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Eastern and Central European Political and Legal Developments: An Annotated Bibliography

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RECENT DEVELOPMENTS

EASTERN AND CENTRAL EUROPEAN POLITICAL AND LEGAL DEVELOPMENTS: AN ANNOTATED BIBLIOGRAPHY*

The following is an annotated review of some of the recent political and legal developments connected with Eastern and Central Europe. Its purpose is to stimulate further research and serve as a reference guide. Part I highlights primary legal sources such as treaties and agreements, and Part II examines secondary materials such as articles and books.¹

I. PRIMARY SOURCES²

Agreement between the European Economic Community and the Czechoslovak Socialist Republic on Trade in Industrial Products (89/215/EEC), 32 O.J. EUR. COMM. (No. L 88) (1989).

The Parties agreed to adopt measures to ensure harmonious development and diversification of their mutual trade. The EEC agreed to accord the highest degree of liberalization to imports from Czechoslovakia and to abolish quantitative restrictions. A

* Prepared by Balakrishnan Rajagopal, J.D. 1990, Madras University, India, L.L.M. 1992, Washington College of Law, The American University.

1. For further information on developments in Eastern and Central Europe, see generally *Approaching Democracy: A New Legal Order For Eastern Europe*, 58 U. CHI. L. REV. 447 (1991) (providing a bibliography on recent developments in Eastern Europe); and *Eastern Europe Business Bulletin*, United States Department of Commerce, Eastern Europe Business Information Center (periodically updating business developments in Eastern Europe).

The United States Department of Commerce has created the Legal Texts Service which provides updated, official legal texts from Central and Eastern European countries for a fee to United States firms interested in conducting business in the region. The texts are available to the public through the National Technical Information Service, Springfield, Virginia.

2. Primary sources are arranged in alphabetical order by title.

consultative body was established to ensure the proper functioning of the Agreement.

Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on Trade and Commercial and Economic Cooperation (90/520/EEC), 33 O.J. EUR. COMM. (No. L 291/28) (1990).

The Parties agreed to: (1) accord most-favored nation treatment to one another; (2) trade at market-related prices; (3) avoid conflict situations requiring safeguard measures in mutual trade; (4) establish a joint committee to ensure the proper functioning of the Agreement; and (5) guarantee individual and property rights.

Agreement between the European Economic Community and European Atomic Energy Community and Romania on Trade and Commercial and Economic Cooperation, (91/159/EEC), 34 O.J. EUR. COMM. (No. L 79/12) (1991).

The Parties agreed to: (1) accord most-favored nation treatment to one another; (2) trade at market-related prices; (3) avoid conflict situations requiring safeguard measures in mutual trade; (4) establish a joint committee to ensure the proper functioning of the Agreement; and (5) guarantee individual and property rights.

Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on Trade and Commercial and Economic Cooperation (90/116/EEC), 33 O.J. EUR. COMM. (No. L 68) (1990).

The Parties agreed to: (1) accord most-favored nation treatment to one another; (2) trade at market-related prices; (3) avoid conflict situations requiring safeguard measures in mutual trade; (4) establish a joint committee to ensure the proper functioning of the Agreement; and (5) guarantee individual and property rights.

Agreement between the European Economic Community and the Hungarian People's Republic on Trade and Commercial and Economic Cooperation (88/595/EEC), 31 O.J. EUR. COMM. (No. L 327) (1988).

The Agreement provides for: (1) a commitment to accord most-favored nation treatment in accordance with GATT on non-agricultural products; (2) mandatory consultation in case of injury to domestic producers; (3) commitment to encourage greater economic links; and (4) establishment of a joint committee to ensure the proper functioning of the Agreement.

Agreement between the European Economic Community and the Polish People's Republic on Trade and Commercial and Economic Cooperation (89/593/EEC), 32 O.J. EUR. COMM. (No. L 339) (1989).

The Agreement provides for: (1) a commitment to accord most-favored nation treatment in accordance with GATT on non-agricultural products; (2) mandatory consultation in case of injury to domestic producers; (3) commitment to encourage greater economic links; and (4) establishment of a joint committee to ensure the proper functioning of the Agreement. The Agreement also provides that goods shall be traded between the Parties at "market-related prices."

Agreement Establishing the European Bank for Reconstruction and Development (90/674/EEC), 33 O.J. EUR. COMM. (No. L 372) (1990).

The purpose of the Bank is to "foster the transition towards open market-oriented economies and to promote private and entrepreneurial initiative in the Central and Eastern European Countries committed to and applying the principles of multiparty democracy, pluralism and market economics." The Bank will assist the recipient member countries to implement structural and sectoral economic reforms, including demonopolization, decentralization and privatization. The Agreement outlines the following components of the Bank: functions, membership, capital, subscription of shares, payment of subscriptions, use of resources, operating principles, and terms and conditions for loans and guarantees.

Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics, 29 I.L.M. 946 (1990).

The Agreement provides for: (1) most-favored-nation and non-discriminatory treatment; (2) commitment to expand mutual trade; (3) transparency of laws and information; (4) protection of intellectual property; and (5) national treatment in access to courts and administrative bodies and renouncement of immunity from suit or execution of judgment.

Conclusions of the Conference "Environment for Europe," held at Dobris Castle, Czech and Slovak Federal Republic, June 21-23, 1991 (on file with the *American University Journal of International Law & Policy*).

Parties participating at the Conference discussed: (1) long-term environmental strategies for Europe, the relationship between ethics and environment and the search for values for environmentally sustainable development, and ways to encourage Central

and Eastern European Countries to adopt higher EC standards; (2) improvement of environmental information and monitoring systems, integration of environmental concerns into development by international organizations, and the importance of participation in environmental decision-making processes; (3) basic guidelines for an all-European Cooperation strategy; and (4) follow-up activities.

Treaty between the Federal Republic of Germany and the German Democratic Republic on the Establishment of German Unity, 30 I.L.M. 457 (1991).

The Unification Treaty provides for: (1) accession of the German Democratic Republic to the Federal Republic of Germany; (2) extension of the law of the Federal Republic of Germany to the entire territory; (3) continued validity of German Democratic Republic law in so far as it is compatible with Federal Republic of Germany law, European Economic Community law and the Unification Treaty; (4) the extension of European Economic Community law over the entire territory; and (5) extension of the Federal Republic of Germany's treaty obligations over the entire territory.

Treaty between the United States of America and the Republic of Poland Concerning Business and Economic Relations, 29 I.L.M. 1194 (1990).

The Agreement provides that: (1) foreign investors are accorded most-favored-nation ("MFN") treatment; (2) international law standards apply to expropriation and payment of compensation; (3) associated funds are freely transferable; and (4) investment disputes will be settled pursuant to the Arbitration Rules of the United Nations Commission on International Trade Law ("UNCITRAL") or by conciliation or binding arbitration through the International Centre for the Settlement of Investment Disputes ("ICSID").

Treaty of Conventional Armed Forces in Europe, 30 I.L.M. 1 (1991).

The Treaty provides for: (1) numerical limitations on all battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters; (2) reduction to be achieved in three phases and completed no later than 40 months after entry into force of the Treaty; (3) a right of inspection to verify compliance with the provisions of the Treaty; and (4) establishment of a Joint Consultative Group for promoting the objectives and implementing the provisions of the Treaty.

Treaty on the Final Settlement with Respect to Germany, 30 I.L.M. 570 (1990).

The Treaty provides for: (1) unification of Germany; (2) Soviet withdrawal of troops by the end of 1994; (3) the continued presence of British, French, and United States troops in Berlin until Soviet troop withdrawal; (4) confirmation of the existing borders between the United Germany and the Republic of Poland; (5) United Germany's renunciation of the manufacture and possession of and control over nuclear, biological and chemical weapons; (6) reduction of the armed forces of United Germany to 370,000 within three to four years.

II. SECONDARY SOURCES³

Ehlerman, *Aid for Poland and Hungary, First Assessment*, 4 EUR. AFF. 23 (1989).

The article examines the implications of the Paris Summit which authorized the European Commission to coordinate aid for Hungary and Poland from all western countries, including non-members of the European Community.

Boytha, *The Berne Convention and the Socialist Countries with Particular Reference to Hungary*, 11 COLUM. J.L. & ARTS 57 (1986).

This article provides an overview of the Socialist approaches to copyright law. Focusing on Hungarian law, the author concludes that Socialist laws are consistent with the principles of the Berne Convention.

Thompson, *Bibliographic Review — Relations between the EC and Eastern Europe*, 6 EUR. ACCESS 37 (1990).

The author charts the development of EC-Eastern Europe relations over the last decade.

Brzezinski, *A Choice of Chaos over Repression*, NEWSWEEK, Feb. 19, 1990, at 29.

The article provides a prophetic account of events in the U.S.S.R. since 1989.

Comment, *The Community and the Council for Mutual Economic Assistance*, 25 COMMON MKT L. REV. 663 (1988).

This comment discusses the Community's role in the Uruguay Round of GATT negotiations, predicting that the Community's

3. Secondary sources are arranged in alphabetical order by title.

trading relationship with Eastern Europe will have a positive impact on the negotiations.

Note, *Constitutional Heritage and Renewal: The Case of Poland*, 77 VA. L. REV. 49 (1991).

The note traces the development of the Polish Constitution and Poland's political heritage from the thirteenth century to the present, and outlines the current state of Polish constitutional reform.

McWhinney, *Contemporary Soviet General Theory of International Law: Reflections on the Tunkin Era*, 25 CAN. Y.B. INT'L L. 187 (1987).

The author examines the 'peaceful coexistence' theory of Dr. Gregory Tunkin, former chief legal advisor to the Soviet foreign ministry, and discusses the relevance of the theory in light of changes in the world order.

Shishko, *Differences Between Integration in Eastern Europe and Western Europe: Economic and Political Causes*, 24 GOV'T. & OPPOSITION 327 (1989).

The article discusses the economic development of the countries that form the Council of Mutual Economic Assistance ("CMEA"). The author concludes that while the economic mechanism of socialist integration has allowed the CMEA countries to raise their economic and technological level rapidly and to decrease the disparity among them, it does not provide for an efficient international division of labor.

Hrbek, *The EC and the Changes in Central and Eastern Europe*, 25 INTERECONOMICS 131 (1990).

This article examines the problems associated with Eastern Europe's acceptance of democracy and market economies, and suggests that some of the peripheral countries in the EC may suffer economic downturn.

Toviar, *EC-Eastern Europe: A Case Study of Hungary*, 29 J. COMMON MKT. STUD. 291 (1991).

The article analyzes Hungarian efforts to overcome tariff and nontariff barriers to EC markets and discusses special association agreements with CMEA countries.

Voorhoeve, *The EC and the Emerging European Democracy*, 4 EUR. AFF. 33 (1991).

The article examines the role of the EC in the construction of a greater democratic Europe and suggests that the EC should grant market access to East European goods.

LYSEN, *EEC-CMEA/EASTERN EUROPE: LEGAL ASPECTS ON TRADE AND COOPERATION* 83-110 (*Legal Issues of European Integration* No. 1, 1987).

The article discusses the relationship between the EEC and CMEA members over time and how it impacts trade and cooperation. It contains a comparative analysis of EEC and CMEA and the ability of each to become involved in trade agreements.

Horovitz, *EEC-Central/East European Relations: New Principles for a New Era*, 27 *COMMON MKT. L. REV.* 257 (1990).

The article focuses on the legal implications of increasing integration between the EEC and Eastern Europe, and evaluates the applicable legal instruments, including first and second generation agreements.

Pinder, *Economic Integration Versus National Sovereignty: Differences Between Eastern and Western Europe*, 24 *GOV'T. & OPPOSITION* 309 (1989).

The author argues that industrial countries will share in mutual benefits if the COMECON countries become more open.

Joermolik & Mallock, *Financing Perestroika*, 4 *EUR. AFF.* 11 (1989).

The authors discuss how and to what extent the West should foster economic and political liberalization in the East. They conclude that Western financing should take the form of debt-creating obligations and should be determined by commercial considerations, not political ones.

Harris, *Germany, Reunification and the EEC*, *NEW L.J.* 120 (Feb. 2, 1990).

The article analyzes the effects of German unification upon the European Economic Community and the options open to both.

Cronick, *Gorbachev's Europe*, *NEW L.J.* 584 (Apr. 28, 1989).

The article examines the recent joint declaration signed by the European Economic Community and COMECON and its effect on international growth and social progress.

Note, *Gorbachev and Glasnost: Soviet Foreign Policy for the Future*, 11 *LOY. L.A. INT'L. & COMP. L.J.* 377 (1989).

The note discusses policy options facing the Soviet leadership in the area of United States-Soviet trade.

Note, *Granting Foreigners Free Speech Rights: The End of Ideological Exclusions*, 8 *CARDOZO ARTS & ENT. L.J.* 721 (1990).

The note discusses the implications of a 1987 post-Cold War era addition to the Foreign Relations Authorization Act, which prevents the United States Immigration and Naturalization Service from excluding foreigners on the basis of their ideological beliefs.

Horovitz, *The Impending 'Second Generation' Agreements Between the European Community and Eastern Europe — Some Practical Considerations*, 25 J. WORLD TRADE 55 (1991).

The article examines the principles of 'second generation' agreements, focuses on trade in goods.

Bolz, *Implications of the EC Internal Market for Relations with Eastern Europe*, 25 INTERECONOMICS 36 (1990).

The author discusses the strains upon CMEA countries that have occurred since the sharpening of competition in the EC internal market. The author suggests that the socialist countries become members of EFTA in order to reap economic benefits without sacrificing sovereignty.

Reisman, *International Law After the Cold War*, 84 AM. J. INT'L L. 859 (1990).

This brief editorial outlines the effects on the international legal system of the demise of the Cold War and of communism in the East.

LAW AND ECONOMIC DEVELOPMENT IN THE SOVIET UNION (G. Smith ed. 1982).

This collection of essays, by Soviet and American authors, focusses on the legal and economic problems created by the scientific and technical revolution in the U.S.S.R. and Eastern Europe.

Szubert, *New Trends in Polish Labor Relations*, 12 COMP. LAB. L.J. 62 (1990).

The author summarizes the major changes in the Polish economy and trade union movement since 1980, explaining the power relationships between workers and employers.

Wolff, *Poland's Trade Union Statute: An Impermissible Violation of International Human Rights Law*, 10 BROOKLYN J. INT'L L. 25 (1984).

The article analyzes Poland's 1982 Trade Union Statute and concludes that it violated Article 22 of the Political Covenant of the International Bill of Rights. The author describes the methodology by which Poland was able to outlaw the Solidarity movement.

Gordon, *The Polish Foreign Investment Law of 1990*, 24 INT'L LAW. 335 (1990).

The author describes Poland's joint venture legislation, the 1990 Foreign Investment Law, and examines the regulation of foreign investment in Poland prior to 1988.

Griffen, Calabrese & Lindsey, *Recent Developments — Commerce Takes Steps to Ease Export License Requirements*, 24 INT'L LAW. 535 (1990).

The article outlines developments in the United States' export restrictions on parts and components to the Soviet bloc, and the United States' export restrictions on technical data to all destinations. The article also summarizes changes to guidelines for use of the General License, GTDA, and a proposed license called the General License, G-TEMP.

Gabor, *Reflections on the Freedom of Movement in Light of the Dismantled "Iron Curtain"*, 65 TUL. L. REV. 849 (1991).

The article examines post-revolutionary changes in Eastern Europe and the implications for freedom of movement. The article also discusses the adoption of international legal protection for economic refugees and the transformation of American immigration laws.

Jonathan, *Reforms in Eastern Europe Spur Dismantling of United States Trade Business*, N.Y.L.J., at 1 (Mar. 7, 1990).

The article summarizes the United States' response to trade opportunities arising out of the changing political and economic structures in Eastern Europe, and provides a review of pre-existing legislation blocking trade.

Bazyler, *The Rights of Women in the Soviet Union*, 9 WHITTIER L. REV. 423 (1987).

The article provides an historical perspective of women's rights in the Soviet Union, including the Tzarist, Leninist, Stalinist, post-Stalinist, and modern periods.

Quigly, *The Soviet "New Thinking" in International Law: An Opening to End the Cold War?*, 8 WIS. INT'L. L.J. 97 (1989).

The article discusses Soviet reforms through 1989, and examines changes in the Soviet approach to regional military conflicts, human rights, arms control and foreign trade and investment.

Symposium on U.S.-Soviet Military and Economic Relations, 22 N.Y.U.J. INT'L L. & POL'Y 373 (1990).

The symposium issue contains twelve articles analyzing United States-Soviet military and economic relations.

Wirth, *Trade Union Rights in the Worker's State: Poland and the ILO*, 13 DEN. J. INT'L L. & POL'Y 260 (1985).

This article discusses the role of labor unions in Poland and Poland's relationship with the ILO at the time of the Solidarity movement.

Ewing, *The Treaty with Poland Concerning Business and Economic Relations: Does it Provide More Incentive to the American Investor?*, 11 NW. J. INT'L LIT. BUS. 352 (1990).

The article provides a brief overview of the Treaty between the United States and Poland, and touches on specific issues such as repatriation of profits.

Forte, *Western Law and Communist Dictatorship*, 32 EMORY L.J. 135 (1985).

The author compares and contrasts the Soviet and Chinese Communist legal systems, concluding that both the Soviet Union and China share a western legal system.