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The Baltic Path to Independence: An International Reader of Selected Articles

REVIEWED BY TIMOTHY KEARLEY*

THE BALTIC PATH TO INDEPENDENCE: AN INTERNATIONAL READER OF SELECTED ARTICLES; Edited by Adolf Sprudz; W.S. Hein & Co., Buffalo, N.Y. (1994); (\$37.50); ISBN 0-89941-867-8; 392 pp. (pbk).

This is a collection of twelve pieces, reprinted from nine different sources, on the loss and recent reacquisition of independence by Estonia, Latvia, and Lithuania. It devotes most of its attention to the international legal aspects of the topic, but it pays substantial attention to historical and political aspects of the events as well. This breadth of scope is matched by the diversity of sources from which the contributions were taken—six journals and three collections of essays, published in the U.S., France, and Germany. Editor Adolf Sprudz, Foreign Law Librarian and Lecturer Emeritus at the University of Chicago Law School (who was born in Latvia and has published in this field previously) adds a highly informative introduction and a chronology of events.

This work is divided into two parts. The contributions in Part I, "The Struggle for Independence," primarily describe and analyze the events of 1987 to 1991 which led to the reassertion of sovereignty by the Baltic states. The first three, written in English,¹ deal with one state each, offering detailed, politically-oriented reviews of events part way into 1989. The next two pieces focus on Latvia, one in German reviewing the history of that country's incorporation into the Soviet Union and subsequent political developments into 1991 (just prior to the August declaration of independence), and one in English concentrating on the unique demographic aspects of politics in Latvia (where native Latvians made up only about 52% of the population by 1989). The final essay in this part is a brief survey, in German, of the environmental situation and environmental politics in the Baltic states. Given the extent of environmental degradation in the Baltics and the importance of environmental groups in the independence movements there, the inclusion of a work on the subject is not as anomalous as it might seem; however, the work in question does not specifically relate environmental and independence issues, thus making it somewhat out

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1. Originally published in Juris Dreifelds, *Latvian National Rebirth*, PROBS. OF COMMUNISM, July-Aug. 1989, at 77; V. Stanley Vardys, *Lithuanian National Politics*, PROBS. OF COMMUNISM, July-Aug. 1989 at 53; Rein Taagepers, *Estonia's Road to Independence*, PROBS. OF COMMUNISM, Nov.-Dec. 1989, at 11.

of place here.

The bulk of the book is given over to the six contributions that make up part II, "International Law and Baltic Independence," written in German and French. The first piece, which translates into English as "State Continuity, International Legal Position, and Foreign Political Situation of the Baltic States," by Boris Meissner, points out the reasons why nearly all Western states held that the incorporation of the Baltic states into the USSR violated international law, and surveys the resulting state practice regarding the continued recognition of the Baltic states as independent nations. Meissner notes, interestingly, that the Netherlands was the only Western nation to recognize the incorporation, due to the fact that it first recognized the USSR in 1942 and thus recognized it as it stood then, including the Baltic states.

The second article, Romain Yakemtchouk's "The Baltic States in International Law: Defeat of an Annexation Carried out in Violation of Human Rights"² covers much the same ground, but from a somewhat different point of view, referring to French authorities and analyzing in greater detail the French position on non-recognition of the incorporation. It also describes some of the international law issues currently facing the Baltic states, such as recovering pre-incorporation state property and establishing their territorial seas and exclusive economic zones. Both Meissner and Yakemtchouk agree that the current Baltic independence constitutes a re-establishment of sovereignty that was never lawfully extinguished, rather than a new sovereignty won through secession or decolonization.

The contribution of Rahim Kherad, "The International Recognition of the Baltic States,"³ implies, on the other hand, that the new independence has to be analyzed in terms of secession or self-determination. However, he goes on to recognize that the annexation of 1940 can be viewed as having only interrupted the independence of those peoples, as the occupation of Kuwait by Iraq suspended Kuwaite independence. Kherad also discusses the process of "re-recognition" of the Baltic states by other nations and their readmission into international organizations, the early stages of which was made delicate by the reluctance of states to aggravate the Soviet Union's distress or to encourage a series of secession movements.

The final substantive piece, "The Baltic States Face International Legal Problems: Continuity or State Succession with Regard to Treaties, State Property, and State Responsibility". is Dietrich Loeber's brief look, in German, at certain international legal problems faced by

2. Originally published in 37 ANNUAIRE FRANÇAIS DE DROIT INTERNATIONALE 259 (1991).

3. Originally published in 96 REVUE GÉNÉRALE DE DROIT INTERNATIONAL 843 (1992).

the Baltic States. It provides a summary of those states' possible legal position with regard to the treaties, state property and state responsibilities belonging to the USSR between 1940 and 1990, as well as the possible continued validity of the treaties entered into by the Baltic states during their previous period of independence. No definitive answers are offered, but the most important possibilities are considered.

The Baltic Path to Independence provides an excellent review not only of the unique international legal position and history of these states, but of some fundamental international legal concepts, such as state recognition and sovereignty as well. The contributions are well chosen, and they offer extensive bibliographic references that facilitate further exploration of the subject matter. Physically, the reprinting process was largely successful, although the print in three of the essays is rather small and a few of the footnotes barely legible in one. On the whole, this is a volume well worth purchasing for most international law collections.

