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Further complications with regard to the agreement on a border treaty between Estonia and Russia

The border treaty is one of the most problematic aspects of Estonian-Russian relations. The political consensus developed in Estonia in recent years has been undermined recently by the populist Estonian Conservative People's Party (EKRE), which has raised the issue of territorial claims against Russia. The controversial statements of EKRE politicians demanding the return of Estonia's territory before 1940 may weaken the government coalition in Estonia, as well as worsen the already cold Estonian-Russian relations. However, Estonia's domestic policy does not foresee a split in the coalition against this background. In foreign policy, an opportunity to normalise relations and return to negotiations on a border agreement between Estonia and Russia may be the extension of cross-border cooperation.

Background to the border dispute. The border dispute between Estonia and Russia concerns mainly the interpretation of the Tartu Peace Treaty, signed on 2th February 1920 between Estonia and Russia, ending the Estonian-Bolshevik War. Under the treaty, Russia recognised the independence and sovereignty of the Estonian state, leaving within the borders of Estonia, among others, Ivangorod (Leningrad Oblast) and Pechorsky District (Pskov Oblast). After 1940, they were incorporated into the USSR and now belong to Russia. According to Estonia, the Treaty of Tartu is still in force and the border line currently in place between Estonia and Russia is not final.

Discussions on the border agreement between Estonia and Russia date back to the early 1990s, when this issue became one of the four most important topics in Estonian-Russian relations, along with the withdrawal of Russian troops from Estonia, social and humanitarian issues and trade relations. Negotiations were difficult because Estonia invoked the Treaty of Tartu, which was unacceptable to the Russian side. However, in view of the efforts to join NATO and the need to regulate border issues, Estonia's position became more flexible. As a result, the first technical agreement was concluded in 1996 (without reference to the Tartu Peace Treaty, the so-called border agreement without a political preamble), on the basis of which the work on determining the provisions of the future border agreement was continued. Subsequently, in 2005 the then Estonian Foreign Minister Urmas Paet and his Russian counterpart Sergey Lavrov signed a treaty on land and sea borders between Estonia and Russia. However, during the ratification procedure, the Estonian Parliament (Riigikogu) made a provision in the preamble referring to the 1920 treaty. Russia saw these actions as a gateway to future territorial claims on the part of Estonia and withdrew its signature from the draft treaties, despite the fact that Estonia repeatedly denied the existence of territorial claims against Russia.

Negotiations on the establishment of the border were resumed in 2012, when, at the request of Russia, a provision on the absence of mutual territorial claims was added to the border treaties. Once again, in 2014, the documents were signed by the Estonian and Russian foreign ministers, but the final ratification of the treaties by both the Riigikogu and the Russian State Duma did not take place, mainly due to the deteriorating relations between the states.

The divergent positions of Estonia and Russia on the border agreement are an important element shaping the relations between the two countries. In May 2018, Estonian President Kersti Kaljulaid announced that she was ready to meet Russian President Vladimir Putin when Russia ratifies the Estonian-Russian border agreement. However, in April 2019, she decided to visit Moscow (Aleksandra Kuczyńska-Zonik, *Prezydent Estonii rozmawiała w Moskwie o stosunkach dwustronnych*, "ICE Comments", No. 23/2019), mainly because she sought Russia's

support in her efforts to secure a mandate for Estonia as a non-permanent member of the UN Security Council for 2020-2021. Ratification of border treaties was therefore an important, but not absolute, factor affecting bilateral relations. In addition, the compromise reached by political parties in Estonia was based on the conviction that it is in Estonia's interest to establish a border between states without territorial claims on both sides. A clearly defined and delimited border was seen as an important factor in strengthening security. From Estonia's point of view, the reference to Article 2 of the Tartu Peace Treaty – respecting Estonia's sovereignty and independence – did not imply territorial claims against Russia. However, recent statements by politicians from the Estonian Conservative People's Party, part of a government coalition, have led to a gap between the coalition partners on this issue and caused severe criticism from Russia.

An unpredictable coalition partner – EKRE. In an interview for the RIA Novosti agency on 18th November, the director of the Second European Department of the Russian Ministry of Foreign Affairs, Sergey Belyaev, said that the process of ratifying border treaties in Russia depended on abandoning territorial demands by Estonia. In a response to Belyaev's comments, on 19th November, the President of the Estonian Parliament, a member of EKRE, Henn Põlluaas, declared that Russia was in possession of the illegal takeover of 5% of Estonia's territory and compared Russia's actions towards Estonia with the annexation and occupation of the Crimea. Põlluaas's statement on the border agreement triggered a violent reaction from the Kremlin and the State Duma. The Russian Embassy in Tallinn has written on Twitter that the 1920 Treaty is a historical document, so it is not relevant at the moment. In its comment on the establishment of the Estonian-Russian border in accordance with the Tartu Peace Treaty of 1920 the Ministry of Foreign Affairs of the Russian Federation accused Estonia of provocation and territorial claims against Russia. The spokeswoman of the Ministry of Foreign Affairs, Maria Zakharova, announced that the 1920 treaty and other international agreements, including those of 1920-1940 with Russia, and then the USSR, were terminated on 6th August 1940, after Estonia's accession to the Soviet Union. Thus, the issue of establishing a Russian-Estonian border is closed to Russia.

While the emotional reaction of the Russian side, resulting from a different historical interpretation, was predictable, the categorical position of EKRE triggered a lively debate on the political scene in Estonia. This dispute revealed differences between political parties in their approach to border agreements.

According to EKRE leader Mart Helme, the ratification of the border agreement depends on Russia's recognition of the Treaty of Tartu. Similarly, foreign minister Urmas Reinsalu (Isamaa) ruled out the possibility of the border treaty being ratified by the Riigikogu in the near future. He stressed that Estonia should not resign from the Tartu Peace Treaty in the name of the ratification of the border agreement with Russia. However, Isamaa is divided over the border treaty. The opposition Reform Party represents a more moderate approach. Its member, Marko Mihkelson, currently Chairman of the Riigikogu Foreign Affairs Committee, is of the opinion that a harsh course towards Russia on the ratification of the border agreement is not in Estonia's interest, as territorial claims against Russia may weaken Estonia's position in NATO. In addition, the discussion was exacerbated by the statement by EKRE's MP, Ruuben Kaalep, that the coalition talks between his party, the Centre Party and Isamaa, which led to the formation of the current coalition, included an agreement on the lack of support for the ratification of the border treaty. In response, Urmas Reinsalu and Enn Eesmaa (Centre Party) denied that the coalition agreement would include a treaty issue.

Opportunities for Estonian-Russian cooperation at the local level. The strong position of EKRE on the border agreement with Russia is not shared by the coalition partners: the Isamaa and the Centre Party. The president of the latter, the current Prime Minister of Estonia, Jüri Ratas, is of the opinion that although different interpretations of the Tartu Peace Treaty by Estonia and Russia make it impossible to implement the border agreement, it is necessary to take into account the actual situation and strive to regulate this issue. It thus confirms that Estonia is ready for a partial compromise in its relations with Russia. As the 100th anniversary of the Tartu Peace Treaty approaches, the territorial friction is likely to reappear, possibly due to the controversial EKRE. It is not expected, however, that the position of EKRE, not always shared by the coalition partners, will be the reason for the collapse

of the government coalition in Estonia – the lack of an alternative to the Centre Party means the need to tolerate an unpredictable partner.

Despite the currently cold relations between Estonia and Russia and the lack of agreement on both sides to return to ratification negotiations, the Estonian government is basing its foreign policy towards Russia on the tactics of small steps and concluding agreements where they do not threaten Estonian interests. Currently, joint infrastructure projects are being implemented in border regions. An opportunity to improve mutual trust, i.e. to normalise relations and return to negotiations on a border agreement between Estonia and Russia, may therefore be the extension of cross-border cooperation.

Trans. Bartłomiej Czuwara