

The establishment and restoration of Estonian independence and the development of Estonian foreign relations

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Until the First World War, Estonians did not even dare to dream of an independent country of their own. However, the war and the accompanying developments demonstrated that Estonians were mature enough to create their own state and had no wish to fight for the interests of other countries. Many other European nations were also fighting for freedom and independence at the same time, and were mutually inspiring each other. By February 24, 1918, a unique power vacuum had developed in Estonia – the retreating Russian forces had abandoned the capital, Tallinn, while the advancing Germans had not yet arrived in Tallinn. This gave, for the first time throughout history, Estonians an opportunity to proclaim their own state – the Republic of Estonia. The War of Independence that started at the end of the year against Russia’s Red Army, and later also against the German supported *Landeswehr*, ended with Estonia’s victory. On February 2, 1920, Russia was the first country to recognise the independence of Estonia. Subsequently, Finland did also, followed, a year later, by the Entente, as well as the United States in 1922. In 1921, Estonia became a member of the League of Nations. Estonia had become a full and equal European state.



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September 7, 1917

The Estonian Provisional Land Council resolves to send a delegation abroad that would introduce Estonia and protect Estonia's interests.

December 2, 1917

The Committee of Elders of the Estonian Provisional Land Council accredits Ants Piip and Jaan Tõnisson as foreign representatives.

January 1918

Members of Estonia's foreign delegation, Jaan Poska, Julius Seljamaa, Jüri Vilms, Ants Piip, and Eduard Virgo contact the British, French, and American Embassies in Petrograd. Poska declares that the only possible route for Estonia is to declare independence, whereas the great powers should guarantee Estonia's independence.

January 25, 1918

Jaan Tõnisson, the head of Estonia's foreign delegation, arrives in Stockholm, where he starts to familiarise the diplomats of Sweden and other countries with Estonia's aspirations for independence.

February 24, 1918

Estonia declares Independence.

May 3, 1918

British Foreign Minister Arthur Balfour notifies Estonia's foreign delegation of the readiness of His Majesty's Government to

recognise the Estonian Provisional Land Council as a *de facto* independent body, until the beginning of the Peace Conference. The letter also affirms British readiness to receive Professor Ants Piip as the diplomatic representative of the Estonian Provisional Government.

May 13, 1918

French Foreign Minister Stephen Pichon notifies the members of the Estonian foreign delegation that the French Government is ready to recognise the "Estonian National Council".

August 26, 1919

Estonia becomes a member of the Universal Postal Union.

February 2, 1920

The Peace Treaty of Tartu is concluded between the Republic of Estonia and the Russian Soviet Federative Socialist Republic, whereby Russia becomes the first country to grant *de jure* recognition to the Republic of Estonia.

February 18, 1920

Italian diplomat Agostino Depretis is the first diplomatic representative of a great Western power to present his credentials.

June 7, 1920

Finland grants *de jure* recognition to the Republic of Estonia.

December 31, 1920

Poland grants *de jure* recognition to Estonia's independence.

January 26, 1921

The Entente's Supreme Council grants *de jure* recognition to Estonia's independence.

February 5, 1921

Sweden, Denmark, and Norway recognise Estonian independence.

February 22, 1921

The Assembly of the League of Nations votes in favour of Estonia becoming a member of the League of Nations.

July 28, 1922

The United States of America grants *de jure* recognition to the Republic of Estonia.

September 21, 1944

Through Estonia's representatives abroad, the government of the Republic of Estonia, formed in Tallinn, notifies the outside world of the continuation of the activities of Estonia's legal government in exile.

1989

At Lennart Meri's initiative, the Estonian Institute is founded in order to introduce Estonia in friendly Western countries.

April 11, 1990

Lennart Meri becomes the foreign minister of Estonia.

January 13, 1991

After the bloodshed that takes place in Lithuania with the approval of the Soviet leadership, Estonia, Latvia, Lithuania, and the Russian SFSR adopt a joint declaration that is sent to the UN secretary-general.

August 22, 1991

Iceland recognises restoration of the independence of Estonia.

August 24, 1991

Russia re-recognises Estonia.

August 25, 1991

France re-recognises Estonia.

August 27, 1991

Great Britain reaffirms its recognition of the Republic of Estonia.

August 27, 1991

Sweden re-recognises Estonia.

August 28, 1991

Diplomatic relations between Estonia and Germany are restored.

August 29, 1991

Sweden becomes the first country to open its embassy in Tallinn.

September 6, 1991

The Soviet Union recognises Estonia's independence.

September 10, 1991

Estonia is accepted as a member of the CSCE (Conference

on Security and Cooperation in Europe).

September 17, 1991

The Republic of Estonia joins the United Nations.

July 1992

Great Britain restores visa-free travel for Estonian citizens, being the first European Union state to restore a pre-war agreement.

September 4, 1992

The United States restores its mission (embassy) in Tallinn.

May 14, 1993

Estonia becomes a member of the Council of Europe.

July 26, 1994

In Moscow, Estonian President Lennart Meri and Russian President Boris Yeltsin sign an agreement for the complete withdrawal of Russian troops from Estonia.

February 16, 1998

The Charter of Partnership between Estonia, Latvia, Lithuania, and the United States is signed.

March 31, 1998

The European Union starts accession negotiations with Estonia.

April 29, 2004

Estonia becomes a member of NATO.

May 1, 2004

Estonia becomes a European Union member state.

December 2007

Estonia is invited to start accession negotiations with the OECD (Organisation for Economic Cooperation and Development)

December 21, 2007

Estonia joins the Schengen area.

The birth of the Republic of Estonia was not only the result of a victorious war, but also the fruit of successful diplomacy. Already during the World War, in September 1917, while Estonia was still part of Russia, the Estonian Provisional Land Council (*Maapäev*) decided to send a delegation abroad to represent Estonian interests.

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This foreign delegation was formed already by December 2, 1917. Ants Piip and Jaan Tõnisson were officially appointed to be foreign representatives, and the establishing of Estonia's foreign missions was launched. By the time the Tartu Peace Treaty was concluded in February 1920, Estonia already had a functioning foreign service consisting of young diplomats who were quickly acquiring experience and know-how. On February 24, 1918, Estonia's first foreign minister, Jaan Poska, assumed office. Contacts with the governments of other countries resulted in the *de facto* recognition, by Great Britain and France, in May 1918, of the credentials of the Estonian Provisional Land Council. Although an Estonian delegation was not invited to the Paris Peace Conference, Estonia's representatives were treated as governmental representatives. On August 26, 1919, Estonia became a member of the Universal Postal Union, which marked the beginning of Estonia's status as a subject under international law. Thereby, Estonia had an independent foreign policy, as well as conducted foreign relations, already from the spring of 1918 on, which gradually dispersed the scepticism concerning the survival of the Estonian state.



The Foreign Minister of Estonia Jaan Poska signs the Tartu Peace Treaty. Tartu, 2 February 1920

In the 1920's and 1930's, Estonia had diplomatic relations with many European countries, and the existence of a Turkish Embassy in Tallinn demonstrated that Estonia was also of interest to more distant countries. Normal development continued until 1939, when the expansionism of the great totalitarian powers hurled the nations of the world into the Second World War.

International status and foreign relations during the occupations

In August 1939, with the secret protocols of the Molotov-Ribbentrop Pact, the Soviet Union and Germany divided Central Europe into spheres of influence. And, only a few days later, both countries attacked Poland. By the late spring of 1940, the majority of European countries had been dragged into the war.

On June 17, 1940, the Soviet Union occupied Estonia. On August 6, the Estonian state was formally dissolved and annexed by the Soviet Union. But the Soviet Union was not able to obtain recognition for this occupation and annexation. The United States

reacted sharply to the occupation of the Baltic states. On July 23, 1940, the U.S. State Department publicly condemned the annexation of the Baltic states. The United States based its non-recognition policy on the doctrine of Secretary of State Stimson, which was proclaimed in September 1932 in connection with the Japanese aggression against China.

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This meant that the United States refused to recognise any territorial changes, agreements or treaties that had been achieved by force. The U.S. government continued to recognise the Baltic representations on its territory. Similarly to the United States, many other Western countries also followed a policy of non-recognition, and in several of them, Estonian missions were able to carry on their activities. The Estonian Consulate General in New York has been functioning, consistently, to this day, even despite and throughout the foreign occupations that lasted for more than half a century. At the same time, all foreign countries were forced to close their missions in Estonia. However, when the United States closed its Embassy in Tallinn on August 13, 1940, it affirmed that it was doing so only under duress. Similarly to 1918, the Estonian Government, in September 1944, attempted to again initiate activities in the power vacuum between two occupying countries – the German forces were leaving Tallinn, and the first Soviet units had not yet arrived. On September 21, 1944, the Government informed the Estonian people and the rest of the world of Estonia's neutrality in the Soviet-German conflict, and of the need to continue the activities of the Government, on behalf of the fight for independence, in exile. The foreign representatives of the Republic of Estonia were also informed of the Government's declaration. The Estonian ambassador in London officially forwarded this declaration to the British Foreign Ministry. The fact is that the ensuing Soviet occupation did force the Estonian Government to continue its activities in exile.

The U.S. non-recognition policy influenced the whole world's attitude towards the Baltic states. In various contexts, during and after the Second World War, several countries declared that they did not recognise the illegal incorporation of Estonia and the other Baltic states into the Soviet Union. Therefore, according to international law, the Republic of Estonia continued to exist *de jure*, in spite of its *de facto* occupation and annexation by the Soviet Union.

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The restoration of independence

Perestroika, initiated by Mikhail Gorbachev, brought about a liberalization of political life. In Estonia, this was accompanied by the wish to end the injustice caused by the Molotov-Ribbentrop Pact, and to restore the independence of the nation that had been occupied and annexed in 1940. On November 12, 1989, Supreme Soviet of the Estonian Soviet Socialist Republic (SSR) passed a resolution, entitled "A Historical-Legal Assessment of the Events That Occurred in Estonia in 1940", whereby it defined the events that had taken place in Estonia in 1940 as acts of aggression, as a military occupation, and as an illegal annexation of the Republic of Estonia by the Soviet Union. Therefore, it was declared that the forcible change of the polity of the Republic of Estonia was invalid from the viewpoint of international law, which meant that the injecting of the Republic of Estonia into the composition of the Soviet Union was null and void.

The idea of restitution was based on two principles: Estonia continued to be a state that had international *de jure* recognition, with its foreign relations being conducted by foreign representations of the Republic of Estonia that had continued accreditation (the Consulate General of the Republic of Estonia in New York). An Estonian citizenry also existed, which had the right to determine Estonia's statehood. The resolution of the Estonian SSR Supreme Soviet of March 30, 1990, regarding the status of Estonia's statehood, declared that the occupation of Estonia by the Soviet Union on June 17, 1940, had not terminated the existence of the Republic of Estonia *de jure*, and that the territory of the Republic of Estonia continued to be occupied up until that time. Based thereon, the Estonian SSR Supreme Soviet declared that the governmental power of the Soviet Union in Estonia had been illegal from the moment of its establishment on, and announced the restoration of the Republic of Estonia (*restitutio ad integrum*). The resolution also established a transi-

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tion period, which was to last until the formation of the Republic of Estonia's organs of constitutional authority.

In May of 1990, the use of the term "Estonian SSR" was abandoned, and the term "Republic of Estonia" was reinstated as the official name of the state. Thereby, the Estonian Supreme Soviet declared that Estonia was an independent and autonomous republic, and that only the laws instated by it were valid in Estonia. But at that moment in time, Estonia was not able to put these provisions into practice.

By the beginning of April 1990, a memorandum had been drawn up, that the Estonian SSR Supreme Soviet and the Committee of Estonia¹ used to approach the governments of all European countries, the United States, and Canada with the appeal that the issue of the restoration of the independence of the Republic of Estonia, that had been lost during the Second World War, be added to the Conference on Security and Cooperation in Europe (CSCE) agenda in 1990 as a subject of international law. This was the first legal document, related to foreign relations, passed by the Estonian SSR Supreme Soviet, which, essentially, directed the Foreign Ministry to re-establish its activities as the coordinator of the state's foreign policy. Lennart Meri, who had taken office as minister, energetically started to do just that.

At Lennart Meri's initiative, the Estonian Institute had already been created in 1989, in order to introduce the issue of Estonia to foreign countries. As foreign minister, Meri skillfully used the existing network of Estonian cultural representations (not only the Estonian Institute offices abroad, but also organisations like the Tuglas Society in Finland) as "proto-embassies", which shouldered the task of being unofficial representations for Estonia's governmental and foreign policy.

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The Estonian authorities emphasized that contacts with the Soviet Union should be treated as negotiations, or, in other words, as being a part of Estonia's foreign relations, which Moscow strongly resisted. In the summer of 1990, the Government of the Republic of Estonia formed appropriate commissions for negotiating with Moscow, and negotiations were started at the end of August. The Soviet Union called the negotiations consultations. Moscow finally arrived at the conclusion that the most suitable solution would be to conclude a union treaty, and to force the Baltic states

¹ The executive organ of the Estonian Congress, a representative body that had been elected, by the citizens of the Republic of Estonia, at the people's own initiative.

to sign it, thereby reattaching them to the Soviet Union. An important role in ending the January crisis and avoiding bloodshed in Estonia was played by the support of the Russian SFSR for the Baltic states. On January 12, 1991, Estonia and the Russian SFSR signed the Treaty of Interstate Relations, whereby both parties recognised each other's inalienable right to national independence. Both countries mutually recognised each other as sovereign states and as being subject to international law. On January 13, Boris Yeltsin and Arnold Rüütel signed a joint declaration in Tallinn, whereby both parties mutually recognised the other's national sovereignty and legally elected organs of state authority. A joint dispatch was sent to Perez de Cuellar, the secretary-general of the United Nations (UN), requesting that he convene an international conference to find a solution to the Baltic crisis.

The foreign policy activities of the Baltic states saw a further increase in the spring of 1991. At the beginning of May 1991, the government leaders of Estonia and Latvia, as well as the chairman of the Lithuanian Supreme Soviet, made a joint declaration, in Washington, requesting international recognition and protection. An appeal was made to the world's public that the Baltic states be treated as independent countries in the international arena. However, the international community was not yet ready for such recognition.

The beginning of re-independent Estonia's foreign relations

On August 20, 1991, in a situation in which the capital of the Soviet Union had fallen under the control of the State Emergency Committee, that was in the process of trying to carry out a coup, and in which Soviet troops had entered Tallinn and were waiting for the order to remove the administration of the Republic of Estonia from power, the Estonian Supreme Soviet passed a resolution regarding Estonia's national independence, which upheld the national independence of the Republic of Estonia, and endorsed the quest to restore diplomatic relations. The same resolution resolved to create a Constitutional Assembly, from amongst the delegates of the Supreme Soviet and the Estonian Congress, to formulate the Constitution of the Republic of Estonia.

The suppression of the August putsch provided the opportunity for restoring the independence of the Baltic states, and accelerated the dissolution of the Soviet Union, which was capped off by the Belovezh Accords in December 1991.

The restoration of the Republic of Estonia by restitution, and not by the creation of a new state that had seceded from the Soviet Union, met with approval by the countries that had adhered to the non-recognition policy.

Iceland, whose parliament had already passed a resolution regarding Lithuania on February 11, 1991, in which it confirmed that the recognition granted to the independence

of the Republic of Lithuania, by Iceland, in 1922, was still in force, took the same position regarding Estonia and Latvia when they declared the restoration of their independence in August 1991. Thus, Iceland was the first country to recognise the regained independence of Estonia. Other Western countries supported and recognised the idea of treating the Baltic states on the basis of the relations that existed before World War II when, in August and September of 1991, they announced that they are restoring diplomatic relations with Estonia, Latvia, and Lithuania. Actually, the countries of the European Community, as well as the United States, did not use the word “recognition” in their declarations. For instance, on August 27, 1991, a special meeting of the foreign ministers of the European Community welcomed the fact that the Baltic states had restored the sovereignty and independence that they had lost in 1940, and confirmed the members’ decision to immediately establish diplomatic relations. The U.S. held a similar position. President George Bush announced that the restoration of the independence of the Baltic states was the “culmination of the 52-year policy of the United States not to recognise the incorporation of the independent Baltic states by the Soviet Union.” The countries that had formerly belonged to the “socialist camp” also recognised the independence of the Baltic states on the basis of the relations that had existed before the Second World War.

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On September 6, 1991, the Soviet Union also recognised the independence of Estonia. On September 10, Estonia became a member of the CSCE, and on September 17, a member of the UN. At the end of that year, Estonia also became a member of the North Atlantic Cooperation Council.

The recognition of pre-WW II relationship with the Baltic states was later confirmed by how international agreements were concluded. A general model was applied here – the contractual obligations of the Soviet Union were not considered to be automatically binding for the Republics of Estonia, Latvia, and Lithuania. Based on the legal succession of a pre-WW II state, the Estonian government officially notified the UN secretary-general that it does not consider itself, in the context of legal succession, to be party to any bilateral or multilateral agreement concluded by the Soviet Union.

Restoration as an independent state entailed the rapid development of Estonia’s foreign relations. First of all, this required accession to multilateral international agreements that had been concluded when Estonia could not participate in foreign relations as a subject under international law, and therefore, many generally recognised

international statutes did not apply to Estonia. On October 21, 1991, Estonia acceded to twenty-eight international conventions regarding contract law, the peaceful solving of disputes, human rights, as well as diplomatic and consular issues.

At the same time, legal continuity with the pre-war Republic of Estonia resulted in questions regarding the validity of agreements signed before June 16, 1940. On June 26, 1992, the Estonian foreign minister signed a declaration addressed to the UN secretary-general, confirming that Estonia considered the Convention on the Non-Fortification and Neutralization of the Åland Islands (signed in 1921) to be binding. This was followed by the restoration of Estonia's membership in the conventions that Estonia had acceded to before the Second World War that still remained in force. In the case of bilateral pre-war agreements, the validity of some, but not all, was recognised.

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