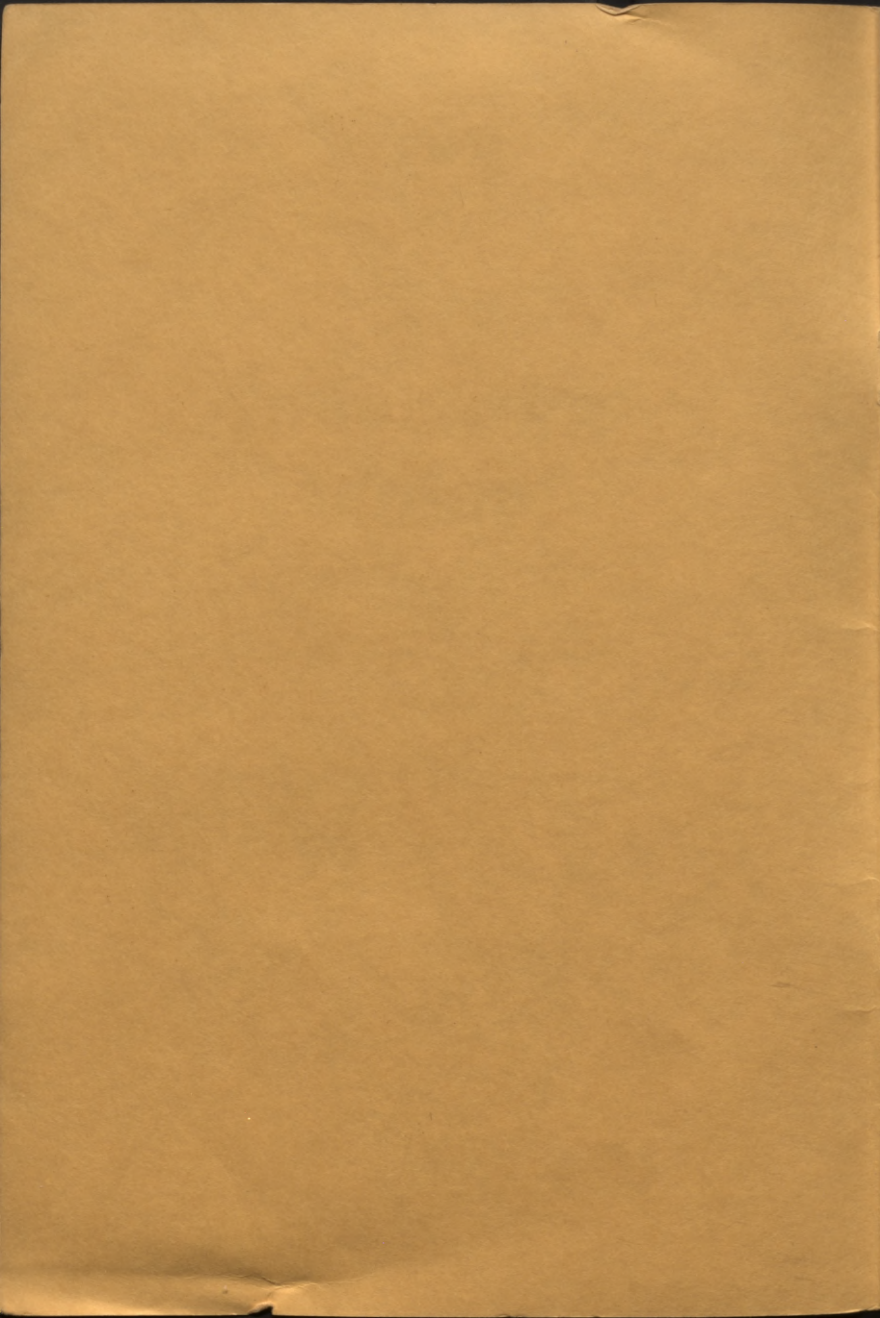




**Soviet  
Aggression  
Against  
The  
BALTIC STATES**





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# **Soviet Aggression Against The BALTIC STATES**

By A. Rumpeters, LL.M.

Published by  
The World Federation of Free Latvians  
New York 1974

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LATVIJAS NACIONĀLĀ  
BIBLIOTEKA  
95-826  
0309084240

*This publication is made possible by grants from the Latvian  
Academic Fraternities and Sororities and the Atis Kronvalds Fund  
of the Fraternity Lettonia.*

Printed by Augstums Printing Service, Inc., Lincoln, Nebraska 68502, U.S.A.

## PREFACE

*The scholar of history, who studies the distressing events of the first two years of World War II, will recognize the paramount significance of two developments that affected the Western World for several decades to come.*

*First, in 1939 two quasi-allied dictatorships – Nazi Germany and Communist Soviet Union – occupied and divided Poland. And second, in June 1940, while victorious Hitler's troops invaded France, the successors to Russian tsars, the government of Joseph V. Stalin ordered its troops to occupy the Baltic States. The occupation forces soon enforced a genocidal policy of extermination, deportation and russification of Estonians, Latvians and Lithuanians, followed by a massive influx of Russian nationals into the Baltic States. This was the beginning of the thrust by the Soviet Union into the Western World.*

*The tractate by Mr. A. Rumpeters, LL.M. analyzes how the Soviet Union, by breaking existing international treaties and by the use of force, committed its aggression against the Baltic States.*

*The World Federation  
of Free Latvians*

APPENDIX

The school of history, which has been the dominant force of the last two years of World War II, will recognize the permanent significance of the development that created the Eastern World for several decades to come.

First in 1919 two powerful dictatorships - Germany and Communist Soviet Union - occupied and divided Poland. And second, in June 1940, while various Hitler's troops invaded France, the successor to Russian that the government of Joseph V. Stalin ordered its troops to occupy the Baltic States. The occupation for a long time induced a genocidal policy of extermination, deportation and repression of Estonian, Latvian and Lithuanian, followed by a massive influx of Russian soldiers into the Baltic States. This was the beginning of the third by the Soviet Union into the Eastern World.

The history by Dr. J. Kampner, I.M. analysis has the Soviet Union by including existing historical records and by the use of force committed in aggression against the Baltic States.

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## Introduction

It should be noted, first of all, that Estonians, Latvians, and Lithuanians completely differ from the Slavic nations as to their ethnic origin and languages.<sup>1</sup> There are many other traits as well which mark this difference from the Russians. While the majority of Estonians and Latvians are Lutherans, and Lithuanians are predominantly Roman Catholics, the Russians belong to the Greek Orthodox Church. Also, the Baltic nations have always been closer to Western Europe than to Russia in their national traditions, mentality, and forms of social life. It was only in the XVIII century that these countries came under the domination of the Russian Empire,<sup>2</sup> but even until the end of the XIX century there existed in Estonia and Latvia (except in the regions bordering Russia) a system of schools, courts and administration essentially differing from that adopted in Russia. Therefore the secession from Russia and proclamation of the independent states of Estonia, Latvia, and Lithuania towards the end of World War I was a natural process emanating from the principle of the self-determination of nations. After their accession to power in Russia the Communists promulgated, on November 15, 1917, the right of self-determination of the nations belonging at that time to Russia, including the right to secede and to establish the existence of independent states.<sup>3</sup> This declaration, however, proved to be a mere propaganda move in order to secure the help of non-Russian nations in the struggle against the anti-Communist forces during the period of the strengthening of the Soviet regime. Disregarding this declaration, the armies of Communist Russia invaded the Baltic States at the end of 1918, shortly after the proclamation of the independence of Estonia, Latvia and Lithuania. On this occasion "Izvestia," the semi-official organ of the Communist government, said in its issue of December 25, 1918: "Estonia, Latvia and Lithuania are directly on the road from Russia to Western Europe and therefore a hindrance to our revolutions . . . This separating wall has to be destroyed."

Thus the newly established Baltic States, i.e. Estonia, Latvia and Lithuania, had to take arms in order to liberate their countries from the red aggressors, which they managed to achieve in 1919-20.

1. The Estonians belong to the so-called Finnish ethnic group, whereas the Latvians and Lithuanians belong to the Baltic ethnic group.
2. On the other hand wide Russian and Byelorussian areas had been under the domination of the Grand Duchy of Lithuania during the XIV and XV centuries.
3. *Mezhdunarodnoye Pravo*, Institute of Law of the USSR Academy of Science, 1951, p. 161.

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 of the Communist Party of Lithuania during the 1918-1919  
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POLITICAL RELATIONS BETWEEN THE BALTIC REPUBLICS  
AND THE USSR BEFORE SOVIET OCCUPATION

As a result of the successful liberation wars, Soviet Russia was compelled to conclude peace treaties with the Baltic States. The treaty with Estonia was signed on February 2, 1920;<sup>4</sup> the treaty with Lithuania, on July 20, 1920;<sup>5</sup> and that with Latvia on August 11 of the same year.<sup>6</sup>

By these treaties Soviet Russia unreservedly recognized the independence and sovereignty of the Baltic States and declared that it renounced "for eternity" (i.e. forever) all sovereign rights over the above-mentioned peoples and territories which formerly belonged to Russia. (The words "for eternity" in the original text read as "irrevocably" in the English text of these treaties published by the League of Nations.)<sup>7</sup>

At the initiative of the Government of the Soviet Union,<sup>8</sup> all three of the Baltic States concluded non-aggression treaties with the Soviet Union, namely Lithuania on September 28, 1926;<sup>9</sup> Latvia on February 5, 1932;<sup>10</sup> and Estonia on May 4, 1932.<sup>11</sup> These treaties were later amended and were in effect in 1940 when the Soviet Union arbitrarily occupied the Baltic States. By virtue of these treaties the contracting parties, among other things, undertook to refrain from any act of aggression directed against the other, and also from any acts of violence directed against the territorial integrity and inviolability or the political independence of the other contracting party; and to submit all disputes, whatever their kind of origin, which may arise between them and which cannot be settled by ordinary diplomatic procedure, to a procedure of conciliation in a joint conciliation commission. (Arts. I and IV of the Non-Aggression Treaties with Latvia and Estonia, and Arts. III and V of the

4. League of Nations Treaty Series, Vol. XI, pp. 29-71.
5. *Recueil de traités conclus par la Lithuanie avec les pays étrangers*, Vol. I, Kaunas, 1930, pp. 30-45.
6. League of Nations Treaty Series, 1920-21, No. 67, pp. 213-231.
7. See, for example, the Peace Treaty with Estonia and Latvia, para. 2. and Peace Treaty with Lithuania, para. 1.
8. Prof. Dr. G. von Rauch "Die Baltischen Staaten und Sowjetrußland 1919-1939", *Europa Archiv* No. 17 (1954), p. 6865.
9. *Recueil des traités conclus par la Lithuanie avec les pays étrangers*, Vol. I, Kaunas, 1930, pp. 429-435.
10. League of Nations Treaty Series, 1934, No. 3408, pp. 123-125 and 127.
11. League of Nations Treaty Series, Vol. CXXXI, pp. 297-307.

Non-Aggression Treaty with Lithuania.) In addition, to these non-aggression treaties between the Soviet Union and the Baltic States, conventions were concluded on the conciliation procedure foreseen by the non-aggression treaties.<sup>12</sup>

Apart from these bilateral treaties, the Soviet Union came to an agreement with the Baltic States, as well as with others of its neighbors as early as 1929 concerning the immediate entry into force of the so-called Kellogg Pact. The protocol, with respect to the Pact, was signed by Estonia, Latvia, Poland, Roumania and the Soviet Union on February 9, 1929,<sup>13</sup> and Lithuania declared its adherence to it on April 5 of the same year. By signing the protocol, the contracting parties, among other things, agreed:

- a. to condemn recourse to war for solution of international controversies, and renounce it as an instrument of national policy in their relations,
- b. that the settlement or solution of all disputes or conflicts, which may arise among them, shall never be sought except by pacific means.<sup>14</sup>

Finally, on July 3, 1933, the Soviet Union concluded with its neighbors, including the Baltic States, the Convention for the Definition of Aggression.<sup>15</sup> Article II of the Convention gives a clear definition of various forms of aggression, such as "invasion by its armed forces with or without a declaration of war of the territory of another State," and Article III provides that "no political, military, economic or other considerations may serve as an excuse or justification for the aggression referred to in Article II." The annex to Article III:

- a. lists a number of conceivable excuses and justifications, as for instance the international conduct of a state, e.g., its political, economical or social structure, alleged defects in its administration, disturbances due to strikes, revolutions, counter-revolutions, or civil war;
- b. stipulates that "the High Contracting Parties further agree to recognize that the present convention can never legitimate any violations of International Law that may be implied in the circumstances comprised in the above list."

12. See, e.g. the treaty with Latvia, League of Nations Treaty Series, 1934, No. 3409, pp. 139-141.

13. League of Nations Treaty Series, 1929, No. 2028.

14. League of Nations Treaty Series, 1928, No. 2137.

15. League of Nations Treaty Series, 1934, No. 3391.

As is evident from the quotation above, these treaties constituted an important and legally valid body of reciprocal obligations of which we shall mention the following:

1. the obligation to renounce war, i.e. the use of force as an instrument of national policy;
2. the obligation to abstain from any act of aggression and from any act of violence directed against the territorial integrity and inviolability of the political independence of any contracting party;
3. the obligation to arbitrate all disputes that might arise among two of the contracting states, and which might be impossible to solve through diplomatic channels;
4. the obligation to abstain from interference in the internal affairs of the other party.<sup>16</sup>

However, on the eve of World War II the Soviet Union did not honestly intend to fulfill all these obligations. First of all, during the so-called Moscow Negotiations with France and Great Britain in the first half of 1939, the USSR tried to obtain their consent that in the case of war the Soviet Union, in view of her own security, would defend the Baltic countries even if the latter did not want to defend themselves and did not ask for assistance from the USSR. The USSR did this in spite of the fact that it knew that the Baltic States did not want to be included in any kind of guaranty system with the USSR and wanted to remain *neutral*, as they had already declared.<sup>17</sup> The Baltic States feared — and, as history has shown, with full justification — that the “help and support” of the Soviet army would prove to be lethal medicine, annihilating their freedom and independence.<sup>18</sup> Characterizing the demands of the Soviet Union, the British Foreign Secretary said to the British Ambassador in Ankara: “The Soviet Government proposes a formula which invokes naked interference in the internal affairs of the Baltic States.”<sup>19</sup>

Parallel to the above talks with Great Britain and France, the USSR initiated secret talks with Germany, raising the question of division of spheres of influence and demanding the inclusion of the

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16. M. Čakste, “Latvia and the Soviet Union,” *Journal of Central-European Affairs*, Vol. IX, 1949, pp. 179-180.

17. H. von Rimscha, “Die Baltenpolitik der Grossmächte,” *Historische Zeitschrift*, Band 177, H2, April 1954.

18. August Rei, “The Baltic Question at the Moscow Negotiations in 1939” in *East and West*, 1955, p. 22, No. 4.

19. August Rei, *op. cit.* p. 21.

Baltic States into its sphere of influence. This demand was realized by the Non-Aggression Treaty concluded between the USSR and Germany on August 23, 1939, and by a secret additional protocol, which was amended on September 28, 1939. According to this protocol, the Baltic States were included in the Soviet sphere of influence.<sup>20</sup>

Actually this agreement revealed nothing but the aim of Stalin and Hitler, i.e. the USSR and Germany, by creating spheres of influence to ensure territorial gains at the expense of other countries.<sup>21</sup> Of course, from the point of view of international law, the protocol on division of spheres of influence was not binding on the Baltic States (*pacta tertiis nec nocent nec prosunt*). Yet, in reference to them, the protocol revealed the secret and malicious intention of the Soviet Union to incorporate the Baltic States into the Soviet Union. Therefore, to a certain degree, we can consider this action of the Soviet Union to be in direct violation of the previously mentioned treaties, especially the peace treaties signed by the Soviet Union and the Baltic States.

The next step of the Soviet Union was to force the Baltic States to conclude separate Pacts of Mutual Assistance containing permission to establish Soviet military bases in the Baltic States.

The Baltic States were forced to sign the pacts. Estonia did so on September 28, 1939; Latvia concluded it on October 5th; and Lithuania, on October 10th, 1939. These pacts were concluded under pressure<sup>22</sup> because during the talks on conclusion of the treaties requested by the USSR, it concentrated considerable masses of its armed forces along the borders of the Baltic States, and the Russian talks implied an indirect threat to occupy the Baltic countries, as was made evident by the Latvian Foreign Minister V. Munters' report on discussions in the Kremlin before the actual conclusion of the treaties.<sup>23</sup> Likewise, while asking the Estonian Foreign Minister to conclude the Pact of Mutual Assistance, the Foreign Minister of the Soviet Union, V. M. Molotov, added ominously: "We advise you to accede to the wishes of the Soviet

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20. B. Meissner, *Die Sowjetunion, die Baltischen Staaten und das Völkerrecht*, 1956, p. 53 and 55.

21. H. von Rimscha, "Die Baltenpolitik der Grossmächte," *Historische Zeitschrift*, Band 177, H2, April 1954, p. 308 and 309.

22. The same opinion is expressed by Prof. Charles G. Fenwick in his book *International Law*, 1948, p. 440.

23. Dr. A. Bilmanis, *Latvian-Russian Relations*, 1944, pp. 192-198.

Union in order to avoid something worse. Do not compel the Soviet Union to use force in order to achieve her aims."<sup>24</sup>

From the point of view presently dominant in international law, any coercion which contradicts previously accepted, already existing international obligations is considered unlawful and legally void.<sup>25</sup> This principle, already in evidence in the Pact of Paris of August 26, 1928, (which, as previously mentioned, was effective also in reference to the Baltic States-USSR relations) was taken into consideration by the international military tribunal of the Nuremberg Trials which also included Soviet representatives.<sup>26</sup>

Considering the above, the Treaties of Mutual Assistance between the Soviet Union and the Baltic States must, at least, be looked upon as voidable, an attitude taken also by B. Meissner.<sup>27</sup>

These pacts were correctly fulfilled and observed by the Baltic States, a fact confirmed by the USSR Foreign Minister Molotov in his speech at the Supreme Soviet session on March 29, 1940.<sup>28</sup> Yet, the USSR in view of its ultimate designs was not satisfied with the installment of military bases and various privileges granted by the pacts.

The intention of the Soviet Union, as was proved later, was the occupation and incorporation of the Baltic States. This malicious intention was confirmed by a fact later verified that, as soon as the mutual assistance pacts had been effected, the General Staff of the Soviet Army issued *operative maps* of the Baltic territories labeled "First Edition, 1939" and carrying a title in large letters: "Latvian, Lithuanian and Estonian SSR."<sup>29</sup> Even the clause contained in the pacts of mutual assistance, which stipulated that the enforcement of these pacts must in *no way impair the sovereign rights of the contracting parties, especially with regard to their political structure, economic and social system, and their military measures*,<sup>30</sup> did not prevent the Soviet Union from realization of its intentions. The first ill omen was an article published by the Soviet newspaper "Izvestia" on the issue of war and the situation in the neutral countries.

24. Third Interim Report of the Select Committee on Communist Aggression (of the U.S. House of Representatives,) Washington, 1954, p. 221.

25. G. Wenner, *Willensmangel im Völkerrecht*, Zürich, 1940, p. 293.

26. *Nürnberger Urteil*, Verlag - Schwann, Duesseldorf, 1946, pp. 9, 15, 18.

27. B. Meissner, op. cit. p. 188.

28. A. Bilmanis, op. cit. p. 201.

29. The CFL has the copies of the respective maps in its files. See also A. Schwabe "Baltic States" in the *Fate of East Central Europe*, 1956, p. 105 (CFL - Committee for a Free Latvia).

30. B. Meissner, op. cit. p. 61 and Article V of the pact with Latvia, see Appendix, p. 31.

The article states: "The recent war events (occupation of Belgium, the Netherlands and Luxemburg) once more prove that neutrality of small states, which do not have power to support it, is a mere fantasy. Therefore, there are very few chances for small countries to survive and to maintain their independence."<sup>31</sup>

At the beginning of May, strikes organized by the Lithuanian Communists started in Lithuania. On May 25th, 1940, Molotov suddenly presented the Lithuanian government with a note accusing Lithuanian authorities of the kidnapping of two Soviet soldiers. The Lithuanian government immediately undertook all possible measures in order to clarify the Soviet assertions. The efforts of the Lithuanian government to clear the case met with no response from the Soviet government. However, as early as June 8, during the negotiations in Moscow between the Lithuanian Prime Minister Merkis and Molotov, the latter, among others, came forth with new accusations against *all three* Baltic States, charging them with having formed an aggressive military alliance against the Soviet Union, although Molotov's charges were completely groundless.

Quite naturally, Merkis repudiated this accusation as being unfounded and, being unable to satisfy Molotov, proposed establishment of a conciliation commission provided for in the Non-Aggression Treaty between Lithuania and the Soviet Union. Molotov refused. All the efforts of the Lithuanian government to satisfy the rulers in Moscow were doomed to failure. The Soviet government was merely pursuing the plan to implement its secret agreements with Nazi Germany regarding the Baltic States.

On the evening of June 14th, Molotov presented to the Lithuanian Minister of Foreign Affairs, who at that time was in Moscow, a Soviet note demanding among other things:

- a. immediate formation of a new government capable of assuring proper fulfilment of the mutual assistance pact;
- b. immediate assurance of free entry into the territory of Lithuania for the units of the Soviet army which would be stationed in the most important centers of Lithuania.<sup>32</sup>

The concluding part of the note stated that the Soviet government would wait for an answer until 10 A.M., June 15th, but that if an answer were not received by that time, the Soviet Union would

31. Communist Take-Over and Occupation of Lithuania, Special Report No. 14 of the U.S. House of Representatives Select Committee on Communist Aggression, 1956, p. 9.

32. Communist Take-Over and Occupation of Lithuania, Special Report No. 14, p. 10.

regard the note as having been rejected. Taking into consideration the hopeless situation, the impossibility of organizing military resistance during this short space of time, and the presence of Soviet troops at the bases on the territory of Lithuania, the Lithuanian government accepted this note.

On June 16th, 1940, Moscow presented similar notes to Latvia and Estonia.<sup>33</sup> The ultimatum had to be answered the same day (June 16th). While transmitting these notes to the Latvian and Estonian envoys in Moscow, Molotov orally made a plain threat that if no answer indicating submission to the ultimatum were received by the stated time, the Red Army units, concentrated at the frontiers of *Estonia and Latvia*, would be ordered to march into these countries, suppressing all resistance by armed force.<sup>34</sup> Thus the Soviet notes excluded any discussion of the demands presented by the Soviet Union, and Latvia and Estonia did not have an opportunity even to propose a clarification of the accusations contained in the above notes according to the procedure provided for by the conventions relating to conciliation procedure.

Dwelling on the character of these notes, one should mention that according to a definition given by Oppenheim-Lauterpacht, "ultimatum is the technical term for a written communication by one state to another which ends amicable negotiations respecting a difference and formulates for the last time and categorically the demands to be fulfilled if other measures are to be averted . . ." <sup>35</sup> Taking into consideration the contents of these notes and the above definition of an ultimatum, it is evident that in these specific cases the Soviet Union presented ultimata to the Baltic States, and they were even accompanied by threats. However, according to Oppenheim-Lauterpacht's well-founded opinion, such an ultimatum between the countries-adherents of the Paris Pact (and this was the case with the Baltic States and the Soviet Union) is "normally unlawful as it amounts to an anticipatory breach of the Pact."<sup>36</sup> Speaking expressly about the Soviet Union's ultimata delivered to the Baltic States, the same was stated by B. Meissner, who refers to H. Asbeck's

33. Dr. A. Bilmanis, op. cit. p. 203 and *Valdības Vēstnesis* (Latvian Government Gazette) No. 134 of June 17, 1940; and Third Interim Report of the Select Committee on Communist Aggression, 1954, p. 244.

34. A. Berzins, *I Saw Vishinsky Bolshevize Latvia*, 1948, pp. 17-18; H. Rei, *Nazi-Soviet Conspiracy and the Baltic States*, 1948, p. 47, and *The Drama of the Baltic Peoples*, 1970, pp. 289-290.

35. L. Oppenheimer, *International Law*, Vol. II, ed. by Lauterpacht, 1952, p. 295.

36. Op. cit. Vol. II, p. 186, note.

opinion.<sup>37</sup> That the ultimata were unlawful is borne out more strongly with the knowledge that the accusations had no foundation in fact whatsoever. In fact, the Treaty of Defensive Alliance between Latvia and Estonia had already been concluded on November 1, 1923 (see League of Nations Treaty Series No. 578/24, p. 83-85), and while concluding the Non-Aggression Treaty with Latvia on February 5, 1932, the Soviet Union itself declared in the preamble of this treaty "that none of the obligations so far assumed by either of the Parties hinders the peaceful development of their mutual relations or is incompatible with the present Treaty."<sup>38</sup> The same point of view, but in other words, was expressed in Article III of the same treaty.<sup>39</sup> Neither when concluding its treaty of Mutual Assistance with Latvia and the other Baltic States nor at any time later, even up to the moment of delivering its ultimata, had the Soviet Union ever demanded "the liquidation" of the alliance established by the treaty of Nov. 1, 1923, or had ever made any objections against it. The accusation contained in the ultimatum presented to Latvia, that Latvia had also enticed Lithuania into this treaty and was attempting to include Finland, was entirely false, and the Soviet Union has not yet proved the bases of its accusations. It is thus evident that the contents of the Soviet ultimata were in contradiction with the terms of the treaties concluded between the Baltic States and the Soviet Union. These ultimata were also in contradiction with the peace treaties and the Mutual Assistance Pacts between the Baltic States and Russia, and were nothing but interferences in the internal affairs of the Baltic States. With regard to the above, it is evident that the Soviet aggression instituted by these ultimata was not only a flagrant breach of international law, but also a violation of the most solemn, valid and binding treaty obligations. At the time of the delivery of the ultimata strong units of the Soviet armed forces were concentrated along the frontiers of the Baltic States, and Soviet military bases were already established in these states. Finland had just lost the war after her struggle against the Soviets. Under such circumstances the rejection of the ultimata by the Baltic States would have resulted in occupation with war and bloodshed. Therefore the acceptance by the Baltic States of the

37. B. Meissner, op. cit. p. 195 and compare H. Asbeck, *Das Ultimatum in modernem Voelkerrecht*, 1933, p. 195.

38. League of Nations Treaty Series, 1934, No. 3408, pp. 123-125.

39. *Ibidem*.

demands contained in the ultimata does not change the character of the USSR actions. The Nuremberg Military Tribunal was also of the same opinion, stating in its sentence that the approval of the occupation of Czechoslovakia by the acting president of the state, Dr. Hacha, which approval was requested in the form of an ultimatum, did not justify Germany's action.<sup>40</sup> This sentence, as it was stated by B. Meissner, proceeded in general from the point of view that every invasion, whether it was based on an ultimatum or not, is an "act of aggression" and therefore is to be qualified as an international crime.<sup>41</sup> Taking into consideration the situation prevailing at the time when the USSR ultimata were delivered and the Soviet army invaded the Baltic States, the same should be said also about the qualifications of this action as an *international crime*. The assertion made by the USSR that the occupation of the Baltic States was necessary for the self-preservation of the Soviet Union is entirely unfounded. *During the time* when the ultimata were delivered as well as *during the invasion which followed, no one was threatening the Soviet Union*. The big western powers – France, Great Britain and Germany – were in a state of war; the latter had concluded with the USSR a non-aggression treaty, and they had come to an agreement concerning the division of the space between them into spheres of influence. In addition, at that particular time there existed good and friendly relations between the USSR and Germany. Therefore one cannot speak about any emergency situation which might have forced the Soviet Union to act aggressively against the Baltic States. The right to act in case of emergency can be used in the field of international relations only in the case of direct and otherwise *inevitable danger*.<sup>42</sup> But in this specific case one can speak even less of self-defense as it is understood by international law, because such self-defense could only consist of an action necessary for defense or self-defense, but it could never be an encroachment,<sup>43</sup> i.e. an invasion into the territory of another country. Thus, from the point of view of international law, these Soviet ultimata and the resultant occupation of the Baltic States which followed cannot be justified.

40. *Nürnberger Urteil*, Verlag – Schwann, Duesseldorf, 1946, p. 181.

41. B. Meissner, *op. cit.*, p. 200.

42. A. Ross, *Lehrbuch des Völkerrechts*, 1951, p. 235.

43. A. Verdross, *Völkerrecht*, 1950, p. 331.

## II. OCCUPATION OF THE BALTIC STATES AND THEIR "INCORPORATION" INTO THE USSR

In the course of the next days after the presentation of the ultimata to the Baltic States, the Soviet army invaded these states. The occupation of Lithuania began on June 15th, and the occupation of Latvia and Estonia started on June 17th, 1940. The Lithuanian Minister of Foreign Affairs, who at that time was still in Moscow, had time to inform Mr. Smetona, the President of Lithuania, that the Soviet Government had decided to send V. Dekanozov, Deputy Commissar of Foreign Affairs, to Kaunas to take charge of the forming of a new Cabinet. The President felt that under these conditions he could not perform his constitutional duties and decided to carry on the struggle for the restoration of Lithuania's independence from abroad. On June 15th, the day when the Soviet army crossed the borders of Lithuania, he left his country. The Presidents of Latvia and Estonia, who were not fortunate enough to have similar advance information, remained in their countries. The President of Latvia also preferred to stay in the country in order to avoid panic among the population. To dispel rumors spread by the Communists, that he had already left Latvia, the Latvian President addressed the people by radio as follows:

"Let each of you stay at his place, as I myself shall stay at mine . . ."44

Together with the military units, emissaries of the Kremlin arrived in the Baltic States and installed themselves in the Baltic capitals. They were: the already-mentioned Y. Dekanozov, in charge of Lithuania; A. Vishinsky, Deputy Chairman of the Council of People's Commissars, in charge of Latvia; and A. Zhdanov, Politbureau member and Party Secretary for the Leningrad district, in charge of Estonia. The mechanized units of the Soviet army were followed very soon by the units of the security police. The complete occupation of the Baltic States and their isolation from the outside world was carried out within a few days. The press, radio and telegraph were under Soviet Russian control. The freedom of

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44. A. Berzins, *I Saw Vishinsky Bolshelize Latvia*, 1948, p. 24.

organization and of public assembly was suspended. In order to cover Soviet violence with a veil of legality, President K. Ulmanis of Latvia and President K. Päts of Estonia were temporarily retained in office, although they were actually prisoners of the occupation regime from the first day of occupation, which fact was later proved by their deportation to the Soviet Union at the end of July.<sup>45</sup> They were positively isolated in their official residences – K. Ulmanis at the Riga Castle, and K. Päts at the Castle of Kardriorg. Terror spread over the Baltic countries and arrests were made, which affected first of all Cabinet members, various high officials, especially those belonging to the police or prosecutor's office, as well as leading members of the Baltic armed forces. The new "People's Governments" (de facto puppet governments), destined to prepare their countries for the forthcoming "incorporation" into the Soviet realm, were handpicked and directed by the above-mentioned three emissaries of the Kremlin. The recruiting and selecting of these "governments" was carried out completely disregarding provisions of the constitutions of the Baltic States. Neither Mr. Päts nor Mr. Ulmanis had been given an opportunity to make any objections against the Premiers chosen by the Kremlin or against other members of their cabinets who had already been approved by Moscow, i.e. the Kremlin.

All the decrees and declarations of the puppet governments emanated from the respective Soviet legations, to be released to the public by the "sovereign" Baltic governments. Obediently following the directives issued by the three emissaries (in reality those issued by Moscow), these puppet governments promulgated new "elections" of "people's parliaments" to be held on July 14th and 15th, 1940.

On July 5th and 6th new electoral laws were promulgated in Latvia and Lithuania. A similar decree concerning elections was promulgated in Estonia on July 5th. The changes in the electoral law were undertaken with the three principal aims:

1. to eliminate judicial control over electoral procedures and counting of votes;
2. to bring the election authorities under full control of the government and the Communist Party, and
3. to facilitate falsifications in election returns and fraud in voting.

45. A. Švābe, *Latvju Enciklopedija*, 1950-51, pp. 805-7 and B. Meissner, op. cit., p. 90.

The above facts, which radically changed the former electoral laws adopted by the Baltic States, were promulgated in contradiction to the constitution of these states. Thus, the Latvian Constitution *expressis verbis* denied the Government the right to change the Saeima (parliament) election law (Art. 81). Only the Saeima itself was entitled to change this law, but if these changes affected the fundamental democratic principles contained in Art. 6 of the Constitution, the amendments adopted by the Saeima had to be ratified by a referendum (Art. 77). Also the Estonian Government, being an executive agency, had no legislative powers whatsoever. The only legal way to amend or change the electoral law of Estonia was by the normal parliamentary procedure – adoption by both Houses of the State Assembly and confirmation by the President.

The intention of the puppet governments was also to carry out the elections in accordance with the pattern used in the Soviet Union, i.e. with one list of candidates. This fact was confirmed publicly, although indirectly, by Korsakov, who at that time was the chief of the Lithuanian Bureau of Information, and who said: "Today, the Lithuanian people, following the example of the free peoples of the USSR under the leadership of the Great Stalin, are electing the Diet in a most just and democratic way. It is true that these elections are not bourgeois democratic elections."<sup>46</sup>

The Communist functionaries designated by the puppet governments played the dominating role in the electoral committees and in the entire election apparatuses in all three Baltic States. No right of appeal was provided if they decided that some of the lists of candidates were not acceptable, because the control of an impartial court had been abolished. As a result of the new electoral system and the decisions adopted by the electoral committees, only one list of candidates was accepted in each of the election districts. Thus, for instance, in Latvia, as is evident from the report of the Chairman of the Central Electoral Commission, Communist A. Busevics, at the third meeting of the newly elected Saeima on July 23rd, there had been presented a total of 17 lists of candidates of which only five had been found acceptable (i.e. a communist-sponsored list of the United Workers Block, under No. 1 for each of the five existing election districts.)<sup>47</sup> Therefore, this voting procedure reflected the

46. Third Interim Report of the Select Committee on Communist Aggression, 1951, p. 349.

47. *Valdības Vēstnesis* (Latvian Government Gazette) July 24, 1940, No. 165.

usual Soviet pattern of one-ticket elections. In Latvia, a group of patriotic citizens had attempted to present to the voters a list of well-known politicians, economists and former state officials, but this action was suppressed by the closing of their election office, confiscation of all election materials, and arrest and later deportation of several persons responsible for organizing this candidates' list. The order to search and to close the election offices was signed by the Minister of the Interior of the puppet government, V. Lacis, and by the Chief of Secret Police, Communist V. Latkovskis.<sup>48</sup>

Consequently, in all three Baltic States the elections were held according to the Soviet pattern, with a single list of Communist candidates. In addition, it happened at a time when, as previously stated, these countries were ruled by the terror of occupational forces. Actually there was neither freedom nor secrecy in these elections, and the electorate was under constant coercion and fraudulent manipulation. In many cases people were forced to vote in favor of the single list of candidates proposed by the Communists, and even whole groups of workers of enterprises were transported to the balloting stations and forced to vote. In addition, the Communist officials of the balloting stations made home visits to many voters shortly before the closing of the elections with a demand to appear and to cast their votes, warning them not to abstain from elections. The elections were devised by the Communists and their confidants alone, and conditions existing in the balloting stations were such as to exclude any possibility to cast a secret ballot.<sup>49</sup>

In spite of all-out propaganda for participation in the ballot and unmistakable threats against the absentees, many citizens, especially in rural districts, abstained from voting for the single Communist list of candidates. The results of the elections had been calculated by Moscow well in advance, with no one being in a position to contest the count. The day after the elections it was announced that 92.8 percent of the voters had cast their ballot for the single pro-Communist slate in Estonia; 97.6 percent in Latvia; and 99.19 percent in Lithuania. By mistake the London representative of TASS reported the results prematurely on July 15th, while *the elections were still in progress*.<sup>50</sup> When the new puppet parliaments convened

48. A. Blodnieks, testimony contained in the files of the Committee for a Free Latvia.

49. Hearings before the Select Committee to Investigate the Incorporation of the Baltic States into the USSR, Washington, 1954, Pt. I, pp. 27, 47, 117, 120, 358-360, etc. Also Third Interim Report, 1954, pp. 265-276, 303-306, 347-355.

50. A. Schwabe op. cit. p. 109 and Bernard Newman, *The New Europe*, New York, 1934, p. 207.

on July 21, the majority of the representatives were surprised at the agenda placed before them: change of the structure of the state and incorporation into the USSR. Nothing was known of it before the elections, since neither the pro-Communist government nor occupation forces had ever made anything public. Only Vishinsky addressing the forced demonstrations on July 18th in Riga mentioned "a new form of state" supposedly coming from the nation's "deepest consciousness."<sup>51</sup> Molotov was more frank than Vishinsky, for already on July 2nd during his conversation with Prof. V. Kreve-Mickevicius, Deputy Prime Minister of Lithuania's puppet government, Molotov said: "You must take a good look at reality and understand that in the future small nations will have to disappear. Your Lithuania, along with the other Baltic nations, including Finland, will have to join the glorious family of the Soviet Union."<sup>52</sup> The newly convened Latvian and Lithuanian parliaments each "unanimously" adopted a resolution asking the Supreme Soviet of the USSR to admit their countries (Latvia and Lithuania) into the Soviet Union, as equal Soviet Socialist Republics. But the Estonian Communists, having requested to be granted the semi-independent status of Outer Mongolia, yielded only on July 22nd, after their request had been declined by Moscow. On the basis of petitions asking for these admissions and by virtue of the resolutions adopted by the Supreme Soviet of the USSR,<sup>53</sup> the Baltic States were admitted as members of the Soviet Union — Lithuania on August 3, 1940; Latvia on August 5, 1940; and Estonia on August 6, 1940. The diplomatic representatives of the Baltic States accredited in the United States and other free foreign countries immediately protested against this illegal incorporation. Following the formal inclusion into the Soviet Union, a Soviet constitution was imposed upon Estonia and Lithuania on August 25th, 1940, and upon Latvia on August 30th, 1940. Foreign diplomatic and consular representatives in the Baltic States were requested to leave.

Thus by installing obedient puppet governments and by arranging the non-constitutional elections of parliaments described above, the Soviet occupation forces have violated the Hague Convention of

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51. *Valdības Vēstnesis*, (Latvian Government Gazette), July 20, 1940, No. 162.

52. Third Interim Report of the Select Committee on Communist Aggression, 1954, p. 342.

53. These resolutions were promulgated as laws.

October 18, 1907.<sup>54</sup> According to Article 43 and the following articles of the Annex IV of this Convention, an occupied country, as far as there are no obstacles to it, retains her legislative, judicial and administrative systems.<sup>55</sup> Considering this and the rights of occupation forces enumerated in these articles, it is evident that the occupying power had *no right* to take any steps towards the alteration of the fundamental law of the occupied country, especially not in reference to her sovereignty and incorporation into other states. After World War I all regulations for a legally organized referendum observe the principle that the armed forces belonging to governments concerned must be withdrawn before the referendum is put into effect.<sup>56</sup> The Soviet occupation forces were not entitled either to take part in creation of an organ of state power foreseen in the constitutions of the Baltic States nor in any respect to affect the act of constituting of such a Government body. Yet, as is evident from the foregoing, the incorporation of the Baltic States into the USSR was carried out by the puppet parliaments, elected during the period of the Soviet occupation, and by the Supreme Soviet of the USSR in its capacity as a legislative body, i.e. by these legislative bodies only. Thus, the incorporation of the Baltic States carried out under such circumstances must be recognised as unlawful and legally void due to the following considerations:

1. As is stressed by M. Čakste, who in his article "Latvia and the Soviet Union" refers to several authorities of international law, such incorporation, from a purely formal point of view, needed conclusion of a treaty between both of the states interested in such incorporation. In other words, there must have been a treaty concluded on both sides by organs of state power which, according to the constitutions of the respective countries, would have been entitled to conclude treaties. In addition, in order to put such a treaty into effect and make it binding, it must have been ratified in a manner determined by the constitutions of both countries, and the documents of

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54. Although the Soviet Union formally did not join this Convention, at the beginning of the Second World War it declared that it will consider it and during the war in several notes blamed Germany for disregard of this convention. (*Mezhdunarodnoye Pravo*, Izd. Akademii nauk SSSR, 1951, pp. 511 and 523.) This convention found recognition in Soviet juridical literature and its provisions on the occupational regime were regarded as a norm of the International Law (*ibidem*, p. 524 and Vyshinsky-Losowsky, *Diplomatichesky Slovar*, 1948-50, p. 441).

55. Fr. von Liszt, *Das Völkerrecht*, Berlin, 1925, p. 329.

56. S. Wambaugh, *Plebiscites since the World War*, 1933, p. 445.

ratification must have been exchanged or deposited according to regulations prescribed by international law.<sup>57</sup> But in the case of incorporation of the Baltic States into the USSR, there were no such treaties, not to mention ratifications or exchange of ratification documents.

2. The "people's parliaments" elected under the Soviet occupation in the Baltic States were not entitled to decide on incorporation into the USSR, because:

a. These parliaments were not elected in free democratic elections and in accordance with the constitution and the democratic electoral laws of the Baltic States and therefore they did not represent the free and true will of the Baltic peoples. It should also be noted that with reference to the parliaments elected in the Baltic countries in such a way under the occupation regime, A. de Lapradelle, an eminent authority on international law, made the following comment:

"It is not difficult to conclude that these three parliaments were neither constitutional nor revolutionary — they only figured in consequence of the machinations of the occupying power."<sup>58</sup>

b. Questions pertaining to the change of the fundamental structure of the state (into which category should be classified the decisions of the puppet parliaments concerning the transformation of the Baltic States into Soviet Republics and their incorporation into the Soviet Union) could have been decided by means of referendum *only* in accordance with the respective provisions contained in the constitutions of independent Estonia, Latvia and Lithuania. The aforesaid emanates from the preamble and Article I of the Estonian Constitution, Art. I and II of the Lithuanian Constitution,<sup>59</sup> and Art. 77 of the Latvian Constitution which *expressis verbis* requires a referendum for adoption of decisions of this kind.<sup>60</sup>

3. The puppet parliaments' decisions may not even be looked upon as a kind of surrogate for referendum because:

57. M. Čakste, op. cit. *Journal of Central European Affairs*, Vol. IX, 1949, pp. 173 and the following.

58. A. de Lapradelle, *La Jeune Suisse*, February 19, 1944.

59. B. Meissner, op. cit. p. 247.

60. *Latvijas Brīvības*, 1954, pp. 11-17.

- a. voting citizens were not informed that the parliament, in violation of Constitutional Law, would have to decide on the country's admission to the USSR<sup>61</sup> and
- b. the decisions of these parliaments which allegedly substituted for the referendum took place while the Soviet occupation forces were stationed and active in the Baltic States (and, as stressed above, no referendum may be put into effect during the presence of foreign armed forces in the country.)

In reference to point 3, one must note that even the USSR collection of laws and decrees contains the "Decree on Peace of November 8, 1917" which, among other things states:

"If any nation . . . is not permitted the right to decide the form of its state's existence by a free vote, taken after complete evacuation of the troops of the incorporating, or generally of the strong nation, such incorporation is annexation, i.e. seizure and coercion."<sup>62</sup>

Considering the foregoing, one must arrive at the conclusion that the incorporation of the Baltic States into the USSR is legally void and unlawful and that, according to international law, the Baltic States have not lost their sovereignty, nor has the USSR acquired this sovereignty by the fact of the occupation of these countries, and by decision of the Supreme Soviet on the incorporation into the USSR. By the incorporating, i.e. the absorbing of these States, the USSR has committed an international offense, but under international law the USSR cannot acquire any rights on the basis of its own delinquency.

Noted below is the opinion expressed by the U.S. House of Representatives Select Committee on the Communist Aggression with regard to the Soviet aggression in the Baltic States. In a special extensive report published in 1954, this Committee stated:

- a. that the evidence is overwhelming and conclusive that Estonia, Latvia and Lithuania were *forcibly occupied and illegally annexed* by the USSR,
- b. that the continued military and political occupation of Lithuania, Latvia and Estonia by the USSR is a major cause of dangerous world tensions . . . and constitutes a serious threat to the peace.<sup>63</sup>

61. A. de Lapradelle, *ibidem*.

62. *Sobranie Uzakonenii i Rasporiazhenii, 1917-18*, p. 2.

63. *Third Interim Report of the Select Committee on Communist Aggression, 1954*, p. 8.

Thus, by continuing the occupation of the Baltic States, the USSR continued to violate:

1. The Atlantic Charter of August 14, 1941<sup>64</sup> which the Soviet Union joined by a resolution signed in London, September 24, 1941.<sup>65</sup>
2. The Declaration by the United Nations of January 1, 1942.<sup>66</sup>
3. The Yalta Declaration on Liberated Europe of February 4-11, 1945.<sup>67</sup>
4. The Charter of the United Nations.<sup>68</sup>

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64. The signatories of the Charter declared:

- a. their desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned,
- b. their wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them. (Louis L. Snyder, *Fifty Major Documents of the Twentieth Century*, 1955, p. 92.)

65. B. Meissner, op. cit., pp. 119-120.

66. In this declaration the government signatories, including the Soviet Union, confirmed the agreement to the principles of the Atlantic Charter and declared the conviction that "victory over their enemies is essential to defend life, liberty, independence and religious freedom." (Louis L. Snyder, *ibidem*, p. 96.)

67. In this declaration the Premier of the USSR, the Prime Minister of the United Kingdom, and the President of the USA jointly declare for the reestablishment or order in Europe according to the principle of the Atlantic Charter "the right of all peoples to choose the form of government under which they will live, the restoration of sovereign rights and self-government to those peoples who have been forcibly deprived of them by the aggressor nations." Furthermore, the declaration states that "to foster the conditions in which the liberated peoples may exercise these rights, the three governments will join . . . among others to facilitate where necessary the holding of free elections." (*Foreign Relations of the United States, The Conference at Malta and Yalta*, Washington, 1955, p. 977.)

68. According to this Charter, one of the "purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples." (Art. I, pt. 2.)

APPENDIX  
LATVIAN-USSR RELATIONS  
BEFORE LATVIA'S OCCUPATION BY THE USSR

Relations between Latvia and the USSR were determined by a series of treaties which guaranteed the independence and sovereignty of the Latvian state on the part of the USSR. The following is a list of treaties concluded between Latvia and the USSR, and some of the most typical quotations pertaining to guarantees given to Latvia by the USSR. (The USSR had concluded similar treaties with Estonia and Lithuania. It is therefore not necessary to mention them here to characterize the actions of the USSR.)

1. The treaty of peace between Latvia and Russia of August 11, 1920. (League of Nations Treaties Series No. 67, 1920-1921, p. 213-231.) Article 2 of this treaty, among other things, states:

"Russia unreservedly recognizes the independence and sovereignty of the Latvian State and voluntarily and irrevocably<sup>69</sup> renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia. . . . The previous status of subjection of Latvia to Russia shall not entail any obligation towards Russia on the part of the Latvian people or territory."
2. Agreement between Latvia and the USSR of July 19, 1926, concerning the settlement of disputes which may arise on the frontier between the two countries. (League of Nations, Treaty Series, 1926, No. 1283, pp. 167-175.)
3. The General Treaty for Renunciation of War as an Instrument of National Policy, signed in Paris, August 27, 1928, the

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69. The original Russian and Latvian texts of the treaty read "forever" instead of "irrevocably."

so-called Kellogg Pact. (League of Nations Treaties Series, No. 2137-29, pp. 59-63). This treaty, among other things states that

“ . . . The High Contracting Parties: a) condemn recourse to war for the solution of international controversies (Article I) . . . and b) agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means (Article II).”

As to the interpretation of the above Pact, Chesney Hill in his article “Recent Policies of Non-Recognition” states as follows: “There is a general agreement that the Pact of Paris prohibits not only war in the legal sense, but also the use of force.”<sup>70</sup>

4. The Protocol signed in Moscow, February 9, 1929, between the USSR, Latvia and other neighboring countries for the immediate entry into force of the Treaty of Paris of August 27, 1928. (League of Nations Treaties Series 2028-29, pp. 371-375). In the introduction of this Protocol it is stated that Contracting Parties

*“being desirous of promoting the maintenance of peace between their respective countries, and for this purpose of putting into force without delay . . . the Treaty for the renunciation of war . . . have decided to achieve this purpose by means of the present Protocol . . .”*

Article I of the above Protocol further states that

*“the Treaty for the renunciation of war as an instrument of national policy, signed in Paris on August 27, 1928 . . . shall come into force between the Contracting Parties . . .”*

- 5.A. The Treaty of Non-Agression between Latvia and the USSR of February 5, 1932. By the Protocol signed on April 4, 1934, the period of validity of the above Treaty was determined to be until December 31, 1945. (League of Nations Treaties Series No. 3408-34, pp. 123-125, and 127). In the introduction of the above Treaty, the Contracting Parties, among other things, declare that

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70. Chesney Hill, *International Conciliation*, Oct. 1933, No. 293, p. 372.

a. "none of the obligations so far as assumed by either of the Parties hinders the peaceful development of their mutual relations or is incompatible with the present Treaty;"  
and that they are

b. "firmly resolved to respect mutually and unreservedly each other's sovereignty, political independence, territorial integrity, and inviolability."

In conformity with the above introduction, Article I of this Treaty states that:

"Each of the High Contracting Parties undertakes to refrain from any act of aggression directed against the other, and also from any acts of violence directed against the territorial integrity and inviolability or the political independence of the other Contracting Party, regardless of whether such aggression or such acts are committed separately or together with other Powers, with or without a declaration of war."

Article III of the above Treaty further declares that

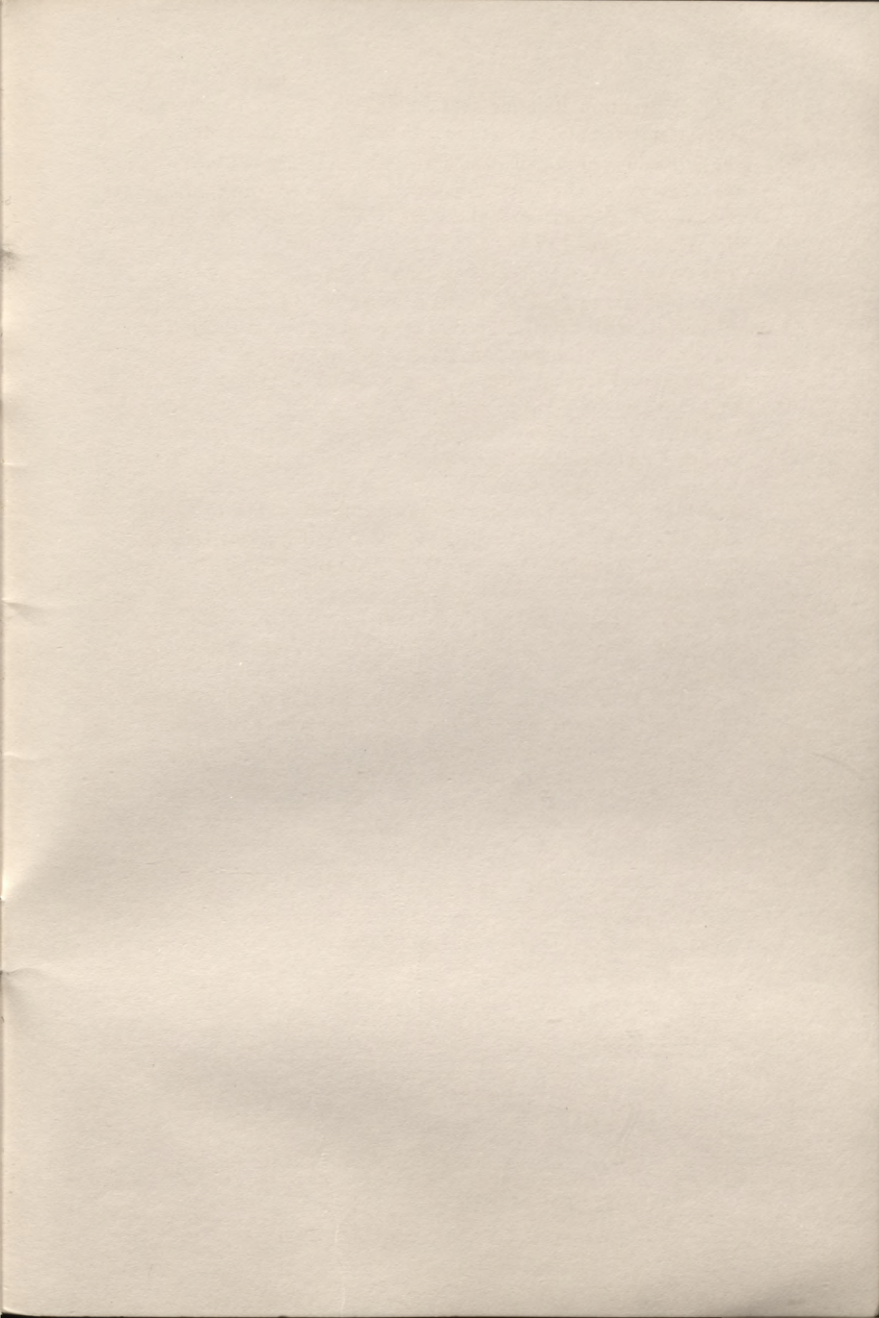
"the obligations provided for in the present Treaty may not in any way limit or change the international rights and obligations devolving on the High Contracting Parties from treaties concluded by them before the coming into force of the present Treaty and duly published in the official publications of each Party . . ."

Procedure to be taken in case of dispute or difference of opinion between the Contracting Parties, is foreseen in the Article IV of the above Treaty:

"In view of the obligations assumed in the present Treaty, the High Contracting Parties undertake to submit all disputes, whatever their kind of origin, which may arise between them after the signature of the present Treaty and which cannot be settled within a reasonable period by ordinary diplomatic procedure, to a procedure of conciliation in a joint conciliation commission of which the composition, powers, and procedure are to be fixed by a special Convention which the two Parties undertake to conclude as early as possible, and which shall come into force at the same time as the present Treaty."

- B. The Convention Relating to Conciliation Procedure between Latvia and the USSR of June 18, 1932, contains, in its turn, the procedure of conciliation foreseen in the above Treaty of Non-Aggression, i.e., it contains the rules of work of the conciliation commission. (League of Nations Treaties Series No. 3409-34, pp. 139-141).
6. The Convention for the Definition of the Aggression of July 3, 1933 (League of Nations Treaties Series No. 3391, pp. 69-75). Article II of the above Convention gives a close definition of various forms of aggression; among others, such as "invasion by its armed forces, with or *without* a declaration of war of the territory of another State," but Article III of the same Convention determines that "no political, military, economic or other considerations may serve as an excuse or justification for the aggression (referred to in Article II)."
7. The Pact of Mutual Assistance between the Republic of Latvia and the USSR of October 5, 1939. (League of Nations Treaties Series No. 4656/39, pp. 385-387). This Pact which foresees the installment of certain USSR naval and air bases in the territory of Latvia, among other things, repeatedly recognizes the sovereignty of the Latvian State, as Article V of the Pact declares:

"The enforcement of the present Pact may in no way impair the sovereign rights of the Contracting Parties, more especially with regard to their political structure, economic and social systems, and military measures."

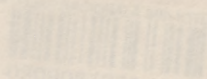


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