



ORIGINAL PAPER

Resolving the Russo-Estonian Border Dispute in the Wake of the Ukrainian Crisis

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Abstract

The current paper investigates lack of the Border Treaty between Russia and Estonia. This issue has been marring the relations between the two former Soviet republics for almost 24 years. The recent (and the third) attempt to put an end to the formal demarcation of the border came on 18 February, 2014, when foreign minister Sergei Lavrov and former foreign minister Urmas Paet put their signatures on the border treaty in Moscow. The timing of when the ratification laws in both countries should be passed and exchanged cannot be more controversial. The crisis that continues to escalate in Ukraine apart from bringing a drastic dip in the relations between Moscow and the West will undoubtedly affect all areas of cooperation between Moscow and Tallinn. This paper starts with an overview of the main causes of the long-standing border dispute and the analysis of why the previous attempts to formalize the border were unsuccessful. Secondly, the paper analyzes the new border treaty and the existing discourses on the border dispute resolution in the aftermath of the Ukrainian crisis on the ratification processes in both countries. The paper concludes with remarks regarding some possible effects of the border treaty implementation and the future of the relations of Russo-Estonian relations.

Keywords : *border dispute, Russia, Estonia, Ukrainian crisis, border treaty, ratification process*

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Introduction

Agreement on the Russo-Estonian border has been seen as a cul-de-sac for almost 24 years. Since the success of the Singing Revolution and the restoration of Estonia's independence, its officials were unable to arrive at a mutual understanding with its former "big brother", Russia, on how the new border should be drawn. There were two major attempts to get the border agreement signed – first in the mid-1990s and the second one in 2005. During the second attempt the border agreement was already signed by the foreign ministers but Russia backed away from the treaty after the Estonian side made some alterations to it during the ratification process. Even the accession of Estonia to the European Union and NATO in 2004 was not able to get the two countries out of the created deadlock. At the same time, Estonia's membership in these organizations moved the problem of the lack of the formalized treaty agreement, to the broader context of the Russia-EU and Russia-NATO relations where it gained greater significance. Indeed, it seems that big regional powers such as the European Union and Russia having mutual interest in further enhancing their already deep cooperation in various fields, would require all borders to be in place. The same goes for relations between NATO and Russia, which despite several major breakthroughs (such as transit cooperation in Afghanistan or the joint fighter jet exercises "Vigilant Skies 2011") are in general, consistently at odds and require a clearly depicted border. Therefore, when in 2013 Tallinn and Moscow decided to re-launch border negotiations and consequently signed the border treaty in February of this year, it gave hope to people on both sides of the border that the third attempt to sign the headache agreement would be successful. After foreign ministers Sergei Lavrov and Urmas Paet put their signatures on the treaty, a standard procedure was necessary in order to make the treaty final. This procedure called for the parliaments of Russia and Estonia to ratify the agreements and exchange the ratification letters.

This phase of the treaty ratification processes in both countries cannot be underestimated due to various reasons. One of these is the fresh memories from 2005 when the border treaty never came to force due to the disagreements over the ratification laws. In addition, the overall timing in which the ratification laws should be agreed on could not be more controversial. Starting as a peaceful demonstration demanding closer EU integration, Euromaidan ultimately turned into the 2014 Ukrainian revolution and one of the major geopolitical disasters Europe has experienced in the 21st century. Russian intervention in the Ukrainian crisis created a drastic divide in the relations between the Kremlin and the West and will undoubtedly have a profound effect on their state for the upcoming decades. The current paper investigates the impact that the events in Ukraine have on the Russo-Estonian border negotiations. The paper proceeds as follows: firstly, it provides a description of the causes of the border disputes with the main focus on the conflicting views regarding the controversial Soviet period in Estonia's history. This aims to show how the different views regarding the nature of the Soviet interventions in Estonia in 1940 came to the forefront after Estonia's independence becoming one of the stumbling blocks for the formation and normalization of the relationship between the two newly emerged countries after the dissolution of the Soviet Union. Furthermore, the paper covers some important aspects of the new border agreement signed in February 2014 as well as its overall assessment in both countries. Thirdly, the paper analyzes the effect of the Ukrainian crisis on the Russo-Estonian relations and its possible influence on the outcomes of the treaty ratification processes in Russia and Estonia. It is important to stress

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from the very beginning that this article's goal is not an in-depth evaluation of the Ukrainian crisis itself but the effect it might have on the conduct of the ratification processes between Russia and Estonia. Rather, it aims to shed more light on the existing discourses on the border treaty implementation in the light of the Ukrainian crisis and its possible development.

Historic context

In order to understand the peculiarities of the border treaty negotiations, one necessarily needs to look at the history of Russo-Estonian relations. Following the diplomatic and military success in its War of Independence (1918 – 1920), the proclamation of independence by the Republic of Estonia was then recognized by Soviet Russia in the Peace Treaty signed in Tartu on 2 February, 1920. According to this agreement, the areas on the eastern bank of the river Narva and in Setumaa (Pechorski rayon) that were inhabited by a predominately Russian-speaking population became recognized as part of Estonia (Tartu Peace Treaty 1920). The new state enjoyed just a brief period of independence as it soon became clear that in the geopolitical realities of the late 1930s Europe, Estonia together with its other Baltic neighbours was doomed to become a pawn in the games of its bigger and more influential neighbours. Defeated in World War I, Germany was aspiring to secure its spheres of interest in Eastern Europe using the Baltic States as satellites while Soviet Russia saw them as a necessary channel of spreading the Socialist revolution to the West. The spheres of interest of the two ambitious European powers were defined in the then secret protocol to the notorious Molotov-Ribbentrop non-aggression pact according to which Estonia was assigned to the Soviet area of control (Halsall, 1997). After the Nazis began their offensive campaign in Poland, the Soviets used it as an excuse to establish its military presence in the Baltic issuing an ultimatum to Estonia to allow the presence of the Red Army troops on its territory. That was followed by the full incorporation of Estonia into the Soviet Union. After a period of Nazi occupation beginning in 1941, Estonia found itself back under the Soviet grip in 1944.

In the last year of World War II the Supreme Soviet of the Soviet Union unilaterally decided to make several “corrections” to the borders in accordance with the “demands of the local people” (Mälksoo, 2005: 146). As a result, around 5% of the Estonian territory was incorporated into the Russian SSFR. Thus vast areas in South-Eastern Estonia joined the Pihkva oblast and areas behind the Narva River were tied to the Leningrad oblast (Mälksoo, 2005: 145). The process of trimming Estonia's territory continued in 1957 “correcting” the South-Eastern border of Estonia and pushing it even more to the East. As a result, Estonia lost 6% of its population and 2300 km² which is about 5% of its pre-World War II territory. It is important to mention that both the Tartu Treaty border and the Soviet-imposed Russian-Estonian border are ethnically purist which resulted in a large number of villages that historically belong to Estonia becoming part of the Russian territories (as it happened with some of the villages of the autochthonous ethnic minority of Seto) (Alekseev, Manakov, 2005) (Setos are ethnic and linguistic minority that inhabit the areas between south-eastern Estonia and north-western Russia. The Majority of Setos practice Orthodox Christianity and speak Seto language which belongs to Finno-Ugrian group of languages).

When Estonians restored their independence they decided to base their new policies on the principle of the uninterrupted continuation of statehood since 1920. On top of that, Article 122 of the new Constitution of the Republic of Estonia adopted on 28 June, 1992 stated that “the land border of the Republic of Estonia shall be determined by the

Tartu Peace Treaty of 2 February, 1920, and other international border treaties” (Mälksoo, 2005). By referring to the Tartu agreements in their Constitution, the new Estonian elites consciously made all future border negotiations extremely complicated. Thus, the idea that Estonia would want to reclaim all the territories that Stalin “corrected” in favour of the Russian SSFR was immediately rejected by the Kremlin (Mälksoo, 2005). The same fate befell the proposal that at least some territories symbolically important to Estonia could be given back to Estonia - Russia was sticking to its firm position that the Tartu Peace Treaty ceased to be legally binding when the Republic of Estonia “voluntarily entered” the USSR (Mälksoo, 2005). The first attempt to sign the treaty was, therefore, unsuccessful and both parties found themselves in a deadlock.

In 1995, Estonia realised the necessity to give up some of its claims in light of the accession negotiations with the EU and started considering other options of how to reach a compromise (One of the requirements that the European Union had for Estonia was the necessity to resolve its border disputes). A possible solution to the existing situation was proposed by the then Prime Minister Andres Tarand and later became known as a “Christmas Initiative”. He regarded Estonia’s position in the negotiations “heroic, yet impractical” and proposed “a civilized way out” – Estonia would have to give up its Tartu-related border claims and to agree on the existing post-Soviet de facto border (Bult, 2013). At the same time, although the new border treaties would implicitly modify the Tartu Peace Treaty, the latter would have continued to be in force (Mälksoo, 2005). That was the official Estonian position during the negotiations that started on 5 March, 1999 although there were Estonians that remained skeptical of such an anti-Constitutional border treaty. The eagerness of Estonia to sign the border agreement was not returned by Moscow. Some analysts argue that the Russian side was deliberately prolonging the negotiations using the border treaty as a trump in its dialogues over some other contested political issues – namely, the treatment of Russian minorities in Estonia. Lack of the border treaty in the end did not become an obstacle for Estonia to join both NATO and the EU in 2004 which in the end enhanced the willingness of the Kremlin to sign the treaty. Finally, on 18 May, 2005 foreign ministers Urmas Paet and Sergei Lavrov signed the agreements on the mutual state borders and within a month it was ratified by the Estonian side (Mälksoo, 2005: 144-149). The outcome law of ratification did not, however, satisfy the Kremlin due to the introductory declaration that was added to the agreement. This declaration, firstly, referred to the legal continuity of the Republic of Estonia proclaimed on 24 February, 1918; secondly, it declared that the new treaty “partially changes the line of the border established in Article III of the Tartu Peace Treaty of 2 February 1920, does not have impact on the rest of the [Tartu Peace] Treaty, and does not determine the treatment of other bilateral questions that are not connected to the border treaty” (Mälksoo, 2005). Moscow condemned the declaration fearing that it might enable Tallinn to present “territorial claims” in the future and on 1 September, 2005, the President of the Russian Federation, Vladimir Putin, ordered the rescission of Russia’s signature from the border treaties (Kremlin official website, 2005).

This second failed attempt to end border disputes revealed the depth of the crisis in the bilateral relations between the two former Soviet republics. These relations showed few signs of improvement with Russia constantly accusing Estonia of its poor treatment of the Russian speaking population in Estonia. The coldness in the dialogue between the countries reached its climax with the Bronze Soldier affair in 2007 when the Estonian government decided to relocate the monument of the fighters against Fascism, from the centre of Tallinn to the military cemetery that caused outrage of those who revere the

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Great Patriotic War both in Estonia and in the world. Next year, in 2008, Estonia together with its post-Soviet neighbors (Latvia, Lithuania and Poland) were among the European Member States that strongly condemned Russia for its aggression against Georgia (Ilves, Zatlers, Adamkus and Kaczyński, 2008). They called upon both the European Union and NATO to take a strong stand against these signs of Russian aggression and were posing for tougher measures to be imposed on Russia.

The introduction of the euro in Estonia definitely rubbed salt in the wound of the long-lasting border dispute. There were claims expressed by the Estonian-Russian community that the country's borders depicted on the coin reflect the prewar map of Estonia and, therefore, include parts of modern Russia's western territories (Osborn, 2011). The ambassador of Estonia, Simmu Tiik, immediately dismissed these accusations saying that the borders on the coin might be "a millimetre out here and there," but still overall reflect the actual de facto border (RiaNovosti, 2011). At the same time, he admitted that this mistake was made at the original sketch design of the coin from 2007 but it was corrected right away (Radio Ekho Moskyv, 2011). The Russian Ministry of Foreign Affairs found these affirmations unconvincing saying that the whole incident proved that "unfortunately the attempts to revise the de facto borders that were the reason for retracting our signature from the border treaty in 2005 persist"(Official website of the Embassy of the Russian Federation in Estonia). In such context of relations between Tallinn and Moscow the border issue was left unresolved with both sides showing no significant signs of eagerness to resume these negotiations.

2014 Border Treaty: Is the Third Time a Charm?

A glimmer of hope appeared in September 2012 when Russian Foreign Minister Sergei Lavrov stated that Russia is eager and ready to reopen the border treaty negotiations. The foreign affairs committee of the Estonian parliament immediately reacted to these statements proposing to start consultations with Russia. In the next year the governments were approving the border treaty bills and once again discussing the conditions of the new border agreement. There were speculations of where the signing of the treaty should take place. A proposal to sign the treaty in Moscow left some Estonians dissatisfied as they stated that this might give the wrong impression, that Tallinn's interest in the treaty is more significant than Moscow's (At this point negotiations about the further facilitation of the EU-Russia visa agreements were quite active. Therefore, lack of the formalized border was seen to be becoming a bigger concern for Russia than it was for Estonia). Nonetheless, afraid of dragging the signing on into the distant future, the Estonian side agreed to sign the treaty in Moscow and, in exchange, Lavrov made a promise to officially visit Estonia in the second half of 2014 (Salu, 2014). On 17 February, 2014 former foreign minister Urmas Paet and foreign minister Sergei Lavrov put their signatures on the border treaty giving hope that there would finally be an end to the border treaty headache.

When it comes to the comparison of the new agreement to the previous 2005 treaty, some aspects should be noted. Firstly, the preamble now includes the following sentence: "...developing legal basis for solving issues related to Estonian-Russian border treaty and affirming, mutually, the lack of territorial claims" (Ministry of Foreign Affairs of the Republic of Estonia). Secondly, article 9 was extended with the following section: "By this treaty, without any exceptions, only issues related to state border line are being regulated" (Ministry of Foreign Affairs of the Republic of Estonia). In this manner the countries showed their eagerness to compromise and search for some wording of the treaty

that would be acceptable for both parts. Thirdly, some technical alterations were made when it comes to the territories along the current de facto border: Estonia and Russia decided to exchange, on an equal basis, approximately 128,6 hectares of land and 11,4 square kilometers of Lake Peipsi surface (Ministry of Foreign Affairs of the Republic of Estonia). For example, changes concerning the well-known Saatsse Boot – Russia’s 115-hectare enclave surrounded by Estonian territory. As a result, such Estonian villages as Sesniki, Ulitina or Saatsse until recently could only be reached using the motorway that belonged to Russia (Those travelers do not required to have a visa but have to follow some strict rules: you can only travel by car, must not make stops or leave the car when driving along that 900m stretch) It was decided that it would be more practical if the “boot” belonged to Estonia. In Return, Russia would get an equal area - two patches of land in Väraska and Meremäe Parishes (FestForest, 2014). There were also some adjustments made in the area of lake Peipsi that aimed to facilitate travelling for both sides.

The signed agreement was immediately received with great support. Sergei Lavrov emphasized that it will undoubtedly “strengthen the atmosphere of trust and cooperation” (Gutterman, Mardiste and Heavens, 2014). The U.S. State Department mentioned the importance of this treaty for NATO and its concerns about the lack of a clear delimitation of its border with Russia (U.S. Department of State, 2014). Hopes that a new border treaty will bring positive dynamics in the strained bilateral relations between Moscow and Tallinn were, nevertheless, interrupted by the events that started to unfold in Ukraine in the end of February. The rise of the pro-Russian protests in Crimea, the referendum and its outcome, and a treaty of accession of the Republic of Crimea and Sevastopol into the Russian Federation were condemned by the Western community that saw Russia’s actions during the crisis as violating international law. That was followed by criticism of Russian support for the rebels in eastern Ukraine and calls to stop providing them with weapons. At this point, the relationship between the European Union and Russia was probably at its lowest point even when compared to its state during the Russo-Georgian war of 2008 (It is important to mention that at the moment of work on the current paper the situation in Ukraine continues to be unresolved. Despite the Minsk II ceasefire agreement, skirmishes alongside borders of the separatist borders of Donetsk and Luhansk. Latest escalation took place on 8 August 2016 when Russia accused Ukraine of the border infiltration and planned terrorist attack which resulted in a gunfire. International sanctions are kept being imposed on Russian Federation by the EU which it promises to lift only in case Russia fulfils its international obligations related to Minsk II protocol). The Ukrainian crisis will undoubtedly have a profound and deep effect on the state of the bilateral relations between Estonia and Russia in many spheres. What one might question, however, is the nature of this effect on the border treaty ratification. The following two chapters will thus provide some reflection on the existing discourses towards the border treaty negotiations and its ratification in light of the events in Ukraine.

Estonia

The first important aspect of border negotiations on the Estonian side is related to the Tartu Peace Treaty. The significance of this treaty in the history and identity politics of Estonia cannot be underestimated: the second President of Estonia – Lennart Meri – has famously deemed it the “birth certificate of the Republic of Estonia”. On the anniversary of the Tartu Peace Treaty on 2 February, 2014, the then President of the Riigikogu, Ene Ergma, said that the treaty has a deep historical and legal meaning and cannot be more relevant for today’s Estonia (Ergma, 2013). She then defined the Estonian

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people's main objective as "to work and act in the name of making the Tartu Peace Treaty the last treaty we have concluded as one of the warring sides" (Ergma, 2013). The already mentioned Article 122 of Estonia's Constitution that specifically requires the state's border to be determined by the Tartu Peace Treaty provides solid ground for criticism of the Estonian government's stand in the border negotiations.

When it comes to the skeptics of the border treaty inside Estonia, a few must be mentioned. The head of the Estonian Conservative National Party, Martin Helme, has continuously expressed his opinion that giving up the territorial claims in 1994-1995 was a terrible mistake for Estonia as it put Estonia into the position of having to play by the "rules of the other side" that cannot possibly lead to a successful outcome for Estonia (ERR, 2013). Estonia's former Minister of Agriculture and current Vice-Chairman of Riigikogu, Helir-Valdor Seeder, echoed these concerns alleging it is damaging Estonian core national interests. He also stressed the importance of standing firm in these negotiations: "This is a historical moment where we can bargain these terms with Russia, where we can put on the table our practical economic and energy agenda. These are issues that we, unfortunately, will not achieve with the border treaty in its current form" (ERR, 2013). Henn Polluaas - MP from the Conservative People's Party (EKRE) and one of the main critics of the agreement - moved to reject the ratification bill in the first reading. Such attempt did not succeed, though, with thirteen Riigikogu members voting in favor of the motion, 63 -against and one MP abstaining (Baltic course, 2015). Andres Herkel, of Free Party, also brought up lack of the Tartu peace treaty mentioning and concerns about the one-sidedness of the on-going ratification process (Baltic course, 2015).

Regarding the reaction of the Estonian officials to the events in Ukraine, it has two important security dimensions. Firstly, it naturally gave rise to fears inside the country: the percentage of ethnic Russians in the overall population is relatively high (approx. 25%). Moscow has been active in attacking Tallinn's treatment of the Russophones in Estonia claiming that they are regarded as second-class citizens. Moreover, Moscow expressed its concerns about the high number of stateless persons in Estonia referring to the citizenship and language laws in Estonia that are said to be discriminatory to ethnic Russians. These facts naturally explain the start of speculations on whether the Ukrainian crisis might trigger some unrest between the Estonian and Russian communities. In an 2014 interview to *Le Monde* magazine Urmas Paet was asked whether the Estonian Russians support pro-Russian separatists in Crimea. The Foreign Minister's reply was negative and included the following argument: "Part of our population speaks Russian but we also have Ukrainian-speakers (22 000). Everyone obviously has fears regarding Russia" (Gatinois, 2014). This confidence of the Foreign Minister can be challenged however by the response on the Internet portal of the Russian community in Estonia, *Baltija.eu*. It claimed that the words of the Urmas Paet has nothing to do with the reality pointing to the rally that took place in Tallinn on 14 March, 2014 that was attended by approximately 200 people under the "Estonian people support the Independence of Crimea" slogan (*Baltija.EU*, 2014). Nonetheless, there are no official statistics on the actual number of Russian Estonians who support Moscow's actions during the Ukrainian crisis so the situation remains unclear. At the same time, the opinion polls conducted by the Estonian Ministry of Defense in March 2014 showed that within half a year the proportion of those considering a large-scale military attack by a foreign country possible has enlarged (by 16 percentage points) (Ministry of Defence of Estonia, 2014). This shift in attitudes is largely attributed to the events in Ukraine and the Estonian government is very concerned about the possibility of the spillover of the Ukrainian crisis

into the Baltics. Security discourse keeps being dominant in relation to the Ukrainian crisis. In April 2014 the government had asked to raise the number of NATO troops in its territory. As Sven Mikser, Estonia's new defense minister, put it in one of his interviews: "I would like to see more boots on the ground and planes in the sky and I think we will see more" (Mardiste, 2014). Mikser also stated that we can expect more joint military exercises and emphasized NATO's Article 5 – any attack on one alliance member automatically becomes an act of aggression on all NATO members. In August 2016 Estonia shared its plan to build a fence approx. 110 km long along its border with Russia. Official reason for its building is the on-going European crisis with the influx of migrants. As expressed by interior ministry spokesman Toomas Viks, "[the] aim of the construction is to cover the land border with 100%, around-the-clock technical surveillance to create ideal conditions for border guarding and to ensure the security of Estonia and the Schengen area" (BBC, 2015). Nevertheless, the plan had caused concerns on the Russian side where such decision was seen as "ideological" – since Estonia is not facing same refugee challenge as the other EU member states (BBC, 2015). The relations between the two countries got tense once again when on 9 May 2016 Pskov delegation headed to Tartu to commemorate the Victory Day had been detained at the Estonian border for several hours before deciding to turn back (News.Err.eu, 2016). The other dimension of the response of Estonia to the Ukrainian crisis concerns the border treaty itself. Here, the reaction seems to be very beneficial to Russia. None of the major state officials suggested the necessity to stop any negotiations with Russia until the crisis in Ukraine is resolved. On the contrary, Tallinn seems to actively stress that ratification of the Border Treaty should not be affected by the events in Ukraine. The former Prime Minister of Estonia, Andrus Ansip, once said that "when in crisis, regulated relations are much better than unregulated" (Delfi, 2014). Center Party MP Enn Eesmaa which is supported by up to 75% of ethnic non-Estonians agreed with Mr. Ansip's position that the border treaty should be ratified and added that in light of the current political situation the importance to do that is even higher (Kireeva, 2014). Marianne Mikko, the representative of the Social Democratic Party and a current member of the Estonian Parliament has accentuated the urgent need to leave the current unsteady status quo and make the border treaty a legal document (Kireeva, 2014).

The Estonian parliament concluded the first reading of the Bill on the Ratification of the State Border Treaty between the Republic of Estonia and the Russian Federation and the Treaty on the Delimitation of Maritime Areas of Narva Bay and the Gulf of Finland between the Republic of Estonia and the Russian Federation on November 25, 2015. The Head of the *Estonian* National Defense Committee, Mati Raidma, expressed his hopes that no major problems will occur during the ratification process: "We hope that there will be no surprises because this treaty is about borders - not a treaty of friendship. This is a technical agreement. It defines the border. As for today, I do not see any new ideas that would be different to the ideas discussed half a year ago, when both parties have clearly stated their interest in the agreement" (ERR, 2014). At the same time it was decided that the second reading and the final vote will only be undertaken after the ratification process has been launched in Russia (Mihkelson, 2014). This way Estonia expressed its desire to "move towards the final decisions as simultaneously as possible" (Mihkelson, 2014). In June 2014, the Chairman of the Foreign Affairs Committee, Marko Mihkelson, said that now it is time for Vladimir Putin to send the treaty to the State Duma and he expects this to happen in autumn of this year (Sokol, 2014). In light of the EU and NATO's need for a formalized border as well as their interest not to escalate other disputes

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with Russia, Tallinn finds itself under a certain pressure. Fears of being involved in any new debacles between Russia and the Western hemisphere can also urge Estonia to ensure the ratification goes smoothly and the events of the 2005 do not repeat again. Last but not least the Estonian government must realize the whole array of challenges that would come together with “revisionism” and the Tartu Peace treaty border line: it will naturally mean the need to deal with an even bigger number of Russian-speakers that can bolster the internal coherence of the state even more.

Russia

Having looked at how the context of the ratification process of the border treaty has changed in the wake of the crisis in Ukraine, it is time to check whether the same is happening on the other side of the border. Moscow’s stand in the border dispute with Estonia has not changed since the previous border negotiations. Russia might be accepting the historical significance of the Tartu Peace Treaty for Estonia but completely refuses to acknowledge its legal continuity. Any reference to this treaty is regarded by the Russian side as a possible loophole as it gives the Estonian side the right to claim the territories it lost during its Soviet period. The same goes for any mentioning of the fact of “occupation” or the “illegitimacy” of incorporation of Estonia into the USSR as it brings up the question of financial compensation. Having this mentioned on the signed document will indirectly imply that the Russian side admits the fact of the illegality of Estonia’s incorporation in 1940 with all the ensuing consequences. The Kremlin continues to strongly disapprove of any attempts to give a new, negative, interpretation to the Soviet role in the history of Estonia and especially in World War II. The win over fascism by the Red Army continues to be historically symbolic to the Russian people and is pivotal to the country’s identity politics. Russia is one of the first countries to raise concerns about the continuing rise of the neo-Nazi movements and groups in Europe. Practices of annual parades honoring the Waffen-SS veterans in Latvia and Estonia are constantly triggering outrage from the Russian side (Embassy of the Russian Federation in Estonia, 2012).

Putting an end to the border question is important to Russia: since the collapse of the Soviet Union, Moscow has been actively working trying to resolve all the outstanding border disputes it had. As Dmitry Trenin, an expert at the Carnegie Center in Moscow said: “Russia's territorial integrity and its sovereignty on all its territory are President Vladimir Putin's most important values. To obtain such sovereignty and territorial integrity, Russia needs fixed agreements with its neighbors. This is part of Putin's policy to build the state” (Bigg, 2005). In 2004, Russia ended the 300 year border dispute with China and concluded delimitation of the 7,400km long border with Kazakhstan in 2005. In 2008, Russia managed to reach an agreement on the disputed areas in the Barents Sea with Norway. It is possible to say that up until the Ukrainian crisis the only significant Russian border issues was the one it had with Japan – over the Kuril Islands.

The successful ratification of the border treaty will facilitate trade between the countries as around 20 treaties were stalled until the signature of the border treaty (Bigg, 2005). The absence of the border treaty with Estonia has also been hampering the easing of EU visa rules for Russian citizens, which the Kremlin was actively trying to achieve. Until recently, visa-free travel was considered to be a “common goal” as EU officials realized the economic importance of such cooperation with Russia (Stewart, 2012). Although all negotiations over the visa-free regime were frozen due to the Ukrainian crisis, it is evident that some countries have strong interest in resuming these talks in the

nearest future. French Ambassador to Russia, Jean-Maurice Ripert has recently expressed hopes to resume the visa regulations talks with Moscow in the nearest future stressing the importance of bilateral economic cooperation (Ripert, Korzun and Morozova, 2014).

Throughout the Ukrainian crisis, the Kremlin has been constantly denying all the accusations against it – from the legitimacy of the Crimean referendum to the secret supply of weapons to the separatist groups in Eastern Ukraine. Moreover, Sergei Lavrov has continuously complained about the “double standards” and Russia’s “demonization” while the Kremlin, in fact, has no interest in worsening relations with the European Union. As he put it in one of the last briefings for representatives of foreign and Russian mass media Moscow, “Nobody can be happy about the worsening of relations between partners who have a lot of opportunities to develop their mutually beneficial cooperation based on the balance of their interests” (Lavrov, 2014).

Taking into consideration all the above-mentioned factors, lack of progress in Russia when it comes to ratification process is alarming. President Vladimir Putin had submitted the bill to be ratified by Russian Duma on 19 March 2015. Despite the intentions expressed by Sergey Lavrov at the UN General Assembly on the 27th September 2015 to ratify the treaty by September 2016 at the latest, so far the ratification of the treaty had been postponed. Russia claimed that this process is hampered by Estonian counterproductive actions. "We have repeatedly told Estonia's representatives that the ratification of the border treaties requires a suitable atmosphere — namely, that the parties refrain from creating tensions," -stated Russian Ambassador to Estonia Alexander Petrov referring to the detention of the Pskov delegation (Baltic Times, 2016). He also added that Estonia repeats its accusations of Russian violation of Estonian airspace – something that, according to him, never took place (Baltic Times, 2016). Since the ratification process was never concluded in Russia before State Duma’s leaving on vacation in June, ratification process can only be resumed once the new composition of Duma takes the office after the elections on September 18. Although it is hard to say what other factors contribute to the prolongation of the ratification process in Russia, such hampering of the border dispute settlement is dangerous and can naturally enkindle further debates over the Kremlin’s true intentions and geopolitical ambitions in its Near Abroad.

Conclusion

The fact that for more than two decades the officials of Estonia and Russia were unable to get both countries out of the border deadlock might initially seem shocking. However, with a closer look at the intricacy of the Russo-Estonian border dispute it becomes clear why it was extremely hard to reach any sort of compromise in the matter. As it has been shown, the majority of the bilateral problems stem from the conflicting views on the shared history. That includes the ongoing debates over the legitimacy of the incorporation of Estonia into the Soviet Union, legal continuity of Estonia’s independence since 1920 and the Tartu Peace Treaty. Moreover, reference to the Tartu accords in the Constitution of Estonia made all the border negotiations particularly hard both at the national and bilateral levels. After 24 years of negotiations on how to reach a compromise and two failed attempts at sealing the agreement, the countries agreed to give the border treaty a third try when foreign ministers Sergei Lavrov and Urmas Paet signed it on 18 February, 2014 in Moscow. There were high hopes that this time both countries would be able to finalize the ratification laws without any significant troubles.

Nonetheless, rapid deterioration of the relations between Russia and the West due to the events that started to unfold in Ukraine and Crimea in the spring of 2014 had

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undoubtedly changed the overall state of the bilateral relations between Moscow and Tallinn. The current paper aimed to scrutinize the discourses on the border treaty agreement in light of the Ukrainian crisis. Above all, the crisis gave a distinct security dimension to the border negotiations. The depth of the concerns of Tallinn about the Ukrainian crisis is understandable taking into account the existing dispute over the rights of the vast number of Russian-speakers in Estonia. The secession of Crimea gave rise to the fears that Estonia will be next on the list of countries where Russia would have to “intervene to protect” ethnic Russians. For this reason, Estonia is one of the most active countries in condemning Russia’s actions and demanding tougher sanctions on Russia.

Despite this current dip in the Russo-Estonian relations, it also occurs that it is have the potential of having a positive effect on the ratification processes of the treaty in both countries. While insisting on toughening sanctions on Russia and increasing the presence of NATO forces in the Baltics, the majority of Estonian officials still hold the view that the border treaty with Russia should be kept separate from Ukraine and needs to be ratified. In these times of fear and uncertainty about the future geopolitical development in Europe, the legally binding border agreements with Russia are starting to have additional value. For Russia, smooth and rapid ratification of the treaty is important to prove that it has been “demonized” by the West throughout the Ukrainian crisis and has no intentions of further destabilizing the geopolitical situation in Europe. Some skeptics argue that a successful end to the ratification process of the border treaty will not be able to improve the overall dreadful state of Russo-European relations. These relations will continue to be complicated both on the bilateral level and in the wider context of the current deadlock of Russian-Western relations. Nonetheless, the importance of putting an end to the troublesome border agreement cannot be underestimated. Above all it gives hope for the commencement of a “domino effect”: the treaty introduces the possibility that this success will enable better cooperation in other contentious areas of bilateral relations. Furthermore, the formal recognition of this border treaty is unquestionably needed these days both for Russia and the European Union/NATO. The hypothetical negative outcome of the ratification process - especially if hampered by the Kremlin - will be extremely alarming and give rise to numerous concerns about Russia’s true ambitions in Europe as well as the actual depth of the current geopolitical crisis in Europe. In this case, the continued lack of the formalized border agreement might arguably become the least of both Russia’s and Europe’s concerns.

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