
МЕЖДУНАРОДНОЕ ПРАВО

INTERNATIONAL LAW

UDC 316.422

THE LONG AND WINDING ROAD OF BELARUS TO SOVEREIGNTY AND RECOGNITION

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The path of Belarus to its sovereignty and international recognition has been long, difficult and trying. Elements of international subjectivity originating from limited sovereignty have been present at different historical periods before Belarus' gaining full-fledged independence in 1991. The authour studies external perception and legal view of the limited status of Belarus as a subject of international relations during the Soviet period through analysing a failed legislative effort in the US Congress to recognise and establish diplomatic relations with Byelorussian Soviet Socialist Republic.

Keywords: Belarus; the United States; sovereignty; international recognition; diplomatic relations; resolution 58.

ДОЛГИЙ И ТЕРНИСТЫЙ ПУТЬ БЕЛАРУСИ К СУВЕРЕНИТЕТУ И ПРИЗНАНИЮ

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Путь Беларуси к суверенитету и международному признанию был долгим, трудным и тревожным. Элементы международной субъектности, проистекающие из ограниченного суверенитета, уже присутствовали во внешней деятельности нашей страны в разные исторические периоды до обретения Беларусью полноценной независимости в 1991 г. Автор исследует внешние оценки и правовой взгляд на ограниченный статус Беларуси как субъекта международных отношений в советский период путем анализа неудавшейся законодательной попытки Конгресса США признать и установить дипломатические отношения с Белорусской Советской Социалистической Республикой.

Ключевые слова: Беларусь; США; суверенитет; международное признание; дипломатические отношения; резолюция 58.

Образец цитирования:

Кравченко ОИ. Долгий и тернистый путь Беларуси к суверенитету и признанию. *Журнал Белорусского государственного университета. Международные отношения*. 2020;2:71–77 (на англ.).

For citation:

Kravchenko OI. The long and winding road of Belarus to sovereignty and recognition. *Journal of the Belarusian State University. International Relations*. 2020;2:71–77.

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Introduction

Belarus as the majority of other nations has gained independence as a result of a lengthy and difficult historical process based on the people's will and effort to self-determine and self-rule, shaping through centuries of development of language, culture, and identity, participation in wars and alliances, attempting to achieve statehood, acquiring experience by contributing to statehood of other entities as a part, and gradually understanding the value of independence as an ultimate prize in international relations.

The goal of this article is to research the role of the elements of statehood and international subjectivity that Belarus enjoyed as a part of the USSR, in the wider process of Belarus' historical progression to forming a nation and a state. A specific case of the legislative effort in the United States Congress to recognise and establish diplomatic relations with the Byelorussian Soviet Socialist Republic (Byelorussian SSR) will be used in order to look into the ways a combination of political will and opportunist legalistic thinking revealed more vividly some international legal grounds for potential recognition of Belarus. The analysis of the American approach at the time should also be instrumental in defining how the limited international activities of the Byelorussian SSR, mandated by the Soviet constitution and the Soviet government, gradually led or at least contributed to strengthening the international role, status, and subjectivity of Belarus.

The long path of Belarus to independence is well-researched by the outstanding Belarusian legal scholars, namely professor Yazez Yukho [1], professor Taisiya Dovnar [2], and professor Grigory Vasilevich [3], who also wrote on the topic jointly [4]. Some Western scholars have researched the history of Belarus with a focus on the process of the nation's formation through different historical periods: Nicholas Vakar (Nikolai Platonovich Vakar) [5], Timothy Snyder [6], and Per Anders Rudling [7]. A book called "A history of Belarus" by Lyubov Bazan has become an important addition to the Western understanding of the Belarusian nation's origins and its way to independence [8]. Important to

this research, a detailed outline of the path of Belarus becoming a UN Charter member is presented in the writings of Belarusian researchers, professor Vladimir Snapkousky [9] and professor Nikolai Myazga [10]. The place of Belarus in US Congressional activities before 1990 has been generally little researched, although is well documented in an article by Tat'yana Kulakevich called "Belarus in the Congressional record 1873–1994" [11].

The recent history of Belarus started when the country gained independence as a result of the Declaration on state sovereignty of the Byelorussian Soviet Socialist Republic on 27 July 1990. At the same time, the statehood of Belarus as well as its participation in international relations have a much longer history.

Professor V. Snapkousky highlighted stages of the foreign policy of Belarusian states in different historical periods as follows: ancient Belarusian principalities, the Great Duchy of Lithuania, the Polish-Lithuanian Commonwealth, the Belarusian People's Republic, the Byelorussian Soviet Socialist Republic, and the Republic of Belarus [12, p. 9–10].

We believe that elements of statehood and international activity during different historical stages, the ethnic and national identity of the Belarusian people, including the Belarusian language, as well as the realisation of the will of the people in different formats of state formations, are to be recognised at least as important constituents of the historical path of the Belarusian people to the full-fledged sovereignty and independence of the Republic of Belarus.

Without those constituents, the establishment of the Byelorussian Soviet Socialist Republic within the USSR would have been unlikely. During the Soviet times, Belarus exercised some international subjectivity and elements of independent foreign policy as a Charter member of the United Nations. The status led to the idea of formal recognition and establishing diplomatic relations between the United States and Byelorussia, as a part of the Soviet Union without direct encouragement of seceding.

Legislative effort in the United States Congress

There have been several initiatives in the United States Congress related to formal recognition and establishment of diplomatic relations between the US and republics of the Soviet Union. Some, and rather numerous, related initiatives were more political and less legalistic, from calling for "liberation of the peoples of the Soviet Union" to asking the Soviet Union to "lift the iron curtain so as to inform the Soviet people of the peaceful purposes of the American people

and the American government", without attempting to ensure any international legal consequences¹.

A fewer number of legislative efforts stands out as being specifically aimed at full formal recognition of certain Soviet republics by the United States, without challenging the unity of the USSR. The rationale for these initiatives was two-fold: based on Byelorussia's and Ukraine's recognition as United Nations Charter members along with other sovereign nations – subjects

¹82nd Congress. Survey of activities of the Committee on Foreign Relations. 1952. P. 29.

of international law, as well as the sovereignty and independence of the republics as set forth in the USSR Constitution of 1936 which provided the right freely to succeed from the USSR reserved to every Union republic and the right to enter into direct relations with foreign states and to conclude agreements and exchange representatives with them.

The most well-known, considered, and discussed initiative was sponsored by representative Lawrence H. Smith of Wisconsin in 1953 in the form of the House concurrent resolution 58 "Favoring the extension of diplomatic relations with the Ukraine and Byelorussia"².

United States senator H. Alexander Smith and Robert Chiperfield, chairman of the Committee on Foreign Relations of the House of Representatives, supported the initiative by officially requesting the state department's opinion on the advisability of this step. Representative Michael Feighan of Ohio called the Committee on Foreign Relations to act immediately on the House concurrent resolution 58, while addressing the House of Representatives on 6 January 1954.

Representative Leonard Farbstein of New York introduced a House joint resolution 355 in 1955, and a House joint resolution 428 in 1963, both documents calling for

establishing diplomatic relations between the United States and Byelorussia and Ukraine. The texts of both resolutions were rather similar to the text of House concurrent resolution 58 sponsored by representative H. Alexander Smith.

Further related discussions in the United States Congress were held in the context of initiatives calling to the expulsion of Byelorussia and Ukraine from the United Nations, based on their "not being sovereign nations, not having diplomatic relations with any other sovereign nation in the world, and not conducting foreign relations separate of those of the Soviet Union". In 1955 Representative H. Alexander Smith argued against those legislative actions, citing his being a part of the Congressional hearings on the extension of diplomatic relations with those two nations two years prior.

The Congressional initiatives were widely supported by the diasporas, which leading representatives participated in hearings as witnesses and provided political and factual information to back US congressmen and senators sponsoring the resolutions. A thorough study leads to a conclusion that Lev Dobriansky, professor of economics at Georgetown University, a Ukrainian-American, was the leading force behind the legislative effort³ [13–15; 16, p. 231; 17, p. 300].

House concurrent resolution 58

House concurrent resolution 58 "Favoring the extension of diplomatic relations with the Ukraine and Byelorussia" was submitted by representative H. Alexander Smith on 9 February 1953. The resolution consisted of a preamble of twelve paragraphs and the text of the resolving clause of one paragraph.

The resolving clause reads: "That is the sense of the Congress that the Government of the United States in support of a policy of liberation should proceed to establish direct diplomatic relations with the Government of the Ukrainian Soviet Socialist Republic and the Government of the Byelorussian Soviet Socialist Republic, and in the creation of posts of representation in the capitals of Kiev and Minsk, respectively, consistent with the diplomatic procedure in such matters".

The twelve paragraphs of the preamble indicate the underlying reason for the measure, including political and legal reasons. Ten out of twelve paragraphs are of

legal nature mostly, and only two are mostly political. The Treaty of Riga of 1921, the first union constitution of the USSR, the constitution of 1936, specific rights, like the right to secede, to enter into direct relations, to conclude agreements and exchange representatives, as well as to have its own republican military formations, set forth in the constitution for every union republic, recognition of delegations of Byelorussia and Ukraine as accepted members of the United Nations, which provides an opportunity to establish direct diplomatic concourse with their capitals, are among the legal reasons. The appearance of independent will and status fostered through "propaganda media", and recognising the sovereignty being in harmony with the ideas of the Declaration of independence of the US and the American people standing ready to assist the peoples in the Soviet Union for the strengthening of their freedoms and their economic development, carry more political than legal reasoning.

Views at the United States Congress

The hearing held before the special subcommittee for House concurrent resolution 58, on 15 July 1953⁴, represents the comprehensive overview of opinions in congress, academia, and diasporas on potential formal recognition of Byelorussia and Ukraine, allowing to un-

derstand a more general perception in the US regarding the extent of the sovereignty of Byelorussia and other republics and their international subjectivity.

Byelorussia and Ukraine were considered as once independent and then, starting from 1918, captive

²Proceedings and debates of the 83rd Congress. Vol. 99. Part 1. 1953. P. 963.

³Favoring extension of diplomatic relations with the Republics of Ukraine and Byelorussia. Hearing. Committee on Foreign Affairs. House of Representatives. 83rd Congress. 1953. 1418-5. P. 22–88.

⁴Favoring extension of diplomatic relations with the Republics of Ukraine and Byelorussia. Hearing. Committee on Foreign Affairs. House of Representatives. 83rd Congress. 1953. 1418-5.

nations. As compared to other union republics, Ukrainian and Byelorussian nations were seen as the most willing to free from Soviet rule.

The Soviet Union's effort to ensure seats at the United Nations was viewed not as a measure to increase influence at the UN, but as an internal policy attempt to appease the two nations, by providing them some practical elements of international subjectivity while other republics were given only norms in the constitution.

It was understood that, despite the constitutional provisions and seats at the UN, Byelorussia and Ukraine were not sovereign in terms of the sovereignty of international law subjects, and the constitutional rights for Union republics were cited less to make a case, and more to demonstrate "the hypocritical character" of the constitution by revealing lack or rather full absence of realistic rights to secede, or exchange representatives.

The initiative was an attempt to use the congress' legislative power to facilitate future independence of Byelorussia and Ukraine for the diasporas, and more a measure to confront the Soviet Union for the congressmen and the academics.

Not ruling out a possibility of the Soviet government accepting the proposal, the resolution's sponsors and supporters [18] saw potential advantages in acquiring two "listening posts", because "with alert observers stationed in these two capitals, much could be learned about developments in the western non-Russian periphery of the Soviet Union".

It was believed that even if the initiative is accepted, it would not constitute a verification of genuine sovereignty and independence, for Byelorussia and Ukraine, with American ambassadors in Minsk, in Kiev, would not be more functionally independent than were Poland or Hungary. Clarence Manning from Columbia University called the US position the false legalism during the hearings. He also did not consider Poland, Hungary, and Czechoslovakia as to any extent more independent than Byelorussia and Ukraine, and used that argument to support the resolution and establishment of the diplomatic relations.

The proponents of the action though it would also open the way for US allies to establish diplomatic relations with Byelorussia and Ukraine.

There were doubts voiced if the establishment of diplomatic relations would constitute a "recognition of Soviet territorial acquisitions"⁵. A possibility of expand-

ed representation of union republics in the UN and other international organisations was another concern.

The sponsors understood the high probability of the Soviet authorities rejecting the proposal to allow the establishment of diplomatic relations, and still thought the initiative would yield some advantages. They saw merit in the simple posing of the question to the Soviet authorities, which in their view would reflect "the beginning of American recognition of the tremendous power resident in the centrifugal forces operative within the fabric of the Soviet Union <...> signalling in concrete and specific form our interest in the eventual freedom of these two nations <...> this circumstance will formally expose the fraud built on the alleged independence of these two major, captive non-Russian nations in the union <...> a Soviet refusal would provide an additional lie to its protestations of peace on which we stand to capitalise throughout the entire free world <...> we will have gained a powerful propaganda weapon"⁶.

During the hearing, a failure of the British attempt in 1947 to establish direct diplomatic relations with Ukraine was recalled as suggesting that acceptance of the US proposal was unlikely. Additional comparative research of subjectivity of Belarus and Ukraine during the Soviet times may be based on the suggestion that Winston Churchill agreed with accepting Byelorussia and Ukraine as charter members of the UN because he saw similarities between the status and the future of those nations and Australia and Canada [19, p. 297].

The status and credibility of Byelorussian and Ukrainian delegations to the United Nations were believed to be significantly affected in the case of refusal. "This step would undoubtedly produce an acute embarrassment for the highly vocal, puppet delegations representing the Soviet Ukraine and Byelorussia in the UN"⁷.

Bob Considine supported the draft resolution and opined that if the Soviet government refuses the proposal, "we could with justification demand that UN expel the Ukrainian and Byelorussian delegations as impostors"[20].

Minsk was made aware of the idea of the establishment of diplomatic relations between the US and Byelorussia. Students of the Georgetown University international relations club sent a letter to the BSSR delegation to the UN on 20 April 1953, informing of the draft House concurrent resolution 58 and asking whether the independent nation of Byelorussia was open to US diplomatic representation⁸ and received no reply, according to professor Dobriansky.

Advice of the Department of State

The extent of sovereignty and international subjectivity of Byelorussia as seen by the Department of State

as a part of the executive branch in terms of potential action and consequences of the action for US interests

⁵Favoring extension of diplomatic relations with the republics of Ukraine and Byelorussia. Hearing. Committee on Foreign Affairs. House of Representatives. 83rd Congress. 1953. 1418-5. P. 9.

⁶Ibid. P. 71–72.

⁷Ibid. P. 71.

⁸Washington Star. 18 May 1953.

demonstrates a rather restrained position in comparison with congress, academia, and diasporas.

US senator H. Alexander Smith in his letter of 9 June 1952 requested the Department's of State view concerning the advisability of establishment of diplomatic relations with Byelorussia and Ukraine.

Assistant secretary of state Jack K. McFall responded on 26 June 1952⁹. As indicated in the letter, the department had considered the question of the establishment of diplomatic relations with constituent republics of the USSR many times in the past. The United States has agreed to the admission of the BSSR and the Ukrainian SSR to the UN without taking the position that these republics were to be considered independent states for other purposes, such as bilateral relationships among nations. The United States decided that establishing diplomatic relations with those two nations would not contribute in any substantial way toward the advancement of American interests.

The propaganda effects would be negligible, according to the Department of State opinion, as it would not be published in the USSR. If brought to the attention of the Soviet people by the Voice of America or any other external media, then the Soviet government would disseminate through all means a distorted version of the American action.

The Department of State also believed that should the Soviet government chooses to reject the proposal, it would probably come in the name of the Byelorussian and Ukrainian governments, thus maintaining the friction of constitutional sovereignty for the constituent republics and their theoretical right to exist as independent states. The department thought this would serve to support the Soviet government in a future effort to obtain agreement for one of the union republics to participate in international organisations and committees, when such participation served the particular purposes of the Soviet government.

Assistant secretary Jack K. McFall argued the establishment of two missions would be unusually costly because of the "artificial ruble exchange rate maintained by the Soviet government", and, whether accepted or not, the proposal "would arouse adverse sentiment and criticism on the part of a large segment of American people

which would offset any possible benefits which might be derived from such an overture". The Department's of State considered opinion was that the benefits do not outweigh the disadvantaged, and therefore, advised against the introduction of the proposed resolution.

In response to the letter of Robert Chipfield, chairman of the Committee on Foreign Relations of the House of Representatives of the US Congress, of 9 March 1953, assistant secretary of state Thruston B. Morton on 13 March 1953¹⁰ used largely the same arguments as in the above-mentioned letter by assistant secretary Jack K. McFall of June 1952. This was strongly criticised by professor Dobriansky during the congressional hearings as proof of the department's officials not having studied the matter to satisfy the request of representative Robert Chipfield. Professor Dobriansky also expressed his disappointment with the fact that the position of the Department of State has stayed the same despite the change of administrations as a result of the 1952 presidential election (republican Dwight D. Eisenhower won a landslide victory, ending Democratic party wins from 1932).

It is especially interesting to see how George Kennan, an architect of the US containment policy regarding the Soviet Union, and his like-minded colleagues at State Department were accused by professor Dobriansky of being the reason for the department's rejection of the resolution, when he asks, "is it the same group under Mr. Kennan, for whom the Soviet Union has always been identical with Russia, and remnants of that group in the State Department, that are responsible for this letter to Mr. Chipfield?"¹¹

Despite the effort and the criticism, Washington seemed to rely on George Kennan's vision: "If we both politically and economically take offensive actions not only against the Soviet regime but also the strongest and most numerous ethnic element on the traditional lands, and do so in the name of national extremists among whom no unity can be imagined and who will never be able to remain in power without relying on American bayonets... to withstand the pressure of Russian revanchism, this would mean absurdity on such a grand scale that even the recent adventure in Vietnam loses its significance" [21, p. 99].

Conclusions

Legislative initiatives at the United States Congress did not result in any Congressional resolution expressing the sense of Congress that the Government of the United States should proceed to establish direct diplomatic relations with Byelorussia. The main reason for

the failure of those efforts seems to be the position of the Department of State, which had a different, less idealistic, and rather more realistic take on this idea. To some extent, given the motion that happened almost 70 years ago, this example may be indicative of a

⁹Favoring extension of diplomatic relations with the republics of Ukraine and Byelorussia. Hearing. Committee on Foreign Affairs. House of Representatives. 83rd Congress. 1953. 1418-5. P. 77-78.

¹⁰Favoring extension of diplomatic relations with the Republics of Ukraine and Byelorussia. Hearing. Committee on Foreign Affairs. House of Representatives. 83rd Congress. 1953. 1418-5. P. 78-79.

¹¹Ibid. P. 85.

nuanced difference of approaches of the legislative and executive branches of power of the United States when it comes to foreign policy initiatives.

Nevertheless, the House concurrent resolution 58 sponsored by representative H. Alexander Smith was the first legislative attempt to formally recognise the sovereignty of Belarus by establishing diplomatic relations with it of the United States. This attempt was definitely driven by political rather than legal reasons, and more by reasons of competition if not confrontation with the Soviet Union than by considerations of facilitating independence of Belarus. At the same time,

the form of the legislative initiative was overwhelmingly legalistic.

This example may be useful as a demonstration of a complex character of the US foreign policy decision-making process, competition between idealism and realism in American foreign policy, case-making legal logic behind foreign policy decisions, and, most important, an acknowledgement of the availability and Belarus' exercising certain though limited elements of international subjectivity and sovereignty during the Soviet period, as a constituent of the longer political and legal process of international recognition of Belarus' sovereignty.

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Received by editorial board 07.10.2020.