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MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger

SUBJECT: Impact of European Security Conference
on Baltic States

Members of the Baltic American Community have recently been seeking reaffirmation of the United States' policy toward the Baltic States, believing such reaffirmation is important on the eve of the European Security Conference. This memorandum addressed the questions you have raised on this subject.

The anticipated results of the European Security Conference will not alter the status of the Baltic states, and your signature of the final CSCE documents will not inadvertently serve either to confirm or endorse permanent Soviet control.

-- The final CSCE documents to be signed at the Heads of Government level will not be in Treaty form and they will not be legally binding. They will be declarations of a political, humanitarian, and technological/economic character reflecting a political and moral commitment by the participating states -- not a legal obligation.

-- The language of central importance to the Baltic states is that relating to the inviolability of frontiers and the peaceful change of frontiers. While the Soviets have from the beginning of the Conference attempted to turn it into a surrogate World War II Treaty formally confirming the territorial status quo of Eastern and Western Europe, we and the West Europeans have successfully resisted this. Thus, while the CSCE principles will state that borders are inviolable they will also state that borders can be changed by peaceful means. (With the future of the two Germanies in mind, the FRG has insisted on the peaceful change of frontiers language, and the USSR has agreed. This is a positive development in terms of the interests of the Baltic-American community.)

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Determined to be Administrative Marking

Date 7/17/96 By KBH

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-- State Department consultations thus far with various Senators would indicate that the CSCE declarations will not become a subject of emotional debate in the Senate. Concerned Senators have sought and have received assurance that the CSCE documents will have no legal force. It is realized that were the Senate to insist on having the documents submitted by the Executive Branch for formal Senate review, it would accord the documents more formal, treaty-like status than is desired.

Background on US-Baltic State Policy

The United States has never recognized the forcible annexation of Estonia, Latvia, and Lithuania by the Soviet Union in 1940, despite the fact Baltic States have the status of Constituent Republics of the Soviet Union. We have continued to accredit in this country diplomatic representatives commissioned by the last independent governments of the Baltic States (Latvia and Lithuania are represented by charges d'affaires in Washington; Estonia by a consul general in charge of legation in New York).

Despite our non-recognition policy, we regularly deal with Soviet authorities on practical matters involving the Baltic States, such as consular affairs, postal matters, and cultural exchanges. The Baltic-American community generally has not objected to these steps, realizing that we must work through Soviet authorities if we are to have any contact with the Baltic peoples.

Although the Soviets clearly dislike our non-recognition policy, they have brought no public or private pressure to bear in an effort to change it. They may hope, instead, that time and detente will gradually erode our position.

Americans of Baltic background, with the support of some members of Congress, have been active and vocal in urging that we maintain our policy toward the Baltic States. They have been quick to criticize any move which could be interpreted as a weakening of our refusal to recognize Soviet annexation of these countries. They have asked for assurances that U.S. policy toward the Baltic States will not be altered by the European Security Conference.

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The Department of State is in frequent correspondence with the Baltic American community and has offered written assurances that the U.S. position in the European Security Conference in no way alters U.S. policy toward the Baltic States.



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