

Active participants in the discussions were: E. Lippmaa (Tallinn), V. Gorodnyuk (Minsk), H. Vainu (Tallinn), J. Bojars (Riga), J. Prikulis (Riga), E. Udam (Tallinn), L. Hannikainen (Helsinki), L. Pavlova (Minsk), and V. Vare (Tallinn).

Suggestions for the resolution were made by D. A. Loeber (Kiel), V. Smolin (Tallinn), E. Duraczynski (Warsaw), J. Bojars (Riga), V. Vadapalas (Vilnius), K. Pihlakas (Tallinn), N. Drak (Lvov), and V. Gorodnyuk (Minsk).

Here we have an optional selection of presentations.

Läbirääkimistel võtsid sõna E. Lippmaa (Tallinn), V. Gorodnjuk (Minsk), H. Vainu (Tallinn), J. Bojars (Riia), J. Prikulis (Riia), E. Udam (Tallinn), L. Hannikainen (Helsingi), L. Pavlova (Minsk) ja V. Vare (Tallinn).

Ettepanekuid resolutsiooni projekti kohta tegid D. A. Loeber (Kiel), V. Smolin (Tallinn), E. Duraczynski (Varssavi), J. Bojars (Riia), V. Vadapalas (Vilnius), K. Pihlakas (Tallinn), N. Drak (Lvov) ja V. Gorodnjuk (Minsk).

Sõnavõttud on avaldatud valikuliselt.

В прениях приняли участие Э. Липпмаа (Таллинн), В. Городнюк (Минск), Х. Вайну (Таллинн), Ю. Боярс (Рига), Ю. Прикулис (Рига), Э. Удам (Таллинн), Л. Ханникайнен (Хельсинки), Л. Павлова (Минск) и В. Варе (Таллинн).

С предложениями по проекту резолюции выступили Д. А. Лозбер (Киль), В. Смолин (Таллинн), Э. Дурачиньский (Варшава), Ю. Боярс (Рига), В. Вадапалас (Вильнюс), К. Пихлакас (Таллинн), Н. Драк (Львов) и В. Городнюк (Минск).

Выступления публикуются выборочно.

of course right to do so. The formulation was this, "The Governments of the United Kingdom, the Soviet Union and the United States of America are agreed that Austria, the first free country to fall victim to Hitler's aggression, shall be liberated from German domination. They regard the annexation imposed upon Austria by Germany on March 15th, 38, as null and void." This irrespective of the fact that a plebiscite had been arranged there where 99.7 per cent had voted for joining Germany: moreover, they had done so on their own free will?

Well, as you can see, there are such precedents. Therefore, I would like to stress once more that numerous independent countries really fell victims of the division of Europe and annexation. There is no doubt that the respective Secret Protocols must be declared null and void from the moment of signing. And the reason is that all this was not a division of spheres of influence, but a plan for annexation.

Thank you.

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Mister President, Dear Participants.

Dr. Oerter from Heidelberg raised the question whether, in fact, the prohibition of aggression was a norm of *ius cogens*, a norm of imperative international law already in the '30s. And I understand his hesitancy, because international experts have different opinions. However, I have written a recent book on *ius cogens*, on the development of *ius cogens* and on the existence of norms of *ius cogens* in international law. And in my study I come to the conclusion that the prohibition of the use of aggressive war or the threat thereof became a norm *ius cogens* in the course of the 1930s. That was confirmed by the International Community in the aftermath of World War II, especially in the Charter of the Nuremberg Tribunal. It is characteristic of a war of aggression or the threat thereof that behind the use of threat or the use of armed force the intention is dictatorial and aggressive. On the other hand, the use of force short of aggressive war did not receive the status of *ius cogens* in the 1930s. So it is, in my opinion, important for the Baltic Republics to stress that they were invaded and annexed through a war of aggression or the threat thereof. That makes your claim stronger.

Then Dr. Oerter questioned: Even if there was a *ius cogens* norm, is it certain that the result of it is that the Secret Protocol was absolutely void? And that is a pertinent question to be studied. My opinion is that because the Nuremberg Tribunal stated that war of aggression is a supreme international crime, so treaties and titles violating the prohibition of war of aggression cannot be anything but absolutely void. I am sorry that I did not discuss in my book the status of the Secret Protocol. I regret that and hope that in the future in the form of an article I can return to this matter. The right of self-determination was not a norm *ius cogens* in the 1930s. But that does not mean that the right to self-determination would have been without importance in international law at that time. Only very few norms of international law are norms of *ius cogens* but that does not mean that other rules would not be important.