioning of the International Court of Justice. He argued that after two states had accepted the compulsory jurisdiction of the Court, and if one of those states should allege that it rejects the intervention of the Court on account of the fact that the question raised falls within domestic jurisdiction, the Court itself, by virtue of Article 36, Paragraph 6, of its Statute, could determine whether the exclusive jurisdiction clause might or might not be invoked.²⁰ But as it seems now, after the United States have accepted the compulsory jurisdiction of the International Court of Justice with the reservation of the right to decide whether or not the matter was essentially domestic, this hope might be dropped.

The same principle declared by the United States for the acceptance of the compulsory jurisdiction of the International Court of Justice if applied to matters within the functions of the United Nations might result in the establishment of a veto for states anxious to prevent the Organization or its Members from interference in cases they claim to be within their domestic jurisdiction.

Be that as it may, it has to be recalled that the notion "jurisdiction" is the creation of law within a legal system in which there are two or more entities displaying state activities. Law determines the space within which each entity displays its activities. In the absence of law there can be no jurisdiction. As in the international society there are many international personalities exercising activities, such as belong to sovereign states, the space within which each of them displays these activities is determined by law. If we are to abolish law, we are to abolish jurisdiction as well. Mr. Evatt rightly pointed out that there was no criterion for the definition of domestic and international jurisdiction other than international law. It would seem therefore that the omission of the words "international law" from Article 2, Paragraph 7, could not be interpreted as the abolition of international law as the criterion for the definition of domestic and international jurisdiction unless we presume that the makers of the Charter had express intention to abolish the notion "jurisdiction" itself. Then the terms "domestic jurisdiction" in Article 2, Paragraph 7, would have been given in the Charter a different meaning than the commonly accepted one. There seems to be no evidence to that.

What matters is the fact the Charter has not expressly named the organ to settle disputes arising from matters of jurisdiction. These disputes are essentially legal in character, and in every legal system they as a rule are settled by the courts of law. As it is, the Character has left the door open to the states to become judges in this matter in their own causes. If their' decisions disagree, some procedure will have to be found to reach a settlement. The Charter itself seems to show the right direction. Article 36, Paragraph 3 points out that legal disputes should as a general rule be referred by the parties to the International Court of Justice. It would seem that there is no escape from the international Court of justice as the competent organ for deciding disputes in matters of jurisdiction.

One observation still remains to be made on this point. The Peoples of the United Nations by an express provision of the Preamble of the Charter have undertaken "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained." This passage from the Preamble of the Charter seems to stress the duty of states to respect the obligations arising from treaties and other sources of international law in all matters. There is no exception for the question of domestic jurisdiction which as an essentially legal one is determined by international law and engagements. It would be at variance with this provision of the

Preamble of the Charter which, according to the Report of the rapporteur Committee I/1, has no less legal validity and value than the two succeeding chapters, if states were going to act as judges in their own cases in such preeminently legal matter and reach decisions in contradiction to the rules of international law which govern the relations that gave rise to the question of jurisdiction. Then conditions for the maintenance of the respect for the obligations arising from treaties and other sources of international law would not be established, and that would constitute a non-fulfilment in good faith of the obligations assumed by the Members of the United Nations in accordance with the Charter. It would appear therefore that the question of domestic jurisdiction will have to be decided in each case in accordance with the relevant rules of international law.

- * Formerly Justice on the Supreme Court of Latvia.
- 1 This JOURNAL, Vol. 40 (1946), p. 513.
 - 2 *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, Vol. 6, p. 13, cited hereinafter as *Documents*.
 - 3 Same, pp. 26-27
 - 4 *Documents*, Vol. 3, p. 25.
 - 5 *Documents*, Vol. 3, p. 622.
 - 6 *Documents*, Vol. 1, p. 426.
 - 7 *Documents*, Vol. 6, p. 282.
 - 8 Same, p. 23.
 - 9 Malcolm W. Davis, "The United Nations Charter: Development and Text," *International Conciliation*, No. 413 (September, 1945), p. 445.
 - 10 *Documents*, Vol. 6, pp. 446-449.
 - 11 *Documents*, Vol. 6, pp. 453-454.
 - 12 *Documents*, Vol. 6, pp. 29-30.
 - 13 *Documents*, Vol. 6, p. 456.
 - 14 *Documents*, Vol. 6, p. 458.
 - 15 Same.
 - 16 Same, p. 456.
 - 17 *Documents*, Vol. 6, pp. 509-512.
 - 18 Same.
 - 19 Same, p. 511.
 - 20 Same, p. 112.



Liberālās Internacionāles kongresā Upsalā, 1951.g. Vidū Salvador de Madariaga, ievērojamais spāņu filozofs, kas rakstos un runās atkārtoti atgādināja krievu noziegumus pret Baltijas valstīm.

Two Aggressions Compared

BY MINTAUTS ČAKSTE (Stockholm)

I.

The Russo-German Deal of 1939.

The main point which seems to have contributed most to the successful conclusion of the Russo-German negotiations of 1939 undoubtedly had been the secret Molotov—Ribbentrop agreement concerning the Baltic States. The historian Prof. Keith Feiling in his recently published book on the life of Mr. Neville Chamberlain has shown that if the negotiations broke down between the British Government and the Soviet Union in 1939 it was on the independence of the three Baltic States. As soon as Russia had made the absorption of the Baltic States a condition of the Russo-German agreement, Germany unconcernedly delivered them to Russia. Mr. Frederick Gaus, legal adviser to the German Foreign Office, in a statement sworn at Nuremberg on March 15, 1946, states that agreement on the text of the German-Russian non-aggression pact was reached quickly and without difficulty. In an interview to Mr. Gaston Oulman published in the *Echo der Woche* of March 21, 1947, he describes the circumstances in which Hitler's consent to the Russo-German deal was obtained. Mr Gaus says:

"We came to Moscow rather unprepared, and I had written and brought with me only a draft of a non-aggression pact. Only in Moscow I was told that other far-reaching plans had been in stock there. I received this communication after the first meeting between Stalin and Ribbentrop which nobody else had attended. The so-called secret protocols, in which the Russian and German spheres of influence in Poland and the Baltic States had been delineated, were drafted and formulated in a single ad hoc meeting. Ribbentrop then declared that he could not approve of some proposed conditions concerning the Baltic States without having consulted Hitler. He wanted to speak to Hitler, but could not get the call through to Berlin. In the evening there was a dinner party attended by Stalin and Molotov. During the dinner came a call from Berlin: Hitler wanted to speak to Ribbentrop. The Russians politely offered Ribbentrop another room, but he refused, and to the embarrassment of all present spoke to Hitler in the presence of Stalin and Molotov. A loudspeaker seems to have been attached, because I could

clearly hear the voice of Hitler in the phone, and that produced here a unique impression. By such a dilettantish manner of conducting affairs Ribbentrop simply wanted to give the impression that he meant business."

It would seem from this easy manner and the smoothness with which the Russo-German negotiations in 1939 were conducted and concluded that at that time the relations between Russia and Germany had actually reached a point at which a basis for a solid and lasting understanding between the two powers could be found. Such a view could be confirmed by the declarations made by both Molotov and Ribbentrop on the agreement which was described as a "secure foundation for a lasting peace in Eastern Europe" and as proof of a "firmly established Russo-German friendship".

Germany, however, had to pay a high price for this "firmly established friendship". She had to declare her *désintéressément* in an area which German political thought had traditionally regarded as the land of the German historical mission. Now this land was to be transferred to Russia, and this was to be done at a time when the idea of the German mission there was being given a new impulse in the third German Reich, as Hitler himself and other prominent Nazi leaders had become the most vigorous exponents of this idea. Therefore, it would seem, that only prospects of some highly advantageous gains for immediate political purposes from the deal with Russia could have induced Germany to make the sacrifices Russia had demanded. These gains in any case comprised the removal of the threat of war on two fronts.

"The secure foundation for a lasting peace in Eastern Europe", however, proved before long to be a most unstable structure. This is by no means surprising, since the whole arrangement had not been based on the principles of justice and law which alone could have secured the foundations for lasting and peaceful relations between states, but on flagrant violations of these principles and short-term political advantages in an unscrupulous display of power politics. The well deserved retribution of Nemesis could not be averted. A merciless, sanguinary war broke out between Russia and Germany and destroyed all that was left of the "firmly established friendship". The war also brought with it a new situation in Eastern Europe in which Germany regained freedom of action in the Baltic States. She lost no time in reviving her political theories as to her historical mission in these countries, and acted accordingly in shaping her policy towards the Baltic region.

II.

The German Aggression Against the Baltic Countries.

Germany's plans of conquest and Germanization of the Baltic States are revealed by a series of documents published among others by the Office of

United States Chief of Counsel for Prosecution of Axis Criminality under the title *Nazi Conspiracy and Aggression*.

A top secret memorandum, dated July 16, 1941, records the discussions on the problems of the war in the East at a conference at Hitler's headquarters attended by Hitler, Goering, Rosenberg, Keitel, Lammers and Bormann. Hitler himself addressed the conference and put forward his views as to the war aims in the East and the tactics to be employed to conceal them.

"Now it was essential", Hitler pointed out, "that we did not publicize our aims before the world; also there was no need for that, but the main thing was that we ourselves knew what we wanted. By no means should we render our task more difficult by making superfluous declarations. Such declarations were superfluous because we would do everything wherever we had the power, and what was beyond our power we would not be able to do anyway.

What we told the world about the motives for our measures ought to be conditioned, therefore, by tactical reasons. We ought to act here in exactly the same way as we did in the cases of Norway, Denmark, Holland and Belgium. In these cases, too, we did not publish our aims, and it was only sensible to continue in the same way. Therefore we shall emphasize again that we were forced to occupy, administrate, and secure a certain area; it was in the interest of the inhabitants that we provided order, food, traffic, etc, hence our measures. Nobody shall be able to recognize that it initiates a final settlement. This need not prevent our taking all necessary measures — shooting, resettling, etc. — and we shall take them.

But we do not want to make any people into enemies prematurely and unnecessarily. Therefore we shall act as though we wanted to exercise a mandate only. At the same time we must know clearly that we shall never leave those countries. Our conduct therefore ought to be:

1. *To do nothing which might obstruct the final settlement, but prepare for it only in secret,*
2. *To emphasize that we are liberators.*

The Fuehrer emphasizes that the entire Baltic area will have to be incorporated into Germany." ¹⁾

In the files of Rosenberg, whom Hitler had appointed on April 20, 1941, as Commissioner for the Central Control of Questions connected with the Eastern European Region, and on July 17, 1941, as Reich Minister for Occupied Eastern Territories, several drafts of instructions were found concerning the setting up of the administration in the Occupied Eastern Territories and of memoranda formulating the policies of Germanization in these countries.

A memorandum, dated April 2, 1941, foreshadows the possibility of occupation of vast territories in the East, considers what the political objectives

¹⁾ *Nazi Conspiracy and Aggression*. Office of United States Chief of Counsel For Prosecution of Axis Criminality. Vol. VII, p. 1086 seq.

of such an occupation should be, and suggests ways for reaching such objectives. As to the Baltic States, the memorandum states:

"In the case of these areas the question arises whether they should be allotted the special task of becoming a German settlement area of the future, the racially most suitable elements being assimilated. If this is set up as an aim, the areas also require very special treatment in the general task.

The necessary removal of considerable sections of the intelligentsia — particularly Latvian ones — to the Russian nucleus area would have to be organized. The settlement of a German rural population in considerable quantities would have to be started — possibly a large contingent of German settlers suitable for this purpose could be taken from among the Volga Germans, after the undesirable elements have been eliminated. There might also be the possibility of the settlement of Danes, Norwegians, Dutch and — after the war has been brought to a victorious end — of Englishmen too, so that, in the course of one or two generations, this area can be joined up with the German nucleus area as a new Germanized country.

*In this case we should also not to have to neglect to deport considerable groups of racially inferior sections of the population from Lithuania."*²⁾

Similar views are expressed in a document entitled "Instruction for a Reich Commissar in the Baltic Countries and White Russia (Ostland)" where they are motivated by the traditional German conception of the history of the Baltic region.

"All the regions between Narva and Tilsit have constantly been in close relationship with the German people. A 700-year-old history has moulded the inner sympathies of the majority of the races living there in a European direction, and has added this region to the living space of Greater Germany.

The aim of a Reich Commissar for Estonia, Latvia, Lithuania and White Russia (last two words added in pencil) must be to strive to achieve the form of German Protectorate, and then transform the region into part of the Greater German Reich by Germanizing racially possible elements, colonizing Germanic races and banishing undesirable elements. The Baltic Sea must become a Germanic inland sea under the guardianship of Greater Germany.

With regard to the process of Germanizing or resettling, the Estonian people are strongly Germanized to the extent of 50 % by Danish, German and Swedish blood and can be considered as a kindred nation. In Latvia, the section capable of being assimilated is considerably smaller than in Estonia. In this country stronger resistance will have to be reckoned with, and banishment on a larger scale will have to be envisaged. A similar development may have to be reckoned with in Lithuania, for here, too, the emigration of racial Germans is called for in order to promote very intensive Germanization (on the East Prussian border).

White Russia will first of all have the difficult task of admitting some of those elements who are expelled from Estonia, Latvia and Lithuania and from the Polish section of the Warthe territory.

A country which 700 years ago was captured by German Knights, built up

²⁾ Nazi Conspiracy and Aggression. Vol. III, p. 677.

by the Hanseatic League, and by reason of a constant influx of German blood, together with Swedish elements, was a predominant German land, is to be established as a mighty German borderland.

*

For the rest, the solution of the colonization problem is not a Baltic question, but one which concerns Greater Germany and it must be settled on these lines.³¹

In a document entitled "General Instructions for all Reich Commissars in the Occupied Eastern Territories" the view is reinforced that the Reich Commissariat Ostland, including White Russia, will have the task of preparing, by way of development into a Germanized Protectorate, a progressively closer cohesion with Germany. A new point concerning the principle for settlement of property rights, however, is brought out in this document.

"The German people have achieved, in the course of centuries, tremendous accomplishment in the Eastern European area. Nearly its entire real estate property was confiscated without indemnification, hundreds of thousands (in the South, on the Volga) starved or were deported, or, as in the Baltic territories, were cheated out of the fruits of their cultural work during the past 700 years. The German Reich will now have to proclaim the principle, that after the occupation of the Eastern Territories, the former German assets have become the property of the people of Greater Germany, irrespective of the consent of the former individual proprietors, where the German Reich may reserve the rights (assuming that it has not already been done during the resettlement) to arrange a just settlement. The manner of compensation and restitution of this national property will be subject to different treatment by each Reich Commissariat.

The moment for declarations of this kind will be determined by the Reich Ministry for the Occupied Eastern Territories (This sentence was added in pencil).³²

If the documents quoted above deal with the Germanization of the Baltic States by means of expulsion of the inhabitants and colonization by Germans, the method of Germanization by assimilation was in no way neglected by the German occupants of the Baltic States. A plan for carrying out the assimilation of the Estonian and Latvian youth is disclosed by a letter of Reich Commissar Lohse to Reich Youth Leader Arthur Axmann, dated April 19, 1944.

"Dear Party Member Axmann:

My chief of the department youth, Obergebietsfuehrer Luer, had proposed to me the plan to let the youth of the Estonian and Latvian peoples participate in complete age groups in the military education camps of the Hitler youth.

I thank you, party member Axmann, for the generous invitation of the Hitler youth to the youth organizations of the Baltic districts (Generalbezirke). I agree with you in the expectations which we connect with the enlargement of the camps, begun with such success in East Prussia.

³¹ *Ibid.*, pp. 690—691.

³² *Ibid.*, p. 693.

The experience of Germany is best able to liberate the youth from thinking about small states and to explain to them the understanding for European obligation.

However, according to the conferences which have taken place so far, it cannot be expected that General Dankers or Dr Mäe (the German-appointed heads of the farcical local self-administrations set up by the Germans in the Baltic States) will order their youth organizations on their own, to conduct the military education not in Latvia or Estonia, but in East Prussia or in Warthegau. This viewpoint is partly caused by the more or less expressed fear, to be suspected by reactionary circles of favouring a so-called Germanization.

Even under these conditions, there are enough possibilities for Germany to exercise her influence. The universal execution of military education based on compulsory service with regard to the location of the camps gives us the possibility of increase the share of the German camps. Two or three camps in Estonia and Latvia act as advertizing for the camps within Germany; for in contrast to the Germanic peoples of the West, the military education is no longer to be carried out through voluntary enlistments, but through legal conscription. The camps in Latvia and Estonia as well, will have to be under German leadership, and as military education camps of the Hitler youth, they must be a symbol of our educational mission beyond Germany's borders.

I consider the execution of the military education of the Estonian and Latvian youth not only a military necessity, but also a war mission of the Hitler youth especially. I would be thankful to you, party member Axmann, if the Hitler youth would put itself at our disposal with the same readiness with which they have so far supported our work in the Baltic Area.⁵⁾

As would appear from this letter, Reich Commissar Lohse considers the compulsory enlistment of the Estonian and Latvian youth for military education in the camps of the Hitler youth to be a legal conscription. It would be a most peculiar conception of the term "legal", if it could be applied to such an illegal act, and Lohse's attitude might be explained by the working directives he had received from his chief, the Reich Minister for the Occupied Eastern Territories, Rosenberg. Among other things these directives stated:

"The regulations of the Hague Rules of Land Warfare which deal with the administration of a country occupied by a foreign armed power are not valid, since the U. S. S. R. is dissolved and the Reich, as a result, has the duty of exercising all the power of government and the other usual powers of sovereignty in the interest of the inhabitants. All measures therefore, which the German administration deems necessary and suitable for the execution of this comprehensive task are permissible."⁶⁾

The men responsible for formulating and carrying out the policies disclosed by the documents quoted above were tried by the International Military Tribunal for the Trial of German Major War Criminals and found guilty of hav-

⁵⁾ Ibid., p. 267 seq. ⁶⁾ Ibid., p. 710.

ing committed crimes against peace and war crimes as well as crimes against humanity. The following are some relevant excerpts from the judgment of the Tribunal:

"The framework of the future political and economic organization of the occupied territories was designed by the defendant Rosenberg over a period of three months, after conferences with and assistance by the defendants Keitel, Jodl, Raeder, Funk, Goering, Ribbentrop, and Frick or their representatives. It was made the subject of a most detailed report immediately after the invasion.

These plans outlined the destruction of the Soviet Union as an independent State, and its partition, the creation of so-called Reich Commissariats, and the conversion of Estonia, Latvia, and Byelorussia and other territories into German colonies.

The final aims of the attack on the Soviet Union were formulated at a conference with Hitler on July 16, 1941, in which the defendants Goering, Keitel, Rosenberg and Bormann participated: There can be no talk of the creation of a military power west of the Urals, even if we should have to fight 100 years to achieve it . . . All the Baltic regions must become part of the Reich."⁷⁾

Among the reasons, on which the Tribunal based its conclusions as to the guilt of the defendant Rosenberg on all four counts of the indictment, are the following:

CRIMES AGAINST PEACE.

Rosenberg bears a major responsibility for the formulation and execution of occupation policies in the Occupied Eastern Territories. He was informed by Hitler on April 2, 1941, of the coming attack against the Soviet Union, and he agreed to help in the capacity of a "Political Adviser". On April 20, 1941, he was appointed Commissioner for the Central Control of Questions connected with the East European Region.

WAR CRIMES AND CRIMES AGAINST HUMANITY

With his appointment as Reichminister for Occupied Eastern Territories on July 17, 1941, Rosenberg became the supreme authority for those areas. He helped to formulate the policies of Germanization, exploitation, forced labour, extermination of Jews and opponents of Nazi rule, and he set up the administration which carried it out. He took part in the conference of July 16, 1941, in which Hitler stated that they were faced with the task of "cutting up the giant cake according to our needs, in order to be able first, to dominate, second, to administrate, and third, to exploit it," and he indicated that ruthless action was contemplated. Rosenberg accepted his appointment on the following day.

Rosenberg had knowledge of the brutal treatment and terror to which the

⁷⁾ Judgment of the International Military Tribunal. Cmd. 6964. Pp. 34—35.

Eastern people were subjected. He directed that the Hague Rules of Land Warfare were not applicable in the Occupied Eastern Territories."⁸⁾

III.

The Russian and German Aggressions Compared.

These excerpts from the judgment would show that the International Military Tribunal convicted and sentenced the German major war criminals for crimes comprising also aggression against the Baltic countries. By doing so the International Military Tribunal has certainly done justice to the Baltic nations. The Tribunal, however, could not do, and has not done, full justice to the Baltic nations. These nations had been the victims of two aggressions, as the German aggression which had been on trial before the Tribunal had been preceded by a Russian aggression which had been left beyond the jurisdiction of the Tribunal.

Nevertheless, it would seem to be essential to point out the fact, that both the Russian and the German aggression against the Baltic States were carried out with the same object of incorporating them into the respective state, and have, in general, exhibited substantially similar features. If to quote the judgment, the "cutting up of the giant cake according to the aggressor's needs, in order to be able: first, to dominate it, second, to administer it, and third, to exploit it," constitutes a crime in international law, then it would hardly matter whether "the giant cake" consisted of Russian territories only, or its components were territories of independent sovereign states situated between the borders of Russia and Germany, and whether the cutter was Germany alone, or Germany in collaboration with Russia. If conspiracy to commit acts of aggression were considered to be an essential element of the crime, the Russo-German secret agreements of 1939 with the object of "cutting up the cake" comprising the Baltic States and other territories would provide a classical example of conspiracy. The International Military Tribunal has rendered a good service also by giving the definition of the methods of aggression. While reviewing the methods employed by Germany to achieve the incorporation of Austria, the Tribunal states that they were those of an aggressor, as "the ultimate factor was the armed might of Germany ready to be used if any resistance was encountered".⁹⁾ Exactly the same characteristics mark the methods employed by Russia to achieve the incorporation of the Baltic States: the ultimate factor was the armed might of Russia ready to be used if any resistance was encountered.

But impressive as they are, those are not the only parallels between the Russian and German aggressions. The German aims of Germanization and

⁸⁾ *Ibid.*, pp. 95—96.

spoliation have been defined by the contributors to the volumes on "*Nazi Conspiracy and Aggression*" as follows:

*"Plans to Germanize meant plans to assimilate conquered territories politically, culturally, socially, and economically into the German Reich. Germanization meant the obliteration of the former national character of the conquered territories and the extermination of all elements which could not be reconciled with the Nazi ideology. Plans for spoliation meant plans to plunder public and private property, and, in general, to exploit the people and natural resources of occupied countries."*⁹⁾

The word "Soviet" has only to be substituted for the words "German" and "Nazi" in this definition, and there would be an exact formulation of what Russia has done and persists in doing to the Baltic States.

It has still to be pointed out that in the legal background on which the Russian and German aggressions were carried out there could hardly be found any substantial difference between the law which governed the relations between the Baltic States and the Soviet Union at the time of the Soviet aggression and that in force between Germany and the victim states of her aggression, on which the International Military Tribunal based its conclusions on the criminal nature of the German aggression.

Although the law in both cases was substantially similar, as were the facts, the consequences of both aggressions were substantially different. Germany had failed to realize her plans of Germanization and incorporation of the Baltic States, but the responsible German leaders were convicted and sentenced for an attempt to do so. Russia, on her part, has realized her aims of aggression and has incorporated the Baltic States and brought about a complete Sovietization of these countries, but in spite of that, none of her responsible leaders has even been brought to trial for these acts of aggression.

It would seem that the most distressing point in the case of the Russian aggression is the fact, that Russia has been left in possession of what rightly might be called the *corpus delicti*. So inefficient has been the functioning of the international legal order, that the rights of the Baltic nations have hitherto not been restituted, nor the wrongs done to them redressed. Non-recognition of the incorporation seems to be the only reaction of the majority of states to the manifest acts of Russian aggression. Rightful as it may be, this attitude is by no means adequate to meet the situation created by this aggression. If justice and law are to command respect in future international relations, the United Nations Organization will have to decide upon more effective measures to remedy the consequences of Russian aggression and, in particular, to restitute the rights of the Baltic nations.

⁹⁾ *Ibid.*, p. 19.

¹⁰⁾ *Nazi Conspiracy and Aggression*, Vol. I, p. 1023.



Igauņu Nacionālās Padomes konferencē, Stokholmā, 1952.g.

LATVIA AND THE SOVIET UNION

by Mintauts Čakste

BY the end of the first World War, a series of European peoples won their independence, achieving liberty from the three disintegrated empires and establishing their national states in the region between Germany and the Soviet Union, the two surviving Great Powers. These states were: Finland, Estonia, Latvia, Lithuania, Poland, and Czechoslovakia. With the exception of Poland, they were small and weak. Nonetheless, they were able to enjoy a peaceful and secure existence, since at that time, the basis of their being—self-determination—had gained general recognition. Their security was further assured through a system of collective security evolved within the framework of the League of Nations. A widespread trend toward outlawing war and force and toward friendly solution of international differences was manifested in the Pact of Paris and in an entire series of bilateral non-aggression and arbitration pacts, as well as in efforts to define aggression and to incorporate the definition in international agreements. All these and similar manifestations pointed to a new conception, forged and perfected through the League. According to this conception, the relative weakness of the new national states prevented neither their existence nor their security.

But presently it became evident that other trends were beginning to evolve in Europe, trends inimical to the newly established bases of international coexistence. Fascist Italy and Nazi Germany, spearheading these trends, gradually began to gain more and more ground for the conception of aggressive might, gaining this round at the expense of the victorious democracies, France and Britain, the pillars of the League of Nations and of the system of collective security.

The shifting of the balance of power to the advantage of Italy and Germany could not but affect the destinies of the new national states. The gradual weakening of the influence of France and Britain, of Geneva, and of the budding system of collective security led ineluctably to a situation in which the fate of the new states was progressively delivered into the hands of their two mighty neighbors, the Soviet Union and Germany. As early as 1936, a careful observer of international trends, Professor Toynbee, could write in *Survey of International Affairs, 1936*:

By the close of the year 1936, the destiny, not merely of Czechoslovakia and the Baltic States, but of all successor states of Romanov, Hohenzollern, Habsburg, and Ottoman Empires, from Finland to Turkey, inclusive, had

come to look as though it were governed by the question whether this "Balkanized" region of Europe was to be dominated and unified and organized under the star of the German Third Reich or under that of the Muscovite 'Third Rome'."

Yet for a while this region of the new national states stayed free from the unilateral influence of either of the strong neighbors, both of which were still too powerful to ignore one another with impunity. So, for the time being, they made use of the oft-tried method of the past—dividing the region by agreement between themselves.

And thus, following the events which led to the fall of Austria and of Czechoslovakia, that is to say to the outright incorporation by Germany of part of the above-mentioned region, we arrive at the year 1939, which was to mark the outbreak of the second World War. The first part of this year found the Great Powers of Europe engaging in the most intensive diplomatic actions—some aimed at the prevention of the threatened war, others at hastening the impending catastrophe. The fateful decision between war or peace lay in the hands of Moscow, which became the scene of the greatest activity. Britain opened the negotiations in March. They were to last up to August, when they were suddenly broken off. To Moscow came Britain's special envoy, Sir William Strang; to Moscow came the French and British military missions. But all the efforts of Britain and of France to come to an understanding with Moscow remained fruitless.

Adolf Hitler's German Reich succeeded where the other two failed. Negotiations carried on secretly, while those with France and Britain were in full swing, led to a full understanding between Germany and the Soviet Union, so that it only remained for Ribbentrop to arrive in Moscow and there to sign with Molotov on August 23 the non-aggression and friendship pact between Germany and the Soviet Union.

The advantages of this pact, especially for Germany, were incontrovertible. Here is what A. Freiherr von Freytag-Loringhoven had to say on this subject, in the *Weltpolitische Überschau* in the Hochschule für Politik *Jahrbuch* 1940:

Germany thus assured herself against the threat of encirclement and against the danger of famine, in the event of war.

And Professor Franz Berber¹ judges the importance of this understanding in the same sense:

The spectre of a war on two fronts was thereby banished, while at the

¹ *Jahrbuch für auswärtige Politik*, 1940.

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same time Germany assured for herself access to the output of the colossal Russian economic bloc, thus rendering illusory any British speculations as to the possibility of repetition of the successful blockade of the first World War.

In other words, Germany succeeded, with the assent of the Soviet Union, in eliminating the most difficult obstacles that stood in the way of successful war: the threat of war on two fronts, and starvation through a blockade. And indeed, hardly a week after the signing of the pact, the German attack on Poland opened the second World War.

The question naturally arises: what were the advantages offered by Germany to the Soviet Union in order to obtain the latter's willingness to arrive at an understanding, which France and Britain had sought in vain?

Later developments showed clearly that the Soviet Union had aggressive intentions against all her western neighbors. These intentions were carried out within a very short time following the Molotov-Ribbentrop pact. And it was equally obvious that they could hardly have been realized without the consent of one of the two rival camps. It is precisely because their consent to the plans of the Soviet Union was impossible that France and Britain failed to reach an understanding with Moscow. And it is equally certain now that this was the issue upon which hinged the failure of the Franco-British negotiations with the Soviets, and that it was as well the deciding issue in the German-Soviet agreement.

In a speech before the House of Lords on June 8, 1939, Lord Halifax commented on the British-Soviet discussions in the following terms:

The main point of the difficulty is in the position of the Baltic States. Throughout all these discussions. His Majesty's Government has been guided by the desire not only to take account of the particular circumstances of the Government with which they were negotiating, but also to have regard to the situation and the wishes of third countries; and we have never attempted, and we should not think it right to attempt, to thrust assurances on countries which did not want them, or to take any step which might compromise in other quarters the relations of those countries which only desire to maintain their own neutrality inviolate.

Later, on December 5 of the same year, when the German-Soviet pact had become a reality, Lord Halifax told the House of Lords:

Earlier in the year we had tried to improve our relations with Russia; but in so doing we had always maintained the position that rights of third parties must remain intact and be unaffected by our negotiations. Events have shown that the judgment and the instinct of His Majesty's Government in refusing agreement with the Soviet Government on the terms of formulae covering

cases of indirect aggression on the Baltic States were right. For it is now plain that these formulae might well have been the cloak for ulterior designs. I have little doubt that the people of this country would prefer to face difficulties and embarrassment rather than feel we had compromised the honour of this country and of the Commonwealth on such issues.²

But Hitler's Third Reich was not so squeamish in regard to the Soviet designs, and hastened to accede to them. There can be no doubt left on this count now, after Hitler himself confirmed it. In his exhortation to the German people on June 22, 1941, he said with regard to the German-Soviet understandings of 1939:

Since Germany had solemnly agreed in Moscow that these lands (Lithuania, Latvia, Estonia, Finland, Bessarabia, and the Ukraine)—with the exception of Lithuania—were to be considered as lying entirely outside the zone of German political interests, a further, special, agreement was arrived at, covering the case when Britain should succeed in bringing about a Polish-German war. But here, too, we Germans undertook to abide by situations that might have been changed by the intervention of our armed might. These situations proved to be extremely hard upon our own kinsfolk living in those lands; they were agreed upon only in the greater interests of Germany. As a result, more than half a million Germans, peasants, workers, and artisans, were forced to leave their homes, in order to escape living under another régime which sooner or later meant their complete destruction . . . Yet even as we were marching victoriously into Poland, the Soviet leaders suddenly began to set aside the agreement with regard to Lithuania . . . Nonetheless, I allowed these Soviet provocations to take place unanswered.³

These overt statements leave no doubt as to the nature of the German-Soviet understandings of 1939. Hitler's intentions had already been endorsed at that time by the leaders of the Soviet Union. This is further confirmed by the declaration made by Molotov on August 1, 1940, before the Supreme Soviet, when the question of the incorporation of the Baltic States into the Soviet Union arose. Here is what Molotov had to say:

Our relations with Germany, which took a new turn about a year ago, continue to be guided in the fullest sense by the provisions of the Soviet-German pact. This pact, which the Soviet government observes most strictly, has allowed the changes on our western borders to be accomplished without the slightest misunderstanding arising between us and Germany. (Quoted from *Valdibas Vestnesis*, No. 173/1940 and from *Izvestia*, No. 177/1940).

² *Speech on Foreign Policy* (London, 1946) pp. 272, 340-341.

³ *Der Grossdeutsche Freiheitskampf*, vol. III, Adolf Hitler's speeches from March 16, 1941, to March 15, 1942. (Zentralverlag der NSDAP), München.

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Events following the signing of the Soviet-German pact showed the nature of the contents of the understanding. Thus, as the Polish-German war drew to its close on September 17, 1939, the Soviet government ordered the Red Army to march into Poland and to occupy Polish territories. On the same day Molotov handed notes to all foreign representatives accredited in Moscow, setting forth the bases for the military measures undertaken. In these notes it was stated:

Poland has been transformed into a terrain favorable to maneuvers and surprises that can become a threat to the Soviet Union. Also that the Union cannot stand by inactive while Ukrainian and White Russian kinsfolk living on Polish territories are left to their fate unprotected.⁴

The following day, the German and Soviet governments, in order to counteract the misapprehensions that might have arisen from their joint attack on Poland, issued a joint declaration, in which it was stated that the presence of German and Soviet troops on Polish territories "implies no aims that might be opposed either to the interests of the Soviet Union or to those of the German Reich, or that might overstep the letter or spirit of the German-Soviet non-aggression pact."⁵

A demarcation line was agreed upon between the German and the Soviet troops on September 22. (see *Izvestia* No. 211/1939). Yet on September 28 Ribbentrop flew to Moscow and signed with Molotov a friendship pact covering matters affecting the common border between the Soviet Union and Germany, which now cut Poland in two. The former Polish territory was declared to be an exclusive sphere of interest of the two friendly powers, both of which undertook to reject any interference from third parties in their exclusive arrangements.⁶

The joint declaration made public at the same time by Molotov and Ribbentrop described this agreement as "the secure foundation for a lasting peace in Eastern Europe."⁷

On his departure from Moscow Ribbentrop further declared to a representative of TASS: "Soviet-German friendship is now firmly established . . . Both States will oppose all interference by any third power in Eastern European affairs; both desire to see the war between Germany and Britain and France come to an early end; but if Germany's foes continue the war, Germany and the Soviet Union both know what must follow." (*Izvestia*, No. 227/1939.)

⁴ *Jahrbuch für Auswärtige Politik* (Berlin, 1940), p. 197; and *Izvestia*, No. 217/1939.

⁵ *Jahrbuch für Auswärtige Politik*, pp. 197-198.

⁶ *Jahrbuch für Auswärtige Politik*, p. 198; and *Izvestia*, No. 226/1939.

⁷ *J. für a. P.* 1940, p. 199; and *Izvestia* No. 226/1939.

The understanding between the Soviet Union and Germany was complete, as Molotov stated in his letter of September 28 to Ribbentrop in which he spoke of "reaching common political aims." (See *Izvestia*, No. 226/1939.) On the basis of this complete understanding, the Soviet Union's government promised to use all its resources to develop the economic relations existing between the Soviet Union and the Third Reich to the utmost.⁸

The fourth partitioning of Poland, described by Hitler himself in the terms already quoted above as an exceptional understanding, had become a reality. According to the desire and intention of its authors, it was furthermore to form the basis of German-Soviet friendship and of lasting peace in Eastern Europe.

But it was not Poland alone that was to make the objection to this agreement. As Lord Halifax declared in the speech before the House of Lords on December 5, 1939: "By the agreement which he thought would give him a free hand to attack Poland, it would seem that Herr Hitler bartered what was not his property to barter—the liberties of the Baltic Peoples." This supposition was later confirmed by Hitler himself when he declared in the speech quoted above, on June 22, 1941, that he had renounced on behalf of Germany all interests in Finland, Estonia, Latvia, etc., in favor of the Soviet Union. As soon as the Soviet Union had obtained from Germany a free hand in these lands, the Kremlin proceeded to clinch the deal through action.



Relations between the Soviet Union and the Baltic States had been developing in the most normal and uneventful manner, in a spirit of good neighborliness and cooperation. The crisis, when it came, arrived suddenly and unexpectedly. A Polish submarine, seeking refuge in the harbor of Tallinn, the capital of Estonia, was interned but succeeded in escaping to sea with its crew. This was taken as a pretext by the Soviet Union. Foreign submarines were being helped and shielded in Baltic ports—the security of the Soviet Union was being endangered. The safety of Soviet seaways was at stake. (*Izvestia*, No. 218/1939 and No. 224/1939.) Later it was announced that two Soviet steamers, the "Mettallist" and the "Pioner," had been sunk by submarines. (*Izvestia*, Nos. 225 and 226/1939.) This information, which was never verified, and which later, after the incorporation of the Baltic States, was to sink into complete oblivion, created at the time the greatest strain. It so happened that, precisely at that

⁸ *J. für a. P.*, p. 190; and *Izvestia* No. 226/1939.

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moment, the Estonian Foreign Minister was in Moscow, at the invitation of the Soviet government, and was initiating economic talks. (*Izvestia*, 225/39.) Instead of economic negotiations, he was confronted with entirely different demands, which the Estonian government was forced to accept. On the same day on which Molotov and Ribbentrop signed the German-Soviet friendship and border pact, the Estonian Minister was obliged to sign a pact of mutual assistance with the Soviets. This was followed by a similar pact with Latvia (October 5); and on October 10 Lithuania was also forced to sign away her independence, though neither of the two could be confronted with any pretext, even as slim as the matter of the Polish submarine.

The three pacts provided for the establishment of Soviet bases, manned by Soviet troops, on the territories of the Baltic States. (*Izvestia*, Nos. 226, 232, 236/39.) It is hardly necessary to point out that, with the military occupation of these bases, an act of overt aggression against the Baltic States had been committed by the Soviet Union.

Germany reacted to this step by initiating negotiations with Estonia and Latvia for the transfer of German minorities to the Reich, negotiations which led to the agreements of October 14 with Estonia, and of October 30 with Latvia. Lithuania was not considered at the time to belong to the exclusive Soviet sphere—as has been mentioned above—hence the German minority in that country was not yet to be "saved from a régime that sooner or later must lead to its annihilation," and no such pact for the time being was ever signed with Lithuania.

After the Baltic States, came the turn of Finland. The protracted Soviet-Finnish negotiations ending in failure, Moscow took up arms to force the issue.

Finland appealed to the League of Nations, which took up the matter. The Soviet Union was invited to present its case, but failed to appear before the world court. The Assembly and the Council deliberated, found the Soviet Union guilty of aggression, and expelled it from the League.⁹

The unequal contest between Finland and her mighty neighbor ran its course, until, after the most heroic resistance, the former was beaten to her knees. Peace was signed in Moscow on March 13, 1940, the Soviet Union wresting a part of Finland's territory and the use of a military base at Hangö.

But Russia's small western neighbors were to enjoy no more than three months' peace following the peace treaty with Finland. The Soviet

⁹ *League of Nations Official Journal*, November-December 1939.

colossus was not content. On June 14, 1940, it overstepped its "exclusive sphere," by handing a note to the Lithuanian Foreign Minister, which in effect was an ultimatum demanding immediate military occupation of the country by the Red Army. Similar notes were handed on June 16 to the Foreign Ministers of Latvia and Estonia. These notes demanded, in addition to the right to occupy the countries militarily, the establishment of new governments in the three states. Faced with this ultimative threat, backed with massed Soviet troops on their borders, the Baltic governments were obliged to comply. Within the next few days the countries were overrun by the Red army and new governments were formed. Less than two months later they had become Soviet Republics and had been incorporated into the Union.

Germany reacted to this incorporation by initiating negotiations with the Soviet Union, which led to the signing of three agreements on January 10, 1941. One of these concerned the continuation of the evacuation to the Reich of the German minorities, which this time included that living in Lithuania; the second dealt with economic matters involved in this transfer of populations. These two agreements were not, so far as is known, published either at the time or since. The third agreement dealt with the newly established German-Soviet border from the Igorka River to the Baltic Sea, which, "in view of the reception of the Lithuanian Soviet Republic into the Soviet Union, which took place on August 3, 1940," set the old border between Germany and Lithuania as separating now the Reich from the Soviet Union proper. These three agreements constitute Germany's acquiescence in the incorporation of the Baltic States to the Soviet Union and the official recognition thereof.

But Soviet aggression against the western neighbors of the U.S.S.R. did not end here. Now came the turn of Romania.

On June 26, 1940, Foreign Commissar Molotov handed the Romanian Minister in Moscow an ultimatum demanding immediate cession of Bessarabia and Northern Bucovina to the Soviet Union. The Romanian government to avoid bloodshed and war was forced to agree. On June 28 the Red Army crossed the Romanian border and within four days Bessarabia and Northern Bucovina were occupied.

The events described here belong already to history. They constitute the record of the agreement between the Soviet Union and Germany to divide among themselves the "no man's land" which separates them. Once such an agreement existed it was not long before the order established after the first World War—an order based on the principles of self-determin-

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ation—was completely upset and changed. The newly erected order was certainly far from constituting a basis for friendship between the two great powers or for lasting peace, as its architects, Ribbentrop and Molotov, had described it. So insecure a basis was it in reality that peace lasted less than two years. Then came the inevitable war between the two aggressors of Europe, the war which ended in the downfall of Hitler's Third Reich, and in the emergence of the Soviet Union as the sole great power in this region.

Within ten months of the signing of the German-Soviet non-aggression pact, four states—Poland, Lithuania, Latvia, and Estonia—had lost their independence, while two others—Finland and Romania—had been forced to make heavy territorial concessions to the Soviet Union. The pretexts used by Moscow to justify these aggressions were different in each case: the military security, in the case of Poland and Finland; the security of "kinsfolk," in the case of some parts of Poland and Northern Bucovina; the assuring of contractual obligations, in the case of the Baltic States; but the real grounds, the true basis, of these lawless acts must be sought elsewhere. They may be found in the speech made by Molotov on August 1, 1940, before the Supreme Soviet, when he stated that 95% of the populations living in the newly-acquired regions had formerly belonged to the Soviet Union and had been wrested from it by the might of the Western Imperialistic Powers at a time when the Union was militarily weak. The temporary military weakness of the Soviet Union had already been mentioned on the occasion of the demand for Bessarabia; but now the Soviet Union was strong, and "Imperialistic Western Powers" were involved in war with Germany. Here, then, was the opportunity to obtain not only former "Soviet territories" but also new lands like Northern Bucovina.

The truth is that the formal recognition by the Soviet Union of her newly established western neighbors had nothing to do with the contemporary military weakness of the Union. It was based on solemn treaties, which in turn had their foundation on the principle of the self-determination of peoples, a principle which at the time was accepted and recognized by the Bolshevik Party. For on November 2-15, 1917, the Council of Peoples' Commissars ratified the Declaration of Rights of the Peoples of Russia, which recognized to every one of these peoples the right to secession and to an independent state.¹⁰ This Declaration is incorporated in the peace treaties signed by the Soviet Union with the Baltic States. Article II of the Latvian-Soviet treaty of August 11, 1920, reads: "Whereas the Russian

¹⁰ *Sobranije Uzakomemij*, 1917/1918.

Socialist Federation Republic recognizes the right of every people to free self-determination, inclusive of the right to secede from an existing state to which it might belong . . . etc.”

Similar texts may be found in the treaties signed by the Soviet with Lithuania and Estonia. It is true that the Soviets have never formally recognized the union of Bessarabia to Romania in so many words and from time to time they have reopened the question.

When Soviet aggression against the western neighbors had reached its objectives, Foreign Commissar Molotov was to utter weighty words that should have been a warning to all. Speaking before the Supreme Soviet on August 1, 1940, he said:

The population of the Soviet Union has grown within one year by more than 23 million souls (Estonia: 1,120,000, Latvia: 1,950,000, Lithuania: 2,880,000, Polish territories: 13,000,000, Bessarabia and Northern Bucovina: 4,000,000). It can now speak weightily in the name of 193 million people, a number which does not even include the natural population growth during the year 1939/1940. (*Izvestia*, No. 177/1940.)

Molotov's words remind one of Professor Toynbee's remark in *Survey of International Affairs*, 1936: “. . . and it was evident that either of these already colossal Great Powers (i.e. Germany and the Soviet Union) would be well on the way towards world domination, if ever it succeeded in adding to its metropolitan territory and population an effective hegemony over the vast no man's land which the peace settlement of 1919-1921 had left derelict in the great open spaces between Moscow and Berlin.”

* * *

As we have seen, the Soviet Union, as soon as it had been given a free hand by Germany in the lands bordering its western boundaries, lost no time in furthering its plans and subjecting these lands to its might. The threat and use of the Red Army came into play against each neighbor in turn. Once Germany had renounced her interests in this sphere, pretexts and alleged legal grounds for aggression were not difficult to invent for each case.

The sequence of the entirely unjustifiable and unprovoked aggression against Latvia has been sketched above. Once it had obtained a footing on Latvian territory, as the result of the mutual assistance pact of October 5, 1939, the Soviet Union could and did proceed to dictate events as it suited her designs. It is clear enough that such events were entirely outside the volition of the small helpless country. For a short while the Soviet

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Union observed the provisions of the pact with regard to its abstention from interference in Latvian internal affairs. Article 1 provided for the extension of all necessary aid, including military assistance, in case of an attack or of a threatened attack on Latvia. The Soviet Union obtained bases in Liepaja and in Ventspils, several airfields, and the right to establish a strong-point of coast artillery between Ventspils and Pitragi, with a limited personnel provided for in each case (art. 3); while the two parties undertook not to enter into any pact or coalition directed against the other (art. 4). **Article 5 said:** "The dispositions of this pact may not be regarded as in any way touching the sovereignty of either of the two contracting parties, especially not the established order of the state, the economic and social system, and its military measures." Article 3 specified that the land necessary for the contemplated naval and air bases was to remain Latvian territory; and the pact further stipulated that "the peace treaty of August 11, 1920, and the pact of non-aggression and friendly settlement of disputes of February 5, 1932, continued to remain the basis for future relations between the two contracting parties," while the latter pact, which was to remain in force for ten years, was to be considered as remaining in force for a further period of ten years unless formal notification to the contrary was given.

The mutual assistance pact, although it was unquestionably forced upon Latvia by the Soviet Union, gave rise to no friction and, so far as is known, the Soviet government never had any occasion to complain to the Latvian government about non-fulfilment of its obligations. In fact, on March 29, 1940, in a speech before the Supreme Soviet Molotov expressed his satisfaction with the manner in which the pacts with the Baltic States were being carried out, saying:

"On the basis of a half year's experience, it is possible to make a positive appraisal of these pacts. It can be affirmed that the pacts with Latvia, Lithuania, and Estonia have led to the strengthening and securing of the international situation of the Soviet Union, as well as to that of the three Baltic Republics. In rebuttal of the opinions held in imperialist circles inimical to the Soviet Union, the independence and political freedom of Estonia, Latvia, and Lithuania have not suffered, while the economic relations of these countries with the Soviet Union have notably developed. The pacts with Estonia, Latvia, and Lithuania are being carried out in the most satisfactory manner and allow us to predict that the relations between the Soviet Union and these countries will continue to improve. (*Izvestia*, No. 74/1940.)

The crisis came unexpectedly.

On June 16, 1940, the Latvian Minister to Moscow was handed a

note in which Latvia was accused of having violated the mutual assistance pact of October 5, 1939. The alleged grounds for this accusation were the continuation of the Alliance with Estonia (of November 1, 1923) and the efforts to bring Lithuania into this Alliance. The note continued: "Prior to the signing of the pact of 1939, the Soviet Union could afford to allow this Alliance to continue, although in its opinion it ran counter to the Soviet-Latvian non-aggression pact. But after the mutual assistance pact came into being, the Soviet government considers the existence of a military alliance between Latvia, Estonia, and Lithuania not only is inadmissible and unbearable but also as constituting a grave danger and a threat to the security of Soviet borders. The Soviet Union had expected that, following the signature of the mutual assistance pact, Latvia would denounce the military alliance she had with other Baltic states,, liquidating such alliances. Instead, Latvia now attempts to extend and strengthen such alliances with other Baltic states. This is proven by the following facts: the calling of secret conferences in December 1939 and in March 1940, designed to perfect the military alliance with Estonia and Lithuania, the intensification of relations between the Army Staffs of Latvia, Estonia, and Lithuania, carried out in secret vis-a-vis the Soviet Union; the founding of a special publication, "Revue Baltique," in Tallinn in February 1940, a publication written in English, French, and German and which is the organ of the militaristic Baltic Entente; etc."

The Soviet government demanded that a new Latvian government be formed, one able and willing to carry out loyally the provisions of the mutual assistance pact, and to allow the free entry of Soviet troops into Latvia in sufficient numbers to assure certain key strong-points as a guarantee of the faithful fulfilment of the pact as well as sufficient to insure against any attacks on the existing Soviet garrisons. Compliance with these demands was regarded by the Soviets as a matter of elementary and obvious obligation, one without which the loyal and correct execution of the pact was unthinkable.

When later a government acceptable to the Soviet Union was established, it denounced (on June 28, 1940) both the defensive Alliance of November 1, 1923, with Estonia, and the Convention of February 17, 1934, which elaborated that Alliance. On July 3, 1940, the new Latvian government also denounced the Convention of September 2, 1934, which had bound Latvia, Estonia, and Lithuania in a loose collaboration. This was all that the new government of Latvia could find to do, in order to comply with the demands in the Soviet note of June 16, 1940. It was quite impos-

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sible to substantiate any of the other claims made in that note, like the alleged attempts to extend and modify the defensive alliance, or the alleged secret meetings and intensified relations between the Baltic military staffs. These allegations might easily have been verified and countermanded or rescinded, had they been valid; all Latvian archives, in which traces could hardly have been covered up in the meantime, subsequently fell into the hands of the Soviet authorities. They revealed no inkling of truth in the Soviet pretexts.

In his speech before the newly elected parliament the new Prime Minister, Kirchensteins, said on June 21, 1940: "In order to fulfil loyally the Soviet-Latvian pact of mutual assistance, the government annulled on June 29 the defensive Latvian-Estonian alliance of November 1, 1923, and the Convention of February 17, 1936, which elaborated this alliance. On July 1 the Government further annulled the understanding for collaboration signed in Geneva on September 12, 1934, between Latvia, Estonia and Lithuania. With the dissolution of the Conventions, nothing of an obligation under international laws remained in the way of a close and inseparable cooperation between Latvia and the Soviet Union. (*Valdības Vestnesis*, No. 163/1940.) That is to say, even Prime Minister Kirchensteins confessed that only the three Conventions mentioned above stood in the way of the execution of the Soviet-Latvian mutual assistance pact. But did these three Conventions really fill this description? Did the Soviet Union itself consider them so at any time before June 16, 1940?

All three Conventions were registered with the League of Nations; they were fully in accord with the basic ideas and scopes of the League of Nations Pact; their existence was perfectly well known to the Soviet government, which had never before raised any objections to them, either at the time of the non-aggression pact of 1932, or at the time of the signing of the mutual assistance pact in 1939. The peaceful character of these Conventions cannot be denied; their existence could hardly have meant that the smallest countries of Europe could in any way constitute a danger to the Soviet Union.

The alliance with Estonia¹¹ was clearly defensive. Article 3 states:

The High Contracting Parties undertake to afford each other assistance, should either of them suffer an unprovoked attack on its present frontiers.

Accordingly, should one of the High Contracting Parties suffer an unprovoked attack, the other shall consider itself in a state of war and shall furnish armed assistance.

¹¹ *League of Nations Treaty Series* XXIII/83.

The peaceful nature of the Alliance was shown in article 1:

The High Contracting Parties undertake to follow a wholly pacific policy, directed toward maintaining and strengthening the bonds of friendship and developing their economic relations with all nations, more especially with the Baltic States and neighboring countries.

The Convention elaborating this Alliance¹² provides for the periodical calling of conferences between the Foreign Ministers of Estonia and Latvia, "designed to coordinate the general policy of the two States, shall deal with all the questions relating to their joint foreign policy." It also provides for joint action by the two countries at international conferences, and attempted to coordinate the activities of their several diplomatic and consular representatives abroad in such fields as were deemed necessary and desirable. Finally, it provided for joint efforts to coordinate the legislation of the two countries and for the establishment of joint commissions for the study of economic questions.

The Pact of Understanding and Collaboration of September 12, 1934, which constituted the Baltic Entente, signed by Estonia, Latvia and Lithuania¹³ called for periodic meetings between the Foreign Ministers of the three countries, designed to carry out the provisions of article 1, which reads:

In order to coordinate their efforts in the cause of peace, the three Governments undertake to confer together on questions of foreign policy which are of common concern and to afford one another mutual political and diplomatic assistance in their international relations.

These Conventions do not show the existence of any military ties between all three Baltic States, as Molotov's note of June 16, 1940, alleged. They merely provided for mutual assistance in political and diplomatic matters between the three countries, while the Alliance between Latvia and Estonia was a purely defensive one.

How groundless the Soviet accusations against Latvia were can likewise be seen in the case of the "Revue Baltique," mentioned in Molotov's note of June 16, 1940. This magazine was described as "a special organ of militaristic Baltic Entente," whereas it was merely a publication issued privately, by the Estonian-Latvian-Lithuanian Society, and its contents bore no trace of military matters. The first issue of "Revue Baltique" had appeared as early as February 1940, without meeting with the slightest objection from the Soviet Union.

¹² *League of Nations Treaty Series* CL/105.

¹³ *League of Nations Treaty Series*, CLIV/93.

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But no matter how unfounded the Soviet accusations against Latvia were, the demands of Moscow were presented in the form of an ultimatum, backed by the threat of large bodies of Soviet troops massed on the Latvian borders and on the borders of the other Baltic States. Finland's case spoke eloquently of the consequences of resistance. There could be no doubt as to Moscow's intentions, nor as to its readiness to carry them out by force if necessary. Under these ineluctable circumstances, the Latvian government was forced to yield.

On June 17 Soviet troops crossed the Latvian border and by the afternoon of the same day they had already occupied Riga. The next few days saw the establishment of the Red army throughout the entire country and power was taken over by the Soviet Union. A forcible overthrow of the existing order followed swiftly. It was to lead to an entirely new system, political, social, and economic. It had all the outward appearances of a revolution and the Soviet Union would like it believed that it was the spontaneous expression of will of a people that had groaned under oppression and duress. But in reality this was no revolution, if by "revolution" we understand the forcible overthrow of an abusive and intolerable government by its own people, in its own land. The *Encyclopaedia of the Social Sciences*, Vol. XIII, page 370, has this to say under "revolution":

The approach of a revolutionary storm is heralded by growing restiveness of the masses and increasingly frequent outbursts of violence on a local scale: assassination of prominent leaders of the government parties; bombing of important buildings in the city and firing the landlord mansions in the country; burning of court records and mortgage deeds; strikes of producers of essential foodstuffs; mass demonstrations and workers' strikes, etc.

Not one of these signs had been visible in Latvia during the year 1940. Quiet and order reigned throughout the land and the economic life was undisturbed, either by strikes or by any other conflicts. It might be objected that the people were simmering under a reign of terror and dared not manifest themselves. However, insofar as terror may be judged by acts of forcible suppression, like death sentences and imprisonments meted out to political offenders, it is absurd to speak of terror in Latvia during the year 1940. Neither during that year nor in the preceding years had anyone been condemned to death for political offenses. The number of political prisoners was comparatively insignificant. Indeed, after the Soviet invasion no more than 250 political prisoners were set free and not all of these were communists.

It is undeniable that there was dissatisfaction in the country at the

time, a dissatisfaction directed against the authoritarian régime, and a quest for means to return to the former democratic system. But it is equally certain that this dissatisfaction had nothing in common with the subsequent upheaval, which was planned abroad and carried out by foreign and unwanted interference.

An analysis of social categories in Latvia indicates that the country was certainly not ripe for revolution:

Landowners employing labor.....	54,277	4,7%
Landowners employing no outside labor.....	212,247	18,36%
Members of landowners' working family.....	395,214	34,56%
Hired laborers.....	366,837	32,7%
Enterprisers and liberal professions.....	29,862	2,6%
Office workers and other employees.....	62,876	5,5%
Armed forces, including navy.....	17,733	1,64%
Unspecified	3,651	0,32%
	1,143,687	: 100 %

This, then, was the composition of a population which was soon to be reported as having cast 1,155,807 votes for the Communist list at the impending parliamentary elections! We shall see promptly how this result was brought about. For here we have an eloquent example of the organization of Bolshevik "free elections" and of the manufacture of the "people's freely expressed will."

On June 17, 1940, following the Soviet invasion, Latvia's Chief of State, K. Ulmanis, freed his cabinet of all its duties. On June 18 the representative of the Soviet Council of Commissars, Andrei Vishinsky, arrived in Riga and called on President Ulmanis.

Although President Ulmanis remained at his post until the newly elected parliament met on July 21, the effective reins had passed into the hands of Mr. Vishinsky from the moment of his arrival in Riga. Effective power had likewise passed into the hands of the Soviet army which had entered the country in number far overwhelming the Latvian army. The Latvian Communist Party, hitherto a quite insignificantly small organization, became the executor of the Soviet plans. Up to then it had led an illegal underground existence. Now it was to act. Subsidiarily to this, the Soviet Legation in Riga also took a hand in the affairs of State.

A significant light was thrown on the "new order" from the very beginning. As Soviet troops were marching through Riga, isolated groups of spectators tried to provoke incidents. An official warning was immediately issued, saying that the behavior of some spectators had made a bad impression on the Soviet troops and that the Soviet commanders had requested the authorities to prevent any future demonstrations of this kind. Hence, future offenders would be arrested. The following day the Soviet Legation issued

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a communique denying these facts, denying that the Soviet commanders had made any requests of the local authorities, and adding that the troops had in fact been favorably impressed with the friendly behavior and greetings of the people. In other words, future disturbers of the peace were taken under Soviet protection—the decision lay with the Soviet authorities, not with the Latvian.

Immediately after his arrival in Riga, Mr. Vishinsky proceeded to set up the new government demanded in the Soviet note of June 16. The choice of men to fill the various government posts was made by Vishinsky himself. It was he who appointed Professor Kirchensteins prime minister, the writer V. Lacis minister of internal affairs, General Dambitis minister of war, etc.

On June 20, when the cabinet had been put together, a communique was issued, whose very unusual wording indicated the extraordinary manner in which the government had been formed. It said: "The Secretariat of President Dr. K. Ulmanis announces that a new cabinet has been formed, consisting of . . . etc."

Since all ministerial posts had not been filled from the start, several nominations followed in the course of the next few weeks. Thus Professor P. Lejins was named minister of education; J. Wanags, minister of agriculture; K. Karlson, minister of finance; and J. Jablonskis, P. Valeskalns, Ed. Leitmans, and R. Blaus vice-ministers. Only in the case of A. Jablonskis was it announced that the nomination had been approved by the new president of the Council of Ministers, Professor Kirchensteins; the others were announced without mentioning who had appointed them. In the case of two (Professor P. Lejins and J. Vanags), it was announced that they had been "selected," though it was not said who had made the selection. In all other cases the announcement of the appointment was made by publishing brief biographies of the newly-named men. Three of the new vice-ministers were not even Latvian citizens, but Soviet subjects; P. Valeskalns, ministry of education; Ed. Leitmans, ministry of finance; and R. Blaus, ministry of agriculture. It is necessary to set forth these details here, in order to make it crystal clear how the new Latvian government was set up. This government was certainly not appointed through the accepted channels. It was nominated from abroad by an agency that preferred to remain behind the scenes.

The new government immediately issued its program. It stated that the former government had not provided justice for all and that it had shown itself incapable of carrying out loyally the Soviet-Latvian mutual assistance pact. The new government declared itself convinced that Latvia's friendship for the Soviet Union constituted a great strength which would

assure the country's independence. The government pledged itself to establish in the Latvian Republic an order corresponding to the true will of the people.

On June 27 the minister of information, P. Blaus, assured his hearers in a radio address that democracy had triumphed and that the government had taken steps to assure the democratic rights of the people. Freedom of speech, of the press, and of meetings were to be restored. The Communist Party and the Communist Youth Organization, which had been suppressed by the former government, had already begun their activities in the open.

The truth, however, was different, although every speech and statement made and every word written by the officialities elaborated the ideas of freedom, democracy, peoples' rights, etc. The truth was that the entry of the Soviet forces marked the inauguration of the régime that took away even the semblance of democratic freedom. Liberty of press and assembly had been regulated by laws that had been enacted in 1938. Now, both press and assemblies came under the ministry of information, whose sole word became law. Of freedom there could be no question.

Not only did the Kirchensteins régime do nothing to rescind such authoritarian measures as had been enacted by the previous government, but, on the contrary, it made the most arbitrary use of these measures in order to suppress any trace of liberty both of the press and of assembly. Only the Communist Party and such organizations as were affiliated with it were permitted to function. All others were suppressed by the government to the point of liquidation. The same situation applied to the press. Aside from Communist publications, no new papers were allowed to appear, while the existing ones were subjected to pressure and muzzled. The attitude of the government with regard to the press was best shown in the position given to Latvian foreign correspondents when it was ordered that the sole source of foreign information was henceforth to be the Soviet agency, TASS.

This was the situation of Latvia at the time when free and democratic parliamentary elections were to take place. Freedom of the press? Freedom of assembly? Freedom of association? What irony! Instead, a régime of oppression and suppression. This was what the Latvian people gained from the Soviet invasion.

The Latvian electoral law of 1922 had never been abolished. It should have been in force and enforced after the Soviet occupation, since it still had force of law at the time. It had been passed by the Latvian Constituent Assembly and it incorporated the democratic principles which had brought the Assembly into being, which had led to the establishment of the Demo-

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cratic Latvian Republic. The law assured free and governmentally uninfluenced elections and the electorate was a broad one by any modern standards. It would have been entirely natural to carry out the elections on the basis of this law which it had not been found necessary to change from the founding of the Latvian Republic.

Instead, the Kirchensteins régime, in announcing the forthcoming elections, on July stated that the former government had been guilty of an illegality when on May 18, 1934, the functions of the Seima (parliament) had been taken over by the cabinet. In the next breath the new government committed its own illegality by taking upon itself to reform the electoral rules and procedures.

The new electoral law was published on July 5. It had five parts which dealt with the right to vote; the voting commissions; the submission of candidates; the procedure; and the counting and tabulation of results. The noteworthy innovation was the manner in which the voting commission were composed and the manner of their functioning. All members of the central commission and the regional and local commissions were to be appointed by the government. This was in precise contradiction to the electoral law of 1922 which had aimed exactly at the prevention of all government influence. Another innovation was to be found in the exceedingly short term accorded for the presentation of candidates and for the holding of the elections themselves. Published on July 5, the law set the time limit for presenting candidates at 8:00 p. m. on July 10. Subsequently, the central commission cut even this absurdly short term by ordering the presentation of candidates to take place between 10 and 12 o'clock on July 8 and 9 and between 10 and 20 o'clock on July 10. For the sake of comparison, we might point out here that the law of 1922 provided for announcing elections at least forty days before they were to be held.

Of course, the intention of the government and of its behind-the-scene supporters was clear. It was to prevent the presentation of more than one candidate in any place. Otherwise the chances of the Communist lists would have been entirely negligible. But when it became evident that not even by such means could opposition candidates be prevented from running, the central commission stepped into the picture once more. It decreed on July 8 that all candidates must be prepared to present the program for which they stood and the proof that such programs had been made known to the electorate. Unless these conditions were fulfilled the candidate could not be accepted. This measure, it is hardly needful to stress, ran counter to

the new electoral law itself. Articles 17 to 20 set forth all the requirements for the candidates and none of the above abusive measures were contained among them.

The significance of these maneuvers can only be appreciated when one bears in mind that the government held in its hands all the means of oppressing and suppressing the spoken and written word, hence the means of preventing any opposition program from reaching the electorate. And even so, the government did not feel entirely secure. In addition, the new minister for information, P. Blaus, who only on June 27 had reassured the Latvian people as to the coming era of democratic freedom, now ordered all printing establishments to refuse to print anything relating to the elections unless it bore his approval.

This, of course, was an almost unsurpassable obstacle to any unacceptable candidate. And yet attempts were made to overcome this obstacle, though it was quite obvious that the government was ready to go to any length to prevent their success. The former democratic parties of Latvia had formed an electoral bloc and, since the measures of the minister for information could be counted upon to hinder all overt attempts to candidate, the common program was secretly printed and posted during the dark hours of the night on walls, boardings, and trees. Thus the inordinate requirements were complied with to the letter. The results were not recognition of the bloc's candidates and their official admission before the electorate. The results were that the police raided the offices of the bloc and seized every scrap of campaign material. And shortly thereafter the leader of the bloc was seized and disappeared into the interior of the Soviet Union. And that was that.

At the session of July 23 the newly-elected parliament heard the chief of the central voting commission, A. Buševics, relate that seventeen lists of candidates had been handed in but that of these the commission had only been able to admit five, which were put up by the labor bloc (Communists). All the others had to be rejected for non-compliance with the law and with the instructions. The five accepted lists had been presented, one to each electoral district.

By this means, each of the five electoral districts was faced with a single list of candidates, the Communist. The voters had no choice whatever. And it was the task of the so-called bloc of workers to see to it that the voters took part in the elections. Its propaganda had a double objective: to convince and coax the voters to come to the polls, and to stress that freedom and independence were the lodestars of their program. It would

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not have done to frighten voters away, nor to allow the idea to take root that the sovietization of Latvia was at stake. President of the council of ministers, Professor Kirchensteins himself, had said, as he took up his new post: "I promise in the name of the government to bend all our strength toward the improvement of the people's material and spiritual wellbeing, and toward preserving the liberty and independence of Latvia." And had not the declaration of the new government spoken highly of Soviet-Latvian friendship as a future factor in strengthening Latvia's independence? And then, again, Prime Minister Kirchensteins, addressing the crowd which celebrated the electoral law, had declared among other things: "I salute once more the freedom and independence of our country; we have them and they will endure. We have confidence in the promises of the Soviet Union's leader, Stalin." And he had repeated, in concluding his address, that the Latvian-Soviet pact would assure Latvia's independence.

Another minister, too, had spoken in the same sense—F. Lacis, the minister for internal affairs, on June 23; the minister for information, P. Blaus, on June 27; the minister of war, General Dambitis, on June 29; the minister for public welfare, J. Lacis, on July 9; the minister of education, P. Lejins, on July 10; and, again on July 12, the prime minister, Professor Kirchensteins. Not one of them had said a word about the sovietization of Latvia or about her incorporation into the Soviet Union. On the contrary, these speeches had stressed the importance of carrying out the principal idea of the Soviet-Latvian pact contained in article 5, paragraph 1: "The dispositions of this pact may not be regarded as in any way touching the sovereignty of either of the two contracting parties especially not the established order of the state, the economic and social system, and the military dispositions."

Of course, the speakers, with the exception of Professor P. Lejins, belonged to the "labor bloc" and were presented as candidates on its lists. Hence, the voters could only have gained the impression that the issue was really the loyal adherence to the stipulations of the pact and that the "bloc" was opposed to any idea of sovietizing the country and of incorporating it into the Soviet Union. Certain it is that the voters never suspected that they were actually endorsing the exact opposite, as it was later claimed.

In order to stress the patriotic character of the elections the minister of the interior, V. Lacis, decreed that the election days were to be considered as Latvian popular holidays and had all public buildings decorated with the national flags.

But the votes once gathered in, the picture changed swiftly.

On July 18 an organized street parade marched displaying posters saying: "We demand the establishment of Soviet Latvia!" and "Long live Latvia, fourteenth republic of the Soviet Union!" and other similar slogans. These demands immediately found willing ears. The secretary of the Latvian Communist Party, Z. Spure, addressed the marching crowd and assured his hearers that their demands would be fulfilled. A veritable avalanche of demands in favor of the sovietization of Latvia and its incorporation into the Soviet Union began to pour out in a well-organized stream upon the parliament's very first session. They were taken into consideration immediately following the opening of the session and the customary election of officers. The newly-elected Speaker had to interrupt the business of the preliminary organization on several occasions in order to communicate the identical texts of the telegrams that were arriving.

Thus it was that the "people's freely expressed will," demanding the country's sovietization and its incorporation into the Soviet Union, came to manifest itself. The voting masses, the real bearers of the people's will, were never consulted on these points. On the contrary, they were led to believe that they were voting for their country's independence. It was the Communist Party which falsified the issues and which then gave out the results obtained by fraud as the expression of the people's will.

It must be borne in mind that the situation of the Communist Party in the Soviet Union is entirely different from that of political parties in democratic countries. Article 126 of the Soviet Constitution designates it as "the guardian and director of the struggle for strengthening and development of the socialist system," which is "the leading nucleus of all organizations of the workers, representing both nation and state." As such, it is the organ through which the will of the workers is expressed. The Latvian Communist Party obviously arrogated to itself the same prerogatives. Even prior to the country's sovietization it undertook to express the will of the people regardless of realities.

In addition to this, the voters were persuaded to go to the polls under threats of dire consequences to themselves. Every electioneering speech of the "worker bloc" contained such threats, abstainers being warned that they would lose their jobs and would later be considered as enemies of the new order. The voters had no choice. And the presence of the Red army acted as a further persuasion, Soviet troops appearing everywhere on the election days, in full battle kit, while the Soviet air arm cruised the skies overhead. Participation at the polls was additionally insured by an order which decreed that the voters be marched in a body, with hands playing

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and flags flying, from their place of work to the polling-stations. This applied to all public and private institutions—factories, offices, and shops—as well as to the various units of the Latvian army.

Under these circumstances it was impossible to abstain from voting or to cast an unfavorable vote. At most polling booths there was no room even to assure the secrecy of the votes. This was freely admitted by the chairman of the central voting commission, A. Buševics, who reported before the newly-elected parliament that there had been many complaints both anonymous and signed to this effect, that is to say that there had been cases where it had been possible for the voters to nullify their own vote.

With such methods, the results of the election could hardly have come as a surprise. The "Labor bloc" won a "complete victory." Mr. Buševics was able to announce before the assembled parliament that out of a total of 1,181,323 votes cast the "labor bloc" had obtained 1,155,807, or 94.8%.

Nevertheless, Prime Minister Kirchensteins told the Supreme Soviet (of the Soviet Union) on August 5, 1940, that there had been 1,170,649 votes cast, of which "labor bloc" obtained 1,151,713, or 97.6%. Be that as it may, according to the figures given out by the chairman of the central voting commission, A. Buševics, a most unusual phenomenon occurred, which must be unique in the annals of elections. Of the total number of voters entitled to go to the polls in the election district of Widsome, 101.3% cast their ballot.

The following example should prove how little the election results expressed the real will of the voters. According to the official statement, several units of the army achieved a 100% vote. Among these were sections of the army general staff, the Higher War Academy, and the Military Tribunal, all of which were composed almost exclusively of career officers. It is obviously impossible to believe that Latvian officers who were patriots but never communists, men, moreover, whose education and training prevented them from misunderstanding the issues could conceivably cast their votes as they were supposed to have done, if there had been the slightest possibility to avoid doing so.

The true character of these tragically farcical "free elections" is no longer unknown to the world at large. As the author of "The Baltic States During the War" put it:¹⁴ "On July 14 and 15 all three States held 'free elections', in which voting was compulsory and only such candidates as were acceptable to the Communists were allowed to be nominated."

The newly-elected parliament met on July 21. Prior to this the Kirch-

¹⁴ *Bulletin of International News*, vol. XXI, No. 24.

ensteins government had amended the novel Law of 1936 by which Ulmanis had assumed the presidency. Kirchensteins himself assumed the functions of president of state at the moment of the opening of the to-be-elected parliament. This was also a breach of the Latvian constitution, because the election of the president of state is a parliamentary function. K. Ulmanis was deported to the USSR and Kirchensteins became president without election—by grace of Vyshinski.

The procedure of the new parliament differed little from that of the Nazi Reichstag or from that of the Supreme Council of the Soviet Union. There was little speech-making; no exchanges of opinion took place; all decisions were unanimous and in important matters accompanied with great solemnity. Neither was there any lack of elaborate and noisy approval of all manifestations of the "Führer-Prinzip."

At the first session two of the most weighty questions concerning the people and country of Latvia were taken up: the introduction of the Soviet system, and the incorporation into the Soviet Union. The session, opened at noon, lasted some seven and a half hours. During these seven and one half hours the parliament found time not only to decide these two questions but also to elect its officers, to pass several resolutions, to ratify the matter concerning the power of the prime minister (mentioned above), and to exchange telegrams of greetings with Stalin and Molotov.

The speakers arose to discuss the question of the introduction of the soviet system. All were in favor—their speeches were almost identical. All stressed the opinion that Latvia's independence had brought the people only suffering, poverty, and oppression and that the only solution was sovietization and incorporation into the Soviet Union, where a free and happy life was assured. The most influential speaker, deputy and secretary of the Latvian Communist Party Z. Spure, declared: "The Latvian people have lived for centuries under the yoke of bondage; but it was the late reactionary régime which really led Latvia and its people to the most hopeless pass. We found ourselves in the true sense of the phrase on the brink of the abyss. While a small clique was plundering the State's resources, the greatest misery and unemployment reigned the land, and the people were plunged in the direst poverty . . . The great historical events of the Soviet Union have proven to us that only a system of soviets can save and protect the working masses from slavery and oppression. In the Soviet Union, slavery and oppression are for all times banished; there the exploitation of man by man does not exist. There, every working man has the right to work, to rest, to old-age security, and to education assured. There, solicitude for the human being is the first concern . . . etc."

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On the question of Latvia's incorporation into the Soviet Union only one speaker was heard, the minister for internal affairs, V. Lacis. His address expressed the same basic ideas. He said: "For many years were the people of Latvia subjected to a tyrannous and corrupt oppression. Life was very hard and dark for the worker, full of indignities and injustice. The fate of the working intelligentsia was similar. And also similar was their hate of the governing plutocratic régime. . . . This dark era of slavery is now a thing of the past. Our eyes are now bent on the future, on a new life, on a new, sunny and happy perspective. The fateful hour has sounded. It heralds the great and happy time when our great desire to join the peoples of the Soviet Union has come to lay low the last barrier that separates us. The great and happy hour has come when the friendship and ties between our people and those of the Soviet Union must be given legal form . . . etc."

By such means and arguments, taken wholesale from the communist propaganda arsenal, were sovietization and incorporation upheld. And with such care and precaution had the elections been carried out that not a single one of the newly-elected deputies could be found to show either the courage or the desire to open a real discussion. None raised the question of inquiring into the economic and legal position of the Latvian laborer and to compare it with that of his fellow in the Soviet Union. Nor was any comparison made between the labor laws of the two countries in order to demonstrate the reality of the "beautiful, sunny, and happy future." Only a very short time was to elapse before the Latvian people were to find out at their own expense what the Soviet "beauty" and "sunshine" and "happiness" meant.

The decisions concerning both sovietization and incorporation were carried through as was to be expected with complete unanimity and enthusiasm. The latter was approved in the following terms: "After hearing and discussing the explanations of Deputy V. Lacis, regarding the incorporation of Latvia to the Soviet Union, the Seima (parliament) resolves: (1) Only incorporation to the Soviet Union can heal Latvia's wounds, suffered throughout long years of slavery. Only the aid of the Soviet Union, received as an equal member thereof, can allow the people of Latvia to improve its economy, to assure its culture and its national equality, its own peace, its daily bread, and its true liberty. The Seima therefore requests the Supreme Council of the Soviet Union to accept Soviet Latvia as a member Republic of the Union, on the same basis as that of the Ukrainian and the White Russian Socialist Soviet Republics and of other member Republics in the past. (2) A commission of seven of its members shall

present on behalf of the Seima a draft declaration in this sense. Nominated as members of this commission are: deputies J. Niedra, V. Lācis, A. Noviks, R. Klavins, M. Joffe, and A. Jablonskis."

On July 23 the parliament chose a commission of twenty members to submit the parliament's decision to the Supreme Council of the Soviet Union. The commission left for Moscow on the following July 30, though not as it was originally constituted. Seven of the elected members remained behind and were replaced by seven others who had not been chosen originally. Prime Minister Kirchensteins was among the selected. Before leaving for Moscow the latter left B. Briedis, chairman of the parliament, to carry on temporarily the duties as Chief of State.

The Seventh Session of the Supreme Soviet opened in Moscow on August 1. On the agenda was the question of the incorporation of the three Baltic States. Following the formal opening Foreign Commissar Molotov made his speech on foreign affairs, in the course of which he touched on the relations of the Soviet Union with the Baltic States. Since his words on this question express clearly the Soviet point of view, we shall reproduce them here.

"The question of the reciprocal relationship between the Soviet Union and the Baltic States," said Mr. Molotov, "has recently come up again, insofar as the mutual assistance pacts with Lithuania, Latvia, and Estonia had not brought forth the desired results. As might have been expected, the conclusion of these pacts did not bring about a rapprochement between the Soviet Union and Lithuania, Latvia, and Estonia, since the bourgeois leading circles of the latter countries opposed any such friendship. These groups not only failed to follow the road to closer relationship with the Soviet Union, as one might have hoped would be the case after the conclusion of the pacts, but they took the road toward still more unfriendly attitudes, doing so secretly, behind the back of the Soviet Union. The so-called Baltic Entente was made use of to this effect. This had in the past been a military alliance, directed against the Soviet Union, in which only Latvia and Estonia participated. But since the latter part of last year (1939), it was being transformed into a military alliance which included Lithuania.

"This proved that the bourgeois governing circles of the three countries were incapable of carrying out loyally the provisions of the mutual assistance pacts signed with the Soviet Union, but, on the contrary, were intensifying their unfriendly attitude toward us. The number of available proofs that the three governments were grossly disregarding the provisions of these pacts continued to grow. It was impossible to continue to tolerate this

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situation, especially in view of the present international conjuncture. Consequently, the Soviet Union presented the demands—known to you—concerning the changes of the governments of Lithuania, Latvia, and Estonia, and the entry of supplementary Soviet troops upon the territories of the three countries. The results of these demands are known to you. The most important measures taken by the new, friendly governments of Latvia, Lithuania, and Estonia were the holding of parliamentary elections. Democratic elections took place during the month of July, for the Lithuanian Seim, the Latvian Saeima and the Estonian State Assembly. These elections demonstrated that the ruling bourgeois cliques did not represent the will of these peoples, and that they represented only a small exploiting group in each case. The parliaments of Lithuania, Latvia, and Estonia, elected universally, directly, equally, and secretly, have already expressed their majority views of basic policy. We are satisfied that the peoples of Lithuania, Latvia, and Estonia are united in support of their representatives. This unity of support is expressed by the unanimity with which these representatives of their peoples have decided in favor of adopting the soviet system of entry into the Soviet Union. The Supreme Soviet will now decide the question of the acceptance of Lithuania, Latvia, and Estonia into the Soviet Union, with the rights and status of a Federal Soviet Socialist Republic . . .”

The incorporation of Latvia was taken up at the session of August 5. Five of the members of the parliamentary commission sent from Riga addressed the Supreme Soviet. They repeated the arguments in favor of Latvia's incorporation into the Soviet Union, which are already so well known to us from the speeches quoted above. Thus Professor Kirchensteins said among other things: “On July 21 and 22 the people (of Latvia) have forevermore made an end of the long, dark past; the workers have set their face toward a shining future, from a fresh start that will lead to their highest development hitherto denied to them. We prepare to go forth toward a new era that is assured to all small peoples, in the name of the genial leader of the workers, of our teacher, Josef Vissarionovich Stalin.

“The great sufferings of the Latvian working people, whose history is a dark tale of exploitation by landlords, nobles, capitalists, rich men, English and French bankers, and speculators, who have sucked the masses dry of blood and who have barbarously oppressed and extorted them in the most subtle manner . . . Parliament has unanimously called for the sovietization of Latvia because every historical experience of the Soviet Union has shown the people that only soviet might is just might, true peoples' might. Whereas the experiences of the capitalist states have shown that

a capitalist order, no matter how much it may boast of its democratic feathers, can only represent the power of a small handful of exploiters over the millions of the working masses. The sad destiny of the so-called democracies lies before our eyes . . .”

The role of counsel was given to the chairman of the Presidium of the Republic of Uzbekistan, deputy of the Supreme Soviet Achnu-Babayev, who declared himself in favor of the incorporation of Latvia to the Soviet Union. He presented the Supreme Soviet a draft which was accepted and made into law unanimously and with great solemnity.

The law said: “Having given hearing to the commission sent by the Latvian Saeima, the Supreme Soviet of the Union decides:

1. to grant the request of the Latvian Saeima and to accept the entry into the Union of the Soviet Socialist Republic of Latvia;
2. In accordance with articles 34 and 35 of the Constitution, the Soviet Socialist Republic of Latvia shall proceed to elect deputies to the Supreme Soviet of the Union,
3. The Presidium of the Supreme Soviet of the Union shall set the date of the elections.”

At the same session on August 7 the Supreme Soviet proceeded to pass a law modifying and completing articles 13, 23, and 48 of the Soviet Constitution which was made necessary by the incorporation of the three Baltic States. Article 13 was completed to include the newly accepted Republics in the enumeration of the member Republics.

The parliamentary commission returned to Riga on August 13 and Prime Minister Kirchensteins took up again his duties as Chief of State. On August 24 he informed parliament of the results of his trip to Moscow. The parliament lost little time in ratifying the work of the commission. It passed an unanimous resolution: “The historic decision of the Supreme Soviet of the Union, concerning the acceptance of the Latvian Soviet Socialist Republic into the Soviet Union, is hereby duly noted and the work of the plenipotentiary Latvian commission is duly acknowledged.”

The session of August 25, which lasted from 10:15 a. m. to 12:55 p. m., was devoted to reading the draft of the new constitution of the Latvian S.S.R., which was accepted unanimously by the parliament. This session saw the first difference of opinions. It took place between the secretary of the Latvian Communist Party, Z. Spure, and deputy A. Buševics. Neither the issues nor the exchange of opinions was made known; neither was the speech of deputy Buševics published. It was merely reported that deputy Z. Spure had criticized the speech of deputy A. Buševics,

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in which the political bases of the constitution of the Latvian S.S.R. were erroneously set forth. The vote was not affected, however, by this difference of opinions and the final outcome was, as usual, unanimous approval.

It was decided during the same session that parliament assume itself the functions of Supreme Soviet of the Latvian S.S.R. We quote this decision:

Whereas the People's Saeima has approved the constitution of the Latvian Soviet Republic, which provides that state power in the Latvian S.S.R. devolves upon the Supreme Soviet of the Republic, elected by universal, direct, and secret ballot, the People's Saeima decides:

Pending elections for the Supreme Council (Soviet) of the Latvian S.S.R., the People's Saeima, as the unanimous expression of the Latvian working people, assumes temporarily the designation of Supreme Council of the Latvian S.S.R.

The People's Saeima directs the Presidium of the temporary Supreme Council to appoint a date for general elections for the Supreme Council of the Latvian S.S.R., in accordance with the dispositions of the Constitution of the Latvian Soviet Republic.

This decision was discussed by two speakers who pointed out that serious and careful work was entailed in arranging for the forthcoming elections and that this work would take some time; hence the elections should not be held too soon.

Let it be remembered at this point with what haste the elections for the functioning parliament had been decided, as though parliamentary elections did not entail serious and careful preliminary work. So great was the haste that the voters were not even given the possibility to organize for the elections. But the elections for the Supreme Council could wait. And in fact, they were not held up to the outbreak of the war on June 22, 1941.

On the same day on which the above decision was adopted parliament appointed the Presidium of the Supreme Soviet consisting of eleven members, among whom Professor Kirchensteins, the former Prime Minister, sat as president and the former minister of the interior, V. Lācis, as chairman of the Council of People's Commissars. Thus was the highest executive organ of the Latvian S.S.R. established and the new Soviet Republic came into existence.

STOCKHOLM, SWEDEN

(To be concluded)

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Part II

by *Mintauts Čakste*

ACCORDING to Soviet opinion, expressed by Foreign Commissar Molotov in his speech before the Supreme Soviet of the Union on August 1, 1940, Latvia joined the Soviet Union of her own volition. According to international law, this was supposed to be a case of the cessation of a State through its free union with and membership in a federation. Sovereign and independent Latvia, that is to say, disappeared as such through its own free will to become a member Republic of the Soviet Union.

The legal conditions required for the entry of a sovereign state into a federation consist of: (a) the international convention; and (b) the subsequent internal constitutional change within the federated State. According to Oppenheim-Lauterpacht,¹⁵ "The union is based, first, on an international treaty of the member-states, and, secondly, on a subsequently accepted constitution of the federal state." Now an international treaty can only be made by such organs of the state as are empowered, according to international law, to represent that state. Only such organs can be considered as validly expressing on the international plane the will of the state, which is the international legal base of a treaty. Concerning the basis of international agreement, Professor K. Garcis¹⁶ has this to say: "Any expression of will in the international domain must, in order to fulfill the desired legal requirements, emanate from the proper organs of the state . . . the legal validity of its acts further requires that the instrument of this expression of will be duly communicated to the empowered representative of the other state."

Hence in the case of Latvia's entry into the Soviet Union a treaty should first have intervened between the proper organs of the two states. This observation leads us to the question whether such a treaty actually existed.

In fact, the incorporation of Latvia into the Soviet Union took place as the result of a decision of a Saeima (parliament) elected under the coercive occupation of the Soviet army. This decision contained the request addressed to the Supreme Soviet of the U.S.S.R. to accept "Soviet Latvia as a member of the Soviet Union . . .". It is on the basis of this decision and request that the Supreme Soviet of the U.S.S.R. subsequently legislated

¹⁵ *International Law*, I (5th ed.), p. 89.

¹⁶ *Institutionen des Völkerrechts* (2nd ed.), p. 89.

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the reception of Latvia into the Soviet Union. This is confirmed by the very wording of the law passed by the Supreme Soviet which says: ". . . to grant the request of the Latvian Saeima and to accept the entry . . ." In other words, the incorporation of Latvia to the Soviet Union was accomplished by the parliament of these two states. But the international position of parliaments is qualified as follows by Oppenheim-Lauterpacht:¹⁷ ". . . most important as may be the part parliaments play in the political life of the nation, they do not belong to the agents which represent the States in their international relations with other states." This applies quite obviously both to the Latvian Saeima and to the Supreme Soviet.

According to the Latvian constitution it is the President of the State who represents Latvia in the international field. It is he who appoints the diplomatic representatives of Latvia and who receives the representatives of foreign states to Latvia. It is he who ratifies on the basis of decisions by the parliament all international treaties.¹⁸

Following the coup d'etat of May 15, 1934, an authoritarian regime was established in Latvia. This regime, however, brought no constitutional changes in the country and the democratic constitution of 1922 was neither abolished nor set aside, but remained in force throughout. The authoritarian regime during its entire existence committed only two unconstitutional acts: the cabinet's decision of May 18, 1934, by which it assumed the function of the Saeima (parliament); and the law of March 12, 1936, which gave the functions of President to the chief of the authoritarian regime, K. Ulmanis. Otherwise the Constitution was left untouched.

When the Kirchenstein government took over power after the Soviet invasion it began by taking steps to reinforce and revive such constitutional dispositions as had fallen into disuse during the Ulmanis administration. Thus the cabinet's decision of May 18, 1934, was decreed to have been unconstitutional—in the course of the very decision, issued by the Kirchensteins government on July 4, 1940, which called for new elections, on the basis of article 6 of the Constitution of 1922. Later, when Professor Kirchensteins went to Moscow as a member of the parliamentary commission, he entrusted the executive powers which he had assumed to the president of the parliament, P. Briedis. This was in accordance with article 52 of the constitution.

These facts prove that the Kirchensteins' government fully recognized

¹⁷ *International Law*, I (5th ed.), p. 161.

¹⁸ F.-R. Daresté & P. Daresté: *Les Constitutions Modernes* (Paris, 1929), p. 118, art. 41.

the legality and existence of the constitution in spite of that government's own subsequent illegalities and unconstitutional acts.

The above must be taken to show beyond the shadow of doubt that at the time of the Soviet invasion the constitution of 1922 was fully in force in Latvia. This, in turn, means that the consequently elected parliament had no power or right to represent Latvia under international law; the Saeima did not express the will of the State, and it could not represent it abroad.

The Supreme Soviet of the U.S.S.R., likewise, lacks competent authority to enter into international agreements. According to article 31 of the Soviet constitution of December 5, 1936, the Supreme Soviet exercises all the prerogatives exercised by the Union in conformity with article 14 of the constitution, with the exception of those given elsewhere in the constitution to other organs of State: the Presidium of the Supreme Soviet, the Council of Peoples' Commissars, and the Commissars of the Soviet Union. In article 49 (No. 1, *m* and *n*) it is the Presidium of the Supreme Soviet which is empowered to ratify international treaties, to name and recall plenipotentiary representatives of the Soviet Union; foreign representatives are accredited to the Presidium of the Supreme Soviet. Furthermore, article 68 of the constitution specifically assigns the general conduct of Soviet affairs with foreign countries to the Council of Peoples' Commissars of the Union. The constitution gives no power of this nature to the Supreme Soviet.

A distinction must be observed here between the Soviet constitution of December 5, 1936, and the previous one of July 6, 1923. Article 8 of the older constitution designated as the supreme power of the Union the Congress of Soviets, while during the periods intervening between these Congresses his supreme power was wielded by the Central Executive Committee of the Union. Everything that came under the competence of the Central Executive Committee belonged likewise to that of the Congress of Soviets. These two organs merely wielded the supreme power at different times, alternately. According to the present constitution, however, the Supreme Soviet, which is the successor of the Congress of Soviets, exercises only to control by the Supreme Soviet and other organs. Hence, according organs as the Presidium of the Supreme Soviet, the Council of People's Commissars, and the Peoples' Commissars. These latter organs, according to the newer constitution, exercise their functions independently, subject only to control by the Supreme Soviet and other organs. Hence, according to the constitution of 1936, the Supreme Soviet has no power to ratify international treaties. Besides, the law of August 28, 1938, specifies which international treaties are to be ratified by the Presidium of the Supreme Soviet.

According to the constitution of 1936, the Supreme Soviet ratifies

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the admission of new states into the Soviet Union. (Art. 14, No. c, and art. 31.) But this constitutional disposition does not in any way affect the provision, cited above, which invests the Presidium with the international representation of the Soviet Union and which, in any case, empowers the Presidium specifically with the ratification of international treaties. Hence, in the case of the admission of a new Republic into the Union, requiring a previous international treaty, it is the Presidium, and the Presidium only, which must ratify that treaty. On the other hand, the Supreme Council (Soviet), and the Supreme Council only, is the body constitutionally empowered to translate such rights as arise from an international treaty into internal law for the Union. Without such intervention by the Supreme Soviet a new Republic cannot be admitted into the Soviet Union even though the Presidium may have ratified the necessary international treaty.

Now that we have examined the constitutional provisions in force in the two countries, we can assert that: a) Latvia's incorporation into the Soviet Union presupposed the existence of an international treaty; b) such a treaty should have been ratified by: 1) the President of the Latvian Republic, and 2) by the Presidium of the Supreme Soviet. Such an international treaty never existed. Neither the decision of the Latvian Saeima, nor the law passed by the Supreme Soviet constituted the international expression of the will of the Latvian and Soviet peoples. Both these acts were unconstitutional in themselves. Together they could not represent a valid accord.

An international treaty becomes binding through an exchange or deposit of the instruments of ratification.¹⁹ "So long as the instrument of ratification is not in the possession of the opposite contracting party, the treaty is legally incomplete. The ratification is a legal basis which accomplishes the agreement. The contract is perfected only through the exchange of ratifications."

In Oppenheim-Lauterpacht:²⁰ we find the following: "The mere signing or sealing of an instrument of ratification by the parties to the treaty is not enough to make it binding upon them. It is necessary that the instruments of the ratification should be exchanged between them or deposited in some agreed place, and they do not take effect until they have been deposited or exchanged . . . The effect of the exchange or deposit of ratifications by the parties is to make a treaty binding."

Since an international treaty does not become valid without an exchange of ratifications, the simple fact that, in the case of Latvia's incorporation into

¹⁹ L. Bittner, *Die Lehre von den völkerrechtlichen Vertragsurkunden*, p. 88

²⁰ *International Law* (5th ed.), p. 517-b and 518.

the Soviet Union, no such exchange took place is by itself sufficient to establish that there can be no question here of a valid international contract. That is to say that there is no valid legal basis for the incorporation, and that the Soviet Union has acquired no valid title to Latvia. The law passed by the Supreme Soviet obviously can not be recognized as having any international significance. Had an international treaty intervened before, that law could only have translated it into internal legislation. And this only if the prior international treaty had been perfectly valid.

In addition, the incorporation of Latvia into the Soviet Union could only have been validly carried out through the prior abrogation of article 1 of the Latvian constitution, which establishes the independence of the Latvian Republic; and of article 2, which gives national sovereignty to the Latvian people. The incorporation could not be accomplished without the formal renunciation of both independence and sovereignty, in favor of the Soviet Union. According to article 77 of the constitution, a resolution of the Saeima (Parliament), aimed at modifying articles 1 and 2, should have been presented to a plebiscite for acceptance before becoming valid. Such a plebiscite never took place in Latvia.

In case an international treaty clashes with the provisions of articles 1 and 2 of the constitution, the President of the Republic has not the right and power to ratify it without previously submitting that treaty to a plebiscite, just as in all other cases he may not ratify a treaty without a previous decision of parliament. This is a basic principle of the Latvian constitution. Professor Garner, after studying the various authorities in this field, as well as the usage of States, reaches the following conclusion:

"It seems clear from this summary of the doctrine, the practice, and the jurisprudence, that the preponderance of authority is in favor of the view: (1) that the competence of the treaty-making organs of a state is determined by the law of the state; and (2) that treaties made on its behalf by organs which are not competent under that law to conclude them are not binding, internationally, upon the state."²¹

A subsequent inquiry into this question led Mervyn-Jones to the following judgment: "Heads of states derive such powers as they possess from municipal law. How can we ignore such limitations as may be created in this way? Diplomatic agents cannot do what their superiors have no power to do. Heads of states themselves have only such authority to bind the state as the state gives them. Again we are brought back to the state as

²¹ "Research in International Law," *Supplement to the American Journal of International Law*, 29/1935, p. 1008.

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the ultimate principal and sovereign, reign and as the source of authority . . .

"In the face of such evidence, contained both in the practice of states and in their municipal law, it is indeed difficult to maintain the presumption that the head of state is alone competent in the conclusion of treaties is still valid. This power is based on public internal law. If that law has changed, can it be treated as of no account, since what is involved is the power to bind the state?"²²

All of this allows us to conclude that, according to reciprocal international law, the international treaty-making powers of the head of state emanate from the dispositions of the constitution, and that the head of state is bound and limited in his treaty-making capacity by these constitutional provisions. If the head of state oversteps his treaty-making powers in making a treaty, that treaty is not binding upon the state.

The provision of the Latvian constitution did not empower the President to conclude an unconstitutional international treaty without a plebiscite, as provided for in articles 1 and 2 of the constitution. A treaty providing for the incorporation of Latvia into the Soviet Union was clearly in opposition to Latvia's constitution. Hence the president, as head of the state, could only ratify it following a plebiscite. Such a plebiscite never took place. It is obvious then that there can be absolutely no question of a treaty binding upon Latvia and providing for that country's incorporation into the Soviet Union, quite independently of the actions of parliament or of the commission of Moscow.

It is quite evident, therefore, that the Soviet Union acquired no right or title over Latvia, since there exists no treaty binding upon Latvia in regard to that country's incorporation into the Soviet Union.

Moreover, this does not by any means exhaust all the legal issues involved in the Soviet aggression upon Latvia.

The accusations contained in the note of June 16, 1940, were, as we have seen, entirely unfounded. They served but as a pretext to accomplish Soviet designs on Latvia. The Soviet demands were in and of themselves an unmotivated intervention from the legal point of view, which we find expressed by Oppenheim-Lauterpacht as follows: "That intervention is, as a rule, forbidden by the Law of Nations which protects the international personality of the state, there is no doubt."

In the relations between Latvia and the Soviet Union, the flagrant breach of international law was aggravated by the fact that the two states

²² Mervyn-Jones, "Constitutional Limitations of Treaty-making Power": *The American Journal of International Law*, 35/1941, pp. 463 and 475.

had solemnly undertaken to abstain from interference in one another's domestic affairs; to avoid all aggressive acts and all violations of borders and political integrity; and to arbitrate all disputes that might have arisen and been found insoluble by diplomatic channels.

The Soviet attack on Latvia can only be fully judged and appreciated when, in addition to the above, the reciprocal treaties existing between the Soviet Union and Latvia at the moment of the aggression are taken into consideration. At the moment when Foreign Commissar Molotov handed the Latvian minister the comminatory note of June 16, 1940, Latvia was a member of the League of Nations in excellent standing. The Soviet Union, on the contrary, had been expelled from the League since December 1939, on account of its aggression against Finland. That is to say the relations between Latvia and the Soviet Union were those between a member of the League and a non-member. These relations were regulated by several reciprocal agreements, of which the fundamental one was the peace treaty of August 11, 1920,²³ by which the Soviet Union recognized Latvia's independence and renounced for all time all sovereign rights over the country. In addition to this peace treaty, Latvian-Soviet relations were based on the following:

The Pact of Paris of August 27, 1928.²⁴

The non-aggression pact of February 5, 1932.²⁵

The Pact for the Definition of the Aggressor, of July 3, 1939.²⁶

The Mutual Assistance Pact of October 5, 1939.²⁷

This series of agreements, constituted an important and legally valid body of reciprocal obligations, of which we shall mention:

(1) The obligation to renounce war as an instrument of national policy;

(2) the obligation to abstain from any act of aggression as enumerated in the Pact for the Definition of the Aggressor, and from any act of violence directed against the territorial integrity and inviolability or the political independence of the contracting party;

(3) the obligation to arbitrate all disputes that might arise among the two states, and which might be impossible to solve through diplomatic channels;

²³ *League of Nations Treaty Series*, IX: 196.

²⁴ *League of Nations Treaty Series*, LXXXIX: 369.

²⁵ *League of Nations Treaty Series*, CXLVIII: 113: 119.

²⁶ *League of Nations Treaty Series*, CXLVII: 67.

²⁷ *Izvestia*, No. 232/1939, and *Zeitschrift für esteuropäisches Recht*, No. 159, 1939/1940.

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(4) the obligation to abstain from interference in the internal affairs of the other party.

Under these circumstances it is clear that the Soviet aggression was not only a flagrant breach of international law, but also an offense against the tenet "pacta sunt servanda," and a violation of the most solemn, valid, and binding treaty obligations.

"Intervention" is defined as follows,^{27a} ". . . the essence of intervention is compulsion, actual or threatened, by one state against another, or against one or both of the disputant parties in another state."

The first compulsion exercised by the Soviet Union against Latvia was constituted by the note of June 16, 1939, which had all the characteristics of an ultimatum, which we find defined by Oppenheim-Lauterpacht as follows: "Ultimatum is the technical term for a written communication by one state to another, which ends amicably negotiations respecting a difference, and formulates for the last time and categorically the demands to be fulfilled if other measures are to be averted. Ultimatum may be simple or qualified. It is simple if it does not include indication of the measures contemplated. It is qualified if it does indicate the measures contemplated."²⁸

The Soviet note excluded any discussion of the demands it presented. It only left a choice between their fulfillment and rejection. Since it did not elaborate the Soviet measures, contemplated in case of rejection, it was an "ultimatum simple." However, the presence of strong Soviet forces on the borders of the Baltic States left no doubt as to the consequences, especially as the memory of the Finnish war was still fresh in the minds of men. Latvian resistance would have meant the outbreak of war and Soviet occupation. This was quite clear.

The question arises as to the legality of such an ultimatum between two states bound by the provisions of the Pact of Paris of August 27, 1928. Oppenheim-Lauterpacht treats this matter thus:²⁹ "Whether the Pact prohibits both war and measures short of war, or only the former, it probably prohibits the threat of such action in so far as it prohibits the action itself. This means that under the regime established by the Pact an ultimatum is normally unlawful, as it amounts to an anticipatory breach of the Pact."

Inquiring into the legal significance of coercion in international law, Giovanni Wenner states:³⁰ "Coercion by war is unlawful when it runs

^{27a} Winfield, *The Grounds of Intervention in International Law* (1924), p. 149.

²⁸ *International Law* (5th ed., Vol. II), p. 95.

²⁹ Oppenheim-Lauterpacht, *op. cit.*, II, p. 157, Note 2.

³⁰ Wenner, *Willensmangel im Völkerrecht* (Zürich, 1940), p. 293.

counter to legal dispositions, that is to say the dispositions governing at the time and place of the threat the relations between the threatener and the threatened. Such coercion or threat of coercion is unlawful when it is made in contradiction of the Pact of the League of Nations, of the Pact for renunciation of war, and of other collective treaties, in addition to one that is made in disregard of neutrality, alliance, peace, and other such treaties as may be in force between the coercer and the coerced. Such coercions remain unlawful."

Between Latvia and the Soviet Union the Paris Pact was in force, which forbade not only war in the legal sense, but also the threat of force. Chesney Hill in his "Recent Policies of Non-recognition,"³¹ says: "There is general agreement that the Pact of Paris prohibits not only war in the legal sense, but also the use of force. This general agreement appears in official statements made by states during the dispute between China and Japan. Although war in the legal sense has not existed between China and Japan, the United States adopted the view that the Pact of Paris had been violated and the Assembly of the League of Nations took the same position. Japan has not claimed that the Pact of Paris prohibits solely war in the legal sense, but has advanced the plea of self-defense in excuse of the measures she has taken."

The Pact of Paris likewise contained the obligation to settle all disputes by pacific means. And, in addition to the Pact of Paris, there were in force between Latvia and the Soviet Union the dispositions of a special non-aggression pact which prohibited any aggression and act of violence against territorial integrity and political independence and provided for the arbitration of differences. The Soviet Note of June 16, 1940, with its ultimative demands, whose rejection would have led to the use of force by the U.S.S.R. and to the outbreak of war, cannot possibly be reconciled with the obligations of these Pacts. The presentation of this note must be considered as constituting in itself a breach both of the Pact of Paris and of the Soviet-Latvian non-aggression pact. This note forced and coerced the acceptance by the Latvian government of the Soviet demands.

Is the coerced compliance of the government binding upon the Latvian state? Is the forcible acceptance by the Latvian government of the Soviet demands a legal basis for Soviet intervention in Latvia.

The opinion formerly prevailing with regard to coercion under international law used to differentiate between coercion of the state and coercion of the state's representative, giving legal significance only to the latter,

³¹ Hill, *International Conciliation*, October 1933, No. 293, p. 372.

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since compliance extorted under coercion from the state's representative was not considered binding upon the state. Thus, Bluntschli considers that the free will of a state does not cease when the state, in its weakness or need finds itself forced to accept a treaty imposed upon it by the overwhelming might of another state. Accordingly, only a treaty concluded under the coercion of its representatives is considered as not binding upon the state.³² It is only after the Covenant of the League of Nations was agreed upon, and after the Pacts of Locarno and Paris were concluded, that an important change was wrought in international law in this regard. Oppenheim-Lauterpacht regards it thus:³³ "However, with the freedom of action of the State as such, international law as it existed prior to the Covenant of the League and the general treaty for the renunciation of war disregarded the effect of coercion in the conclusion of a treaty imposed by the victor upon the vanquished States. This rule, although obnoxious to a general principle of law, and although challenged from time to time by writers and governments, was a necessary corollary of the admissibility of war as an instrument for changing law. War was a legitimate means of compulsion, and consent given in pursuance thereof could not properly be regarded as tainted with invalidity. The position has now probably changed, insofar as war has been prohibited by the Covenant of the League of Nations and the General Treaty for the renunciation of war. The State that has resorted to war in violation of its obligations under these instruments cannot be held to apply force in a manner permitted by law. Accordingly, duress in such cases must, it is submitted, be regarded as vitiating the treaty."

Professor Garner, after having examined the opinions of F. de Visser, Raventes y Neguer, Lauterpacht, Brierley, Wippold, Laghi, and Hyde, states: "The views just quoted and the pronouncements referred to undoubtedly represent a new attitude in regard to the validity of treaties imposed by force, and perhaps it can only be said that the law on this point is in a state of transition."

Professor McNair,³⁴ too, speaks of a new conception with regard to treaties concluded under duress: "It may be added, as indicative of a new attitude toward treaties concluded under compulsion, that the United Kingdom is a Party to the Peace Act of Paris of 1928 and to the Resolution adopted by the Assembly of the League of Nations on March 11, 1932, to the following effect: 'The Assembly . . . declares that it is incumbent upon the Members of the League of Nations not to recognize any situation,

³² Bluntschli, *Das Moderne Völkerrecht der zivilisierten Staaten*, 2. Afl., pp. 235-236.

³³ Oppenheim-Lauterpacht, *op. cit.*, I, p. 499.

³⁴ McNair, *The Law of Treaties*, XI: 2.

treaty, or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris'."

We shall conclude our inquiry into the new conception concerning treaties made under duress, with a quotation from C. Delisle Burns, in the *Encyclopaedia of the Social Sciences*: "Again, an agreement entered into under duress is not a real agreement, because one party is not free to choose. Conventionally, hitherto, since war was regarded as a legal method of deciding issues, obligations undertaken after defeat have been regarded as binding; but international morality seems to have developed almost as far as to imply the absurdity of this even in international law."³⁵

It becomes increasingly evident that the acceptance under duress of the Soviet demands by the Latvian government is not to be considered as binding upon Latvia. Not only was this acceptance wrung out by an ultimatum, but that ultimatum was an unlawful use of force, in view of the treaties existing between Latvia and the Soviet Union. The very fact of presenting that ultimatum constituted a Soviet offense against international law. An offense against international law is defined by Oppenheim-Lauterpacht as follows: "International delinquency is every injury to another state committed by the Head or the government of the State through violation of the international duty . . . A State may be injured . . . in regard of its treaty rights through an act violating a treaty."

The legal consequence of an international offense is the obligation for the offending state to repair the wrong done by restoring the situation as it previously existed.³⁶ We find this clearly expressed by Strupp. Again we turn to Oppenheim-Lauterpacht,³⁷ "The principal legal consequences of an international delinquency are reparation of the moral and material wrong done . . . The only rule which is unanimously recognized by theory and practice is that out of an international delinquency arises a right for the wronged State to request from the delinquent State the performance of such expiatory acts as are necessary for the reparation of the wrong done."

The Soviet Union is under obligation to Latvia to repair the wrongs done to her by restoring the situation obtaining before its delinquency was committed. But the U.S.S.R. can never acquire any legal rights whatsoever on the basis of its own delinquency. Neither can the Soviet Union invoke in its favor the unlawfully extorted consent of the Latvian government as legal basis for intervening in Latvia, for this would mean giving that inter-

³⁵ Burns, *Encyclopedia of the Social Sciences*, I, p. 519.

^{35a} Oppenheim-Lauterpacht, *op. cit.*, I, No. 151, 155.

³⁶ *Das völkerrechtliche Delikt: Lehrbuch des Völkerrechts*.

³⁷ Oppenheim-Lauterpacht, *op. cit.*, I, p. 156.

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vention a legal basis in an international delinquency. Such a position is quite self-evidently untenable. That is why it becomes impossible to maintain that the illegally obtained consent of the Latvian government to the Soviet demands contained in the note of June 16, 1940, is binding upon Latvia.

The Soviet Union invoked as the basis for its intervention in Latvia the assurance of loyal fulfillment of the mutual assistance pact of October 5, 1939. Its note demanded the formation of a new government and permission for the entry of the Red army, as the elementary conditions *sine qua non* for the loyal fulfillment of the pact. This constituted indubitable proof that the Soviet Union recognized the legal validity of the mutual assistance pact, including, it cannot be doubted, its own obligations under the pact.

The pact states in its preamble the intention of the contracting parties to develop the reciprocal relations established by the peace treaty of August 11, 1920. Among the principal provisions of that peace treaty was the reciprocal recognition of independence and the obligation to avoid intervening in internal affairs. Furthermore, article 5 of the pact specified anew that the execution of the pact in no way touched the sovereign rights of the contracting parties, especially the establishing state order, the economic and social system, and military dispositions.

The demand for the formation of a new government was in and of itself an interference in the internal affairs of Latvia, which constituted the most serious injury to the country's sovereignty. This demand represented a direct and overt violation of the very mutual assistance pact, whose loyal execution the Soviet Union demanded of Latvia. The subsequent manner in which this demand was carried out, once the country was occupied by the Red army, established conditions under which Latvia's sovereignty became nothing more than a *nudum jus*, while the order of the State and the social and economic system were forcibly overthrown. This situation created by the Soviet Union in Latvia was the most flagrant violation of the legal obligations undertaken under international law.

The military occupation of Latvia was used by the Soviet Union to bring about parliamentary elections which were to lead to the Latvian people's freely expressed request for incorporation into the Soviet Union. There can be no shadow of doubt that a foreign military occupation, carrying out its own alien political aims, does not constitute the circumstance under which free and uninfluenced parliamentary elections can be held. Such occupation, it is obvious, cannot but influence the entire life of a country. As Professor F. de Visscher says in his "Des traités imposés par la vio-

lence":³⁸ "The threat of war or an occupation jeopardizes the essential interests, moral and economic, of a state. It is not even necessary that the threat or actual occupation be complete; even a partial occupation bears upon the whole country, not only because of the moral solidarity which unites a whole country, but on account of the disturbance created by such a regime in the entirety of the country's political and economic organization."

A foreign military occupation influences most especially the inhabitants called upon to express their free will, as the Communists themselves have acknowledged. The first provisional government of workers and soldiers established in Russia declared in its decree on peace of October 28, 1917: "When a people is held down by force within the borders of a country, and when it cannot express freely its will—either through the press, through popular assemblies, through resolutions of parties, or through uprising against oppression—that people cannot be considered free to decide its own statehood. Unless free elections are held and the country is completely evacuated by the occupation forces, the incorporation of the people to a preponderantly strong state can only be regarded as a forcible annexation."³⁹

At the peace negotiations of Brest-Litovsk in 1918 the German representatives demanded that the request for incorporation to the German Reich made by delegates of Kurland, Livonia, Estonia, Lithuania, and Poland—who had been elected under German military occupation—be acknowledged as the free expression of their people's will. The Russian representatives rejected this demand and, standing on the ground expressed in the decree on peace, quoted above, maintained that whatever actions might be taken by the delegates of the German-occupied territories, they could not be regarded as the freely given voice of the people.⁴⁰

After the first world war, the presence of foreign troops during a plebiscite was generally accepted as invalidating the results of that referendum. In an essay on plebiscites that followed the first world war, S. Wambaugh states: "At the Paris Peace Conference the principle of evacuation by troops of the contending parties was written as a matter of course into the provisions for every plebiscite in the Treaties of Versailles and Saint-Germain, and it has been repeated in all the other provisions for formal plebiscites held or planned in Europe since the war."⁴¹

In open contradiction of this principle, which was accepted by the Communists themselves, the high command of the Soviet occupation forces

³⁸ *Revue de droit international et de législation comparée*, XII (1931), p. 520.

³⁹ *Sobranije Uzakonej i Rasporjasheniĭ*, 1917/1918: p. 2.

⁴⁰ *Mirnie Peregovori v Brest-Litovsk*, I (Moscow, 1920).

⁴¹ *Plebiscites since the World War* (Washington, 1933), p. 445.

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ordered and carried out parliamentary elections in Latvia while the entire country was under occupation. The manner in which these elections were carried out, and which has been described above, constitutes the best proof of the validity of the view that foreign troops influence plebiscites. Actually, there was neither freedom nor secrecy in these elections and the electorate was under constant coercion and fraudulent manipulation. Here was manifestly one of those cases which Professor F. de Visscher had in mind when he wrote: "There would still be violence if a victorious state . . . when this ratification entailed a popular vote, takes measures as occupying power which violate the legal or constitutional rules guaranteeing the liberty or secrecy of the vote."⁴²

It is undeniable that the elections carried out in Latvia under Soviet occupation were accompanied by the coercion of physical persons, of the very voters who were being called upon to exercise their electoral rights. Professor Garner describes such coercion as unlawful, when he says: ". . . the employment of coercion against the person or persons charged with ratifying or acceding to a treaty is duress, equally with coercion employed against a negotiator to induce him to sign a treaty. There is no place for a distinction here between different persons whose consent is necessary in the process of concluding a treaty. If the employment of duress against a person for the purpose of obtaining his signature to a treaty should be condemned as illegal, there is a great reason still why its employment against the ratifying authority should be considered as illegal."⁴³

The analogy resides in the fact that the electorate was called upon to bring into being the body (that is to say, to elect the parliament) which was later to decide Latvia's incorporation into the Soviet Union. If it is considered that that parliament had the right to resolve the incorporation, and if it is considered that this resolution constituted an international treaty, then it must be admitted that the treaty thus concluded was tainted with an illegal coercion exercised upon the electorate. For, in this case, the electorate was an indispensable member of the apparatus of state, without which the treaty could never have been concluded. Such a treaty, then, cannot be binding upon Latvia. But, as has already been shown, there never was any international treaty for the incorporation of Latvia to the Soviet Union. Therefore, the immediately preceding demonstration is of practical value only insofar as the Soviet government might choose to base the incorporation of Latvia largely on the resolution of the parliament.

⁴² F. de Visscher, *op. cit.*, p. 530.

⁴³ *Research in International Law*, p. 1155.

Not only the voters, but also the members of the parliament and of the government, and the entire population of Latvia were subjected to the coercion of the occupation. Soviet occupation brought in its train dictatorship on the Soviet model to Latvia, under which neither political liberty nor opposition was tolerated. As has already been told, one of the first to see the real face of this dictatorship was the leader of the bloc of Latvian democratic opposition parties. For attempting so courageously to take part in the elections, at a time when such participation was entirely legal, assured by law, and officially encouraged, he was arrested shortly after the elections and disappeared into the interior of the Soviet Union. He was to be followed by many Latvian political personalities and prominent persons of non-political background, all of whom were delivered to the Soviet occupation forces, often for no more serious reason than an expression of opinion.

In order to grasp the nature of the new legal order in Latvia, and the legal uncertainty which surrounded the inhabitants during the time which followed the entry of the Soviet troops, we must glance for a moment at the decree issued by the Presidium of the Supreme Soviet on November 6, 1940, concerning the provisional application of the penal, civil, and labor legislation of the U.S.S.R. to the territories of the Lithuanian, Latvian, and Estonian Soviet Republics.⁴⁴ Article 3 of this decree assigned the punishment of crimes committed on the territories of Estonia, Latvia, and Lithuania prior to the introduction of the Soviet regime as well as the classification and establishment of punishable offenses, and which were in course of investigation or legal proceedings, to such new instances as were established subsequently, in accordance with Soviet laws, and subject to sentences meted according to Soviet codes. This introduced the penal code of the Russian S.S.R., with all its provisions concerning counter-revolutionary activities and all crimes against the state, making it applicable retroactively, so as to include acts which were not considered as punishable offenses under the laws in force at the time of their commission. And it became in fact current practice under the occupation regime to condemn and punish individuals who were entirely innocent from any legal point of view.

It is obvious that under these circumstances no private individual, no member of parliament, and no government official could dare abandon the line set forth by the Soviet occupation forces, without jeopardizing himself in the most dangerous manner. All were subject to the regime's unpredictable and arbitrary power. There could be no thought of free and independent

⁴⁴ *LPSR Augstikas Padomes Presidija Zinetaja* (1940), No. 74: *Zeitschrift für osteuropäisches Recht* (1940/1941), p. 523.

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political action whatever. The coercion by the occupation forces lay heavily and unescapably on all. Under these conditions, no free, legally valid will could find expression, either from individuals or from the people as a whole.

On the basis of these established facts, we may now attempt to answer the question whether the Soviet Union acquired any legal title to Latvia.

The answer is: NO, for the following reasons:

(1) The Soviet Union could have acquired legal title only on the basis of an international treaty between Latvia and the Soviet Union. Such a treaty was never concluded.

(2) The resolution of the Saeima (parliament) of Latvia concerning Latvia's incorporation into the Soviet Union does not represent the legally valid expression of Latvia's free will. It cannot even form the legal basis for an international treaty for the incorporation of Latvia to the Soviet Union, because:

(a) such a treaty, in order to be legally valid and binding, could only have been concluded upon a decision of a plebiscite, and such a plebiscite was never held;

(b) the electorate which elected the Saeima, and the members of the Saeima, who resolved the incorporation of Latvia to the Soviet Union, were under duress of the Soviet occupation. Neither elections nor resolutions by the Saeima expressed the free, legally valid will of Latvia.

(3) Through the incorporation of Latvia, the Soviet Union disregarded its own solemn obligations under international treaties by which it was bound, committing thereby an international offense. The Soviet Union cannot acquire any rights on the basis of its own delinquency under international law.

The question of the validity of Latvia's incorporation from the point of view of the Soviet Constitution is not without interest. As we have already seen, the law passed by the Supreme Soviet has no legal validity under international law. With regard to its validity from the Soviet internal point of view, we observe the following:

Article 13 of the Soviet constitution states that the Soviet Union is a federative state, formed through the free union of socialist soviet republics having equal rights. Soviet literature constantly underlines the voluntary basis of the Union. Thus, for instance, the eminent Soviet jurist A. Denisov expresses this as follows:

"The bases of the Soviet federation are the voluntary character and the legal equality of the members of this federation, principles emanating from the national program of the Bolshevik Party, which recognizes the

right of self-determination of peoples. Neither free will nor equality is found in bourgeois federations."⁴⁵

Denisov bases this view on the opinions of Lenin and Stalin on this question. These opinions are: "We want a free union of peoples, a union that does not allow the use of force by one people against another, a union founded . . . on thoroughly voluntary association."⁴⁶ and: ". . . no association of peoples, no federation of peoples in one state can be powerful when it is not grounded on absolutely voluntary union: when the peoples themselves do not wish to be united."⁴⁷

There are well founded doubts as to the identity between the freedom of Soviet theory and practice, and as to its concordance with the idea of liberty obtaining in democratic countries. It would be difficult to clarify the matter if we did not have an official definition of the reverse of liberty, of the coercion of smaller and weaker peoples. But we do possess such a definition, and it allows us to determine the precise nature of coercion applied to a small and weak people, in this instance applied to the incorporation of Latvia to the Soviet Union. We find this definition in the Soviet decree on peace, which we have already mentioned and quoted above. The definition is worded as follows:

"By annexation or conquest of foreign countries, the Government, according to the legal conception of democracy in general and of the working classes in particular, understands every incorporation of a small or weak people to a large and powerful state, accomplished without the certain, clear and voluntary expression of the acquiescence of that people . . . "When a people is held down by force within the borders of a country, and when it cannot express freely its will—either through the press, through popular assemblies, through resolutions of parties, or through uprising against oppression—that people cannot be considered free to decide its own statehood. Unless free elections are held and the country is completely evacuated by the occupation forces, the incorporation of the people to a preponderantly strong state can only be regarded as a forcible annexation."⁴⁸

The incorporation of Latvia was carried out while that country was under Soviet military occupation. Parliamentary elections were held under the duress of Soviet occupation, and the Saeima (parliament) worked under the same duress. The incorporation of Latvia fulfilled the conditions set forth in the Soviet decree on peace—especially duress—with regard to

⁴⁵ *Sovetskoe gosudarstvennoe pravo* (Moscow, 1940), pp. 175 and 176.

⁴⁶ Lenin, *Collected Works*, XXIV, p. 657.

⁴⁷ Stalin, *Marksism i nazionalno-kolonialnij vopros* (1939), p. 148.

⁴⁸ *Sobranije Uzakononij i Rasporjashenij* (1917/1918), pp.1-2.

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annexation. That is to say, from the official Soviet point of view itself, Latvia's incorporation to the Soviet Union can only be considered as a forcible annexation.

This conclusion constitutes a proof that Latvia's incorporation into the Soviet Union was carried out in disregard of the letter and spirit of the Soviet constitution, since it does not correspond to a voluntary and freely expressed desire of the Latvian people to join the U.S.S.R.

* * *

The only bases for the actual possession of Latvia by the Soviet Union are constituted by the military occupation of the country and its subsequent incorporation through a law passed by the Supreme Soviet on August 5, 1940.

These Soviet measures have not legally dissolved Latvia's statehood as it existed prior to the occupation. We shall quote Philip Marshall Brown:⁴⁹ "Military occupation by itself cannot confer title or extinguish a nation. Nor does a proclamation of annexation, so long as the claims of the occupying power are effectively challenged and remain unrecognized."

The Soviet claims upon Latvia have been persistently contested, insofar as this was possible under the circumstances. Since the country has been taken into Soviet possession and placed under a rule that does not tolerate any independent political action by the Latvian people or any relations with the rest of the world, it was impossible that the voice of Latvia be heard abroad, protesting the annexation and defending the country's sovereignty from within. But this has been done by the Latvian representatives accredited abroad. They have never ceased protesting to the governments to which they were accredited against the Soviet aggression and in behalf of non-recognition of the Soviet claims on Latvia. Such notes of protest have been handed by the Latvian Minister in London to the British government on July 23, 1940; by the Latvian Minister in Washington to the United States Government on July 13, 18, and 23, and on August 5, 1940; by the Latvian Minister in Buenos Aires to the Argentine Government on July 22, 1940; and by the Latvian Minister in Stockholm to the Swedish government on July 23, 1940. In these notes the Soviet actions against Latvia are shown to be unlawful and the parliamentary elections to be a falsification of the Latvian people's free will. The notes pleaded the cause of non-recognition of the Soviet claims upon Latvia.

Later, when it became possible to bring to life a Latvian underground movement in which representatives of the most important former political

⁴⁹ "Sovereignty in Exile," *The American Journal of International Law* (1941), p. 666.

parties of Latvia took part and provided an organized leadership, protests were voiced from within against the Soviet occupation of the country and against Latvia's incorporation into the Soviet Union. These protests were embodied in a declaration by the leadership of this underground organization, the Central Council of Latvia (L.C.P.). This declaration ends thus:

"Latvia's incorporation in the U.S.S.R. is a flagrant breach of the provisions of international law. Latvia's independence is acknowledged *de jure* by all countries of the world, and Latvia is a member of the League of Nations. The action taken by the U.S.S.R. against the Latvian Republic involves a brutal violation of the Covenant of the League of Nations and the Kellogg Pact. In the Atlantic Charter the leading powers have said that all nations, great and small, shall have the right to decide for themselves how they want to live and that territorial changes shall not take place without their freely expressed consent.

According to international law the Latvian Republic has not lost its sovereignty nor has the U.S.S.R. acquired this sovereignty by the fact of the occupation of Latvia by the U.S.S.R. No country has recognized *de jure* Latvia's incorporation in the U.S.S.R., except Germany."⁵⁰

In order to appreciate the full significance of the recognition of Latvia's incorporation to the Soviet Union, we must turn here to the following remarks of Oppenheim-Lauterpacht:

"As a rule States may acquire new territorial or other rights by unilateral acts, such as discovery or annexations, or by treaty, without recognition on the part of third States being required for their validity. The position is different, however, when the act alleged to be creative of a new right is in violation of an existing rule of customary or conventional international law. In such cases, the act in question is probably tainted with invalidity and incapable of producing legal results beneficial to the wrong-doer in the form of a new title or otherwise. That invalidity may, in the absence of international legislature, be wholly or partially cured by an individual or collective act of other States who, by an express act of recognition, may henceforth treat as valid the new title or situation, notwithstanding the initial illegality of the act on which it is based . . . In such cases recognition, to the extent to which it is given, amounts to an express waiver of claims conflicting with the rights thus recognized."⁵¹

This means that until third states actually recognize Latvia's incorporation to the Soviet Union, the Soviet Union will not be considered by them as having legal sovereignty over Latvia.

⁵⁰ *Latvian-U.S.S.R. Relations* (Latvian Legation, Washington, September 1944), p. 5.

⁵¹ Oppenheim-Lauterpacht, *op. cit.*, I, p. 75-h.

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The position of third states with regard to Latvia's incorporation is indicated by the fact that only Adolf Hitler's Nazi Germany officially recognized the validity of that act at the time when it took place. The German position was, of course, the logical consequence of the German-Soviet understanding of August 1939, which acknowledged the Baltic States to come wholly within the Soviet sphere of interests. The recognition by Germany of the incorporation is indisputably confirmed by the following:

(1) On January 10, 1941, Germany and the Soviet Union concluded three agreements with regard to the Baltic States. Of these, the most significant is that which establishes the German-Soviet border along the River Igorka to the Baltic Sea.⁵² The preamble to this agreement states that it is enacted "in view of the entry of the Lithuanian S.S.R. into the Soviet Union, which took place on August 3, 1940," and establishes the new border between Germany and the Soviet Union along the former German-Lithuanian border. This can only mean the recognition by Germany that the Baltic States lie within the Soviet borders.

(2) When Germany occupied Latvia, in the course of the war (in 1941), the entire country was treated as an integral part of the Soviet Union by the Germans. This is shown by the measures enacted there by the German occupation forces with regard to the nationalized private property of the inhabitants. The validity of the Sovietization of such property was fully recognized. That property was treated as Soviet national property and taken into custody by the occupation forces as such.

The position of the United States was the opposite from that taken by the German Reich. The United States government issued on July 23, 1940, the following declaration concerning the occupation of the Baltic States by the Soviet Union:

"During these past few days the devious processes whereunder the political independence and territorial integrity of the three small Baltic Republics—Estonia, Latvia, and Lithuania—were to be deliberately annihilated by one of their more powerful neighbors, have been rapidly drawing to their conclusion.

"From the days when the people of these Republics first gained their independence and democratic form of government, the people of the United States have watched their admirable progress in self-government with deep and sympathetic interest.

"The policy of this government is universally known. The people of the United States are opposed to predatory activities, no matter whether

⁵² *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, X, p. 877.

they are carried out by force or by the threat of force. They are likewise opposed to any form of intervention on the part of any state, however powerful, in the domestic concerns of any other sovereign state, however weak.

"These principles constitute the very foundations upon which the existing relationship between 21 sovereign republics of the New World rests.

"The United States will continue to stand by these principles, because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and of law—in other words, the bases of modern civilization itself—cannot be preserved."⁵³

By this declaration the government of the United States not only condemned Soviet policies in the Baltic States and the means by which they were carried out, but also unequivocally stated its own policy of non-recognition with regard to the incorporation of the Baltic Republics to the Soviet Union.

The United States has been a pioneer in the terrain of non-recognition policy. This policy was introduced in the case of Japan's attack on China. The note handed by Secretary of State Henry L. Stimson to the Chinese and Japanese governments on January 8, 1932, contained the following statement:

". . . the American government . . . does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan as well as the United States are parties."⁵⁴

This United States policy does not only bear upon the Sino-Japanese conflict, but extends to cover other analogous cases. This was made clear by Chesney Hill in a study of the non-intervention policy:

"Secretary Stimson indicated that the policy of non-intervention of any situation, treaty, or agreement which may be brought about by means contrary to the Pact of Paris was not limited in application to the Sino-Japanese conflict, when he recalled the policy in a note dated January 25, 1933, to the Minister of Foreign Affairs of Peru."⁵⁵

The American declaration of July 23, 1940, which affirmed the policy

⁵³ *The Department of State Bulletin*, III, No. 57, p. 48.

⁵⁴ *League of Nations Official Journal*, Special Supplement No. 101, p. 154.

⁵⁵ Chesney Hill, *Recent Policies of Non-recognition: International Conciliation* (1933), No. 293, 369.

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of non-recognition with regard to the incorporation of the Baltic States to the Soviet Union, was worded differently and had a different basis from the note of Secretary of State Stimson of January 8, 1932. In the declaration there is no reference to the Pact of Paris, and it contains no assurances that the United States government would not recognize the incorporation achieved by "devious processes". In fact, however, the non-recognition of the subsequent incorporation was logically a consequence of that note. The policy of non-recognition in the case of the incorporation of the Baltic States to the Soviet Union rests on a broader basis even than that of Mr. Stimson's note of January 8, 1932. It rests on the statement that "The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any form of intervention of one state, however powerful, in the domestic concerns of any other sovereign state, however weak."

A consequence of the non-recognition of the incorporation of the Baltic States to the Soviet Union was, among others, the continuation by the United States government of its relations with the diplomatic representatives of these countries. Soviet claims to the citizens and to the funds of these countries have been ignored. An example of such claims that were rejected is the case of the "Latvian State Cargo and Passenger Steamship Line". The decision in this case was reported in the *New York Law Journal*, July 22, 1943 as follows:

"This claimant was cited on the accounting since it asserted title to the properties accounted for. Its claims of title stems from the Russian seizure of Latvia and from the decree of the Soviet Republic of Latvia nationalizing all shipping. The claimant is a corporation organized and controlled by the Russian government as a medium for effectuating these nationalization decrees. Our State Department has certified that the United States does not recognize the Soviet regime which functioned in Latvia or the absorption of Latvia by the U.S.S.R. It has further certified that the legality of the so-called nationalization laws and decrees, or any of the acts of the Soviet regime which functioned in Latvia, has not been recognized by the government of the United States." The confiscatory decree of an unrecognized foreign government have no extraterritorial validity. They are ineffective to create any rights over property located here. In recent decisions the Federal Courts have ruled against the claimant and similar corporations created in the Baltic States by the Soviet regime. On these authorities the claim of the 'Latvian State Cargo and Passenger Steamship

Line' is wholly disallowed and its objections are dismissed. It is held to have no rights of any kind in any of the property in controversy."

The policy of non-recognition introduced by the United States has led the League of Nations to adopt the same way and to recommend it to its members.

Secretary of State Stimson in a letter addressed to United States Senator Borah on February 22, 1932, elaborated the American policy of non-recognition as follows:

" . . . If a similar decision should be reached and a similar position taken by the other governments of the world, a caveat will be placed upon such action which, we believe, will effectively bar the legality hereafter of which, as has been shown by history in the past, will eventually lead to any title or right sought to be obtained by pressure or treaty violation, and the restoration to China of rights and titles of which she may have been deprived."⁵⁶

This letter, according to Chesney Hill,⁵⁷ was designed to be taken as a proposal to the Members of the League of Nations to adopt the non-recognition policy inaugurated by the United States, at the Assembly meeting of March 3, 1932. The Assembly in its session of March 11, 1932, acting on the proposal of its president, M. Hymans, unanimously adopted the draft resolution which included the following:

"The Assembly,

"Considering that the provisions of the Covenant are entirely applicable to the present dispute, more particularly as regards:

(1) the principle of a scrupulous respect for treaties;

(2) the undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League . . .

. . . Proclaims the binding nature of the principles and provisions referred to above and declares that it is incumbent upon the Members of the League of Nations not to recognize any situation, treaty, or agreement which may be brought about by means contrary to the Covenant of the League of Nations or the Pact of Paris."⁵⁸

This Resolution was communicated the same day by the Secretary General of the League of Nations to the United States Minister in Berne. The following day came the answer:

" . . . I am instructed by my Government to express to you its grati-

⁵⁶ Chesney Hill: *op. cit.* No. 293, pp. 366 and 414.

⁵⁷ Hill, *op. cit.*, pp. 367 and 368.

⁵⁸ *League of Nations Official Journal*, Special Supplement No. 101, p. 887.

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fication at the action taken by the Assembly of the League of Nations. My Government is especially gratified that the nations of the World are united on a policy not to recognize the validity of results attained in violation of the treaties in question. This is a distinct contribution to international law and offers a constructive basis for peace . . ."⁵⁹

The following states, Members of the League of Nations, voted in favor of the resolution:

Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Columbia, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, India, Italy, Latvia, Lithuania, Luxemburg, Mexico, Holland, New Zealand, Norway, Panama, Persia, Peru, Poland, Portugal, Romania, Salvador, Siam, Union of South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain, Uruguay, Venezuela, Yugoslavia.⁶⁰

On the following day, March 12, 1932, China joined in this resolution.

The importance of this resolution is appraised by Oppenheim-Lauterpacht as follows:⁶¹

"However, third states may assume an express obligation not to validate the illegal act and its consequences in the future by means of recognition. Thus in the resolution adopted on March 11, 1932, the Special Assembly of the League of Nations declared that 'it is incumbent upon the Members of the League of Nations not to recognize any situation, treaty, or agreement, which may be brought about by means contrary to the Covenant of the League of Nations or the Pact of Paris.' So far as members of the League are concerned, the obligation implied in the Resolution must be regarded as declaratory of the obligations of Article 10 of the Covenant, in which members of the League agreed to guarantee the existing territorial integrity and political independence of other members of the League. It constitutes the very minimum of the duties of the guarantor, and, while binding with special force the members of the League who agreed to it, it cannot be regarded as an extension of the obligations of the Covenant."

Chesney Hill, too, is of the opinion that the Resolution of March 11, 1932, contains the obligation assumed under Article 10 of the Covenant:

"The policy of non-recognition adopted by twelve members of the Council on February 16, 1932, and approved by the Assembly in the resolution of March 11, 1932, appears to be only a corollary to Article 10 of the Covenant."⁶²

⁵⁹ *League of Nations Official Journal*, Special Supplement No. 101, p. 90.

⁶⁰ *League of Nations Official Journal*, Special Supplement No. 101, p. 88.

⁶¹ Oppenheim-Lauterpacht, *op. cit.*, p. 751.

⁶² Hill, *op. cit.*, p. 397.

Article 10 of the Covenant reads: "The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and the existing political independence of all Members of the League. In case of any aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled."⁶³

The resolution of March 11, 1932, refers directly to the provisions of this Article, partly reproducing its wording and referring to "the binding nature of the principles and provisions referred to," which is another way of saying that, in reality, the resolution does not actually establish any new obligations that were not already implicit in Article 10. Hence the resolution must be considered as binding also upon such former or actual Members of the League as did not sign the resolution but who were signatories to the Covenant, i.e. to the provisions of Article 10. The Members, signatories of the resolution, are bound as Oppenheim-Lauterpacht puts it, with "special force" merely. Likewise to this resolution must we apply Oppenheim-Lauterpacht's remark that "the Resolution of the Assembly of March 11, 1932, is general in character and not limited to the particular dispute then before the Council."⁶⁴

The American nations have likewise adopted a policy of non-recognition in their reciprocal relations. The inception of this policy is to be found in the telegram addressed on August 3, 1932, by nineteen American Republics to the governments of Bolivia and Paraguay:

"The American Nations further declare that they will not recognize any territorial arrangements of this controversy (i.e. the Bolivia-Paraguay dispute) which has not been obtained by peaceful means, nor the validity of the territorial acquisitions which may be obtained by occupation or conquest or force of arms."⁶⁵

The same policy reappears in the note of Secretary of State Stinson, of January 25, 1933, concerning the dispute between Chile and Peru in the matter of Letitia, and in the resolution of the League of Nations Council of March 18, 1933.⁶⁶

On October 10, 1933, a number of American Republics, the United States among them, concluded a pact directed against war and providing for non-aggression and conciliation precedures. Article 2 of this pact reads:

"They declare that territorial questions between the High Contracting

⁶³ *League of Nations Official Journal*, I, p. 5.

⁶⁴ Oppenheim-Lauterpacht, *op. cit.*, I, p. 141, note 4 at end.

⁶⁵ C. Hill, *op. cit.*, p. 362.

⁶⁶ C. Hill, *op. cit.*, p. 370.

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Partorial arrangements not obtained through pacific means, nor the validity of an occupaiton or acquisition of territory brought about by armed force."⁶⁷

Thus we see that at the time of the Soviet aggression against Latvia the policy of non-recognition was a reality in the life of the member states of the League of Nations and in the international life generally. The overwhelming majority of states subscribed to this policy, either through the Resolution of the Assembly of March 11, 1932, or through the treaties binding the American Republics. The policy of non-recognition, entailing several different shades of significance, rests basically upon the idea that all disputes between states must be solved by pacific means and that acts of violence and of breach of treaty do not create any rights that other states could recognize.

The policy of non-recognition which bears especially on the case of Latvia and of the other Baltic States is that established by the Resolution of the League of Nations Assembly of March 11, 1932. The three Baltic States were members of the League of Nations Assembly of March 11, 1932. The three Baltic States were members of the League of Nations at the moment of the Soviet aggression. In accordance with Article 10 of the Covenant, all members of the League were under obligation to respect and defend their territorial integrity and political independence. The non-recognition of a situation brought about by means condemned both by the Covenant and the Pact of Paris is the absolute minimum of their obligations.

In order to ascertain whether or not the dispositions of the Resolution of March 11, 1932, apply to Latvia's case, we must see if the new situation—the incorporation of Latvia into the Soviet Union—was brought about "by means contrary to the Pact of Paris or to the Covenant."

The precise meaning of the phrase "means contrary to the Pact of Paris or to the Covenant" has been made clear by Hill:

"There is general agreement that the Pact of Paris prohibits not only war in the legal sense, but also the use of force. This general agreement appears in official statements made by the states during the dispute between China and Japan. Although war in the legal sense has not existed between China and Japan, the United States adopted the view that the Pact of Paris had been violated, and the Assembly of the League of Nations took the same position. Japan has not claimed that the Pact of Paris prohibits solely war in the legal sense."⁶⁸

Hill arrived at this conclusion on the basis of an examination of the

⁶⁷ Wheeler-Bennett, *Documents on International Affairs* (1933), p. 476.

⁶⁸ C. Hill, *op. cit.*, pp. 372-373.

opinions of the members of the League of Nations concerning the Pact of Paris and the Covenant, as they were expressed at the Assembly's session of March 1932. The representative of Switzerland, for instance, expressed the opinion that: "The Pact of Paris forbids all war, all exercise of force, as an instrument of national policy."⁶⁹

The representative of Denmark stated: "What the Covenant and the Pact forbid is not merely a declaration of war, but likewise any act of aggression, any recourse to other than pacific methods as an instrument of national policy."⁷⁰

As to the "pacific means," which are the only lawful instruments of national policy, Hill says: "An interpretation of 'pacific means' was given by the President of the Council of the League of Nations on October 24, 1931. After reading Article II of the Pact of Paris, the President stated, 'I do not wish to dwell unduly on this point; but the public opinion would not readily admit that military occupation under these circumstances could be regarded as coming under the heading of pacific means.' He stated on December 10, 1931, that resort to pacific means under the Pact of Paris was reaffirmation of the Covenant of the League, that a state, 'however well founded its grievances against another state', is unauthorized to seek redress by methods other than the pacific methods set forth in article 12 of the Covenant."⁷¹

Article 12 of the Covenant reads: "The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

"In any case, under this article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute."⁷²

It is abundantly clear that between Members of the League of Nations all disputes may be settled only by the means set forth in article 12 of the Covenant. Any other means employed would, according to the opinion of the President of the League, constitute a violation, not only of the Covenant, but also of the Pact of Paris, since the "pacific means" envisaged by the Pact of Paris correspond to the methods set forth in article 12 of the Covenant.

⁶⁹ *League of Nations Official Journal*, Special Supplement No. 101, p. 53.

⁷⁰ *League of Nations Official Journal*, Special Supplement, No. 101, p. 52.

⁷¹ Hill, *op. cit.*, p. 374.

⁷² *League of Nations Official Journal*, No. 1, p. 6.

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At the time of its aggression against Latvia the Soviet Union was no longer a member of the League of Nations. It had been expelled by a resolution of the Council, in December 1939 for its criminal attack upon Finland. Does this fact mean that the "peaceful means" of the Pact of Paris, which had remained fully in force as between Latvia and the Soviet Union, had acquired another meaning for the Soviet Union than that it had at the time when the Soviet Union was still a member of the League? The Pact of Paris had not changed its content with regard to the Soviet Union by the fact that the Soviet Union had left the League of Nations. The "peaceful means" to which the Soviet Union was obligated by the Pact of Paris remained the same as they had been before. These "peaceful means" are the methods set forth in Article 12 of the Pact.

In addition to these conclusions, we must also recall that at the time of the Soviet aggression against Latvia there was in force a Latvian-Soviet non-aggression pact. In the preamble to this pact, the contracting parties had stated their intention to abide by the dispositions of the Pact of Paris, in the settlement of disputes that might arise between them, completing these dispositions by means of the non-aggression pact.⁷³

The non-aggression pact itself obligated the contracting parties to abstain reciprocally from all forcible means, and to settle all their disputes, either through diplomatic or arbitration methods. Thereby the content of the "peaceful means" of the Pact of Paris was established, for it is precisely the settlement of all disputes through diplomatic channels or through arbitration. Article 12 of the Covenant was thus brought still closer to the dispositions of the Pact of Paris, as the representative of Switzerland had shown it to be, in his speech before the Assembly of March 1932, with regard to all states who were signatories of the Pact of Paris,

"True, the Covenant does, in certain cases, contemplate the possibility of the use even of force; but, as all the countries gathered together here have accepted the Pact of Paris as well as the Covenant, they are prevented from the use of force even in the case contemplated by the Covenant, because the Pact of Paris forbids all war, all exercise of force, as an instrument of national policy."⁷⁴

All the above evidence allows us to conclude that the Soviet Union could make use only of "peaceful means" in the sense of the Pact of Paris in order lawfully to seek satisfaction of its claims against Latvia or to settle its disputes with that country. That is to say, the Soviet Union was bound

⁷³ *League of Nations Treaty Series*, CXLVIII, p. 115.

⁷⁴ *League of Nations Official Journal*, Special Supplement No. 101, p. 53.

to resort to diplomatic means first, and, in case these failed, to seek arbitration. The use of forcible means was indubitably prohibited in this case; they constituted a breach of the Pact of Paris.

But the Soviet Union resorted to an ultimatum, coupled with the massing of strong military forces on Latvia's borders ready to march into that country's territory in case the ultimatum was not complied with. Neither the ultimatum, nor—and still less—the readying of troops on the borders of Latvia for invasion can be regarded as "pacific means" in the sense of the Pact of Paris. They are both forcible means by definition, since no differentiation exists between the use of force and the threat of force as instruments of state policy. Oppenheim-Lauterpacht states: ". . . the Pact probably prohibits the threat of such action in so far as it prohibits the action itself. This means that under the regime established by the Pact an ultimatum is normally unlawful, as it amounts to an anticipatory breach of the Pact."⁷⁵

This completes the evidence that the Soviet Union is, by its aggression on Latvia, guilty of a breach of the Pact of Paris. The conditions for the application of the provisions of non-recognition, as set forth in the Assembly's Resolution of March 11, 1932, are thereby fulfilled.

The Members of the League of Nations are bound to oppose non-recognition to "any situation, any treaty or agreement" set up by the Soviet Union in breach of the Pact of Paris.

The Soviet Union, in breach of the Pact of Paris, has proceeded to occupy Latvia militarily and has established the Kirchensteins regime. By these means it has brought about the incorporation of Latvia to the Soviet Union.

The Assembly's Resolution of March 11, 1932, makes use of the word "situation." The precise meaning of this term is given by Hill as follows: "The 'situation' contemplated by the declaration of policy seems to include: . . . (2) a change in the government of an existing state . . . and (4) acquisition of possession of territory."⁷⁶

This means that the Members of the League of Nations are under obligation not to recognize either the Soviet-sponsored Kirchensteins regime in Latvia or the incorporation of Latvia to the Soviet Union.

The question of the recognition of the Kirchensteins regime may acquire a practical consequence in the future, since the Union Republics of

⁷⁵ Oppenheim-Lauterpacht, *op. cit.*, II, p. 157, note 2 at end

⁷⁶ Chesney Hill, *op. cit.*, p. 386.

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the Soviet Union have been given the right to their own foreign representation.

It is likewise an obligation for the Members of the League of Nations not to recognize the results of the Soviet Union's military occupation of Latvia, because the Latvian government's assent to this occupation was wrong from it by a breach of the Pact of Paris.

The future will show whether or not the states will carry out their obligations of non-recognition. But the significance of these obligations cannot be underestimated. That significance was expressed by the United States Minister to Berne in his letter to the President of the League of Nations Assembly of March 12, 1932: "My government is especially gratified that the nations of the world are united on a policy not to recognize the validity of results attained in violation of the treaties in question. This is a distinct contribution to international law and offers a constructive basis for peace."

* * *

The period of the independence of the Baltic States was too short to allow the world to forget the time when they were a part of Russia. Especially now, when they are occupied by the Soviet Union, attempts are being made to justify this occupation on the grounds of the historical past of these lands. Such alleged historical claims were put forward by Foreign Commissar Molotov in his address before the Supreme Soviet on August 11, 1940, when he asserted that 95% of the population of the newly gained territories (i. e. including the Baltic States) had formerly belonged to Russia, and that these territories and people had, at the time of the Soviet Union's weakness, been wrested from her by the Western imperialistic powers. It would seem that the impression is being fostered that Russia's legal title to the Baltic States is so impregnable that not even the peace treaties later concluded by the Soviet Union with these three Republics, and in which the former solemnly renounced all title to the latter, could really affect its validity.

This calls for a brief recapitulation of the historical past and of the international treaties which brought the Baltic States into Russia's possession, and for an examination of these data in the light of the twentieth century. As this excursion into the past will show that at various times the fate of Latvia was closely bound to the fates of both Lithuania and Estonia, it will enable us to follow the destinies of the three countries concomitantly.

Latvia came into the possession of Russia on three separate occasions and on account of three distinct events. All of these belong to a relatively

recent historical period, hence we possess an abundance of readily available material concerning each one.

Up to the days of Czar Peter, I no part of Latvia had ever been under the rule of Russia. The beginning was made by that part of Latvia which formed the former Swedish province of Livonia, which, together with Estonia, fell under the lordship of Muscovy by conquest during the great Northern War. This was confirmed through the Peace of Nystadt (September 10, 1721) between Sweden and Russia.

We read in *The Cambridge Modern History*⁷⁷ that "the person primarily responsible for the terrible conflagration known as the great Northern War was Johan Reinhold Patkul, a Livonian squire." This Patkul, a Swedish subject, had succeeded, on account of his protests against the reduction of land holdings in Livonia, to antagonize the Swedish government. He had to flee the country, and in his absence was tried and convicted for treason and sentenced to have his right hand and head cut off. Failing in his attempts to obtain a pardon, Patkul entered the service of King August II of Poland to whom he proposed a plan for the partition of Sweden. As to Patkul's motives, we know the following:

"But we must be very cautious in speaking of the patriotism of Patkul. He acted exclusively from personal motives; his point of view was that of the German junker; and he had no thought for the liberties of the Livonian people, who to him were mere serfs. He did not care to whom Livonia might belong, so long as it did not belong to Sweden. The aristocratic Republic of Poland was, however, the most convenient suzerain for Livonian noblemen; and the present King of Poland, as a German, was peculiarly acceptable to them. Accordingly, Patkul proceeded to Dresden in 1698, and overwhelmed Augustus with his proposals for the partition of Sweden."⁷⁸

On September 25, 1699, Patkul succeeded in bringing about an offensive alliance against Sweden between Frederick IV of Denmark and August II of Saxony, conditioned upon his ability to bring Czar Peter of Russia into this alliance. Patkul and his retinue arrived in Moscow, but, "They found that they had been preceded by a Swedish embassy sent by Charles XII to confirm the Peace of Kardis. Peter, on this occasion, went far toward justifying the accusation of inveterate duplicity so frequently brought against him afterwards. He was sufficiently superstitious, indeed, to avoid kissing the cross on the renewal of the treaty. But the temptation to secure the

⁷⁷ *The Cambridge Modern History* (vol. V, p. 586).

⁷⁸ *The Cambridge Modern History*, V, p. 586.

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Baltic seaboard, with all its commercial and civilising possibilities, was too strong for his lazy morality. He solemnly assured the Swedish envoys that he would faithfully observe all the treaty obligations; yet, at a secret conference at Preobrajenskie with the Saxon and Danish envoys, he had already signed (November 22, 1699) the partition treaty. Everything was done by Peter to allay the growing suspicions of the Swedish Minister, Kniperkrone. When questioned point-blank as to the designs of Augustus, Peter professed incredulity and indignation. "If the King of Poland dares to seize Riga," he said, "I shall take it away from him myself!"⁷⁹

Russia was won over to the offensive alliance and in the spring of the year 1700 the war against Sweden began. "It was a looting war in the truest sense of the word," is the description given by the German historian, Professor Walter Goetz.⁸⁰

After long campaigns in which the fortunes of war changed several times Sweden was forced to conclude peace and to cede to Russia the provinces which the latter had conquered, with the exception of Finland. Article 4 of the Nystadt peace treaty reads as follows: "His Royal Majesty of Sweden renounces by these present, for himself and on behalf of his heirs and successors to the Swedish Throne and to the Kingdom of Sweden, in favor of His Majesty the Czar and his heirs and successors to the Russian throne, full and irrevocable possession and title to the provinces conquered by His Majesty the Czar by force of arms from the Crown of Sweden, as follows: Livonia, Estonia, Ingermannland and part of Carelia with the District of Viborg-Lehn, specified in the article which establishes the borders, specifying and describing these, together with the cities and fortresses of Riga, Dünamünde, Pernau, Reval, Dorpat, Narva, Viborg, Kexholm, etc., etc."⁸¹

The Peace Treaty of Nystadt also contains special dispositions restoring and guaranteeing the privileges and rights of the German-Baltic nobles. The measures taken by the Swedish government in Livonia had greatly shaken the economic and political position of the German-Baltic nobles. The reduction of estates had brought five-sixths of the land in the possession of the Swedish Crown.⁸² The greater part of these lands had formerly belonged to the Livonian nobles. We have already seen that one of the

⁷⁹ *Op. cit.*, p. 587.

⁸⁰ *Propyläen Weltgeschichte*, VI, p. 130.

⁸¹ *Diplomatisches Handbuch, Sammlung der wichtigsten europäischen Friedensbeschlüsse, Congressakten und sonstigen Staatsurkunden. Herausgegeben von Dr. F. W. Gbilany* (1877), I, p. 155.

⁸² Fr. Zalits, *Latvijas vasture*, p. 106; and F. W. Pick, *The Baltic Nations*, p. 30.

principal causes of the great Northern War had been the activity of the representatives of the German-Livonian nobles, Patkul, whose protests against the reduction of estates had forced him to flee the country a traitor and an enemy of Sweden, and to conceive the plan for the partitioning of Sweden. It is understandable, therefore, that the rights and privileges of the Livonian nobility should have played an important role in the war, a role that could hardly remain unrecognized in the peace treaty. And indeed Article 9 of the Treaty of Nystadt guarantees to the nobility of Livonia, Estonia, and Oesel its privileges, rights and customary appurtenances, "which shall be preserved intact, respected and defended." Article 11 promises the return of the reduced estates: ". . . as witnesseth also the promise of His Majesty the Czar, that everyone, whether living upon or outside these territories, who shall have good grounds or proofs of title to such lands in Livonia, Estonia or Oesel, and shall duly produce them, showing them properly before impartial examiners, shall be entitled to regain righteous possession and title to such estates." In fact, the Livonian nobility regained from the Russians all their properties which had been reduced by the Swedish government.⁸³ In view of the facts set forth above, the conquest of Livonia, Estonia, and Oesel by Peter I of Russia can, according to twentieth century standards, be considered as a crime. As Pick expresses it: "Russia then was ready to make good the crime of the conquest carried out by Peter The Great far beyond the needs of the Window to the West; a crime, of course, in the eyes of the twentieth century, which is to use moral standards if its wants to record progress toward a peace structure."⁸⁴

From the point of view of the self-determination of peoples, the conquest of the Baltic lands by Russia in the course of the great Northern War, obviously, can not be justified. The Baltic peoples themselves were, of course, never consulted as to their wishes with regard to their future subjection. The very idea of consulting them never occurred. What has been said of Patkul—"he had no thought for the liberties of the Livonian people, who to him were mere serfs"—could have been said with equal truth of the conqueror, Peter I, who had quite other aims than the liberties of the Baltic peoples. Hence, the result of the great Northern War was that the only ones who profited from the Russian conquest of the Baltic lands were the German-Baltic nobles. They were able shortly after the conclusion of peace to restore completely their economic and political position which had been so upset by the Swedish government. Indeed, these German-Balt nobles were able to maintain their dominant place up to the time when

⁸³ Fr. Zalits, *op. cit.*, p. 135.

⁸⁴ F. W. Pick, *op. cit.*, p. 14.

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the independent Baltic States were established following the first world war. Only at that time did the people of these lands succeed in finally unsaddling this alien nobility in their own countries.

The greater part of what was later to be the Latvian State belonged during the eighteenth century to Poland, under whose rule it came following the dismemberment of Livonia and the Livonian War (1558-1582), when Polish Livonia and the Polish-dominated Duchy of Kurland were created. These lands, together with the Polish Federated state of Lithuania, shared the fortunes of Poland proper throughout this period of history. They shared with the rest of Poland the partitionings which were described as "classical and infamous examples of the power policies of the past."⁸⁵

Polish Livonia—the subsequent Latvian province of Latgale—fell to Russia at the first partitioning of Poland. The details of these historical events do not come within the scope of this brief survey, and we shall turn to some of the treaties which have direct bearing on the broad developments. Treaties concerning the partitioning of Poland were concluded between Russia, Prussia and Austria on July 25 and August 5, 1772. Article I of these treaties is identical in each case, establishing the borders of the Polish lands seized by Russia. It reads: "Her Imperial Majesty of Russia, on Her behalf and on behalf of Her descendants, heirs and successors, to take possession, in the time and manner agreed upon in the following Article, of the rest of Polish Livonia, as well as of the Polish part of the Palatinate."

Article II reads: "Her Imperial Majesty of all the Russias shall cause to be occupied by bodies of Her troops the places and districts which, in virtue of Article I, She proposes to join to Her states, and she fixes as term for this taking into possession the first days of September (old style) of the present year; engaging Herself not to disclose up to that moment anything of Her views and designs."⁸⁶

This signifies that the three neighboring states—Prussia, Austria, and Russia—concurred that Russia should take her agreed share of foreign territories without any consent by these lands themselves and at such time and in such manner as Russia alone might decide, leaving this incorporation secret until Russia would find it convenient to disclose it.

On the basis of this agreement, and in this manner, did Russia's troops occupy her share of the former Polish Territories. On a similar basis and in like manner the troops of the other two accomplices took over their respective portions. Then, on September 4, 1772, the entire arrangement was communicated to the King of Poland.

⁸⁵ F. W. Pick, *op. cit.*, p. 34.

⁸⁶ Ghilany, *op. cit.*, pp. 200-203.

On September 17, 1772, notes of protest in the name of the Polish King with identical contents were handed to the Courts of Vienna, Petersburg, and Berlin. These notes rightly described the neighborly deed as follows:

" . . . He (i.e. the King of Poland) solemnly declares that He regards the present occupation of the Provinces of Poland by the Courts of Vienna, Petersburg, and Berlin as unjust, violent, and contrary to His legitimate rights; He makes emphatic appeal to the treaties guaranteeing the appurtenances of His Kingdom."⁸⁷

These notes remained without results. Since a bare agreement between the three neighboring states and the military occupation of Polish territories could not create an international legal title for Russia, Austria and Prussia, since such title could only be acquired through international treaties with Poland, it was necessary to force Poland to conclude such treaties. The consent of the Polish Seim was required, so the King was allowed to call the Seim together. But the Seim showed itself unwilling to give the treaties its agreement. Provisions for just such a case had been made by the Russian government in a note sent to the Prussian and Austrian Courts in December 1772, in which means were proposed to force the Seim's assent. The note read:

"The Court of Russia believes it would be well to enforce the threat made publicly and to the State as a whole, by private threats made secretly to the more prominent individuals. This is how it believes the idea to be carried out: Each of the three Ministers previously well united among themselves and in accord with one another's thoughts, shall, during the sitting of the great Senatus Consultus, approach privately any Senator who shall be found to opine against the convocation of the Diet, declaring to him that, since his own indolence or ill will are prolonging the ills of his country, he would be among the first to suffer and that his lands would be sequestered, as the very first objective of the fresh troops that would be sent into Poland . . . And, since all of this can have weight only insofar as it can first be realized, the Court of Russia further proposes that, concurrently with the instructions given to the three Ministers as to the use of these threats toward those appointed to him, each of the three Ministers shall be accompanied by a General of his Court, residing in Warsaw and there commanding troops. These generals, concerting with one another, could immediately place under sequester such estates as lie closest to each army."⁸⁸

⁸⁷ Ghilany, *op. cit.*, p. 212.

⁸⁸ Wenner, *Willensmängel im Völkerrecht*, (Zurich, 1940), pp. 189-90.

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By making use of such means, the acquiescence of the Seim was finally obtained for the treaties. "The consent of the Seym to this act of brigandage was extorted by bribery and force."⁸⁹

On September 18, 1773, three treaties were concluded in Warsaw, between Poland and Russia, between Poland and Prussia, and between Poland and Austria, by which Poland ceded to her neighbors the territories occupied by their troops.⁹⁰

On the basis of the Polish-Russian treaty, Russia obtained Polish Livonia which was later to become the Latvian province of Latgale. Article 2 of this treaty reads: "In order to end irrevocably all questioning of the border between the two States, and to abolish all claims whatever, His Majesty the King of Poland, on His own behalf and on behalf of His successors and of the Orders and States General of the Kingdom of Poland and of the Grand Duchy of Lithuania, hereby ceded irrevocably and for all times, and without any recourse or reversal, to Her Majesty the Empress of all the Russias, Her heirs and successors of either sex, the following lands: to wit, the rest of Polish Livonia . . . etc. etc."

This treaty is known to international law as a classical case of the use of military means for forcing through threats the ratifying state body, in order to obtain its consent to a treaty. The use of such force is generally recognized as unlawful and reprehensible. Hence a treaty involving such force is held to be invalid, being tainted with compulsion.⁹¹

The Duchy of Kurland, which later became the Latvian provinces of Kurzeme, and Zemgale, came into Russian possession, together with Lithuania, in the course of the third partitioning of Poland. The third partitioning of Poland had at first been made by understanding between Russia and Austria. The agreement was drawn up in Petersburg on December 23, 1794, and a declaration was handed on January 3, 1795, to the Austrian Ambassador, Count Kobenzl. The introductory words of the preamble of this declaration made reference to the wars fought by Poland against Russia in defense of her independence, and in which the Polish defenders had been obliged to lay down their arms before victorious Russia. It said. "The efforts that Her Majesty the Empress has had to deploy in order to stifle and repress the revolt and insurrection that have broken out in Poland, with aims most pernicious and dangerous to the tranquility of the Powers in the vicinity of that State, having been crowned with the

⁸⁹ *Encyclopaedia Britannica*, (14th ed.), p. 144.

⁹⁰ Ghilany, *op. cit.*, pp. 212-229.

⁹¹ Wenner, *op. cit.*, p. 193.

most happy and complete success, and Poland having been entirely subdued and conquered by the arms of Her Imperial Majesty," . . . etc.⁹²

The borders between Russia and Austria were agreed upon. They included both Lithuania and the Duchy of Kurland as Russian territories, as stated in Article I of the declaration: ". . . that henceforth the frontiers of the Russian Empire, departing from their present point . . . and, finally, after following the old frontiers of Prussia from there to Polangen, shall proceed uninterrupted along the shores of the Baltic Sea to the present frontier of Russia, behind Riga; so that all states, lands, provinces, towns, cities, and villages coming within that line as traced above shall forever be reunited to the Empire of Russia . . ."⁹³

This agreement between Russia and Austria was at first kept secret by them. It was only communicated to Prussia on August 9, 1795. Following negotiations which led to a compromise between Austria and Prussia, which, however, left untouched Russia's part in the bargain, an agreement was reached between Russia, Prussia, and Austria for the dissolution of Poland. This was written down in Petersburg on October 13/24, 1795, in two similarly worded treaties—one between Prussia and Russia, the other between Prussia and Austria. In the preamble, which is identical in both treaties, it is said that the three States are settling their respective borders, following the complete partitioning of Poland among themselves. Article 1 states the consent of Prussia to the borders of Russia, as they were established in the Declaration of December 23, 1794/January 3, 1795. It reads: "The declaration mentioned in the preamble of the present act shall, as though it had been inserted therein word by word, be taken as the immutable basis of the present arrangement, for everything that concerns the acquisitions of Her Majesty the Empress of all the Russias. Consequently, Her Imperial Majesty shall remain in possession of all lands, cities, districts, and all other domains designated in that declaration, and His Prussian Majesty guarantees Her possession and enjoyment thereof for all times."⁹⁴

Thus, three states, Russia, Prussia, and Austria, "the three robber-Powers," as the *Cambridge Modern History*,⁹⁵ calls them, divided among themselves by force the Polish State. Thereby the Polish Problem was brought into being, a problem which has remained unsolved up to the time when these lines are being written.

The Duchy of Kurland and Lithuania were brought in this manner

⁹² Ghilany, *op. cit.*, p. 246.

⁹³ Ghilany, *op. cit.*, p. 247.

⁹⁴ Ghilany, *op. cit.*, p. 249.

⁹⁵ *Cambridge Modern History*, vol. 8, p. 523.

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under Russian rule, their fate having already been decided by the Declaration of 1794-1795. But Kurland was a Duchy. Therefore, the means had to be found to transform it into a Russian province. There existed a long-standing party of Kurlandic nobles, supported by the Russian Courts, who now began to move strongly on behalf of the complete subjection of the Duchy to Muscovy. The land was occupied since July 1794 by Russian troops, which, at the request of the Kurlandic Council, were engaged in quelling the rebellious Latvian peasantry. The latter had been encouraged to rebel by the example of the Polish uprising for freedom. It was under these circumstances that the Russian party of the Kurlandic nobles succeeded, on March 17, 1795, in carrying through the Council two resolutions severing the liegdom with Poland and unconditionally submitting the country to Russia. The Duke of Kurland, Peter, had gone to Petersburg in January of that year, and the Russian Court prevented his return in time to take matters in hand. There was nothing left for him to do but to resign himself to the event and to surrender his Dukedom to Russia.

Thus did Russia gain title to Kurland in the course of the third partitioning of Poland. The remarks of the English historian H. A. L. Fisher on the second partitioning of Poland can be quoted here. They apply with equal force to the third.

"At the time when the French Republic was proclaiming the generous doctrine of self-determination, the military monarchies of the East were busy in procuring the extinction of a nation. The story is one of the most shameful in the annals of the continent."⁹⁶ And is it possible to overlook the fact that, while these events were taking place, the American Declaration of Independence had been lighting the hopes and aspirations of peoples for almost twenty years?

This appraisal is indeed aptly applied to the international historical events and to the treaties that form the basis of Russia's title to the Baltic States. The only valid base, the self-determination of peoples, which had already been recognized at that time by the French Revolution, is nowhere to be found. From the point of view of self-determination, the treaties which brought the Baltic lands under Russia's rule have absolutely no legal validity. The peoples living on these lands had no part whatever in those treaties. They were merely objects in the combinations of power politics of three aggressive monarchies. And when one thinks of the methods employed for the partitioning of Poland, and for furthering these com-

⁹⁶ H. A. L. Fisher, *A History of Europe*, III, p. 814.

binations, the description as "the most shameful story in the annals of the continent" is certainly no exaggeration.

Russia's peace treaties with the Baltic States, renouncing for all times all Russian rights and claims to the peoples and lands of those States, rest, in contrast to the earlier international treaties by which Russia's rights to these countries were founded, upon the solid rock of self-determination. The validity of these peace treaties is undeniable.

The peace treaties correspond fully to the present ideas of law and justice of peoples, which consider the right of self-determination as a *sine qua non* condition of international legal order, and which have found expression in the Atlantic Charter during the second world war.

The earlier treaties, formally repealed by the peace treaties between the Baltic States and Russia, have lost whatever legal power they may have had. They were a contradiction and a denial of the right of self-determination. They cannot conceivably form a basis for any kind of Soviet claims upon the Baltic States.

STOCKHOLM, SWEDEN

Soviet Aggression and Its Historical and Ideological Background

BY MINTAUTS ČAKSTE

Soviet aggressive post-war expansion, embarrassing as it may be at first sight, would hardly appear to be surprising if viewed against the background of Russian history. Whatever the events of Russian history may have been, territorial expansion has always dominated the course of the historical development which resulted in what was later known as the Russian Empire. A historian has characterized the Russian drive for expansion as follows: "All governments possessed the same desire for expansion. It was a traditional feature of the state itself. Russia's expansivity existed always. In this respect the many governments differed by degree, not in quality. And in different times the desire for annexations was directed towards different territories. The way how the territorial complex set up under the name "Russia" has been increased may be illustrated by the following summary. One might speak of an average *daily* growth of the territory by a considerable number of square kilometers. If we base the calculation on a period of four centuries, the result will be an average daily increase by 130 square kilometers. In the two centuries which have passed since the death of Peter the Great's father the average daily acquisition of territory was 90 square kilometers. In the century beginning with the ascendancy to the throne of Catherine II up to the beginning of the reign of Alexander II the average daily growth of territory amounted to 80 square kilometers."¹⁾

According to Professor Brückner, each of the following Russian rulers has left to his successor the following areas:

¹⁾ A. Brückner, *Die Europäisierung Russlands, Land und Volk*, Gotha, 1888, pp. 8—9.

Ivan III († 1505)	approx. 40.000 square miles	(a square mile
Ivan IV († 1584)	„ 75.000 „ „	= 55 square
In 1613 (when the Romanov		kilometers)
dynasty came to power)	„ 156.000 „ „	
Czar Mikhail († 1645)	„ 225.000 „ „	
Czar Aleksei († 1675)	„ 264.000 „ „	
Czar Peter († 1725)	„ 282.000 „ „	
Empress Elizabeth († 1761)	„ 320.000 „ „	
Emperor Alexander I († 1825)	„ 367.000 „ „	
In 1888	„ 400.000 „ „	2)

After the Soviet régime had been established in Russia, it seemed at first that the territorial expansion of Russia had not only come to an end, but that an adverse process had set in, and that Soviet Russia was ready to give up territories which Czarist Russia had subjugated. Before long, however, the fallacy of such a view was demonstrated by the succeeding events, and the word given by Prince Alexander Gorchakov, "*La Russie ne boude pas, elle se recueille*", proved to be as valid for Russia under the Soviet régime, as it had been for the Russia of the Czars. As soon as circumstances permitted, Soviet Russia abandoned the *recueillement*, and whatever her pretexts in every single case might have been, she proceeded on the lines of territorial expansion laid down by the whole course of Russian history. Thus viewed, the acquisition of 273.948 square miles involving a population of 24.355.000 in 1939 and 489.000 square miles with a population of 109.833.000 since VE-day in 1945³⁾ appear to be only a continuation of a process of expansion the roots of which stretch far into the depth of Russian history.

In Russia the population could hardly lack the qualities required for a policy of aggressive expansion. The martial spirit and habits of war had been reared in the harsh experiences of the numerous wars Russia had launched in her history. General Kuropatkin, Minister of War under Nicolas II and Commander of the Russian forces in the Russo-Japanese war, is reported to have estimated that in the eighteenth and nineteenth centuries Russia had 128 years and 4 months of war and only 71 years and 8 months of peace. In the course of the two centuries concerned Russia had launched 22 wars lasting 101 years for the expansion of her territories, and only 4 wars lasting 4 ½ years had been defensive ones.

2) Same, p. 8.

3) "The Red Tide" by The Economic League, 1948.

Of the rest, 5 wars lasting 6 years were fought for suppression of rebellions.⁴⁾

That is a military record with no parallel in modern history. It would seem that Professor Brückner was justified in asserting that Russian policy of expansion was "a system of annexations and adjustments running through centuries". One may say that the system was operated with such a success that, again to quote Professor Brückner, "territorial losses in the history of the state appeared to be rare exceptions".

As the Russian policy of expansion had been initiated and pursued long before the Soviet ideology was formulated, to which the present Soviet Russian policy of expansion is usually attributed, it is evident that it had been a different set of ideas which had brought about this policy of expansion, and that the Soviet ideology of our days could have but given a new vigour to what was latent in Russian minds already earlier. Whatever the ideas might have been in the earlier stages of Russian history, the later periods had witnessed a gradual emergence of a Russian nationalism which became the driving force of Russian policy. Three fundamental ideas formed the concept of Russian nationalism: autocracy (*samoderzhavie*), the national orthodox church (*pravoslavie*), and the Russian people (*narod*). They contributed to the formation of policies aiming at the Russification of the non-Russian peoples of Russia and at the extension of Russian sway over territories beyond the state boundaries.

It is interesting to trace the development of the concept of Russian nationalism in Soviet Russia. Immediately after the revolution, there was a period of confusion, apparently because the theorists of the new régime could not find how a synthesis of the internationalism of the Communist dogma and Russian nationalism could be reached by the dialectical method sponsored by them. The internationalism of the Communist dogma, however, could not suppress the inherent national feeling of the Russian people even within the ranks of the Communist party. Already as early as 1930, Stalin himself had to refer to Russian nationalism in his address to the sixteenth Communist party congress. Then Stalin called it "a deviation towards Great Russian chauvinism" and described its substance as follows: "The substance of the deviation towards Great Russian chauvinism consists in the tendency to overcome the national differences of language, culture, customs; in the tendency to prepare the liquidation of the national republics and regions; in the tendency to destroy the

4) Ver-Indicus, *Die bolschewistische Aussenpolitik auf den Spuren des zaristischen Imperialismus*, Zürich 1945, p. 25.

principle of national equality and to dethrone the party's policy concerning the nationalization of the administration, nationalization of the press, the schools and other state and public institutions. The deviationists of that type act on the presumption that after the victory of socialism the confluence of all peoples into one people must take place, and all national languages must be merged into one common language, and that the time has come to liquidate the national differences and to abandon the policy supporting the development of the national cultures of the former oppressed nations".⁵⁾

In 1930, Stalin opposed this deviation. Russian history was a manifest expression of what the Marxist-Leninist theory would call a reactionary imperialistic policy, imperialism being the very thing the theory exposed as the worst attribute of the capitalist system. Russian imperialism was, of course, no exception from this rule. But before long a change of attitude followed not towards imperialism in general, but towards Russian imperialism. But that did not prevent Stalin, only a few years later, to equip the same Russian nationalism with a most powerful weapon — the patriotic concept of Russian history. In May 1934, the Central Committee of the Communist Party and the Soviet government passed a resolution prescribing how history should be taught and setting up committees to prepare school history books.⁶⁾ In January 1936, another committee under the chairmanship of Zhdanov set up with the task "to examine and improve, and if necessary to re-write the existing history books for elementary schools". The books had to be written in conformity with the ideas on history expressed by the most prominent Soviet leaders: Stalin, Zhdanov, Kirov, Bukharin, Radek.⁷⁾ The competition resulted in what is described by a pro-Soviet author as follows: "But it was Shestakov's school history book of 1937 which was the first tangible proof of a change in the Soviet attitude towards history. It was the product of a competition, the entries for which were submitted to Stalin himself for examination... Shestakov's method was to give, on the one hand, an account of revolutionary movements throughout Russian history, and on the other, a general survey of history, in which everything which conduced to Russia's glory and Russia's growth is praised and appreciated. He interpreted the Partitions of Poland as the operation of the principle of nationalities, and the conquest of Caucasus as the liberation of the peoples

⁵⁾ Stalin, *Marxism i Natsionalno-kolonialnyi Kopros*, Moscow, 1938, p. 191.

⁶⁾ *Sobranie Zakonov i Rasporiazhenij Pravitelstva Soyuz SSR*, May 27, 1934, No 26.

⁷⁾ *Sobranie Zakonov i Rasporiazhenij Pravitelstva Soyuz SSR*, March 23, 1936, No. 13.

inhabiting it... He sometimes blamed the Czarist government for neglecting the interests of Russia as a nation, as when Alaska was sold to the USA in 1867 for \$ 7.000.000."⁸⁾

However, Shestakov's history book had not eliminated all "bandit elements" from Russian history which could be found in movements like those of Razin and Pugachov. It was the Soviet historian, Professor E. Tarle, who insisted on the elimination of these elements from history books and on the teaching to children of "the military leaders as heroic figures".⁹⁾ Thus Soviet children were to be brought up in the consciousness of a glorious military past.

It would be wrong to assume that the change of attitude towards Russian history in Soviet Russia was due to some transitory needs of World War II. Actually the change had taken place at a time when World War II appeared to be a far off probability only. On the other hand, the end of World War II has in no way affected the new attitude, except that it has strengthened it still more. A Soviet Russian historian says that in the light of the events of World War II "the relations between the past and the present have acquired a new precious content and have broadened the field of the meaning of history. The history of the nation and its place in the universal history were revealed by the study of the heroic past of the nation, of the pages of its war history and the heroic figures produced by them".¹⁰⁾

From the glorification of the military events and the military leaders of Russian history there was but a short distance to the restoration of Russian nationalism to its present place in Soviet ideology. The synthesis of Russian nationalism and Communist internationalism, which the Soviet theorists failed to reach on the earlier stages of Soviet history, was found in the concept of Soviet patriotism. This concept appears to be one of the fundamentals of the present Soviet ideology. A. I. Sobolev in a lecture recently delivered in Moscow asserted that it was the task of the Communist party and the Soviet government to bring up the working people in a spirit of Soviet patriotism. The aim of this training, according to Sobolev, was "to eradicate the servility before all that is foreign (inostranshchina) and to destroy every vestige of moral dependence of Soviet

⁸⁾ Walter Kolarz, *Stalin and Eternal Russia*, London, 1944, pp. 83—84.

⁹⁾ Same, p. 86.

¹⁰⁾ N. Rubinshtein, *Razvitie izuchenia istorii SSSR in the Great Soviet Encyclopedia*, volume on "Union of Soviet Socialist Republics" (*Soyuz Sovetskikh Sotsialisticheskikh Respublik*), Moscow, 1947, column 285.

citizens on the bourgeoisie" and to develop "the high and noble feeling of pride in their socialist fatherland".¹¹⁾

The way in which the concept of Soviet patriotism has been formed, and the ideas constituting its substance are most instructive. First, all knowledge of the cultural achievements of the non-Soviet nations, whatever their importance might have been, was suppressed, or misrepresented as in the case of inventions like the steam engine, the electric bulb, the radio, etc., which are extolled as Russian inventions. As to radio, Sobolev asserts, that it was Popov's invention which the adventurer and business man (dielets) Marconi proceeded to usurp. Russian achievements, on the other hand, are praised beyond limits. Sobolev says: "History has clearly proved that the Russian people has produced the greatest material and moral values with no help whatever from foreigners, even in spite of them, and not under their instructions, but in a struggle with them."¹²⁾ As regards Russian achievements, they consist not only of the Leninist-Marxist theory, the social revolution and its results but also of works of literature, art, music and science as well as Russian military victories and inventions dating back to the days when Russia was what the Communists call a bourgeois state. The Russian people are allowed to glory in the cultural values and military victories of its bourgeois past, whereas the cultural achievements of other bourgeois nations are not only banned from its horizon, but they are to be eradicated from its mind altogether.

Although the new concept is called Soviet patriotism and intended to apply to the Soviet people, a notion comprising not only the Russian people, but also all the non-Russian peoples now under Russian sway, in substance it is an expressly Russian concept. The Russian element dominates the whole notion with hardly any reference to the non-Russian peoples of Soviet Russia and their cultural achievements. In fact, it is an instrument for the Russification of the non-Russian peoples of the USSR under the seemingly innocent Soviet cover.

A characteristic feature of the concept of Soviet patriotism appears to be its connection with what is called "the international duty of the proletariat", wherewith the gap between Russian nationalism and Communist internationalism seems to have been bridged. Sobolev says: "The international duty of the proletariat of every country consists, first, in the

¹¹⁾ A. I. Sobolev, *O Sovietskom Patriotizme*, a public lecture delivered before the Society for the Propagation of Political and Scientific Knowledge, PRAVDA, Moscow, 1948.

¹²⁾ Same, p. 14.

overthrow of oppression by the exploiters in their own country, and second, in rendering assistance to the working class of other countries in their struggle with the oppressors."¹³) Therefore the Russian Communist revolution is regarded as "a heroic deed of the Russian people, constituting the fulfilment of the international duty of the Russian working class". The aid rendered by Soviet Russia in the Spanish civil war as well as the assistance now given by Russia to the peoples of Eastern and South-Eastern Europe and other peoples in Europe and Asia are considered by Sobolev as a manifestation of the principle of proletarian internationalism and praised as "highly patriotic and truly international deeds of the Soviet people."¹⁴)

The synthesis of Russian nationalism and Communist internationalism could not fail to produce a concept consisting of two expressly different elements: the Russian national element and the Communist international element. The first is to appeal to the national feeling of the Russian people which the abstractions of the Marxist-Leninist theory have failed to affect. The second is meant for the adherents of the Marxist-Leninist dogma at home and beyond the Soviet boundaries who are blind enough not to see militant Russian nationalism behind the internationalism of Soviet patriotism. Both elements of the concept are intended to contribute to the final end which is expressed in the Declaration on the Formation of the Union of Soviet Socialist Republics: "The Union is a decisive step on the road towards uniting the working people of the world into a World Soviet Socialist Republic."¹⁵)

It is hardly necessary to say that the concept of Soviet patriotism combined with the Marxist-Leninist theory provides an unexhaustible ideological source supplying not only a strong inspiration, but also a good many arguments for the formulation and execution of an aggressive foreign policy, as the events of the post-war world have abundantly proved. No wonder that in such circumstances the Soviet aggressive policy has startled the Western world. The Belgian Prime Minister, M. Spaak, only voiced a feeling of general anxiety when he declared in the General Assembly of the United Nations on September 28, 1948, that the basis of his country's policy was fear of the Soviet government just because of the aggressive Soviet foreign policy.

This time the responsibility for this anxiety rests with Russia under

13) Same, p. 9.

14) Same, p. 10.

15) *Vestnik Rabochego i Krestianskogo Pravitelstva Soyuza SSR*, 1923, No. 45.

the Soviet régime. However important the part of the Soviet régime in causing this anxiety may be, the régime alone is not responsible for it. Behind the régime is Russia, and in the final analysis it is Russia that has caused all the post-war misery of the world, and to which even the régime itself has been forced to appeal by means of the concept of Soviet patriotism. It is not for the first time in history that Russia has caused trouble. Professor Brückner, referring to the foreign policy of Czar Peter I, writes: "The Russian measures had frightened Western Europe. A leaflet published in Frankfurt an der Oder called on the Christian rulers to do all to prevent the appearance of a Russian navy; the Russian conquest of Livonia would constitute a threat for all, but in particular for Prussia. In Holland the complaint was voiced that the Czar "could freely walk through this open door wherever he liked, so that Russia would become no less dangerous than France, if he came into possession of a harbour in the Baltic."¹⁶) The USA was stirred by the *ukase* of Czar Nicolaus I of September 4, 1821, in which he claimed exclusive ownership of the North-American mainland and islands as far south as the 51st parallel and the right to keep vessels of other powers out of the North Pacific. The Monroe Doctrine was directed against Russian colonization of the American continent.¹⁷) It is hardly necessary to recall the strained British-Russian relations in the past caused by Russian expansion in the Balkans, Middle East, and Central Asia. All these facts show that Russia as such has been and continues to be a constant source of trouble for the world, as, according to Professor Brückner, the desire for expansion was a traditional feature of the Russian state. The Soviet government exploits this traditional feature of the Russian state on an unprecedented scale and by far more elaborate methods, and that is why the Russian danger is felt more acutely now than ever before.

There have been plans in the past for how to check this Russian expansion. Lord Palmerston disclosed his proposal in a letter to John Russel: "My beau ideal of the war which is about to begin with Russia is as follows: Aland and Finland restored to Sweden. Some of the German provinces of Russia on the Baltic ceded to Prussia. A substantive Kingdom of Poland reestablished as a barrier between Germany and Russia. Wallachia and Moldavia and the mouth of the Danube given to Austria . . . The Crimea, Circassia, and Georgia wrested from Russia, the Crimea

¹⁶) A. Brückner, *Op. cit.*, pp. 27—28.

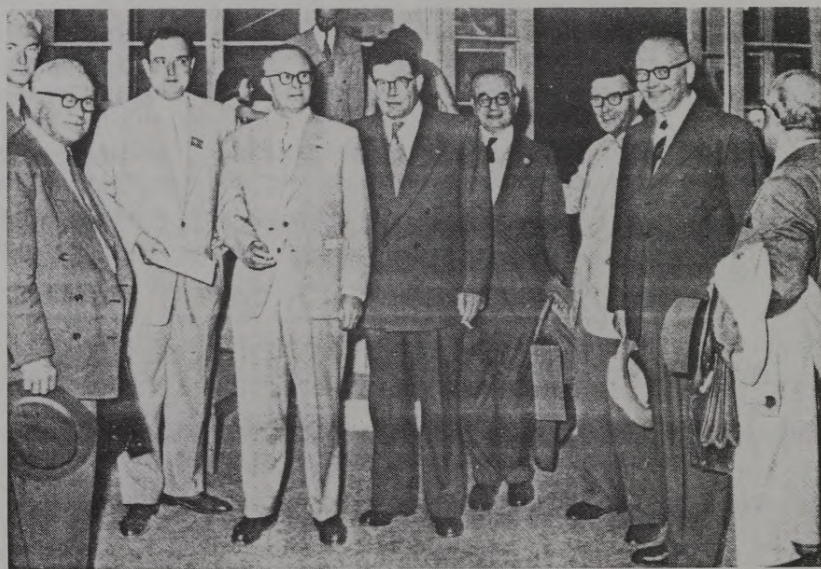
¹⁷) *Encyclopedia Americana*, 1945, vol. 19, pp. 373—374.

and Georgia given to Turkey, and Circassia, either independent or connected with the Sultan as Suzerain."¹⁸⁾

The idea of this plan appears to be clear. Some of the non-Russian territories of the Russian Empire are to be severed from Russia in order to weaken the state and to build up barriers blocking its expansion. Retrospectively it may look as if the plan had anticipated the importance of the non-Russian territories of Russia for future Russian expansion and the building up of the formidable power Russia actually is. The non-Russian territories provide Russia not only with a direct approach to new territories, but also with immense resources of manpower and strategic materials. According to Soviet statistics, in 1926 in Soviet Russia there were only 77,791 thousand Russians, or 52,9 % of the whole population, the respective figures for 1939 being 90,020 thousand and 58,4 %.¹⁹⁾ This narrow Russian majority, which the recent Soviet territorial acquisitions have reduced still more, keeps a large minority under an absolute and unrestricted sway and exploits it for the policy of aggressive expansion which has so deeply frightened the Western world. Equipped with a glorified history and an ideology containing elements of militant nationalism and internationalism, this narrow Russian majority of Soviet Russia seems to be more dangerous now than ever before. It would be a fatal mistake to underestimate this danger.

¹⁸⁾ Philip Guedalla, *Palmerston*, London, 1926, pp. 360—361.

¹⁹⁾ *Small Soviet Encyclopedia*, 1940, vol. 10, column 154.



Participants arriving at Ellinikon Airport. (*left to right*) Messrs. B. V. A. RÖLING (Netherlands), STEFAN OSUSKY (Czechoslovakia), C. COUMANTOS (Greece, host) A. A. M. STRUYCKEN (Netherlands), JACOB M. VAN BEMMELEN (Netherlands), JOSE THOMAZ NABUCO (Brazil), A. J. M. VAN DAL (Netherlands), MINTAUTS F. ČĀKSTE (Latvia).

Starptautiskais juristu kongress Grieķijā, 1955.g.

SOVIET CONCEPTS OF THE STATE, INTERNATIONAL LAW AND SOVEREIGNTY

BY MINTAUTS ČHAKSTE

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The failure of the United Nations Organization to promote coöperation among its members in solving urgent international problems is a disappointing feature of the post-war world and compares unfavorably with the opening stages of the League of Nations activities, which were marked by a will to coöperation among the members and considerable success in resolving outstanding international problems. The reasons for this failure may be manifold, but it would seem that among them there is also a want of agreement on some basic concepts which are essential for the normal functioning of the Organization. As the main task of the Organization is the development of coöperation among nations according to the proclaimed principles for the achievement of the avowed aims, it appears to be indispensable that among the nations there exist a broad agreement on concepts which are not only essential for the understanding and observance of the purposes and principles of the Organization, but also of importance in determining mutual relations among the member states themselves. These would be the concepts of the state, law and sovereignty, which form the basis of every international order. It must, however, be admitted that there exists no agreement on these concepts among the members of the Organization. It is just there that the rift between East and West manifests itself in a conspicuous way, and deprives the Organization of an essential prerequisite for successful functioning.

An attempt will be made in this article to outline the Soviet variation of the three concepts, those of the state, law and sovereignty, and to define the ideas on which is based the theory which determines the relations between the Soviet state on the one hand, and the democratic states of the West on the other. This theory could hardly be considered a factor encouraging collaboration between the two groups of states. On the contrary, it renders collaboration rather problematic.

Soviet Concept of the State

The notion of a sovereign state is the point of departure in settling most questions that concern international relations. It would be essential to every international order to proceed from a common point of departure. The actual situation, however, is that Soviet theory has developed a concept of the state of its own which substantially differs from the traditional ones.

And as the Soviet theory of the state forms one of the cornerstones of the whole ideological structure of the Communist dogma, it cannot but have repercussions on Soviet foreign policy determining the relations between the Soviet Union and the non-Communist states. Lenin himself has undertaken the task of formulating this theory in accordance with his interpretation of Engels' book, *The Origin of Family, Private Property, and State*. In his famous pamphlet, *State and Revolution*, which ever since its publication in 1918 has become a source of reference for his followers, Lenin declares that in this book "the fundamentals of Marxism as to the historic rôle and significance of the state have been explained with complete clarity." He goes on to say: "The state is the product of *irreconcilability* of class antagonism. The state arises then and there, when and where class antagonism *cannot* be objectively reconciled. Or to reverse the object: the existence of the state proves that class antagonism is irreconcilable.¹ One of the characteristics of Lenin's theory is the emphasis on the impossibility for a state to be a conciliator of clashing class interests. He quotes Engels to the effect that "not only the states of antiquity and the Middle Ages had been organs of exploitation of slaves and serfs, but even the contemporary representative state is an instrument of exploitation of hired labour by capital."² As regards the democratic republic with a system of universal suffrage, it deserves, in Lenin's opinion, no better treatment, as it is, according to him, the same instrument of exploitation of the proletariat by the bourgeoisie. Quoting Engels, he maintains that in a democratic republic "wealth exercises its power indirectly but all the more surely," and describes the democratic republic as "the best political camouflage of capitalism." Capitalism, once having taken possession of the democratic republic, "builds up its power with such reliability that no change of persons, institutions, or parties can ever disrupt it."³

Lenin recalls that Engels considered the system of universal suffrage to be the instrument of bourgeois domination, and quotes Engels' definition of this system as "the scale for measuring the maturity of the working class. It can and will be nothing else in the contemporary state."⁴ In accordance with Engels' theory, Lenin propounds the view that the state is destined to pass out of existence. The classes, the real creators of the state, would disappear as they had come into being, and:

with the extinction of classes the state itself will inevitably pass out of existence. The society which will organize production on a new basis of free and equal associations will relegate the state where it shall belong: to the museum of antiquities along with the spinningwheel and the bronze axe.⁵

¹ Lenin, *Sochineniya*, Vol. 21, p. 372.

² *Ibid.*, p. 377.

³ *Ibid.*, pp. 377-378.

⁴ *Ibid.*

⁵ *Ibid.*

The Communist theory of the disappearance of the state is of practical significance to the extent it has its repercussions on Communist tactics. Engel's words that "the state will not be eliminated (*abgeschafft*) but will wither away (*absterben*)" have caused a controversy among their interpreters. Lenin gives his own interpretation of those words. He points out that, according to Engels, only the proletarian state or the semi-state (*Halbstaat*) as it is sometimes called, which will succeed the bourgeois state, can and will "wither away." The latter will first be transformed into a proletarian state. This transformation can be achieved only by means of a proletarian social revolution. And Lenin himself was a most ardent champion of the social revolution and never ceased to emphasize the necessity of training the masses for this revolution. In it he saw the essence of the whole theory of Marx and Engels.⁶

As the development within the Soviet Union after the extermination of the bourgeoisie and the establishment of the proletarian state appeared to stand in contradiction to the theory of "the withering away of the state," it had to be accommodated to the Soviet realities. The task was performed by Stalin. He gave his interpretation of this theory in his address to the 18th Party Congress. Stalin pointed out that in developing his theory Engels had not had in mind the special case of building up socialism in one country surrounded by capitalist states. He asserted that capitalist encirclement was the real cause why the state had not "withered away" in the Soviet Union. And he answered the question whether the state will continue to exist after the victory of Communism in the affirmative, in case the capitalist encirclement were not eliminated, and in the negative, if it were eliminated and substituted by a socialist one.⁷

Such is the short outline of the theory of the state with which the proletarian state, the Soviet Union, appeared on the international stage and began to establish and develop its relations with the states of what this theory called the capitalist encirclement. According to the Marxist and Leninist theory the latter was the very incarnation of all the evils for the destruction of which the international proletariat, supported by the Russian proletarian state, has to fight the last and decisive battle. The weapons to be used in this battle were not ballot boxes and voting procedures which, according to the theory, could not disrupt the encirclement, but violent upheavals summed up in the term "world revolution." To be sure, this concept of the state could not be ignored or distorted by Soviet jurists who were confronted with the task of solving the problems of the legal aspect of the intercourse between the Soviet state and the states of the "bourgeois encirclement." Their task was formulated as follows:

⁶ *Ibid.*, pp. 379-383.

⁷ Stalin, *Voprosy Leninizma* (11th ed., Moscow, 1947), pp. 600-606.

. . . in a given epoch (the 20th century) and working on given historic material *how* are we to consider in a legal sense contemporary capitalist states and the Union of Socialist Federative Republics now entering into a variety of mutual legal relations—are we to regard the respective state formations as subjects of a single personality, or are we to consider them as relations between rulers and the ruled, or in any other way?⁸

The answer reads: "We consider that for the supporter of the class nature of the state there can be no hesitation as to the choice. If a bourgeois theorist defending the doctrine of class solidarity and coöperation could consider, at least in the form of lip-service, the state as embodying these principles and the state power as a super or classless factor, whose corresponding expression was the personified unity of state personality (*Esmain*)—this legal scheme applied to the U.S.S.R., a state from bottom to top built up on the principle of class dictatorship, at once reveals its inconsistency. It would be puerile to suppose that the Soviet power acting within and without its country as the exponent of class interests of the Russian and international proletariat could at the same time act in any degree as the exponent of views and wishes of the parasitic exploiting classes of its own country. The government of workers and peasants has never pretended to be a national power in the sense of bourgeois 'sacred unity.' On the contrary, in its international relations it has many times confirmed the strictly class character of its domination and no less explicitly drawn a distinct line between the ruling classes and working masses of Western Europe, America, and Asia, and appealed to the latter over the heads of the former."⁹

Having illustrated his views with facts from Soviet international practice, Korovin goes on:

These illustrations permit to draw the conclusion that *the theory of class structure of the contemporary state is not only a very instrumental hypothesis for understanding the mutual relations between Soviet Russia and the world of imperialistic colossuses and pygmies, but also the official doctrine of the U.S.S.R. which is consistently realised by the government in building up the structure of the republic as well as in its international relations.*¹⁰

Korovin's views had been criticized by another Soviet jurist, Pashukanis. He also was in agreement with the Marxian concept of the state as an instrument of class oppression, and denied the possibility of a state being a conciliator of clashing class interests. But he considered that in foreign relations the state could be treated as a unity, and could be personified and regarded as a subject. However, the proletariat remained the ruling

⁸ Korovin, *Sovremennoye meşdunarodnoye publichnoye pravo* (1926), p. 23; *Meşdunarodnoye pravo perekhodnogo vremeni* (Moscow, 1924), p. 30.

⁹ *Ibid.*, pp. 23, 30.

¹⁰ *Meşdunarodnoye pravo perekhodnogo vremeni*, p. 32.

class of the Soviet state, and as such the proletariat monopolized the international and legal representation of the state.¹¹

Be that as it may, Pashukanis, however, did not state whether the non-Soviet state could also be treated as a personified unity, and restricted his arguments mainly to the Soviet state. It would seem that from an orthodox Marxian viewpoint, a non-Soviet state with irreconcilable class interests could hardly be regarded as a personified unity. If we consider the career of a Soviet writer as evidence of his compliance with the official doctrine of the Soviet state, then we should have to dismiss the views of Pashukanis as deviating from the official doctrine. Pashukanis disappeared from the Soviet stage in one of the purges, whereas Korovin stands high in the ranks of Soviet jurists. He would be a safer guide than Pashukanis through the labyrinth of official Soviet doctrine.

The implications of the Soviet concept of the state are not only of theoretical interest. They are of practical significance as well. The treatment of the problem of intervention by the Soviet theory is instructive in this respect. It admits that contemporary legal theory, with few exceptions, unanimously condemns intervention, and nevertheless, the Soviet theory does not reject intervention as such. Korovin considers the interventions of the Allied Powers in Russia in 1918-1919 as the realization of the principle of class struggle on an international scale, and says:

As such, they, in their legal aspect, are acceptable to the legal sense (*pravosoznaniye*) of the transitional epoch, as class struggle is the established method of mutual relations between opposite worlds on the international arena. The strictly negative attitude of the Russian working people to the various interventions by the Allied Powers does not indicate the rejection of intervention as a method of class struggle. It was the rejection and condemnation of those given interventions.

And he points out that under certain conditions intervention may become "the mightiest instrument of progress, a surgical measure to ease the birth pangs of a new world."¹²

It would seem that in the many Soviet interventions since 1939 these "surgical measures to ease the birth pangs of a new world" have been carried out in pursuit of this theory.

Another consequence of the Soviet concept of the state would be the character of the Soviet diplomatic representatives abroad. Korovin says that the representative of the U.S.S.R. "does not personify the semi-mythological personality of the state-Leviathan but is no more and no less than the plenipotentiary of the ruling class in the republic."¹³ The question as to whom the Soviet plenipotentiary is accredited is left open

¹¹ Pashukanis, *Ocherki po mezhdunarodnomu pravu* (1935), p. 80.

¹² Korovin, *Mezhdunarodnoye pravo perekhodnogo vremeni*, p. 61.

¹³ Korovin, *Sovremennoye mezhdunarodnoye publichnoye pravo*, p. 82.

by Korovin, but some instances from the Soviet practice, *e.g.*, in the Baltic states, would show that as soon as circumstances are ripe, the Soviet plenipotentiary appeals to the "masses" over the head of the government.

Soviet Concept of International Law

The Soviet approach to problems of international law is entirely determined by the Marxist and Leninist theory. Professor Korovin says:

It is the right moment to comprehend the elementary truth that such notions as Marxism, proletarian dictatorship, and the rest of the ideological foundations of the state and social order of contemporary Russia are categories binding in many ways: one cannot at the same time propagate them, defend the class nature of social relations, accept economic materialism as the basis for sociology, and simultaneously endeavor to enact policy law . . . on the basis of unprincipled eclecticism. In controversies of doctrines and theories, in heated disputes of jurists, historians, and diplomats, the jurist of the U.S.S.R. has only one place—he must remember, know, and defend it.¹⁴

In line with these ideological foundations, international law is given a strictly class character: "International public law is the sum-total of legal norms governing rights and duties of collectivities of the ruling classes—participants in international intercourse." Commenting on this definition, the author says:

The concluding part of this definition expresses the class character of international law, as well as of law in general, which in the course of history has been particularly closely connected with the organization of the state, and had for a long time constituted a monopoly of the most privileged "top" of the feudal and bourgeois society.¹⁵

It would be a matter of impossibility for the Soviet state representing the dictatorship of the proletariat to accept and let itself be governed by this law of expressly bourgeois character.

The deeply rooted fundamental difference of the legal and social order of capitalist society on one hand and socialist order on the other entails a manifold and substantial alteration of legal norms governing mutual relations between the bourgeois countries and the socialist ones. The sum-total of these norms will form one of the "regional" international legal systems which could be designated as "the international law of the transitional epoch." . . . The historic limit for the international law of the transitional epoch would not be the day when the state machinery is handed over to the "museum of antiquities," but the day of victory of the proletarian revolution in the countries of the capitalist West.¹⁶

Thus the Soviet jurist considers the intercourse between the Soviet state and the non-Soviet ones only as a temporary phenomenon to be ended

¹⁴ *Meždunarodnoye pravo perekhodnogo vremeni*, p. 7.

¹⁵ Korovin, *Sovremennoye meždunarodnoye publichnoye pravo*, p. 5.

¹⁶ *Ibid.*, p. 8.

by the world revolution abolishing the capitalist order of the world. This view is in complete harmony with the Soviet concept of the bourgeois state, and it proves the consistency with which Soviet legal theory reproduces the fundamentals of Marxism. But this intercourse would be not only of a temporary duration but also of a limited scope. Whereas, according to this theory, the only basis of inter-state or international law, are "the events of the social life of peoples which could be summed up in two fundamental groups of interests—the needs of intellectual character (spiritual needs in a broad sense) and economic interests (material needs in a narrow sense)," and because "intellectual intercourse presupposes some common evaluation, unity of convictions legal, ethical, and political," Korovin examines the question whether and to what an extent "is it possible to speak of an intellectual unity in the legal, moral and political spheres of a Socialistic Soviet Republic and any of the states of the bourgeois order?"¹⁷

Such a possibility is denied. Among the reasons which make an intellectual unity between a Soviet republic and the states of the bourgeois order impossible, the very existence of the Soviet state is mentioned as "a most convincing negation of the whole of the bourgeois order as such, and a constant threat to its security." The way to this unity is blocked by the "cornerstones of Soviet home and foreign policy" such as "the bet on world revolution," "the actual and economic impossibility of a lasting existence of a socialistic oasis," etc. And lastly, the legal order of the bourgeois states "protecting the 'sacred property' of a select handful and defending the exploitation of man by man," appears to be "a synonym of violence and want of justice" from a socialist viewpoint which also contributes to the same effect. Therefore the conclusion is that "*an intercourse on the basis of intellectual unity (ideological solidarity) between countries of bourgeois and socialist cultures, cannot exist as a rule, and hence the rules of international law covering this intercourse become pointless.*" Only a limited intercourse on the basis of "values of the so-called humanitarian order" is considered to be possible, e.g., for the prevention of epidemics, preservation of monuments of antiquity, works of art, etc.¹⁸

As regards intercourse on the basis of economic interests, Korovin distinguishes between international legal relations of a "technical type" (postal, telegraphic, railway, river conventions) and international relations of "material interests of a social and legal character" (commercial treaties, customs unions, protection of industrial property, problems of international private law, etc.). Whereas he recognizes that in the first group the relations would develop and grow, in the second group agree-

¹⁷ Korovin, *Meždunarodnoye pravo perekhodnogo vremeni*, pp. 12–13.

¹⁸ *Ibid.*, pp. 13, 15–16.

ments would be "entirely determined by political requirements of a given moment."¹⁹

Such was the basis of international law in relations between the Soviet state and the non-Soviet states as viewed by Soviet legal theory before World War II. It remains to be seen whether World War II, and in particular the compliance of the Soviet Union with the Charter of the United Nations, have in any way changed the theory and widened the basis of international law in relations between the Soviet state and the non-Soviet ones.

No substantial changes of basic ideas have become apparent in postwar Soviet legal theory. Since the end of the war Korovin himself has published articles on problems of international law in Russia as well as in the United States. Although the contents of the articles, which were published approximately at the same time, are not identical and differ in some substantial points, supplemented by each other they provide, however, a possibility of studying the trends of Soviet postwar legal thought.

The background against which the postwar development of international law takes place is described for the Russian reader as follows:

Imperialistic reaction wages a furious fight against the realization of democratic principles and forms in international relations, against the consolidation of peace and collective security, and tends to perpetuate imperialistic violence and privileges. International law is for the time being the arena of the struggle of two opposing tendencies—the progressive-democratic and the reactionary-imperialistic.²⁰

This description is missing from the article published by the same writer in the United States,²¹ although a month later he repeats this description for the Russian reader in somewhat different terms:

International relations of the post-war period are characterized by the clash and struggle of two opposing tendencies in international politics—the progressive democratic and reactionary-imperialistic. . . the second of these tendencies is the reflection of the interests of influential reactionary groups of the great capitalist states. . . . They hate democracy in all its forms and are willing always to bargain with fascism. . . .²²

The progressive-democratic tendencies, it goes without saying, are represented by the Soviet Union, the reactionary-imperialistic by the great democracies of the West. For the present, international law is regarded as the arena of a struggle for the abolition of anti-democratic trends, sur-

¹⁹ Korovin, *Meždunarodnoye pravo perekhodnogo vremeni*, pp. 16-17.

²⁰ Korovin, "Meždunarodnoye pravo na sovremennom etape," *Bolshevik*, October, 1946, p. 26.

²¹ Korovin, "The Second World War and International Law," this JOURNAL, Vol. 40 (1946), pp. 742-755.

²² Korovin, "Parižsnaya mirnaya konferentsiya," *Bolshevik*, November, 1946.

vivals and forms and the affirmation of the principles of democracy in international relations. As this arena, the international legal order, consists of a body of legal rules and of rights of states, the subjects of international law, and their corresponding duties, one may well ask which are the anti-democratic trends, survivals and forms of this order and which the democratic ones, and what is the attitude of the progressive-democratic tendencies in this arena to the anti-democratic elements which still possess legal validity? This is one of the problems Soviet legal theory has brought up for discussion.

On the other hand, this theory considers international law as being a form for the realization of collaboration among peoples. At this point Korovin's American and Russian articles differ again. Whereas the American article simply states that "International law is one of the forms for the realization of this collaboration," the Russian article gives a more precise definition. According to it, "international law, in the shape of its progressive norms and democratic institutions, is one of the forms for the realization of that collaboration of democratic states. . . ." ²³

Hence it follows that not international law as such in all its parts, but only "the shape of its progressive norms and democratic institutions" represents the form of collaboration not among all nations, but only among the "democratic states." Here is no need to specify which states are to be regarded as "democratic." Korovin expressly mentions such states as Poland, Yugoslavia, Rumania, Bulgaria and Hungary. As regards the great democracies of the West, they are not mentioned by Korovin in the group of "democratic states," and they apparently belong to "the great capitalist states reflecting the interests of influential reactionary groups." Would that mean that international law is not recognized as a form of collaboration between the Soviet state and the democracies of the West? In principle, Soviet legal theory denies international law this function. Korovin says:

In the final analysis it must be admitted that there is not and cannot be such a code of international law as would be equally acceptable to the cannibal and his victim, to the aggressor and the lover of freedom, to the "master race" and its potential "slaves," to the champions of the sanctity of treaties and to those who would treat pacts as "scraps of paper," to the advocates of humanising and abolishing war and to the proponents of totalitarian war, to those who "value every tear of a child," to quote Dostoyevsky, and to those who try to build a third or any other empire on a foundation of women's corpses and children's skulls. ²⁴

If the "great capitalist states reflecting the interests of influential reactionary groups" are not expressly mentioned in this passage, that does

²³ This JOURNAL, Vol. 40 (1946), p. 742, and *Bolshevik*, October, 1946, p. 25.

²⁴ This JOURNAL, Vol. 40 (1946), pp. 742-743.

not mean that Soviet legal theory can admit the existence of a code of international law that would be equally acceptable to these states and the Soviet state. The very substance of the Marxist and Leninist theory precludes such a possibility. It is here that international law has become "the arena of the struggle of two opposing tendencies." Korovin, however, admits that a certain body of rules could be acceptable to the bourgeois states and the Soviet one, it would seem, for a limited period of history to which he has given the name of "transitional epoch." He writes:

Like any other law, international law reflects the will of the ruling classes. The reality of international law, however, is not precluded by the fact that for the time being there are on the international stage bourgeois states as well as feudal and socialist ones. Each of them, carrying out its own line and directed by its own motives, might be interested in supporting and preserving a certain amount of generally binding legal norms in international relations.²⁵

That looks like a temporary concession made by the Soviet jurist to the non-Soviet states. The basis for this concession is the interest of states in preserving some legal norms in relations with one another. The Soviet state, however, acts in this case according to its own line and is directed by its own motives. That would mean that as soon as a curve in this line brings about a change of this interest, the legal norms would lose their basis and will be regarded as null and void. Interest alone actually remains the factor determining the conduct of the state. A legal régime could hardly exist on such an uncertain basis. Soviet practice itself illustrates the uncertainty of a legal régime in its relations with non-Communist states. Only the Soviet-Nazi agreements of 1939 and the resulting Soviet aggression against her western neighbor states need be mentioned. The whole international legal structure which the Soviet Union herself had helped to build up was destroyed by her, a considerable number of valid pacts and treaties handled as "scraps of paper," and legal norms ruthlessly violated. These acts were the actual result of the concept of interest as the only basis of law. The victims of this concept were the states along the Soviet western frontier: Finland, Estonia, Latvia, Lithuania, Poland, to mention only the first in a long list of victims.

Soviet Concept of Sovereignty

In its foreign policy the Soviet Union professes to be the champion of the principle of sovereignty. In line with this policy, Soviet jurists declare sovereignty to be one of the oldest democratic principles of international law, and the legal form of a democratic foreign policy. It is defined as the legal and actual independence of the state in carrying out its functions, and its economic independence as the basis of a real independence is particularly stressed. These declarations and definitions, however, would

²⁵ *Bolshevik*, October, 1946, p. 25.

be misleading if taken at their face value. A closer examination of the Soviet theory would reveal not only the reasons which have contributed to the Soviet attitude towards the principle of sovereignty, but also the contents of the Soviet concept of this notion.

As regards the reasons, Korovin states:

The Soviet Union is destined to act as the champion of the doctrine of "classical" sovereignty in so far as its formal seclusion acts as a legal armour protecting it from interference of those factors under the pressure of which the frontiers of contemporary capitalist states are changed and the forms of their law altered. So long as beyond the frontiers of the U.S.S.R. there is only the ring of bourgeois encirclement, every limitation of sovereignty on behalf of it would be a greater or lesser victory of the capitalist world over the socialist order. . . .²⁶

That would mean that the Soviet Union supports the principle of sovereignty as a means for isolating itself from the interference of the non-Communist encirclement, or as Korovin puts it, "the traditional policy of 'splendid isolation' of the United Kingdom is repeated by the Soviet republic. . . ."²⁷

Since World War II, when the ring of the "bourgeois encirclement" has been pushed a good deal westwards, the Soviet Union has not abandoned the principle of sovereignty. Only the reasons for its maintenance have been formulated somewhat differently: "In a world where there are rich and poor, exploiters and exploited, weak states and strong ones, and independent countries and colonies, to reject the conception of sovereignty or the other legal guarantees of national independence and freedom would always help those who are strong and would never benefit those who are weak."²⁸ Another aspect of the Soviet concept of sovereignty was stressed by Korovin in a lecture delivered before the Social Science Academy of the Russian Communist Party in 1947:

Sovereignty, as conceived by Soviets, is a weapon in the struggle of the progressive-democratic forces against the reactionary-imperialistic ones. Under contemporary conditions sovereignty is destined to act as a legal barrier protecting against imperialistic encroachment and securing the existence of the most advanced social and state forms—socialist and those of a people's democracy; it is a guarantee of the liberation of the oppressed peoples in colonies and dependent territories from the imperialistic yoke.²⁹

In short, the Soviet Union now supports the principle of sovereignty not only to protect "the most advanced social and state forms from imperialistic encroachment," but also to defend the "poor, weak, and exploited against

²⁶ *Sovremennoye mezhdunarodnoye publichnoye pravo*, p. 42.

²⁷ *Mezhdunarodnoye pravo perekhodnogo vremeni*, p. 45.

²⁸ Korovin, in this JOURNAL, Vol. 40 (1946), p. 748.

²⁹ *Pravda*, May 3, 1947.

the rich, strong and exploiters," and "to liberate the oppressed peoples in colonies and dependent territories from the imperialistic yoke."

The rich, the strong, and the exploiters in this concept are, of course, the great democracies of the West. What is the attitude of Soviet theory towards their sovereignty? Professor Levin, another Soviet jurist, writes:

One should always remember the distinction between the contents, the essence of sovereignty, on the one hand, and its form, on the other. The supremacy of the power of the state as the political organization of the ruling class is the essence of sovereignty. . . . In the bourgeois state the proclaimed form of "the sovereignty of the people" conceals class dictatorship of the bourgeoisie. . . . Sovereignty is full power and independence of the state as the political organization of the class which possesses the tools and means of production and dominates economically. One cannot speak of sovereignty without these conditions. That is why "the sovereignty of the people" in conditions of the bourgeois state . . . is . . . a fallacy. . . . For the first time in history the Soviet state has realized the real sovereignty of the people. . . .³⁰

In other words, the sovereignty of the non-Communist states, as conceived by the Soviets, is synonymous with class dictatorship of the bourgeoisie. The latter is the very thing for the destruction of which, according to the fundamentals of Marxist and Leninist theory, the international proletariat, supported by the Russian Soviet state, has to fight. It would be in complete contradiction to the fundamentals of this theory, if Soviet legal thought were to support and justify this kind of sovereignty. Therefore in the writings of Soviet jurists we could hardly find arguments in favor of the sovereignty of non-Communist states. All they say in favor of sovereignty is related to the sovereignty of the Soviet state, other "democratic" states, and colonial and other oppressed and exploited peoples. An instructive example as to how Soviet theory deals with the problem of sovereignty is afforded by the case of Franco Spain. Levin opposes the view that the sovereignty of Spain could be invoked to protect her from interference with her domestic régime. According to him, that would be "an attempt to distort the real meaning of sovereignty." And he explains:

Under contemporary conditions sovereignty and democracy are indivisible. The principle of sovereignty is subordinated to the principle of democracy as a more general and universal principle of relations between states and relations within a state. A régime brought about by aggression and representing a constant threat of aggression, certainly cannot claim to be protected under the cover of the principle of sovereignty.³¹

It is needless to say that the principle of democracy to which reference is made here is that of Soviet democracy. This principle does not cover

³⁰ *Printsip suvereniteta v sovetском i mezhdunarodnom prave* (Moscow, 1947), pp. 6-8; also Korovin, *Pravda*, May 3, 1947.

³¹ Levin, *op. cit.*, p. 24.

the democratic states of the West. The Soviet theory, therefore, in its final consequences does not comprise the sovereignty of the democratic states of the West. Measured by the Soviet principle of democracy, their sovereignty would never comply with the postulates of that principle. "The dictatorship of the bourgeoisie" is an insurmountable obstacle for the Soviet theory.

This conclusion is well confirmed by the strictly negative attitude Soviet theory has adopted in dealing with the problem of limiting state sovereignty. The speeches of Mr. Eden and Mr. Bevin in the House of Commons to this effect have not met with the approval of Soviet jurists. Professor Korovin comments on them:

The chief fault of these theories lies in their authors' inability or refusal to understand that the roots of aggressive nationalism, which the world parliament is to check, lie in the very nature of imperialism. . . . The nature and essence of imperialism cannot be changed by any amount of parliamentary voting.

No less incorrect is the idea that state sovereignty is absolutely synonymous with rampant nationalism, in other words, something like a bull in a china shop on a world scale. It is indisputable that any state of the imperialist type always holds forth such a threat. But it is just as indisputable that there is another type of state (the Soviet), whose social structure completely precludes even the possibility of such a transformation.³²

It would seem that this view is inconsistent. If any state of "the imperialist type" in possession of unlimited sovereignty constitutes a threat to become something like a "bull in a china shop on a world scale," then why not eliminate this threat by limiting its sovereignty? In the same article, Korovin himself admits that "in the interests of the preservation and consolidation of sovereignty, as a factor of universal progress, it becomes necessary temporarily to limit to a considerable degree the sovereignty of the most aggressive nations, that is, Germany and Japan."³³ Why, in the case of Germany and Japan, could sovereignty be limited, whereas in the case of other states of the "imperialist type" the limitation would be a hopeless undertaking?

Soviet theory, however, would not admit being inconsistent. The sovereignty of Germany is to be limited only temporarily, until Germany is transformed into a democratic state:

Through a limitation of the sovereignty of the aggressor nations history is leading us to the strengthening of the sovereignty of the peace-loving state and to the affirmation of sovereignty as a legal form of democratic international policy, and, in the final analysis, to the strengthening of the sovereignty of the German people itself if and when Germany becomes a peace-loving and democratic state.³⁴

³² This JOURNAL, Vol. 40 (1946), p. 747.

³³ *Ibid.*, p. 744.

³⁴ *Ibid.*

Thus Germany's sovereignty could be restored if and when she has become a democratic state along with Bulgaria, Rumania, Yugoslavia, Hungary and Poland, of which Korovin states:

The major successes of democracy in a number of states in post-war Europe (Bulgaria, Rumania, Yugoslavia, Hungary, Poland) simultaneously with a fundamental change in their foreign policy, convincingly testifies that sovereignty and democracy, just as sovereignty and socialism, are conceptions that not only are wholly compatible but mutually enriching.³⁵

As regards the states of "the imperialist type," the sovereignty of which conceals "the dictatorship of the bourgeoisie" and always holds forth the threat to become "something like a bull in a china shop on world scale," their essence, according to this theory, cannot be changed, and the only outcome left then to them is to be destroyed by the world revolution. Therefore, it would be not only useless but even harmful to rearm them with sovereignty in their relations with the Soviet state, the proponents of this revolution, to protect them from the causes and effects of this revolution.

Thus we could sum up the Soviet concept of sovereignty as follows: In its legal aspect it establishes the right of the Soviet state to independence, including the right to reject any outside interference. In relations with what we might call the democratic states of the West, this concept, however, lacks reciprocity, as it does not grant these states the protection of sovereignty. Along with this aspect, sovereignty is also a principle of Soviet foreign policy aiming at the "liberation of all democratic peoples on the European continent and the overseas colonies" and the establishment of "democratic states" such as contemporary Poland, Hungary, Rumania, Yugoslavia.

It remains to review what will become of the principle of sovereignty in relations between the Soviet states themselves. Soviet legal theory has suggested that their mutual relations would be governed by an inter-Soviet law. As regards the principle of sovereignty, it will apparently lose its functions of being the legal armor protecting the Soviet state from encroachment by "the states of imperialist type." The political function of "liberating the peoples from the imperialist yoke" would also be accomplished. Would that mean that this principle would actually pass out of existence in relations between Soviet states? Soviet practice with the states of Eastern Europe seems to suggest that the principle will lose its significance, and will be substituted by the principle of the proletarian dictatorship which, from a principle governing only the internal relations of the Soviet state, would develop into a principle governing even international relations between Soviet states.

³⁵ *Ibid.*, p. 748.

Of course, the term "sovereignty" will be retained, but the subject-matter of this term will be different. The Soviet federal law has already developed a new notion of sovereignty which no longer means internal and external independence of the state to carry out its functions. According to the Soviet federal law, the member States of the Soviet Union are supposed to be sovereign. Professor Levin emphasizes that "the characteristic feature of the Soviet federation which distinguishes it from all bourgeois federations is the recognition of the sovereignty of every constituent republic, *i.e.*, of the member states of the Union. Article 15 of the Constitution of the U.S.S.R. confirms that the sovereignty of the constituent republic is restricted only by Article 14 of the Constitution enumerating matters belonging to the competence of the Union."³⁶ Article 14 of the Constitution, however, deprives the constituent republic of the Union of every more or less important state function and transfers them to the Union. What is left to the constituent republic could hardly be called sovereignty in a non-Soviet concept. And even this *minimum* of power is exercised by the Communist Party of the respective republic, which, on its part, is absolutely subordinated to the leaders of the Communist Party of the Union. The complete centralization of power is an accomplished fact in the Soviet Union. That could hardly be otherwise in a dictatorial régime, whatever its name. If Soviet jurists, nevertheless, refer to the sovereignty of a member state of the Union, that could only mean that their concept of sovereignty is a different one from that which regards sovereignty as a synonym of external and internal independence of the state to exercise its functions. It is most likely that in international relations between Soviet states, that would be the Soviet concept of sovereignty which would be realized as the only one compatible with the principle of proletarian dictatorship.

This outline would show that the Soviet concepts of the state, law, and sovereignty are entirely dominated by the Marxist and Leninist theory. The starting-point is the idea of the irreconcilability of clashing class interests which has brought about an insurmountable rift in human relations. The method of class relations is that of class struggle, of which Stalin has said that "the acutest form of it was the proletarian dictatorship," and that it was needed "to suppress the bourgeoisie and to root out capitalism."³⁷ At first the rift existed in relations between classes within one state, but after the erection of the proletarian state, the Soviet Union, the rift became evident also in relations between separate states. Korovin, in line with that theory, has pointed out that in relations between the Soviet state and the non-Communist ones, class struggle was a recognized method of policy. Before him Stalin has shown what would be the task of the Soviet

³⁶ Levin, *op. cit.*, p. 11.

³⁷ Stalin, *op. cit.*, p. 227.

state in the field of international relations. He asserted that "the victory of the revolution in one country, *i.e.*, Russia, . . . was at the same time the beginning and prerequisite of the world revolution." He stressed the duty of the country of the victorious revolution to help the proletariat of other countries in their revolutionary efforts, and, quoting Lenin, explained the nature of the help. It should consist of "the *maximum* of what a single country could give to develop, support, and start the revolution in all countries," and, along with that, "the victorious proletariat of one country . . . should rise against the remaining capitalist world attracting the oppressed classes of other countries, starting revolts against the capitalists in these countries, and, in case of necessity, even sending its military forces against the exploiting classes and their states."³⁸ These views could not be ignored when not only the Soviet concepts of the state, law, and sovereignty, but also the whole Soviet international policy, are examined. They would contribute considerably to better interpretation and understanding of the concepts as well as of the policy.

As regards the three Soviet concepts, they could be regarded as the generalization of the Soviet international experience and the line of its future course as, according to Korovin, "The task of the Soviet science of international law is to prove equal to Soviet international practice, to generalize and comprehend its experience, to map out and blaze new trails for it."³⁹

As these concepts, and the theory out of which they have been developed, have not been abandoned nor altered since the Soviet Union subscribed to the Charter of the United Nations, one may ask how they are to be brought into harmony with the purposes and principles of the United Nations Organization; how the theory of world revolution is to be reconciled with the task of maintaining peace and security; how the principle of sovereign equality of all members is to be realized in relations between the Soviet state and the states representing what they call the dictatorship of the bourgeoisie; how conditions are to be established under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained; and how friendly relations are to be developed among nations if the recognized method of these relations is the principle of class struggle. These are some of the many questions which the Soviet concepts of the state, law, and sovereignty have put before the nations of the world. It would seem to be a hopeless task to find a reasonable solution unless an intellectual unity is restored among the nations.

³⁸ *Ibid.*, p. 104.

³⁹ This JOURNAL, Vol. 40 (1946), p. 755.

Complete Report

**The Development of Public Law in Latvia since 1945
under the Soviet Regime**

by M. Cakste, Latvia

After having reconquered Latvia during World War II, the Soviet government found that the Soviet system and the socialist economic order it had established in the first year were completely destroyed. Everything had to be sovietized and nationalized anew. The situation in the flat country was particularly difficult. A new agricultural reform had to be carried through. This was done in 1945 and 1946. Almost 70,000 farms were organized and handed to the farmers for usufruct.

The Constitution was not changed in the beginning. According to the Soviet principles of public law, the Constitution, just as jurisprudence, is but a superstructure. The decisive point, however, is the basis, i. e. the whole of the production conditions which give contents to jurisprudence. They set its tasks and determine its operation. Thus justice cannot develop into an obstacle to the basis nor to the developments deemed necessary by the Party according to the principles of the Communist theory and the current party policy. Jurisprudence and superstructure can but follow these developments and turn the newly established order into legal principles.

The Constitution had granted to the farmers the free and unlimited use of the soil and had acknowledged the private farms. The Party, however, held the collectivization of agriculture necessary. Under such circumstances, the regulations of the Constitution were no obstacles in the party's road to the materialization of its political aims. The Party collectivized agriculture in open contrast to the regulations of the Constitution.

Hardly had the peasants taken over the soil for use, when the Party's Central Committee, as early as 1946, sent thousands of Communists from the towns into the country to force the farmers into kolkhozes. The Party committees in the districts and municipalities as well as the basic organizations of the Party in the rural areas were authorized to handle the collectivization. There is no doubt whatever that force had to be used in doing so.

As late as 1948, the Soviet-Latvian Constitution was changed. Article 5 now reads: "The socialist property in the Soviet Republic of Latvia exists in the form of state property (property of all of the people) and in the form of co-op/kolkhoz

property." One single word had been added, the word "kolkhoz." Yet how much innocent blood, how many bitter tears, and what unlimited human distress does that word stand for!

The brutal superiority of the party and the government found no trouble in breaking the desperate resistance of the peasants. In 1948, the Party registered the organization of 1,090 kolkhozes comprising 235,000 individual farms. What the policy of the liquidation of the kulaks as a class actually meant was proved by what happened soon after. Late in March of the year 1949, mass deportations of farmers were carried through. Several tens of thousands of them were reported to have been displaced in the most brutal manner from their homesteads to Siberia.

Following these actions of force, the collectivization of agriculture no longer met with opposition. On October 1, 1949, a total of 4,035 kolkhozes were organized, i. e., 90 per cent of all private farms were done with.

Those 4,035 kolkhozes of October 1, 1949, were reorganized by the end of the year 1951 into 1,513 greater kolkhozes, comprising 229,000 individual farms, i. e. 98,4 per cent of the grand total. The Constitution had as little power to protect the kolkhozes against the Party as it had had in previous times to protect the private farmers.

One of the basic articles of Stalin's Constitution which is repeated in the Constitutions of all republics of the Soviet Union is Article No. 126, the second part of which rules that "the active and conscious citizens from the ranks of the working class as well as from all other strata of the working population will unite in all other strata of the working population will unite in the All-Union Communist Party of the Bolsheviki which is the vanguard of the working people in their fight for the consolidation and further development of the Socialist system, and which represents the leading core of all social and state organizations of the working people."

This article embodies the whole meaning of Stalin's party doctrine. The leading role of the Party, according to Stalin, means that no particular decision of the Soviets and other organizations will ever be made without the Party, that the Party supervises the state organs and, with their help, carries through the resolutions taken by the government.

That is why Article No. 126 of Stalin's Constitution fixes some sort of a guardianship of the Party over the working people. It has to be carried through everywhere to prevent the workers from expressing their immature will. The workers are but the tool to express the will of the Party. Wherever and whenever workers do not comply with this principle of Stalin's Constitution, they are considered enemies of the regime. This regulation of the Constitution gave the legal foundation for the rape of Man in the Soviet Union.

Since 1945, the Communist Party of the Soviet Union has extended its power to more and new fields of life so that today it dominates all spheres of life in the country. This force is being guided by the influence of the new doctrine of "the leading role of the great Russian people" exerted in the spirit of extreme Russian nationalism.

The Party has spread its organizations all over the country though in itself being but a comparatively small group of 33,000 members, mainly Russians and Russified Latvian Communists coming from Russia to Latvia. But the Party has representatives of its basic organizations in all important offices, agencies, enterprises, plants, institutions, associations, etc., so that the net of Party organizations covers the whole country.

Latvia's administrative division into districts and communities was not adjusted to the Party state whose statutes were shaped after the administrative division of Russia. To overcome this divergence and thus to build up an efficient organization, the Supreme Soviet of Latvia decided on December 31, 1949, to introduce a new administrative division in Latvia. The former 19 districts upheld by the Constitution were changed into 58 Rayons. On April 8, 1952, the Presidium of the Supreme Soviet of the Soviet Union decided to turn these 58 Rayons into three large districts, the so-called Oblasti, the Riga, the Libau, and the Duenaburg Oblasti. Thereby Latvia was made equal to Russia as far as the administrative division of the country was concerned.

That meant, for Latvia, a considerable increase in the number of civil servants who today staff three Districts Soviets, 58 Rayon Soviets, 60 Town Soviets and 1,300 Municipality Soviets. The individual Soviets have up to ten departments occupied by civil servants drawing fixed salaries. Parallel to the Soviet system, Latvia has the Party apparatus which, at all places where Soviets exist, has its committees with the same departments as the Soviets. Adding to this apparatus of Party and Soviets the officials of other state agencies and various economic enterprises and kolkhozes, one gets an impression of the gigantic bureaucratic monster heavily burdening the population.

As early as November, 1940, the Soviet legal codes were introduced in Latvia with retroactive power, including the Penal Code with its lunatic Article No. 58. The Soviet penal law was immediately used even in pending trials. Soviet tribunals gave order, on the grounds of that Penal Code, for the execution of no less than 1,355 persons during the first year of the occupation alone. The defendants were not even granted the opportunity to defend themselves.

Another proof was the mass deportation carried through by the Soviets in Latvia in the years of 1941, 1945 and 1949. In 1941, more than 35,000 men, women and children were deported from their homes. The figure of deportations during 1945 and 1949 ran up to several tens of thousands. Every single mass

deportation was a crime against humanity because completely innocent persons were deported. Their alleged guilt was neither demonstrated nor confirmed by any legal process.

Regarding the exploitation of Man, it can be stated that the kolkhoz peasant may not leave the kolkhoz without the permission of its chairman, not even for a short trip to the neighboring town. There are but three reasons for finally leaving the kolkhoz: the expulsion which for the person concerned means the confinement in a forced labor camp; the transfer to work in another economic area; and the transfer to another kolkhoz. In the latter cases, permission must be obtained from both the old and the new enterprise.

The payment of the kolkhoz farmer consists in the income of the kolkhoz after the state taxes and the contributions to the various funds have been deducted. This surplus to be distributed to the farmers in most cases is so small that they would starve unless they had their tiny personal property.

All of these measures have contributed to make the kolkhoz peasants virtually unfree and economically exploited. This is the significant characteristic of the legal position of all the Latvians under Soviet dominance: they are given duties but no rights. There is no such thing as human rights in Latvia under Soviet-Russian rule, since the Soviet power, in harmony with its inner structure, is in open contrast to human rights.

Chairman Prof. Dr. J. CARABAJAL VICTORIA:

We are very grateful to Mr. M. Cakste for his speech which later will be the subject of questions and discussions of the committee members. Prior to that, however, I beg to ask Mr. H. Mark to report on the development in Estonia.

IX

DE BALTISKA STATERNA UNDER SOVJETRYSKT VÅLDSVÄLDE

Av

MINTAUTS ČAKSTE

I den deklaration som utfärdades när De socialistiska sovjetrepublikernas union bildades betecknades den nyskapade förbundsstaten som ett »nytt och avgörande steg på vägen till förenandet av alla länders arbetare till en världsomfattande socialistisk sovjetrepublik». Denna deklaration angav redan från början vägen för Sovjetunionen — vägen till global expansion.

Sovjetrepublikernas födelseort är det forna tsarväldets ryska områden. Vid tiden för oktoberrevolutionen 1917 förelåg mycket gynnsamma förutsättningar för den bolsjevikiska omstörtningen. Ur revolutionens kaos framgick den första Sovjetstaten, den ryska socialistiska federativa Sovjetrepubliken. Sovjets makt utsträcktes efter första världskriget så långt som de bolsjevikiska ryska truppernas bajonetter nådde. Sovjettrupperna kunde inte bryta finnarnas, esternas, letternas, litauernas, polackernas och rumänernas motstånd, och därför måste Sovjetregeringen erkänna dessa nationers självbestämmanderätt. Detta innebar emellertid endast en tillfällig reträtt och inte ett avstående från det mål som hade uppställts i ovannämnda deklaration. »La Russie ne boude pas — elle se recueille», sade den ryske statsmannen Gortjakov efter Krimkriget. Dessa ord kan också gälla om det bolsjevikiska Ryssland efter första världskriget.

Så snart Hitlers politik mot Polen och det andra världskriget hade skapat förutsättningar för en utbredning av Sovjets makt, tog Sovjetregeringen tillfället i akt. Den handlade fullständigt skrupelfritt. Under skydd av det mot västmakterna riktade vän-

skapsförbundet med Hitler erövrades Estland, Lettland, Litauen, Bessarabien och delar av Finland och Polen. Den förutvarande amerikanske ambassadören i Moskva William Ballitt har påpekat, att Sovjetregeringen härvid bröt inte mindre än tjugosex gällande folkrättsliga fördrag och överenskommelser med de berörda staterna.

De sovjetryska teoretikerna och ledarna har ständigt hävdad, att oktoberrevolutionen inte blott innebar en politisk, ekonomisk och social omvälvning utan också skapade den nya Sovjetmänniskan. Denna nya Sovjetmänniska betraktas till och med som en ovillkorlig förutsättning för det sovjetryska samhällsexperimentets framgång.

»Socialismen skulle inte kunna bestå en enda dag», hävdar en skribent i en inflytelserik rysk tidskrift, »om den inte hade skapat och fostrat en ny människa, som har en helt ny inställning till arbetet, den kollektiva gemenskapen och den allmänna egendomen.»

Balterna var inga Sovjetmänniskor. Deras mål har alltid varit nationellt oberoende, och sedan detta mål nåtts hade de slagit vakt kring sin suveränitet. Mellan de baltiska staterna och Sovjetunionen fälldes en järnridå redan från första början. Deras ekonomiska system var kapitalistiskt. Största delen av befolkningen utgjordes av bönder, som allra minst passade att bli Sovjetmänniskor.

Sovjetregeringen svävade inte heller i okunnighet om att det i Baltikum inte fanns några Sovjetmänniskor med vilkas hjälp Sovjetsystemet kunde införas och upprätthållas. Den hade tvärtom fullständigt klart för sig att de baltiska folken endast kunde inordnas i Sovjetsystemet genom militära operationer, och den gjorde redan tidigt förberedelser härför.

Den 10 oktober 1939 undertecknade Litauen som den sista av de baltiska staterna biståndspakten med Sovjetunionen. Sovjetunionen förpliktade sig att bevara och respektera Litauens suveränitet och att inte blanda sig i dess inre angelägenheter. Be-

stämmelserna i fördraget var i princip detsamma som i de pakter som Sovjetunionen hade undertecknat med Lettland och Estland endast några dagar tidigare. Men redan följande dag, den 11 oktober 1939, utfärdade Sovjetunionens folkkommissarie för inre angelägenheter ordern nr 001233 om att kontrarevolutionärer skulle anhållas för »operativa ändamål», oavsett om bevis på deras antisovjetiska verksamhet förelåg eller ej. Det var denna order som inledde förberedelserna för deportationerna från de baltiska staterna och på den byggde de senare bestämmelserna för genomförandet av dessa deportationer.

Efter det tysk-ryska krigets utbrott och innan de tyska truppen hade ryckt in i Litauen befriade litauiska frihetskämpar de större städerna och flera områden av landet och proklamerade Litauens självständighet. De ryska myndigheterna måste i all hast gripa till flykten och hann i många fall inte förstöra de hemliga arkiven. Härigenom föll många hemliga Sovjeterdokument i litauernas händer, och med hjälp av dessa dokument är det möjligt att skapa sig en klarare bild av hur deportationerna förbereddes och genomfördes.

Ledningen av operationen — så betecknas deportationerna i dokumenten — var anförtrodd Sovjets folkkommissarie för stats säkerheten (NKGB), Merkulov. Hans namn nämns ofta i order från underordnade myndigheter, t. ex.: »Operationen måste genomföras snabbt och tyst och utan panik, helt i överensstämmelse med folkkommissariens för statssäkerheten, kamrat Merkulovs instruktioner.» Det finns en ytterst detaljerad *Förordning för genomförandet av deportationerna av de antisovjetiska elementen i Litauen, Lettland och Estland*, undertecknade av ställföreträdande kommissarien för statssäkerheten, Serov. Denna förordning behandlar bland annat instruktionen av den personal som skall genomföra deportationerna, utlämnandet av dokument, avskiljandet av familjemedlemmar och inlastningen av de deporterade.

Direkt underordnade Merkulov var folkkommissarierna för

statssäkerheten i de baltiska Sovjetrepublikerna, och till deras förfogande stod hela säkerhetstjänsten i dessa länder. Både i städerna och på landsbygden hade säkerhetstjänsten sina avdelningar. Ledarna för dessa avdelningar var underordnade s. k. operativa troikas, — hemliga kommissioner bestående av tre medlemmar, om vilka Serovs förordning meddelar att de är »personligen ansvariga för genomförandet av deportationerna». Dessa hemliga kommissioner avgör varje enskild invånares öde i de baltiska staterna.

Åt varje operativ troika hade anvisats ett bestämt operationsområde, där den också hade sitt säte. Den hade till sitt förfogande de s. k. operativa grupperna, och det var dessa som verkställde deportationerna. En sådan grupp bestod av en operativ medarbetare, en representant för NKVD (folkkommissariatet för inre angelägenheter), en soldat ur NKVD:s trupper och en representant för den lokala partiorganisationen. Varje grupp hade i uppdrag att deportera två familjer. Då antalet deporterade familjer uppgick till flera tusen, är det inte svårt att föreställa sig vilken mängd ryska agenter det fanns i de baltiska staterna vid tidpunkten för deportationerna. Begreppet »antisovjetiska element» fattades i en mycket vidsträckt betydelse; det innefattade inte blott kapitalisterna utan även personer som tog aktiv del i det politiska livet; ämbetsmän, domare, officerare, poliser och hemvärnsmän, alldeles oberoende av deras välstånd, härstamning och personliga ställningstagande. Till de antisovjetiska elementen räknades också personer »som stod i personlig kontakt och korrespondens med utlandet, som hade förbindelser med utländska legationer och konsulat, samt esperantister och filatelister».

Alla dessa människor greps av NKGB-myndigheterna och förhördes av hemliga polisspioner. Man sökte efter förhören upprepade gånger upp dem i deras bostad för att övertyga sig om att de inte sökte fly. Enligt instruktionerna skulle man i dylika fall för att undvika misstankar ange sanitetsinspektion, undersökning

av telefon eller dylikt som anledning till besöket. Vid förberedelserna till deportationerna lades över huvud taget största vikt vid fullständig diskretion. De operativa grupperna skulle, trots att de bestod av absolut tillförlitliga personer, instrueras så kort tid före deportationerna som möjligt och med iakttagande av största tänkbara försiktighet. Det var heller inte svårt för Sovjetmyndigheterna att bevara den mest fullständiga diskretion, eftersom den personal som deltog i förberedelserna uteslutande bestod av specialister från Ryssland, vilka inte hade någon personlig kontakt med befolkningen.

För varje person som misstänktes för antisovjetisk inställning upprättades hos vederbörande NKGB-myndighet en särskild dossier, i vilken alla upplysningar som inhämtades av polisspionerna infördes. De operativa troikas använde detta material när det gällde att fatta beslut om deportation och att bestämma vilken kategori av Sovjetfientlighet som den dömda skulle placeras i. Härvid ifrågasattes aldrig trovärdigheten av de uppgifter som polisspionerna hade lämnat, och domen fälldes utan att de misstänkta fick tillfälle att yttra sig. När de ryska agenterna med sina gevär bankade på de dömdas dörr i gryningen den 14 juni 1941, innebar detta för de intet ont anande familjerna både stämning och dom — en dom som inte kunde överklagas.

Under det att Sovjetmyndigheterna med största omsorg förberedde och genomförde anhållandet av dem som dömts till deportering, hade de inte sört för sådana transportmedel att de dömda kunde bortföras under någorlunda mänskliga förhållanden. Det var ju fråga om antisovjetiska element och för sådana hyser Sovjet inget medlidande. Man hade ställt i ordning gallerförsedda godsvagnar med brädbritsar som enda inredning och ett hål i golvet som enda sanitetsanordning. Man hade inte sört för mat åt dem och inte heller för vatten, trots att det var under den heta årstiden. I dessa vagnar stuvade man utan urskiljning in gamla och sjuka människor, nyfödda barn, män och kvinnor. Många av dem dog under resan. Det var en lidandets väg som

de baltiska folken måste vandra för att omvandlas till Sovjet-människor.

Före inlastningen i vagnarna fick familjerna uppleva det svåra ögonblicket då familjefäderna skildes från sina hustrur och barn. I Serovs förordning finns utförliga anvisningar rörande denna procedur, vilka nog följdes: »Då ett stort antal av de deporterade kommer att häktas och placeras i särskilda läger medan deras familjer kommer att anvisas boplatser på avlägsna orter, är det nödvändigt att transporten av den deporterade och dennes familj företages samtidigt, utan att den förestående skilsmässan tillkännages för dem. Efter husundersökningen och utställandet av identifikationsdokumenten i den deporterades hem, skall den operativa medarbetaren placera familjefaderns dokument i sin personliga dossier och familjemedlemmarnas dokument i deras dossier. Hela familjen skall föras till järnvägsstationen med samma transportmedel och först på stationen skall familjefadern skiljas från sin familj och placeras i den särskilda vagnen för familjefäder. I den deporterades hem skall familjefadern anmodas packa sina saker för sig, 'eftersom den sanitära kontrollen skall ske för männen för sig och för kvinnorna och barnen för sig'.»

Lika dåligt som för transporten sörjde Sovjetmyndigheterna för inkvarteringen av de deporterade på destinationsorten. En student vid universitetet i Riga som deporterades den 14 juni 1941 lyckades under kriget ta sig tillbaka till Lettland. Han berättade att han tillsammans med sin grupp, som bestod av flera tusen personer, stuvades in på pråmar i Novosibirsk och fördes nerför floden Ob. Efter flera dagars resa föstes de bort från pråmarna och in i en urskog, där de fick klara sig på egen hand så gott de kunde. Detta var ändå en privilegierad grupp, eftersom den inte placerades i ett arbetsläger.

Antalet personer som deporterades från de baltiska staterna under den ryska ockupationen 1940—41 var stort. Från Estland bortfördes 60 000 människor (7 000 den 14 juni 1941) och

från Lettland 34 000 människor (15 000 den 14 juni). Från Litauen deporterades 34 260 personer under tiden från den 14 till den 21 juni 1941.

Men de deporterade var inte de enda i de baltiska staterna som föll offer för Sovjets regim. Omedelbart efter ockupationen infördes den sovjetryska strafflagen med retroaktiv verkan. Handlingar som inte var straffbara vid den tidpunkt då de begicks förvandlades nu till de svåraste politiska brott. En soldat i Lettlands gränsbevakningsbrigad dömdes till döden, emedan Sovjetmyndigheterna betraktade denna brigad som en »vit armé» vars verksamhet var riktad mot Sovjetunionen. En före detta soldat som för mer än tjugo år sedan någonstans i Syd-Ryssland under revolutionen hade gjort sig skyldig till någon handling som var riktad mot kommunisterna dömdes likaså till döden med motiveringen att preskriptionsbegreppet är okänt i den sovjetryska lagen och att det är likgiltigt i vilken stat eller världsdelen en person har varit verksam mot kommunisterna.

Sådana fall behandlades av NKVD:s specialkommissioner bakom lyckta dörrar och på grund av uppgifter som inhämtats av hemliga agenter.

Antalet avrättade uppgick i Lettland till 1 355 och i Estland till 2 000. När deras lik påträffades efter ryssarnas reträtt, fann man på många av dem en avskrift av specialkommissionens dom. I Litauen var antalet avrättade ännu större. Enbart i en skog mellan Minsk och Mogilev sköts flera hundra litauer. Av de 12 000 politiska fångarna i landets fängelser fanns det efter ryssarnas reträtt endast 500 kvar. Den 26 juni 1941 sände folkkommissarien för statssäkerheten i Lettland, Schustin, med ett enda penndrag 78 människor i döden.

Dessa fakta är betecknande för det brutala sätt på vilket Sovjet sökte inordna de erövrade nationerna i sitt system. I stället för att söka vinna dem genom mänsklig behandling förintade Sovjet eliten av de baltiska folken. Att kampen mot de värnlösa »anti-sovjetiska elementen» genomfördes med sådan hänsynslöshet får

tillskrivas det klasshat som underblåses av de kommunistiska ledarna och som rättfärdiggöres av klasskampsteorin.

De baltiska folkens erfarenheter under den ryska ockupationen 1940—41 var så fasansfulla att hela befolkningen i många trakter tog till flykten när den andra ockupationen närmade sig mot slutet av kriget. Endast en del lyckades dock ta sig till andra länder, medan majoriteten måste stanna kvar i sitt hemland. De kvarvarande var inga Sovjetmänniskor, och därför råder det inget tvivel om vilket öde många av dem har gått till mötes. Sovjetregeringen har inte uppgett sina mål, och den behandlar sina motståndare på samma sätt som förut.

Vad som har skett i de baltiska länderna under efterkrigstiden är inte så väl känt som det som skedde under den första ryska ockupationen 1940—41. Järnridån är mera ogenomtränglig framför de baltiska staterna än någon annanstans. Sovjetmyndigheterna förstår att bevara sina hemligheter. Den privata brevväxlingen mellan de baltiska staterna och utlandet har nästan fullständigt upphört. Detta är inte så underligt om man betänker att var och en i Sovjet som brevväxlar med utlandet betraktas som »antisovjetskt element». Likväl är det möjligt att skapa sig en föreställning om förhållandena i Baltikum efter kriget på grund av de underrättelser som har nått den fria världen.

Nya deportationer har ägt rum. Tvångskollektiviseringen av lantbruket har skapat en särskild anledning till massdeportationer. Småbönderna, som Sovjetmyndigheterna tolererade under den första ockupationen, har röjts undan. För den jordägande bonden finns det ingen plats i Sovjet; i kommunisternas ekonomiska system betraktas han som en kapitalistisk kvarleva. I Ryssland hade bönderna långt tidigare förvandlats till proletära lantarbetare. Samma öde undergick nu bönderna i de baltiska staterna, där de utgjorde majoriteten av befolkningen. Liksom alla viktigare ryska åtgärder planlades kollektiviseringen av lantbruket i de baltiska staterna i hemlighet och genomfördes sedan blixtnabbt och hänsynslöst. Enligt ryska källor gjorde bönderna

»förtvivlat motstånd». Motståndet ledde till massdeportationer, som i Litauen ägde rum den 22 maj 1948, i Lettland och Estland mellan den 23 och 29 mars 1949. Dessa deportationer är inte de enda som Sovjetregeringen har genomfört i Baltikum under efterkrigstiden, men de tycks ha varit de mest omfattande.

Medan en del av balterna på detta sätt förs bort från sitt hemland, fortsätter Sovjetregeringen arbetet på att inlemma de kvarvarande i den sovjetryska livsordningen och tankevärlden. Härvid tillämpas alla de terror-, tvångs- och omskolningsmetoder som står Sovjetregeringen till buds. Som verktyg för Sovjetregeringen tjänstgör de baltiska kommunistpartierna, som innehar diktatorisk makt inte blott på det politiska området, utan också på alla områden för mänsklig verksamhet, i synnerhet på det ekonomiska och det kulturella.

De baltiska kommunistpartierna är i förhållande till ländernas folkmängd små organisationer, fastän de har fått ett avsevärt tillskott av medlemmar från Ryssland under efterkrigstiden. Denna tillökning består dels av ryssar och dels av förryskade balter som har flyttat från Ryssland till de baltiska staterna. Av deltagarna i det lettiska kommunistpartiets elfte kongress i december 1951 var endast 50 procent letter, och bland dem var alla de ledande från Ryssland inflyttade kommunister. 40 procent av deltagarna var ryssar och 10 procent utgjordes av andra förryskade folkelement. Av de 118 deltagarna utan rösträtt var blott 59 letter. Antalet ryska deltagare står inte i proportion till Lettlands ryska befolkning under förkrigstiden.

Dessa förryskade och av ryssar dominerade baltiska kommunistpartier utgör enligt författningen i de baltiska Sovjetrepublikerna — liksom i alla andra Sovjetrepubliker — »den ledande kärnan i alla arbetarorganisationer». Dessa arbetarorganisationer är de enda organisationer som är lagliga i Sovjetrepublikerna, och därav följer att partiet är representerat överallt där människor utför ett organiserat, gemensamt arbete och att det kan övervaka och leda de arbetande. Enligt bestämmelserna skall

partiet ha en avdelning inom varje stats- och Sovjetmyndighet, i varje läro- och forskningsanstalt, i varje arbetarorganisation, på varje arbetsplats såväl i städerna som på landsbygden. Hela det mänskliga samlivet skall dras in i partiorganisationens nät. Under de tre åren mellan det lettiska kommunistpartiets tionde och elfte kongress grundade partiet 766 nya avdelningar på skilda ställen i landet. Siffran skulle säkert ha blivit ännu högre om inte brist på partimedlemmar hade hindrat utbyggandet av nätet. Denna brist på partimedlemmar var särskilt påtaglig inom jordbruket. I 598 storkolchoser i Lettland finns det ingen partiorganisation och i många finns det inte ens några kommunister. I landets övriga 915 storkolchoser har partiet avdelningar, i många fall dock endast komsomolorganisationer (ungdomsföreningar).

På det lettiska kommunistpartiets elfte kongress yttrade förste partisekreterare Kalnberzins: »Partiorganisationernas uppgift är att snarast möjligt förbättra partiets ledning på folkhushållningens och kulturens alla områden.» Partiets insatser på dessa områden har hittills visat sig otillfredsställande från rysk synpunkt. Och efter kongressen har kommunisterna ännu mer förstärkt sitt grepp om det ekonomiska och kulturella livet i Baltikum.

Enligt Kalnberzins hade Lettlands femårsplan uppfyllts endast till en del: produktionen av kött var 46,4 procent, sprit 56,4 procent, tegel 71,6 procent, linne 75,6 procent, svavelsyra 75,8 procent, cement 80,3 procent, smör 82,2 procent, socker 91,8 procent, bomullsväv 96,8 procent och superfosfat 98,2 procent av de uppställda målen. Spannmålsskörden 1951 blev inte så stor som man hade beräknat, och ökningen av kreaturs- och fjäderfästammen var inte heller tillfredsställande.

Det är en av partiets viktigaste uppgifter att sörja för att produktionen når de i folkhushållningsplanen uppställda målen. Partiet har därför befogenhet att tvinga arbetarna och kolchosbönderna att arbeta så mycket att de föreskrivna normerna uppfylls. Det finns i Sovjetrepublikerna en allmän arbetsplikt. Människorna i Baltikum arbetar under ett slags kasernregim, varvid

fältväbels roll spelas av partiets och arbetarorganisationernas representanter på arbetsplatserna. Den som uteblir från arbetet eller kommer för sent bestraffas. Arbetarna har praktiskt taget ingen rörelsefrihet, då de inte får byta arbetsplats utan tillstånd. Enligt uppgifter i den baltiska Sovjetpressen har bondkvinnor som lämnat sina kolchoser och tagit anställning på annat håll, tvingats tillbaka med våld så snart kolchosledningen anmält förhållandet till myndigheterna.

Genom olika metoder tvingar partiet arbetarna att utan ersättning arbeta på övertid; det kan vara fråga om att arbeta för Stalin eller till ära för kommunistiska fester eller Sovjetför-samlingarnas sammanträden eller också för den produktionstäv-lan som äger rum mellan företagen. Arbetarna har inget annat val än att uppfylla partiets krav, ty de är fullständigt maktlösa gentemot det allsmäktiga partiet.

Inte ens under de korta pauserna i arbetet lämnar partiet arbe-tarna i fred. Dessa pauser är nämligen anslagna till politisk un-dervisning, vid vilken Lenins och Stalins läror genomgås i detalj. Sedan någon tid äger denna politiska undervisning rum också under nattskiftet. Och efter den elfte partikongressen har nu allt detta »förbättrats»!

Kulturen har alltid varit Sovjetregimens speciella skötebarn. Vetenskap, filosofi, litteratur, konst, skolväsen, press, teater, ra-dio, film — över alla dessa områden har partiet lagt sin diktators-hand för att ställa dem i partipolitikens tjänst. Detta gäller även de baltiska staterna efter den ryska ockupationen. På kulturens område är partiets främsta uppgift att utrota balternas natio-nella medvetande och att uppfostra dem till Sovjetmänniskor och Sovjetpatrioter. Denna uppgift har kommunisterna dock inte förmått lösa, vilket framgår av partisekreterare Kalnberzins an-förande på den elfte partikongressen. Bland annat yttrade han följande: »I vår republik, där resterna av det krossade kulakvä-sendet ännu visar livskraft och kapitalismens kvarlevor ännu är starkt representerade i det mänskliga medvetandet, stöter vi ofta

på företeelser som härrör från den borgerliga nationalismen. Man finner sådana företeelser såväl på den ideologiska fronten som på andra livsområden. Klassfientliga element bedriver anti-sovjetiskt undermineringsarbete inte blott genom att utsprida splittrande, reaktionära teorier utan också genom att understödja tendenser till privatägande på kolchoserna. De söker utså splittring inom folket och dra arbetarna från de aktuella politiska frågor som rör det kommunistiska uppbyggnadsarbetet.» Längre fram i sitt anförande sade han i hotfull ton: »En beslutsam kamp mot de borgerliga elementen, som är agenter för amerikanska och engelska intressen, är särskilt oundgänglig i den aktuella internationella situationen, då de imperialistiska krigshetsarna med Amerika och England i spetsen under sina förberedelser för ett nytt världskrig har skickat spioner och agenter till vårt land.»

Enligt Kalnberzins har den borgerliga nationalismen sina viktigaste härdar i skolorna och högskolorna, däribland universitetet i Riga, i Lettlands vetenskapsakademi och dess institutioner, i konstnämnden och författarföreningen.

Under loppet av år 1951 ägde stora utrensningar rum bland de borgerliga nationalisterna. Detta drabbade bland annat vetenskapsakademin, där flera medlemmar avsattes och efterträddes av kommunister. Som president efter den avsatte professor Pauls Lejins inträdde en kommunist vid namn Peive som inte äger några vetenskapliga meriter, men som i gengäld har erhållit politisk utbildning i Ryssland.

Det är anmärkningsvärt att Sovjetregeringen sände en särskild brigad till Lettland för att genomföra utrensningarna, vilket framgår av följande passus i Kalnberzins förut omnämnda anförande vid den elfte partikongressen: »Kamrater! Åt de ideologiska arbetsuppgifterna har det lettiska kommunistpartiets centralkommitté alltid ägnat stor uppmärksamhet. Stor hjälp vid inledandet av det ideologiska arbetet har vi fått av den brigad från det allryska kommunistpartiets centralkommitté som under sommaren 1951 arbetade här. Denna brigad har hjälpt oss att upptäcka och

avlägsna många misstag på det propagandistiska, kulturbefrämjande, pedagogiska och vetenskapliga arbetets fält.»

Partiet söker utplåna de viktigaste elementen i balternas nationella kultur och ersätta dem med ryskt kulturstoff.

De baltiska folkens historia skrivs om enligt anvisningar från högsta ort i Moskva. Det »stora ryska folket» intar en framträdande plats i den nyskrivna versionen. Det framställs som de baltiska folkens äldre broder, vän och befriare, inte som deras erövrare, förtryckare och exploatör.

Även de baltiska språken har den högsta partiledningen i Moskva lagt under sin kontroll. Den berömde forskaren på de baltiska språkens område, professor Endzelins vid universitetet i Riga, som är känd för sin självständighet, tvingades att offentligt förklara att såväl hans eget som hans medarbetares verk hade varit felaktigt. Hela den filologiska fakulteten vid Rigauiversitetet, som Endzelins var chef för, beskylldes för att söka rensa ut alla ord av slaviskt ursprung ur det lettiska språket. Till föreståndare för vetenskapsakademins språk- och litteraturvetenskapliga institut utnämndes en ryss vid namn Sokol. Kort därefter inleddes striden mot den borgerliga nationalismen på språkets och litteraturens område. Filologerna i de baltiska staterna fick i uppdrag att bevisa »de baltiska och slaviska språkens historiska släktskap».

Detta är i korthet de metoder som Sovjetregeringen använder för att inordna de erövrade baltiska staterna i Sovjetsystemet. Det är helt naturligt att det sovjetryska våldsväldet i de baltiska staterna har framkallat ett intensivt hat bland balterna mot ryssarna och förakt mot alla dem som uppträder som sovjetryska kulturförmedlare och undertryckarna av de baltiska folkens frihet. Detta hat mot ryssarna är för närvarande så dominerande i Baltikum att det har skapats ett slags järnridå mellan balterna och de ryska erövrarna, en järnridå som märks varhelst balter och ryssar sammanträffar, på arbetsplatserna och på de många sammankomster av skilda slag som balterna är

tvungna att bevista. Denna ridå är så ogenomtränglig att äktenskap mellan ryssar och balter har blivit ytterst sällsynta. Den skyddar balterna mot alla förryskningsförsök från ockupationsmaktens sida. Som framgår av Kalnberzins anförande på den elfte partikongressen stöter ryssarna gång på gång på motstånd från den nationella oppositionen, som de inte förmår krossa. Livet i de baltiska staterna präglas för närvarande av ockupationsmaktens kamp mot den borgerliga nationalismen, dvs. mot de baltiska folkens nationella medvetande och nationella särart och mot deras strävan att åter göra Estland, Lettland och Litauen till självständiga stater.



Latvijas kara tiesas locekļi Stokholmā, 1961.g. No kreisās:
E.Hartmanis, M.Čakste, E.Kampars, H.Muchks.

Sovjetrysk Nationalitetspolitik

Av Mintauts Cakste

Många är de folk som lyder under Sovjets välde. Man beräknar att det talas inte mindre än 200 språk inom det jätteområde som behärskas av Moskva. Sovjetbefolkningens multinationella struktur har även satt sin prägel på Sovjetunionens nuvarande konstitution och betingat landets administrativa indelning efter nationella grunder. Enligt konstitutionen består Sovjetunionen för närvarande av 16 unionsrepubliker, 16 autonoma republiker och 9 nationella områden. Därtill kommer 10 nationella distrikt och ett antal nationella bysovjets. Det var en ganska invecklad struktur Sovjetstaten måste få, för att dess befolknings nationella mångfald skulle komma till uttryck.

Det är uppenbart, att problemet med så många nationers samlevnad under en statsmakt måste vara av största betydelse i Sovjetunionen. Det är ju frågan om en talrik icke-rysk minoritets öde, vilken är några miljoner mindre än den ryska majoriteten. Enligt 1926 års folkräkning levde i Sovjetunionen 77 791 000 ryssar, vilka utgjorde 52,9% av hela befolkningen. År 1939 var de motsvarande siffrorna 99 020 000 och 58,4%. Sedan det andra världskrigets utbrott har Sovjetunionen bragt ytterligare 24 396 000 människor under sitt välde, vilka med ytterst få undantag tillhör icke-ryska nationaliteter. För närvarande är några pålitliga uppgifter om den nationella sammansättningen av Sovjetunionens befolkning inte tillgängliga, men det kan med en viss säkerhet påstås, att efter inlemmandet av så många icke-ryska folk i Sovjetunionen måste ryssarnas procentuella andel i den totala befolkningssiffran ha minskat. Hur som helst utgör de icke-ryska folken en så betydande del av Sovjetbefolkningen att nationalitetsproblemet måste räknas som en av Sovjetunionens viktigaste frågor.

I det förutvarande tsarriket hade de icke-ryska folken haft smärtsamma erfarenheter av de ryska regeringarnas nationalitetspolitik. Politiskt förtryck, ekonomisk utsgugning och intensiva förryskningsåtgärder var huvudbeståndsdelarna i denna politik. Därför kunde Lenin med rätta beteckna det gamla Ryssland som folkens tukthus.

Om man satte tro till kommunisternas påståenden, så skulle läget i Sovjetunionen principiellt ha förändrats. Nationalitetsproblemet skulle där ha lösts på ett föredömligt sätt. Den nationella chauvinismen som skulle vara roten till allt ont i de mellanfolkliga relationerna skulle vara försvunnen ur sovjetlivet. Nationell tolerans och jämlikhet mellan folken skulle ha intagit dess plats och utgöra grundvalarna för en broderlig samlevnad mellan sovjetfolken eller de socialistiska nationerna, som de också brukar kallas.

Dessa påståenden finns med redan i deklarationen om Sovjetunionens bildande i december 1922. Äran av dessa resultat får där sovjetsystemet och socialismen, vilka skulle ha omöjliggjort varje uppflammande av den nationella chauvinismen, nationell utslagning och förtryck. Den kapitalistiska världen däremot skulle aldrig vara i stånd att lösa sitt nationalitetsproblem.

Allt detta är naturligtvis bara kommunistiska trossatser som i regel inte motsvarar verkligheten. Detta är inte heller fallet med påståendet att den nationella chauvinismen skulle vara övervunnen i Sovjetunionen.

Och det anmärkningsvärda i detta fall är det faktum att kommunisterna själva blev tvungna att vederlägga detta påstående. Bara några månader efter denna deklaration måste den tolfte partikongressen i april 1923 fastställa att den nationella chauvinismen i Sovjetunionen i stället för att avtaga hade ökat i styrka och betydelse.

I sin rapport till kongressen sade Stalin bl.a.: "Jag har särskilt talat om den storryska chauvinismen som en kraft i tillväxt. I denna kraft ligger den största faran för att de tidigare förtryckta folken kan förlora sitt förtroende för det ryska proletariet. Den är vår farligaste fiende som vi måste krossa. Om vi krossar den, så krossar vi 9/10 av den nationalism som har dröjt kvar i de enskilda republikerna och som där vidareutvecklas."

Kongressen måste i sin resolution bekräfta att den nationella, i synnerhet den storryska chauvinismen fortfarande gjorde sig bred i Sovjetunionen, och att den hos ett betydande antal sovjetryska ämbetsmän yttrade sig i att dessa "betraktar Sovjetunionen som ett steg mot likvideringen av de enskilda republikerna och som början till återupprättandet av det enhetliga och odelbara Ryssland".

Fastän det därmed hade fastslagits att den storryska chauvinismen hade utvecklat sig till en farlig kraft, gjorde Stalin inte något allvarligt menat försök att bekämpa den. Vad han föreslog, innebär snarare att han ville vika undan för denna kraft. I sitt anförande som avslutade kongressen betonade han nämligen att kampen mot den ryska chauvinismen skulle överlåtas åt de ryska kommunisterna. "Om inte de ryska kommunisterna utan de turkestaniska eller de georgiska kommunisterna skulle föra kampen mot den ryska chauvinismen", sade han, "så måste denna kamp betecknas som antirysk chauvinism."

Stalins roll vid den sovjetryska nationalitetspolitikens utformning och genomförande är välkänd. Hans uttalanden är likvärdiga med ett program. Detta var även fallet med hans uttalanden på den tolfte partikongressen. De blev grundvalen för den sovjetryska nationalitetspolitiken.

Den ryska nationella chauvinismen förklarades för en de ryska kommunisternas angelägenhet. De icke-ryska folken fick inte delta i bekämpandet av den. Hade de företagit någonting emot den, skulle de ha stämplats som antiryska chauvinister, vilket skulle haft allvarliga följder för dem.

Däriigenom hade gynnsamma förutsättningar för den ryska nationalismens vidare utveckling skapats. Denna utveckling blev raka motsatsen mot vad de kommunistiska trossatserna hävdade om den nationella chauvinismens försvinnande efter införandet av sovjetsystemet och socialismen. Allteftersom sovjetsystemet konsoliderades och socialiseringen av näringslivet framskred, ökade den ryska nationalismen i styrka, tills den utvecklades till en utslagsgivande politisk kraft, som påtvingade både partiet och staten sina bojor.

Till en början hade partiet fördömt den ryska nationalismen. Så sent som på den sextonde partikongressen år 1930 beklagade sig Stalin över den och betecknade den som en "avvikelse i riktning mot storrysk chauvinism". Enligt honom skulle den ryska chauvinismen då ha krävt avskaffandet av de nationella republikerna och utjämnandet av de icke-ryska folkens nationella särdrag. Chauvinisterna förfäktade åsikten att alla folk och språk skulle uppgå i ett folk och ett språk. Och det skulle naturligtvis vara det ryska folket och det ryska språket, vilka skulle absorbera alla övriga folk och språk.

Snart därpå inträffade emellertid en omsvängning i partiets hållning visavi den ryska nationalismen. Denna blev nu till en angelägenhet som måste främjas. Denna nya hållning hos partiet blev synlig, när experimentet med utläggning av den ryska historien i marxistisk anda uppgavs. Den ryska historien skulle nu tolkas enligt ryska och patriotiska riktlinjer. Prominenta partiledare, Stalin, Sjdjanov, Kirov m. fl. övertog initiativet. Som ett resultat av denna utveckling utkom 1937 Sjestakovs lärobok i rysk historia för sovjetskolor. Denna bok tilldelades ett pris. Där glorifierades det storfurstliga och tsaristiska Rysslands historia och framställdes som upptakten till det bolsjevistiska Rysslands historia. Den drivande kraften i Rysslands historia skulle alltid det ryska folket ha varit, som i sovjetsystemet slutligen åstadkommit sin högsta skapelse. Det gamla Rysslands glorifierade hjältar gjordes till sovjethjältar, fastän de ofta varit verktyg för tsarernas imperialistiska och reaktionära politik. Denna politiks våldsdåd utmålades som progressiva åtgärder. Polens delningar skulle ha inneburit nationalitetsprincipens förverkligande, erövringen av Kaukasus — Kaukasus befrielse, och vidare i samma stil.

Samtidigt vidtog även för första gången åtgärder som skulle påtvinga de icke-ryska folken det ryska språket och den ryska kulturen. Till att börja med infördes det ryska alfabetet och delvis även den ryska rättskrivningen hos de icke-ryska språken. Som de första måste folken i de autonoma republikerna och de nationella områdena i den ryska Sovjetrepubliken anta det ryska alfabetet. Somliga bland dem hade endast några år tidigare övertagit det latinska alfabetet. Sedan kom de nationella sovjetrepublikernas tur. Endast Estland, Lettland, Litauen och Karelen har ända till i dag fått behålla det latinska alfabetet. Även Georgien och Armenien har kvar sina hävdvunna nationella alfabetet.

Redan före andra världskriget gjorde således den ryska nationalismen ytterligare framsteg. Kriget har gett den en ny, mäktig impuls. Under efterkrigstiden har det gått så långt, att till och med den officiellt fastslagna grundvalen för den sovjetryska nationalitetspolitiken, jämlikheten mellan sovjetfolken, ersatts med en ny doktrin om det ryska folkets ledande roll i Sovjetunionen. Sovjetjurister hävdar nämligen att jämlikheten mellan folken skulle kunna förenas med det ryska folkets ledande roll. (S. J. Osjerov: *Förbundsrepubliken i den socialistiska federationen*, Institutet för rätt vid Sovjetunionens vetenskapsakademi, s. 199–202, Moskva 1948.) Med vad de än påstår, aldrig kan ett folks ledande roll förenas med andra folks likställighet.

Initiativet till denna nya doktrin tycks ha kommit från Stalin själv. I det tal, som han den 24 maj 1945 i Kreml höll till Röda Arméns ledare, betecknade han det ryska folket som "det mest framstående bland alla folk" och "den ledande kraften" i Sovjetunionen. Det ryska folkets särställning inom Sovjetunionen framhävdes därigenom tydligt.

Osjerov motiverar sin doktrin på följande sätt: "Den ryska Sovjetrepublikens särpräglade, ledande roll i de sexton likaberättigade Sovjetrepublikernas broderliga familj har sin orsak i denna republiks socialpolitiska, ekonomiska och kulturella betydelse inom Sovjetunionen. Bland vårt lands alla folk har det ryska folket vunnit allmänt erkännande som den ledande kraften i Sovjetunionen... det är det talrikaste och med avseende på sin kulturella och ekonomiska utveckling främsta folket." Med en rad lärrika exempel skildrar författaren det ryska folkets ledande roll, sådan den förverkligats i Sovjetunionen. I oktoberrevolutionen skulle det ryska folket ha vunnit friheten ej endast åt sig självt, utan åt alla Sovjetunionens folk. Det skulle ha hjälpt dem med uppbyggandet av den socialistiska industrin och kolchosen. Dess största förtjänst skulle vara att det skapat den nya formen av sovjetstat, efter vars förebild alla sovjetrepubliker utgestaltats. Det ryska folket har även skapat den främsta nationella kulturen och utövat ett fruktbarande inflytande på andra sovjetfolks kultur och på världskulturen. Och Ryssland självt är hemlandet för leninismen, som författaren betecknar som "vetenskapens och den ryska kulturens och världskulturens höjdpunkt".

Detta är endast några av de exempel som författaren anför för att skildra det ryska folkets förtjänster, vilka skulle motivera dess ledande roll i Sovjetunionen.

Men även dessa få exempel borde räcka till för att belysa den mentalitet som i Sovjetunionen blivit den dominerande och som utövar ett bestämmande inflytande på den sovjetryska nationalitetspolitiken.

Ett annat exempel på denna mentalitet lämnar den 1950 utkomna bok där tio framstående sovjetpublicister och vetenskapsmän skriver om sovjetpatriotismen. (*Sovjetpatriotismen*. En samling uppsatser. Institutet för filosofi vid Sovjetunionens vetenskapsakademi.) Som en av författarna medger, skall sovjetpatriotismen,

under vars täckmantel i själva verket en extrem rysk nationalism visar sig, tjäna befästandet av sovjetfolkens nationella stolthet. Han betecknar detta som den viktigaste uppgiften för bolsjevikpartiets ideologiska arbete.

Hur långt man i Sovjetunionen redan hunnit i fråga om nationell stolthet, framgår av sovjetakademikern S. J. Vavilovs uppsats *Om sovjetvetenskapsmannens värdighet och heder*. Denne sovjetvetenskapsman betraktar det som en förolämpning mot sovjetvetenskapen att den svenska Nobelkommittén hade sänt honom en skrivelse till vilken ingen rysk text bifogats. Han skriver: "Emottagandet av ett sådant aktstycke utan rysk text i Sovjetunionen, efter det vår armé och vårt folk räddat hela världen, även Sverige, från hotande Hitlervälde, kan ej uppfattas som något annat än en förolämpning mot vår vetenskap och vår kultur över huvud taget. Nobelkommitténs ledare ägde inte ens den elementära takten att se till att vid överlämnandet av materialet en rysk text bifogades skrivelsen."

Fastän boken ger uttryck för den mest extrema ryska nationalism, förebrår kritiken författarna att de inte tillräckligt framhävt det ryska folkets ledande roll. I en recension i tidskriften *Filosofins frågor* som ges ut av Institutet för filosofi vid Vetenskapsakademien, står det sålunda: "Vid behandlingen av frågan om den proletära internationalismen har författarna inte tillräckligt betonat att den sanna patriotismen och internationalismen är förbunden med erkännandet av den ryska nationen som den mest framstående bland Sovjetunionens nationer, med erkännandet av det ryska folkets ledande roll."

Det ryska folkets anspråk på en ledande roll kommer där helt otvetydigt till uttryck. Men att ett så chauvinistiskt sinnat folk som det sovjetryska intar den ledande platsen måste ovillkorligen bli en förtryckande kraft mot alla icke-ryska folk. Frågan är bara om de icke-ryska folken i Sovjetunionen på något sätt är skyddade mot denna sovjetryska chauvinism.

Man hör ofta talas om sovjetfolkens likaberättigande. Men i Sovjetunionen kan det ju över huvud taget inte vara tal om något berättigande. Sovjetunionen är ingen rättsstat. Den är en partidiktatur, i vilken rätten tjänar partiets syften och utlägges i enlighet med partipolitikens behov. Därför skyddar sovjeträtten varken enskilda människor eller hela folk mot partiet och staten. Det öde som vederfarits Volgatyskarnas och Krimtatarernas autonoma republiker och thethnernas nationella område är här bevis nog.

Dessa nationella territoriella enheter i Sovjetunionen avskaffades genom ett enkelt beslut av sovjetregeringen, efter det att partiets politik gentemot dessa folk ändrats. De ifrågavarande folken själva hade inte ett ord att säga till om.

Alltså skulle bara möjligheten till en lika behandling av folken ännu stå öppen. Men ej ens denna möjlighet finns i Sovjetunionen, som doktrinen om det ryska folkets ledande roll bevisar. Det ryska folket leder och de övriga måste

följa. Så har det ryska folket, som framgår av Osjerovs utläggningar, genom oktoberrevolutionen lett Sovjetunionens folk fram till leninismen, till sovjet-systemet, till socialismen, till sovjetkulturen osv. Denna ledning är påtvungen och de övriga folken har inte följt efter frivilligt, så som det ju måste vara i proletarietets diktatur.

Ofta hör man även talas om rätten till fritt utträde ur Sovjetunionen, som konstitutionen tillerkänner de sexton unionsrepublikerna. Om denna rätt måste detsamma sägas som om sovjeträtten över huvud taget. Den är underordnad partiets politik. Partiets ståndpunkt till rätten om fritt utträde har Stalin redan för länge sedan, då Sovjetunionen först höll på att bildas, fastslagit med följande ord: "Vi är för lösgörandet av Indien, Arabien, Egypten, Marocko och ententens övriga kolonier, eftersom i detta fall lösgörandet skulle innebära dessa förtryckta länders befrielse, försvagandet av imperialismens position och stärkandet av revolutionens position. Vi är mot lösgörandet av Sovjetunionens gränsområden, eftersom i detta fall lösgörandet skulle betyda dessa gränsområdens imperialistiska förslavande, försvagandet av Rysslands revolutionära makt och stärkandet av imperialismens position... Det är klart, att frågan om lösgörandet är beroende av den bestående internationella situationen och av revolutionens intressen."

Partiet har redan tidigare tagit i anspråk kontrollen över utövandet av rätten till utträde ur Sovjetunionen. Den åttonde partikongressen i mars 1919 uttalade sig därom i sin resolution: "I frågan om vem som bör anses som representant för den nationella viljan vid utövandet av rätten till lösgörande, företräder Rysslands kommunistiska parti den historiska klasståndpunkten och tar i betraktande folkets historiska utveckling: om det befinner sig på utvecklingsstadiet mellan medeltid och den borgerliga demokratin och den sovjetryska proletära demokratin."

Vad denna resolution innebär kan bäst studeras genom att följa hur den tillämpats i praktiken. Efter första världskriget, då Sovjetunionen uppstod och sovjetregeringen var invecklad i strider med de icke-ryska folkens nationella regeringar i olika delar av det förutvarande tsarriket, har sovjetregeringen erkänt de borgerliga regeringarna i Finland, Estland, Lettland, Litauen och Polen som representanter för den nationella viljan vid lösgörandet. Däremot blev i Ukraina, Vitryssland, Aserbeidjan, Armenien, Georgien, Chiva och Buchara sovjeterna representanter för de ifrågakvarande folkens nationella vilja. Dessa folks historiska utvecklingsstadium hade därvid dock knappast någon betydelse. Den utslagsgivande faktorn var Röda Armén, och överallt där den lyckades upprätthålla sovjetmakten blev sovjeterna representanter för folkens nationella vilja. Sovjeterna är emellertid endast partiets redskap, så att under sovjetmakten partiet självt, dvs. partiets högsta ledning, betraktas såsom representant för folkens nationella vilja. Detta är den egentliga meningen i partiets ståndpunkt i

fråga om folkets rätt till lösgörande från Sovjetunionen. Detta förklarar också, varför det inte har lyckats för något folk att utträda ur Sovjetunionen, fastän konstitutionen tillerkänner de sexton unionsrepublikerna denna rätt. Partiet är emot vare sådant försök och skulle resolut kväva det som ett utslag av borgerlig nationalism.

De anförda fakta torde bevisa att förutsättningen för den sovjetryska nationalitetspolitiken, nämligen att sovjetsystemet och socialismen skulle förhindra att en nationell chauvinism uppstår, ej har förverkligats. Den nationella chauvinismen är som synes ej betingad av produktionsförhållandena och ej heller av proletariats diktatur i sovjetsystemets form. Den är snarare resultatet av en mentalitet som bestäms av ett flertal faktorer. Bland dessa faktorer förefaller uppfostran vara en av de mest betydelsefulla. Sovjetunionen ger ett drastiskt exempel på att en uppfostran i den nationalistiska anda som där behärskar hela folkbildnings- och propagandaväsendet, även kan framföda en extrem nationalism i ett land, där sedan länge sovjetsystemet och socialismen utgör grundvalarna för samhällslivet. Just i Sovjetunionen har den ryska nationalismen vuxit till en förtryckande makt, som tungt vilar på de många icke-ryska folken. Dess följder är bristande nationell jämlikhet och nationellt förtryck, vilka tvärt emot alla påståenden fortfarande frodas i Sovjetunionen även efter utrotandet av borgarklassen. Lenins liknelse om Tsarrysland såsom folkens tukthus äger samma giltighet för Sovjetryssland. Sovjetryssland är emellertid ett sovjet-tukthus, vilket långt överträffar tsartukthuset i fråga om outhärdliga förhållanden.

Statens uppgift

Statens ändamål är icke att härska eller att hålla människorna i fruktan, utan tvärtom att befria en var från fruktan, på det att han må kunna leva i största möjliga trygghet, dvs. att han kan åtnjuta sin naturliga rätt till existens utan att han själv eller någon annan lider därav. Det är, påstår jag, icke statens ändamål att förvandla människorna från förnuftiga väsen till djur eller automater utan fastmer att åstadkomma sådana förhållanden, att själ och kropp ohämmat kunna utveckla alla sina krafter, så att människorna kunna göra fritt bruk av sitt förnuft och undvika att hatfullt eller arglistigt bekämpa varandra eller hysa fientlig sinnesstämning mot varandra. Statens uppgift är i grunden frihet.

Spinoza, ur "Eviga tankar".

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The Gordian Knot

Mintauts Čakste

By the men behind the ancient walls of the Kremlin the world of today is conceived as being in a state of an unceasing and bitter struggle for world domination between two camps, the Communist and non-Communist.

The concept of the struggle for world domination has remained the basic proposition of Soviet policy ever since the Soviet state was formed, and determines the strategy and tactics employed by the Soviet rulers in conducting the struggle against the non-Communist world. The conduct of that struggle could hardly be influenced by arguments produced by the opposite camp, and that would explain all the failures the Western world has experienced in its attempts to end the struggle and reach a settlement with the Soviet Union. The recent Conference of the Four Foreign Ministers in Berlin once more demonstrated the fruitlessness of the efforts to come to terms with the Soviet Union on issues involving the essentials of Soviet policy.

The essentials of Soviet policy are supposed to be fixed by what is called the objective laws of development of human society as formulated by Marxism-Leninism, and they appear to be the decisive force behind the Soviet political scene.

Whatever the trustworthiness of the Soviet leaders may be, they ought to be trusted as far as this contention goes. It is, at any rate, the true expression of their Communist faith and determines their thinking as well as their actions. We cannot simply ignore their statements and relax in wishful thinking, presuming they may be wrong, when they assure us time and again that they are the real tools of history and their task is to execute the "laws" of history as discovered by Marxism-Leninism, which urge the destruction of the capitalist states and expansion of Soviet power over the whole globe. They are indeed in sober earnest in these matters.

The Soviet leaders have proved their trustworthiness in these matters by their actions. Whenever and wherever occasion has arisen for the destruction of a capitalist state and extension of Soviet power, they have exploited the situation to their full advantage. On such occasions mere details do not matter to them. In November 1940 Molotov went to Berlin to discuss with Nazi leaders what was called the "great liquidation of the British Empire" and division of the globe into "natural spheres of interest" between the Soviet Union, Nazi Germany, Fascist Italy, and Japan, and eventually took refuge in Ribbentrop's air raid shelter from an attack of British bombers on the German capital.

In 1954 British bombers no longer disturbed his peace and comfort in Berlin. The Soviet policy of conquest and expansion, however, has hardly been affected by this fact, and the only change that is to be observed, is its adaptation to the changed world conditions. Molotov could certainly not have proceeded at the Conference of Four Foreign Ministers in Berlin in 1954 with discussions of the plan of the "great liquidation of the British Empire" and press forward the aspirations of the Soviet Union of a division of the globe into "natural spheres of interest". His aspirations in world conditions of 1940 covered rather too wide an area, comprising the Baltic States, Finnish, Polish and Rumanian territories, Bulgaria, Soviet land and naval bases in the region of the Bosphorus and the Dardanelles, and as the "centre of the aspirations of the Soviet Union the area south of Batum and Baku in the general direction of the Persian Gulf". These aspirations have been so far fulfilled only partly, but wherever the Soviet Union has realised them, the capitalist states have been destroyed and Soviet power enforced.

The Soviet drive for expansion has remained unchanged in 1954, only its direction has been altered and adapted to the prevailing circumstances. Instead of the general direction of the Persian Gulf, the Soviet drive was carried out in the direction of the Atlantic. The *status quo* in Europe marks the furthest limit it has so far reached.

The change of the *status quo* to the disadvantage of the Soviet Union involves to the Soviet rulers the fundamental question whether to turn backwards on the "road to the World Federation of Soviet Socialist Republics" and give up what has been so far achieved in a rather successful drive of Soviet expansion, and,

last but not least, to betray the "laws" of history of Marxism-Leninism, or to persist in carrying out what would seem to be the *raison d'être* of the Soviet state.

Molotov has proved at the Conference of the Four Foreign Ministers in Berlin that the Soviet Union is not prepared to compromise on this question. Whatever the changes in Soviet behaviour and manners may have been since the death of Stalin, as regards the essentials of Soviet policy, nothing has changed under the rule of Stalin's successors.

There may be a good deal of speculation about the reasons which had prompted Molotov to reject with remarkable frankness the plan of free elections for Germany and propose the Soviet alternative of enforced and directed "elections", according to established Soviet practices. He might have been well aware that he would not win the support of the free world, and the German nation in particular, for the Soviet version of elections.

As a matter of fact, however, free elections have never been an instrument of Soviet policy and no Soviet power has ever been established, maintained, or expanded by free elections. Ever since Lenin denounced general suffrage and free elections as the "instrument of exploitation of the proletariat by the bourgeoisie", which helped "wealth to exercise its power indirectly but all the more surely", and which was the "best camouflage of capitalism", no true follower of Lenin has ever advocated free elections. Nor could Molotov have done it. He had no choice but to follow the path which alone could have resulted in the establishment of Soviet power in a united Germany. That path leads through the government of what is called the German Democratic Republic which Molotov represented as the body "called to power by an overwhelming majority of the population in democratic elections of the parliament", and was the embodiment of the "democratic forces" of the German nation, that aimed at an early unification of Germany "on democratic and peace-loving principles". Molotov reproached the Western foreign ministers for having no confidence in the "democratic forces" of the German nation.

These "democratic forces", however, are in point of fact mere instruments of Soviet policy, and they command the support of a rather small section of the German nation. As regards the German nation as a whole, Molotov appears to have no confidence in it all. Therefore he could not allow the elections in Germany to proceed without compulsion (*samotyokom*) and

demanded that the occupying powers should see that "Germany emerged from the elections as a united, independent, democratic, and peace-loving state".

These qualifications have a specific meaning to Mr. Molotov, and the other Soviet leaders as well, and they could have been realized only by the "democratic forces" of the German nation supported by the occupying powers in carrying out the elections under compulsion.

One may wonder about what would seem to be inconsistency on the part of Molotov, who, on the one hand, advocated intervention in the elections by the occupying powers, but, on the other hand, opposed the control of the freedom of elections by the occupying powers as incompatible with the sovereignty of the German nation.

Be that as it may, Molotov has in this case followed the well-established Soviet practice which always intervenes in elections in order to achieve the desired results. On such occasions the sovereignty of the nation concerned simply does not exist to the Soviet Union. Thus she carried out the subjugation of the Baltic States by acts of flagrant violation of the sovereignty of Latvia, Estonia, and Lithuania, by direct intervention in the elections of the parliaments of the Baltic States, which were held under open and strict Soviet pressure. Her domination in other countries behind the Iron Curtain was established by similar practices which showed no regard whatever for the sovereignty of the nations concerned.

The question of free elections for Germany had, at any rate, a much wider significance to Molotov and was by no means confined to the German question alone. It affected all the captive nations behind the Iron Curtain, which would have been deeply stirred by the news of free elections in Eastern Germany, and might have caused serious trouble to the Soviet Government.

Those had been surely rather weighty reasons which had caused Molotov to reject the "instrument of the bourgeoisie" for the unification of Germany and insist on what could be called the instrument of Soviet subjugation and domination. The latter was absolutely unacceptable to the Western powers, and thus the gulf between the parties remained as deep and wide as ever with no prospect in sight for agreement unless one side or the other gives up the very ground on which it stands.

Another aspect of the world picture as seen by the Soviet rulers is that of what is called the "capitalist encirclement". They conceive the Soviet Union surrounded by a close ring of capitalist states which by their class nature are expressly hostile to the socialist state and are threatening its very existence. The theory of the capitalist encirclement forms another article of the Communist faith, and as such it carries much greater weight in Soviet politics than the rather accidental talks about the possibilities of peaceful co-existence of the Communist and capitalist states.

In spite of all these talks, the primary task of Soviet policy remains the exploding of the ring of capitalist encirclement until it could be finally removed by the destruction of all capitalist states and the erection of the World Federation of Soviet Socialist Republics,

According to the theory of the capitalist encirclement, there can be no security for the Soviet Union within the capitalist encirclement. Security as understood by the Soviet leaders means expansion of Soviet power at the expense of the capitalist encirclement. The claim of security is only the pretext for further expansion. It is realized by flagrant acts of aggression as in the case of the subjugation of the Baltic States, or in case circumstances do not favour such acts, by indirect aggression through Soviet-dominated puppet governments.

It is rather significant for Soviet practices that the Soviet Union is trying to exploit negotiations concerning her security for creating conditions for further expansion. "Paper agreements will not suffice for the Soviet Union", said Molotov to Hitler in November 1940, when he demanded from the Nazi leader what he called effective guarantees of Soviet security. Such guarantees included a Soviet mutual assistance pact with Bulgaria and Soviet land and naval bases in the area of Bosphorus and the Dardanelles. In other words, the same "effective guarantees of Soviet security" which had earlier opened to the Soviet Union the road to the subjugation of Latvia, Estonia, and Lithuania.

The plan for European security proposed by Molotov at the Berlin Conference seems to conform to these Soviet practices. The overwhelming Soviet military preponderance in the European security system, after the military rivals of the Soviet Union would have been eliminated from the continent, would have certainly created conditions, in which the Soviet Union could have proceeded with the extension of her sphere of domination.

There are two sets of ideas, deeply rooted in Soviet political thought, which determine the Soviet policy of expansion: They are the "laws" of history, as discovered by Marxism-Leninism, and the concept of the capitalist encirclement. Both keep the Soviet Union in a state of constant alert and readiness to march into new territories, whenever conditions would favour such moves, and to push further the frontiers of the vast Soviet Empire. She follows on her marches the rule laid down by a Russian general during Russia's war for the conquest of Turkestan — "*nos frontières marchent avec nous*".

These frontiers are actually the result of the rather incidental fact of military conquest and occupation and their expressly military character is obvious. Karl Marx once observed referring to this sort of frontiers that "if limits are to be fixed by military interests, there will be no end to claims, because every military line is necessarily faulty, and may be improved by annexing outlying territories; and, moreover, they can never be fixed finally and fairly, because they always must be imposed by the conqueror on the conquered, and consequently carry within them the seed of fresh wars."

The essential features and inherent dangers of the *status quo* in Europe are revealed in this passage. It is highly improbable that the Soviet rulers are not aware of the instability of the situation in Europe and the risks it carries within it. If they nevertheless are determined to stick to the *status quo* and take the risks, that could only mean that the unsettled situation and its possible dangerous developments conform to their aims and purposes.

Whatever the Soviet leaders can be charged with, inconsistency is not among their faults. There is no reason to suppose that they would abandon their basic doctrines under the influence of persuasion at conference tables. The East-West situation as it stands is indeed a Gordian knot and it is hardly likely that words or declarations will cut it.



Atdusas vieta pie tēva Rīgas meža kapos.

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Peaceful Co-Existence

Mintauts Čakste

The Soviet slogan of peaceful co-existence is bound to create confusion, unless it is realized that it does not signify any change in Soviet doctrine, nor departure from the propositions of Soviet policy, or abandonment of its aims. This slogan has been developed within the ideological framework of Marxism-Leninism and constitutes part of the doctrine. It can be understood only in association with the whole structure of the theory of world revolution.

Not peaceful intentions towards the two mystical monsters called Capitalism and Imperialism and their aggressive warmongering agents, but dire necessity has forced the heirs of Stalin to give prominence to what is an old Soviet conception. It is no secret that they have inherited the Soviet state, the instrument for world revolution, in a rather poor shape. The USSR is in urgent need of substantial repairs to preserve its existence and to carry out the tasks allotted to it by the prophets of world communism. The means and tools, however, are in possession of the "capitalists". They cannot be obtained by the usual Soviet means of forcible nationalization, so that the only way to get them is by trade. Thus the present Soviet version of peaceful co-existence means expanded trade among the states of both rival camps on the basis of the *status quo*, including the cold war, without excluding, however, the hot war, if it is a "just war" as understood by the Soviets.

The heirs of Stalin are doing an injustice to their dead master by exposing him as the only cause of the non-peaceful co-existence that has troubled the world since the end of World War II. They themselves cannot be absolved from responsibility for the present state of international relations, which they have helped the master to bring about, and even in the recent co-existence campaign they are following the course set by the master a good many years ago.

The privilege to claim priority to the conception of peaceful co-existence belongs to Stalin. He introduced it in December 1925 to describe the international situation as it appeared to him in the

light of the Marxist-Leninist doctrine, when, as he put it, a temporary balance of power was reached by the country of rising socialism and the countries of the capitalist world. What Stalin had first considered a breathing space had developed into a "whole period of peaceful co-existence".

Well aware of what Marxism-Leninism had to say about the co-existence of the proletariat and the bourgeoisie, Stalin was careful enough to use inverted commas for his conception and to limit its application to the situation marked by the "weakness and impotence of the capitalist world and the growing strength of the revolutionary movement of the toiling masses, in particular in the Soviet Union".

There are no indications whatsoever that the heirs of Stalin are giving a different content to the conception as formulated by the master. They have not renounced a single thesis of the Soviet doctrine, out of which the conception was developed, nor have they abandoned the Marxist-Leninist approach to problems of international relations, of which the conception of peaceful co-existence forms only one element. All that has been said and written about peaceful co-existence in the Soviet Union in the post-Stalin era seems to indicate that no changes in the basic propositions of the Soviet doctrine are intended.

In the light of Marxism-Leninism the relations of the Communist and non-Communist states appear as relations of the proletariat and the bourgeoisie. The co-existence of the proletariat and the bourgeoisie was the main issue behind the struggle within the former Russian Socialist Party which caused the Party to split into the factions of Bolsheviks and Mensheviks and later resulted in the victory of the Bolsheviks. The Bolsheviks formed the Soviet State, in which both the bourgeoisie and the Mensheviks were soon exterminated.

After the emergence of the Soviet State, the problem of the relations of the proletariat and the bourgeoisie had to be settled, on a national as well as an international level. The state as such was always conceived by the Soviet rulers as the mere instrument of class domination and oppression, and the "capitalist" state as the instrument of oppression of the proletariat by the bourgeoisie. The relations of the communist states, representing the dictatorship of the proletariat, and the "capitalist" states, representing the dictatorship of the bourgeoisie, were thus conceived as relations of two dictatorships, representing irreconcilable class interests, and by their class nature hostile to each other. The unceasing, bitter struggle, the class struggle, was the only possible form of inter-

course between them. Lenin once said of the class struggle that "not a single question pertaining to the class struggle has ever been settled except by violence. Violence when committed by the toiling and exploited masses against the exploiters is the kind of violence of which we approve". The whole course of Soviet home and foreign policy confirms that Lenin has here laid down the fundamental rule for the conduct of Soviet policy.

Malenkov only reaffirmed this rule, when he assured the delegates to the Constituent Conference of the Komiform that the "whole weight of the class struggle, as far as the Soviet Union is concerned, has been transferred to the international arena".

Although Malenkov and his partners in the "collective leadership" of the Soviet Union are now posing as champions of peaceful co-existence, they have never questioned the validity of earlier statements which appear incompatible with the recent offers of a prolonged period of peaceful co-existence. The class struggle on the international level, as understood by the Soviet rulers, makes peaceful co-existence of the communist and "capitalist" states look like an absolute impossibility.

The kind of peaceful co-existence the Soviet rulers are looking forward to is revealed in the article "Peaceful Co-Existence of the Two Systems" by S. Leonov published in *Kommunist* (No. 13, 1954). First of all, it must be noted that the author puts the blame for the present state of international relations entirely on the "ruling circles of the aggressive imperialist states". Soviet policy, during the thirty-seven years since the Soviet Union was formed, is described by the author as a policy of peace and peaceful co-existence. That is to say, peaceful co-existence could be achieved if only the "ruling circles of the aggressive imperialist states" changed their "aggressive" policy and adapted it to the "peaceful" policy of the Soviet Union.

This Soviet "peaceful" policy is supposed to be determined by the "scientific laws of development of human society" in whose light peaceful co-existence is conceived as the relations of rising socialism and moribund capitalism. The "laws", however, are not self-executing, they must be put into operation, and that is the historical task of the "masses". Here the communist parties enter the scene of history and take over the leadership of the "masses".

Thus the communists took over the leadership of the Korean people when it had to repel "American aggression", and that of the peoples of Indo-China when they fought against "imperialism".

These wars along with "wars of liberation of peoples from the slavery of capitalism" and civil wars launched by the "toiling

masses against the exploiters" are considered just wars. They do not affect peaceful co-existence of the communist and "capitalist" states. What is called "imperialist" wars is a different matter, but they can be launched only by "imperialist" powers and are directed against the Soviet Union and the people's democracies. The Soviet version of peaceful co-existence, obviously, does not rule out every war and leaves ample space for rising socialism to deliver the *coup de grâce* to moribund capitalism.

The essential condition of peaceful co-existence would seem to be some measure of good will and honest intentions on the part of both partners. The lack of both towards the "ruling circles of the imperialist states" on the part of the Kremlin as revealed by Soviet publications of the post-Stalin era, however, is so evident that the very foundation on which peaceful co-existence could be established seems to be absent on the Soviet side.

The book *War Crimes of Imperialism* by Professor P. S. Romashkin, which was published at the end of 1953 and some months later warmly praised by *Kommunist*, has no other purpose than to prove that the "ruling circles of the imperialist states" are not fit to be co-operated with. No publication of the Stalin era could compete with this masterpiece of Soviet calumnious propaganda, with the mass of slanderous statements about American, British and French "imperialists". They are exposed along with Hitler and his henchmen as the meanest criminals who have ever perpetrated crimes against humanity. The "imperialists" are already now accused of crimes which they are going to commit in the future, when the third world war, which they are alleged to be preparing, has broken out. One may wonder how the Soviet rulers propose to establish peaceful co-existence with criminals who deserve to be brought to trial just like the war criminals in Nuremberg.

If the Soviet rulers cannot co-operate with the "imperialists", the free nations should ask what confidence they can have in the men in the Kremlin. On the one hand, the latter say "We do not export revolutions", but, on the other hand, they assure us in the Great Soviet Encyclopaedia that "capitalism was destroyed and people's democracies established in Europe with the decisive support of the USSR". This decisive support by the USSR is just what we would call export of revolution. As a matter of fact, the Soviet Union has exported revolutions first into the Baltic States, later into other countries which all now form the sphere of Soviet domination.

The case of the Baltic States represents an instance of how the

Peaceful Co-Existence

Soviet conception of peaceful co-existence works in practice. Latvia, Estonia and Lithuania had been members of the Soviet security system, which was based on a series of international treaties, including pacts of non-aggression and the convention for definition of aggression, and they had been assured time and again of an "abundant reserve of peaceful intentions" by the Soviet Union. This peaceful co-existence ended, however, very much like the ride of the smiling young lady from Riga on the tiger:

They returned from the ride
With the lady inside
And the smile on the face of the tiger.

Since then more ladies have been swallowed, and the tiger with the peaceful co-existence smile on his face is looking about for new victims.

DAS PERSÖNLICHE EIGENTUM DER SOWJETBÜRGER

Zur Frage der Rechtsfähigkeit der Sowjetbürger auf dem Gebiet des Sachen- und Erbrechts*)

Der nachfolgende Beitrag wirft eine kollisionsrechtliche Frage von praktischer Bedeutung auf. Es handelt sich um das Problem der Qualifikation des Begriffs ‚Eigentum‘. Können Sowjetbürger im Ausland belegenes Vermögen durch Erbfolge rechtswirksam erwerben? Diese Frage hat kürzlich einige schwedische Gerichte beschäftigt.

Die Redaktion

Im sozialistischen Wirtschaftssystem der Sowjetunion ist die Rechtsfähigkeit der Bürger auf dem Gebiet des Sachenrechts notwendigerweise beschränkt. Das sozialistische Eigentum ist die herrschende Form des Eigentums. Es besteht nach Sowjetrecht in der Form von Staatseigentum oder von Eigentum der Genossenschaften und Kolchose. Dadurch wird ein sehr beträchtlicher Teil von Vermögensgegenständen dem privaten Rechtsverkehr entzogen und auch das Verfügungsrecht des Sowjetbürgers über die Vermögensgegenstände, die er zu Eigentum besitzen darf, eingeschränkt. Die sowjetische Rechtsordnung kennt kein Privateigentum. Sie besitzt ihren eigenen Eigentumsbegriff – das sogenannte persönliche Eigentum¹⁾. Dieses läßt sich mit dem Privateigentum der nichtsowjetischen Rechtsordnungen nicht vergleichen.

Die rechtliche Grundlage des Eigentums- und Erbrechts des Sowjetbürgers ist Art. 10 der Verfassung der UdSSR. Hiernach wird das Recht des persönlichen Eigentums der Staatsbürger an ihren Arbeitseinkommen und Ersparnissen, an ihrem Wohnhaus und ihrer zusätzlichen Hauswirtschaft, an Hauswirtschafts- und Haushaltungsgegenständen, an Gegenständen des persönlichen Bedarfs und Komforts wie auch das Recht der Beerbung des persönlichen Eigentums der Staatsbürger durch das Gesetz geschützt.

Es wird sowjetischerseits ständig behauptet, daß sich das persönliche Eigentum des Sowjetrechts grundsätzlich vom Privateigentum oder, wie es gewöhnlich bezeichnet wird, vom kapitalistischen Privateigentum unterscheidet. Diese Behauptungen scheinen wohl begründet zu sein. Das persönliche Eigentum des Sowjetrechts wird vom sozialistischen Eigentum abgeleitet und ist mit der sowjetischen Wirtschafts- und Rechtsordnung untrennbar verbunden. Außerhalb dieser Ordnung erscheint das persönliche Eigentum des Sowjetrechts als kaum denkbar.

Das Hauptmerkmal des persönlichen Eigentums ist seine Entstehungsquelle. Es kann nur durch persönliche Arbeit auf den in der Sowjetunion zugelassenen Arbeitsgebieten erworben werden. Wenn auch das Sowjetrecht Arten des Eigentumserwerbs wie Kauf, Tausch, Schenkung, Erbgang kennt, so ist doch im Grunde nur die persönliche Arbeit die Quelle, aus der das persönliche Eigentum entsteht, das dann verkauft, getauscht, geschenkt und vererbt werden kann. Das Sowjetrecht schließt fremde Arbeit als Erzeuger persönlichen Eigentums ausdrücklich aus. Nach kommunistischen Grundsätzen gilt Anwendung fremder Arbeit als Ausbeutung des Menschen durch den Menschen. Eigentumserwerb durch fremde Arbeit würde gegen die Verfassung verstoßen, die bestimmt, daß im sozialistischen Wirtschaftssystem, das die wirtschaftliche Basis der Sowjetunion bildet, die Ausbeutung des Menschen abgeschafft

*) Dieser Beitrag erscheint auch in schwedischer Sprache in „Svensk juristidning“.

1) Личная собственность

ist. Nach sowjetischer Auffassung soll sich das persönliche Eigentum gerade dadurch vom kapitalistischen Privateigentum unterscheiden, daß es die Ausbeutung des Menschen durch den Menschen ausschließt²⁾.

Zur Zeit werden in der Sowjetunion nur die privaten Kleinwirtschaften der Einzelbauer und der Gewerbetreibenden als die letzten Reste des kapitalistischen Privateigentums geduldet. Die privaten Kleinwirtschaften sollen ihrem Ursprung nach kapitalistischer Herkunft sein und werden nicht vom sozialistischen Eigentum abgeleitet. Sie werden von der Verfassung unter der ausdrücklichen Bedingung zugelassen, daß sie auf persönlicher Arbeit beruhen und die Anwendung fremder Arbeit ausschließen. Für diese Kleinwirtschaften ist jedoch im sowjetischen Wirtschaftssystem kein bleibender Platz vorgesehen. Sie werden allgemein als kapitalistische Überbleibsel bezeichnet, die im Begriff sind, bald ganz zu verschwinden. Ihr gegenwärtiger Anteil an der sowjetischen Gesamtwirtschaft ist gering. Soweit keine besonderen Rechtsvorschriften bestehen, unterliegen die privaten Kleinwirtschaften den Bestimmungen über das persönliche Eigentum³⁾.

Ein anderes kennzeichnendes Merkmal des persönlichen Eigentums sind die begrenzten Verwendungsmöglichkeiten, die dem Eigentümer im sozialistischen Wirtschaftssystem gegeben sind. Der Eigentümer ist berechtigt, das persönliche Eigentum lediglich zur Befriedigung seiner materiellen und kulturellen Bedürfnisse zu gebrauchen. Jede andere Verwendung des persönlichen Eigentums würde nach sowjetischer Auffassung „die Verdrehung des persönlichen Eigentumsrechts“ bedeuten. Für Fälle, in denen eine tatsächliche Verfügung über persönliches Eigentum leicht möglich wäre, hat die sowjetische Gesetzgebung Vorschriften erlassen, die das Verfügungsrecht des Eigentümers ausdrücklich einschränken. Das Dekret des Präsidiums des Obersten Sowjets vom 22. August 1948 verbietet dem Eigentümer, sein Wohnhaus zu vermieten. Dieses Verbot wird dadurch begründet, daß das Wohnhaus nur der Befriedigung der persönlichen Bedürfnisse des Eigentümers zu dienen habe. Der Beschluß des Zentralexekutivkomitees vom 20. Mai 1932 untersagt den Kolchosbauern, landwirtschaftliche Erzeugnisse, die sie in ihren zusätzlichen Wirtschaften erzeugt oder als ihren Anteil an den Einkünften des Kolchos erhalten haben, an private Kaufleute und Vermittler zu verkaufen. Ein solcher privater Handel würde den Grundsätzen des sozialistischen Wirtschaftssystems widersprechen. Das sozialistische Wirtschaftssystem ist der entscheidende Faktor, der den Inhalt des persönlichen Eigentumsrechts bestimmt. Darum werden die Vorschriften, die das persönliche Eigentumsrecht einschränken, sowjetischerseits nicht als Einschränkungen beurteilt. Im Gegenteil, diese Vorschriften sollen dem persönlichen Eigentumsrecht seinen Inhalt verleihen (Genkin S. 330).

Entsprechend den beschränkten Verfügungsmöglichkeiten ist auch der Kreis der Gegenstände begrenzt, die das Objekt des persönlichen Eigentumsrechts bilden können. Art. 10 der Verfassung enthält eine ausführliche Aufzählung, nämlich: Arbeitseinkommen und Ersparnisse, Wohnhaus, zusätzliche Hauswirtschaft, Hauswirtschafts- und Haushaltsgegenstände und Gegenstände des persönlichen Bedarfs und Komforts. Der Hof des Kollektivbauern, der im Sowjetrecht auch Subjekt des persönlichen Eigentumsrechts ist, ist berech-

²⁾ Советское государственное право (Sowjetisches Staatsrecht), hrsg. vom Rechtsinstitut der Akademie der Wissenschaften der UdSSR, Moskau 1948, S. 94; Советское гражданское право (Sowjetisches Zivilrecht), hrsg. vom Allunions-Institut für Rechtswissenschaften, Bd. I (unter der Redaktion von Genkin), Moskau 1950, S. 329, 332 (im folgenden „Genkin“ zitiert).

³⁾ Genkin, S. 344—346; В. И. Серебровский: Очерки советского наследственного права (W. I. Se-rebrowskij: Abhandlungen über das sowjetische Erbrecht), hrsg. vom Rechtsinstitut der Akademie der Wissenschaften der UdSSR, Moskau 1953, S. 8.

tigt, eine zusätzliche Wirtschaft auf dem bescheidenen Grundstück, das dem Bauer zur persönlichen Nutzung zugewiesen ist, ein Wohnhaus, Zugvieh, Geflügel und landwirtschaftliches Kleininventar als persönliches Eigentum zu besitzen, aber nur in einem stark begrenzten Umfang, den das Kolchosstatut bestimmt. Außerdem darf das persönliche Eigentum nur von den Mitgliedern des Bauernhofes genutzt werden und nicht zum Werkzeug für die Ausbeutung fremder Arbeit werden⁴). Das persönliche Eigentum ist, abgesehen von den privaten Kleinwirtschaften der Einzelbauern und Gewerbetreibenden, eigentlich die einzige Form des Eigentums, das ein Sowjetbürger überhaupt besitzen kann. Wenn auch Art. 52 des sowjetischen Zivilgesetzbuches das Privateigentum erwähnt, so ist nach allgemeiner sowjetischer Auffassung dieser Artikel schon längst durch Art. 10 der Verfassung überholt, der nur noch das persönliche Eigentum kennt (Genkin S. 331; Serebrowskij S. 8, 21).

Das sowjetische Erbrecht ist mit dem sowjetischen persönlichen Eigentum aufs engste verbunden. Art. 10 der Verfassung bestimmt ganz ausdrücklich, daß das Erbrecht an persönlichem Eigentum durch das Gesetz geschützt wird. Die sowjetische Rechtslehre will den grundsätzlichen Unterschied zwischen dem sowjetischen und kapitalistischen Erbrecht gerade darin erblicken, daß in jenem das persönliche Eigentum, im letzteren das Privateigentum auf die Erben übergeht⁵).

Das sowjetische Erbrecht hat wesentliche Wandlungen durchgemacht, bis es den jetzigen Stand erreichte. Auf Grund der Vorschriften des Kommunistischen Manifests, das die Abschaffung des Erbrechts forderte, hatte das Zentralexekutivkomitee am 27. April 1918 das Dekret über die Abschaffung des Erbrechts erlassen. Während der folgenden vier Jahre bestand in der Sowjetunion kein Erbrecht. Als aber Lenin gezwungen war, das forcierte Tempo der Revolution zu drosseln und aus den Schwierigkeiten einen Ausweg in der Neuen Ökonomischen Politik zu suchen, wurde das Erbrecht wieder eingeführt. Das Dekret vom 22. Mai 1922 über die Grundrechte auf privates Vermögen stellt das Erbrecht für einen begrenzten Kreis von Erben und für einen Erbschaftswert bis 10000 Rubel wieder her. Die Bestimmungen dieses Dekrets wurden später in das Zivilgesetzbuch der RFSR aufgenommen, das am 1. Januar 1923 in Kraft getreten ist. Damals konnte das Privateigentum noch im Wert bis zu 10000 Rubel vererbt werden. Seitdem aber hat die Revolution in der Sowjetunion bedeutende Fortschritte gemacht, die zur vollständigen Liquidation der sogenannten kapitalistischen Elemente geführt haben. Im Laufe dieser Entwicklung ist das Privateigentum und das Erbrecht an Privateigentum in der Sowjetunion abgeschafft worden und das persönliche Eigentum zur einzigen Form des Eigentums geworden, das der Sowjetbürger berechtigt ist, zu besitzen und zu erben. Serebrowskij schreibt zum Ergebnis dieser Entwicklung: „Nach der Liquidation der kapitalistischen Elemente und Vernichtung der antagonistischen Klassen ist die Beerbung des Privateigentums ausgeschlossen. Das persönliche Eigentum, das vom sozialistischen Eigentum abgeleitet wird, ist eigentlich die einzige Form des Eigentums, das vererbt werden kann. Die gesamte weitere Entwicklung des sowjetischen Erbrechts hat sich auf Grund der Verfassung vollzogen, die zur rechtlichen Grundlage für die ganze spätere Gesetzgebung geworden ist“ (Serebrowskij S. 21). Das bedeutet, daß Sowjetbürger rechtlich nur fähig sind, persönliches Eigentum im Sinne des Sowjetrechts zu erben und daß der erbrechtliche Erwerb von Privateigentum für sie ausgeschlossen ist.

Diese Feststellung könnte in Fällen von Bedeutung sein, in denen Staatsangehörige der Sowjetunion Erbschaftsansprüche auf Privateigentum erheben, das ihre verstorbenen Verwandten außerhalb der Sowjetunion hinterlassen haben. In diesen Fällen muß es unvermeid-

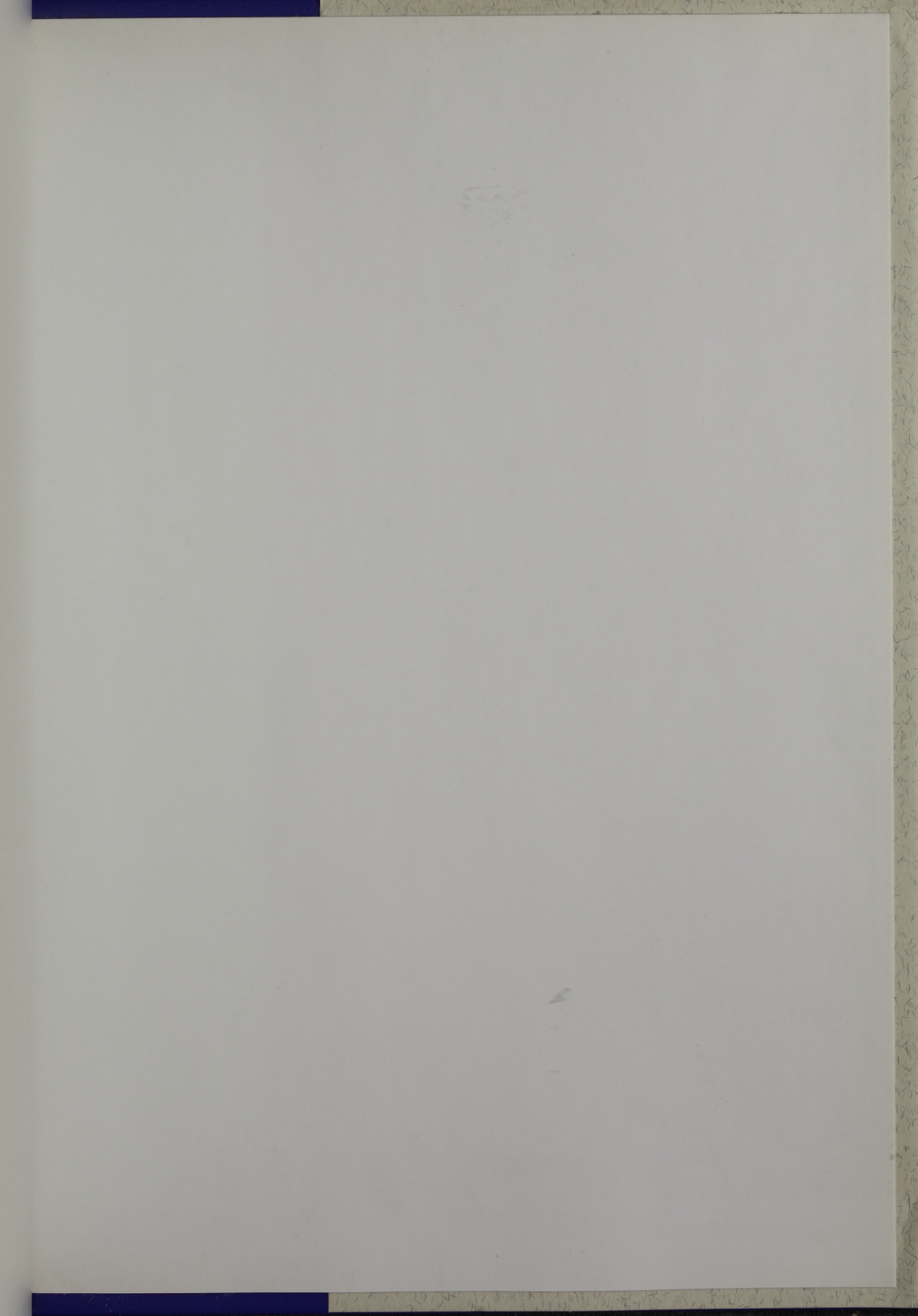
⁴) Genkin, S. 334; Советское государственное право, S. 95.

⁵) Советское гражданское право, Bd. II (unter der Redaktion von Bratus), Moskau 1951, S. 436.

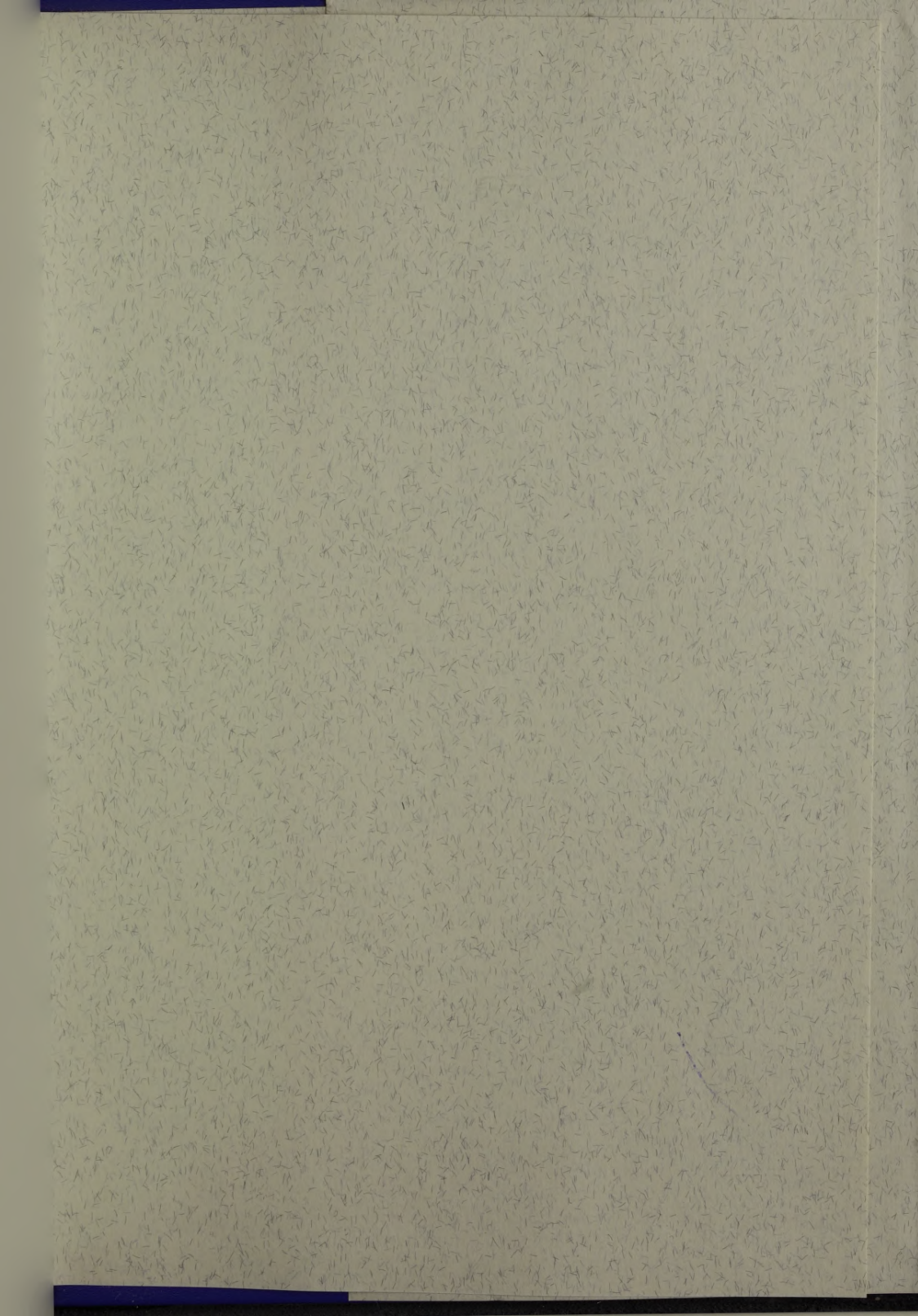
lich zum Konflikt zwischen zwei Eigentumsbegriffen kommen, der wohl kaum gelöst werden kann. Das persönliche Eigentum, das ein Sowjetbürger zu erben berechtigt ist, ist eine spezifisch sowjetische Eigentumsart, die aus den Eigentümlichkeiten der sowjetischen Wirtschafts- und Rechtsordnung entstanden und außerhalb der Sowjetunion nicht vorhanden ist. Das Privateigentum andererseits ist in der Sowjetunion abgeschafft. Sowjetbürger sind daher nicht mehr rechtlich fähig, Privateigentum zu besitzen und zu erben. Dazu muß noch bemerkt werden, daß die Abschaffung des Privateigentums und des Erbrechts an Privateigentum stets eine der Hauptaufgaben des sowjetischen Kommunismus gewesen ist, der die vollständige Liquidation aller „kapitalistischen Elemente“, d. h. des Privateigentums und des Erbrechts am Privateigentum als eine seiner größten Leistungen bezeichnet. Es würde dem ganzen Wesen des gewaltigen geschichtlichen Vorgangs, der sich seit der Oktoberrevolution von 1917 in der Sowjetunion abgespielt hat, widersprechen, wollte man Sowjetbürger als rechtsfähig betrachten, Privateigentum zu besitzen und zu erben. Ein Sowjetbürger, der auf dem Erbwege im Ausland zum Fabrikanten, Bankier, Rentier, Kaufmann usw. geworden wäre, würde in seiner Heimat nach den Grundsätzen der kommunistischen Lehre als Klassenfeind gelten und dementsprechend behandelt werden. Deshalb muß es als ausgeschlossen erscheinen, daß eine ausländische aus Privateigentum bestehende Erbschaft in den Besitz eines Sowjetbürgers in der Sowjetunion übergeht. Es ist nicht unmöglich, daß die Erbschaft nationalisiert werden würde, da das Privateigentum überall in der Sowjetunion nationalisiert worden ist. Aber falls auch keine formelle Nationalisierung stattfindet, so müßten doch der „kapitalistische“ Ursprung und die „kapitalistischen“ Eigenschaften des Privateigentums übersehen werden, sollte die Erbschaft in den Besitz des Erben in der Sowjetunion gelangen können. Aber selbst in einem solchen Fall könnte der Erbe nur diejenigen Vermögensgegenstände aus der Erbschaft erhalten, die er auf Grund der Verfassung berechtigt ist, als persönliches Eigentum zu besitzen. In diesem Fall würde dieser Teil der Erbschaft eine Art von Transformation durchmachen. Es müßte sich aus Privateigentum in sowjetisches persönliches Eigentum verwandeln. Der Rest der Erbschaft würde dann notwendigerweise dem Sowjetstaat zufallen.

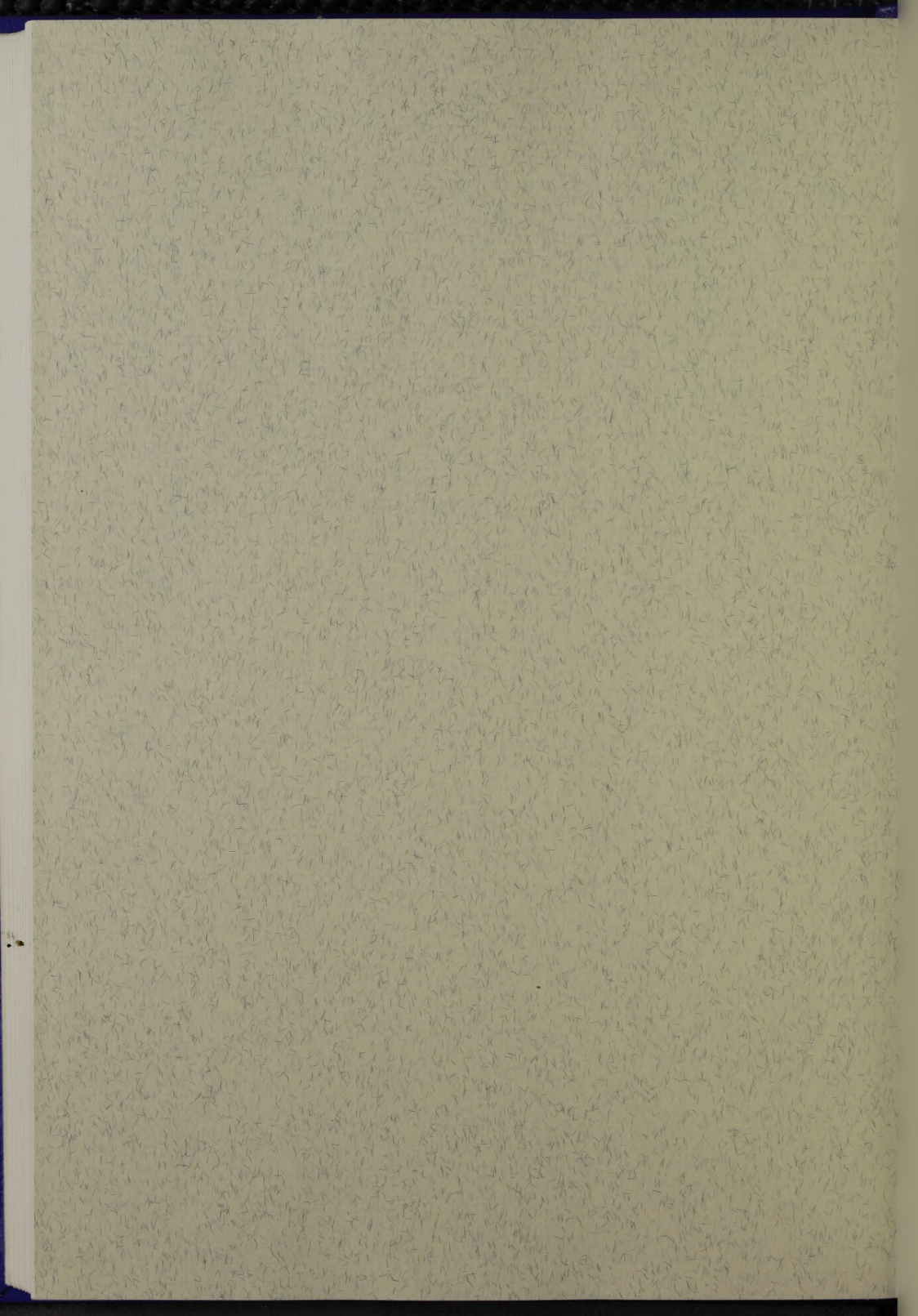
Das würden die unvermeidlichen Folgen der verminderten Rechtsfähigkeit der Sowjetbürger sein. Ein Sowjetbürger kann rechtlich nicht in den Nachlaß eines kapitalistischen Erblassers eintreten. Erbe und Erblasser gehören jeder einer anderen Rechtsordnung an, deren Eigentumsbegriffe so grundverschieden sind, daß eine rechtswirksame Erbfolge unter ihnen ausgeschlossen ist.

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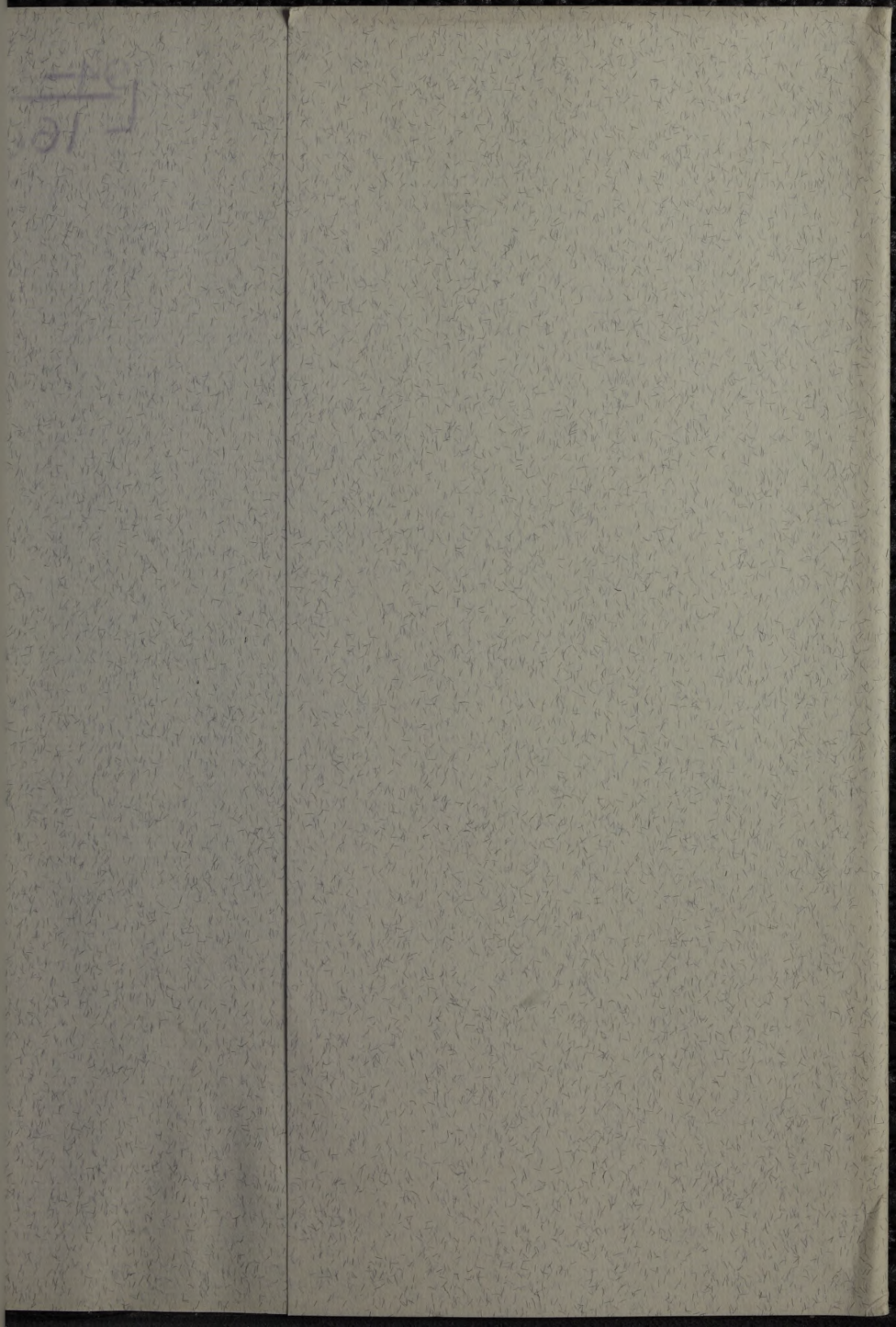


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