Article 5: the permanent neutrality in the Tartu Peace Treaty, 1920

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Abstract. Tartu Peace Treaty has had a considerable impact on Estonian foreign policy in different times. The Treaty is analysed from various aspects, but the linguistic or semantic analysis of the text has not attracted of historians. I pay attention on the single sentence, which in the final version of the Peace Treaty was recorded as a separate fifth article. Both Estonian and Russian delegations at peace conference in Tartu 1919-20 were aware of the principal nature of the declaration of permanent neutrality in the fifth article. This article is supported by ESF grant no 7017.

There has been much written about the different aspects of the Tartu Peace Treaty concluded between the Republic of Estonia and the Russian Soviet Federal Socialist Republic on 2 February 1920 and significance of it on the Estonian – Soviet relations afterwards. The Peace Treaty had a direct impact on the negotiations, following in the 1920s and 1930s and on the agreements of various contents concluded between Estonia and the Soviet Union. Although the interpretation of individual articles, and of the entire treaty, underwent certain changes both in Tallinn and in Moscow the Tartu Peace Treaty was, as a rule, referred to in the preambles of the more important treaties that followed. For instance, references thereto were made in the conclusion and extension of the non-aggression and mutual assistance treaties, in the realisation of the Briand-Kellogg Pact (1928-29) and even in the conclusion of economic agreements.\(^1\) On quite a few occasions it was done at Moscow’s insistence for the treaty was understood there as a guarantee that Estonia would not conclude political or other alliances in the future, which could somehow be interpreted as unsuitable for or hostile towards the Soviet Union. Historians of Soviet Estonia described the peace treaty as a great success of the Soviet peace policy and example of flexible leninist diplomacy (Mattisen 1989; Vihalem 1960).
The subject became topical in the 1990s in connection with Estonia’s regaining of independence and its prolonged negotiations with the Russian Federation on a border treaty, as well as with the difficulties encountered in the ratification of the treaty. Estonia was interested, primarily for ideological and historical reasons, that Russia, in any event, would recognise the Tartu Peace Treaty as a whole, or at least the second article thereof. In the second article of the Tartu Peace Treaty, Soviet Russia confirmed Estonia’s right of secession and sovereignty and renounced any rights regarding the people and land of Estonia. Estonia leans on the fact that the present Russia has recognised itself as the legal successor of the Soviet Union, which ceased to exist in 1991.

Estonian politicians have confirmed that the Peace Treaty continued to be the cornerstone of the independence of Estonia. This belief has been one of the foundations of the foreign policy of Estonia after the country regained independence. The Tartu Peace Treaty is regarded as the cornerstone of Estonia’s statehood largely due to the success of nationalist ideology (and mentality) before and after World War I and the revival of that kind of thinking in the 1990s, mainly in Eastern Europe and the former Soviet Union. Proceeding from such a way of thinking, the Tartu Peace Treaty is a significant and, most importantly, successful milestone in the centuries-long resistance of the Estonians to various foreign rulers (powers) and in the establishment and defence of their self-identity. Even further seems to have gone the Finnish researcher Marko Lehti, in whose opinion the development of national self-awareness and identity was encouraged by the bi- and multilateral negotiations between the Baltic countries commenced prior to the conclusion of the Tartu Peace Treaty, which forced the so-called Balts to deal with the issues of statehood, independence and sovereignty (Lehti 1999).
Without any intention to undermine those foundations, it may be asked here why one should consider a peace treaty, with a neighbouring nation whose government no longer exists in the same form, to be the document on which the statehood of Estonia is founded? For the contemporaries in 1919-20 it was essential to reach an agreement with an authority, exercising a certain power over Russia, which would recognise the independence gained by Estonia. In return, Estonia recognised the Soviet regime as the legal representative of Russia and helped to break the international blockade established against the Bolsheviks.

If the Tartu Peace Treaty is deemed to be the foundation of Estonia’s statehood, however, consideration should also be given to a broader set of issues. Let us ask what should be valued the highest in the emergence and development of statehood? In the search for the ‘founding document’ of statehood it should be specified what the first emphasis must be. Was the foundation, or the top-priority document, of Estonian statehood the recognition of the Bolshevist regime, which had seized power in the former mother land by means of a coup d’état, and was the intent on clinging to that power at any cost, in the secession of a part of its territory? Or was it the sufficiently clear political will of a population, relatively homogeneous linguistically and culturally, expressed, for instance, in the form of the Manifesto of Independence of 23 – 24 February 1918 (Pajur 2006). Of equal importance might be considered the Declaration of National Independence made by the Constituent Assembly of Estonia in the spring of 1919 and several other documents.

At this juncture it is perhaps fitting to mention the example of the peace treaty between the USA and Great Britain in 1783, under which warfare between them was formally ended and London recognised the secession of the former colony. This does not mean,
however, that the USA regards this peace treaty as the pillar of its statehood. The declaration of the will to gain independence and the proclamation of the state are ranked higher. After the above mentioned peace treaty, the USA set a foreign policy goal to avoid getting involved in conflicts. Despite some principal deviations from the principle, neutrality, as a general direction, continued to be the main orientation of US foreign policy for approximately 150 years. Neutrality was repeatedly reverted to both in day-to-day political decisions under various administrations and at the legislative level (Graebner 1993).

If the issue is approached from this perspective it may be affirmed that the development of Estonia’s statehood was aided, first and foremost, by the broader and weightier processes underway in Europe, and the Tartu Peace Treaty was a natural and necessary compromise between a former mother country and a region that had seceded from it, but nevertheless not the principal document establishing and upholding Estonia’s statehood. If one seeks to give precedence to a specific, single document then the Estonian Manifesto of Independence should be deemed as such, even if in today’s circumstances it may seem useful for Estonia, on certain day-to-day political or ideological grounds, to stress the significance of the Peace Treaty. In the present article, I would comment briefly on only one aspect of the Tartu Peace Treaty by concentrating on the fifth article which declares the existence of permanent neutrality of Estonia.

On the background

The beginnings of Estonian independent foreign policy may perhaps be traced back to the summer and autumn of 1917, definitely to December 1917, when credentials were issued to a number of Estonian politicians as the first diplomatic representatives of the state,
along with the respective foreign policy instructions (Medijainen 1997). The latter were fairly extensive, permitting, apart from pursuing full independence, unions or federations with other countries, meaning a partial retreat from full sovereignty. In the spring and summer of 1918 the members of the Estonian foreign delegation ruled out, at the cost of an inner split, the declaration of war on Germany, although it was expected by the leading countries of the Entente. On the misunderstandings between members of first Estonian foreign delegation, caused by the question of declaration war to Germany or neutrality, see an article of Finnish historian Kaletrvo Hovi (Hovi 1973). Estonia did not declare war in spite of fact that German troops invaded formally independent state. Even the subsequent bloody battles in the summer of 1919 were not regarded as a war, despite the fact that the units of General Rüdiger von der Goltz were subordinated to Berlin, at least formally, and that Estonian troops were engaged in a military conflict with them. Later (1934-1940, and after 1990), the victory over the so-called Landeswehr units was celebrated as the Victory Day in Estonia. Unlike Latvia, however, Estonia signed no special treaty with Germany. It is sometimes maintained that the Tartu Peace Treaty with Russia continues to be effective today, since no new peace accord has been concluded. If so, can one presume, by way of analogy, that Estonia is formally still in a state of war with Germany, since a war between them did indeed take place but no treaty has been concluded?

Not having declared war against Germany might, at a first glance, be considered a miscalculation by the young Estonian diplomats in the spring and summer of 1918. A legal basis – the invasion of German troops in the country, which had declared itself independent – and political support from the nations that later proved victorious would
have been assured. Having done so might have granted Estonia a somewhat better international position at the ensuing Paris Peace Conference. Proceeding from this line of thinking, Estonia might even have been ranked among the victorious nations and would have won greater support for, and recognition of its will regarding its independence in Paris. The roles of the Baltic States in the international relations in 1917-1920 have been studied thoroughly from different perspectives (Anderson 1977, Hovi K. 1975; 1984, Hovi O. 1980, Taube 1969, Tarulis 1965).

The second Estonian foreign delegation (initially headed by Jaan Tõnisson and then by Jaan Poska), which arrived in Paris at the end of 1918, was an informal participant in the peace conference. Estonia was not invited to take part in the conference officially. This meant that the best they could hope for was to be counted among the group of so-called neutral countries. Unfortunately, they made no strenuous efforts to achieve even that. In fact, that was no easy task either; after all, the application, for Estonia to be declared a country in a state of war, had already been submitted to the peace conference. At this point let me remind the reader that Estonia had expressed its will to remain neutral in the Manifesto of Independence, and some leading members of the foreign delegation (e.g. Ants Piip) earnestly considered this possibility and coveted the status of neutrality for Estonia (Medijainen 1993). Unfortunately, the Paris Peace Conference did not deal much with the subject of neutrality, although the countries of the Entente, for instance, considered the restoration of Belgium’s former status, neutrality, to be one of the major causes, or even the immediate cause, for their entry into war.

The Brest-Litovsk Peace Treaty, between Soviet Russia and imperial Germany, and its supplementary agreement concluded in Berlin in August 1918, were not conducive to
Estonia’s bid for neutrality either. Among other things, the parties exchanged a memorandum on mutual relations upon the ratification of the Brest-Litovsk Peace Treaty on 6 September 1918. In Article 5 of the memorandum, Soviet Russia promised Germany to do all within its power to preserve neutrality in Finland and the (northern) Baltic regions. The countries, victors in World War I, however, did not recognise the treaties concluded between Russia and Germany in 1918 (Volkmann 1970).

Consequently, it would have been fairly unwise for Estonia to place particular emphasis on the issue of neutrality in Paris. The Paris Peace Conference sought to create a new order for international relations, which was to be built on new principles that would preclude future conflicts (Fink 2006). To have emphasised neutrality in such a situation would have meant a show of carelessness and egoism. Furthermore, the so-called president (chairman) of the Paris Peace Conference addressed the neutral countries, in a special letter, to request them not to deal with Bolshevik Russia. So called Russian question and fear of Bolshevism had deep influence into settlement of peace treaties and attempts to create a better order in the world (Thompson 1967, Walworth 1986).

On the other hand, it was equally obvious that, if Estonia had had binding allied relations and obligations with the Entente countries, the freedom of decision and action of its politicians in 1919 would have been much more restricted. Had such binding alliances existed, the decisions in the second half of 1919 to start armistice negotiations with soviet regime in Moscow and to conclude a peace treaty with the Bolsheviks would have been even more difficult to make than they actually were. The Entente nations, particularly France, made no secret of their negative attitude towards a separate peace deal with the Bolsheviks, and informed Estonia thereof in unequivocal terms (Hovi 1975; 1984).
Attaching high value to the Tartu Peace Treaty, it may therefore be affirmed that political neutrality, declared in the Manifesto of Independence and adhered to through two years (1918-19), was conducive to the Estonian politicians’ decision to enter into peace negotiations with the Bolsheviks. The government of Estonia was bound by no foreign policy obligations, let alone alliance treaties. Nevertheless, consideration was given to the negative opinions concerning the negotiations entered, expressed in the capitals of the Entente countries, and Estonia’s special status and needs were invoked to counter them. The decisions to commence negotiations and to conclude a peace treaty with the Soviet government have remained the best examples of the independent foreign policy conduct of Estonia.

Thanks to Soviet Russia’s 1920-21 peace treaties with its western neighbours new states were formed and borders were established that added an important chapter to the history of the formation of European frontiers. The border changes, occurring before, during and after World War I, contributed much to making possible theoretical generalisations on the subject of state borders, which have continued until today in the form of articles, monographs, conferences, source publications, etc (Anderson 1996, Lunden 2006). A variety of arguments were used in the talks on the future frontier between Estonia and Russia in December 1919 and January 1920 (Mattisen). Of these, the least represented were the so-called historical arguments, especially in comparison with the ones used in negotiating the borders of Poland (Lundgreen-Nielsen 1979; Cienciela and Komarnicki 1984). Never before had any Estonian state existed, not in any borders nor form. Thanks to the suitable terrain the arguments for taking into account other, so-called natural – geographical, topographical, and, in particular, linguistic and ethnic – factors took
precedence in the negotiations. In addition, certain military and strategic considerations were borne in mind. Somewhat surprisingly, neither party proposed the possibility of drawing the border based on a referendum, which was widespread elsewhere in Europe. Apparently, neither the government of Estonia nor the Bolsheviks were interested in such an option, both on technical and economic grounds and because of the unpredictability of the results. As a general concept, both parties recognised the principle of national (ethnic) self-determination, even though their interpretations thereof were principally different. According to the drafts drawn up, based on the variety of arguments submitted in the course of the negotiations, the position of the future frontier differed initially by tens of kilometres, and then in some places to the absurd extent of hundreds of kilometres. At the same time, that process of establishing the border between Estonia and Russia was by no means a special and complicated one, compared to the parallel processes in the post-World War I Poland, Czechoslovakia, Hungary, Rumania, etc. In Tartu, both parties were interested in reaching a positive result in a relatively short time and as a consequence, the border was staked out even faster than that between Estonia and Latvia. The Tartu Peace Treaty may also be valued as an important aspect in the general development of Estonian-Russian relations. This approach, however, soon blurs the subject into a description of the general tendencies of international relations. The peace treaty created essential preconditions to, and provided a legal endorsement of the development of political, in particular diplomatic and consular, relations between Estonia and Russia. The latter, as an obligatory part of the Peace Treaty, came about at the insistence, and in the interests, of the Russian delegation and appeared somewhat anachronistic in 20th-century European international law. What Estonia needed, in the
first place, was not so much mutual diplomatic recognition as peace and restoration of its economic relations. Article 2 of the Peace Treaty which was suitable and necessary for Estonia was mainly produced as a counterbalance to the desire of the Bolshevist government which wanted to achieve a decisive breakthrough from the political and economic blockade.

Even more direct was the impact of the treaty on financial and economic issues in Estonia and thus on the attitudes and opinions, or even prejudices, of leading politicians concerning subsequent relations between Estonia and Russia. In 1917-18, the majority of Estonian politicians deemed the best and most rational solution to be the transformation of former Tsarist Russia into some sort of a new state with a democratic and federal structure. Secession from Russia seemed a temporary path of development, as late as the summer of 1918, even to Ants Piip and Karl Pusta, not to mention the many Estonian politicians who had been more involved in economic matters. According to Ants Piip, it was not so much that Estonia seceded from Russia as Russia betrayed Estonia. This meant that if Russia had chosen a democratic path of development there would have been those in Estonia who would in principle have been ready for very close cooperation, even for reunification with Russia on certain conditions (Medijainen 1994). When such a path was ruined as the result of the Bolshevik domestic and foreign policy, they still hoped that the economic ties would be continued. The path to mental and, in particular, economic separation from Russia was relatively long and rough. Quite a number of Estonian politicians were not interested in rapid progress on this path of development, but then this might be considered a fairly natural and understandable attitude and behaviour.
It is another matter, of course, when and who took the decisive steps and what was the cost of the delay in the separation (Valge 2004, Valge 1994).

Article No 5

Thanks to the memoirs of contemporaries, particularly participants in the peace negotiations, and the accounts later published in the press, it is known that the Tartu Peace Treaty was initially scheduled to be signed on 1 February 1920. Allegedly, the signing ceremony was postponed until after midnight to 2 February, because of a comma error, which was accidentally discovered at the last moment in the text that had already been agreed upon (Tomingas 1992). It is not known exactly in which of the 20 articles the error was found, and whether it was one that would have significantly altered the meaning of the text. It is doubtful whether this somewhat dramatised legend is true, since as late as 30 January 1920, numerous corrections were still made during the proofreading of the Treaty. The issue was hardly just one comma error. The text of most of the articles was repeatedly changed in the course of the negotiations, and the process continued until the very last moment.

Surprisingly, linguistic issues, including those concerning the formal aspect of the entire text of the Treaty and linguistic or semantic analysis thereof, have not attracted serious attention, even though it is known that the final completion of the Treaty and the preparation of the Estonian and Russian versions of the text were a laborious process, not only because of differences of opinion concerning principal issues. Putting to paper what was agreed upon in principle also represented a serious linguistic challenge, a search for correct words and sentences.
In the present paper, I would not discuss all the 20 articles of the Treaty. I would foremost draw the reader’s attention to just a single sentence, which in the final version of the Peace Treaty was recorded, apparently somewhat unexpectedly and surprisingly, as a separate fifth article:

Kui Eesti alaline neutraliteet rahvusvaheliselt tunnustatakse, siis kohustub Venemaa ka oma poolt seda neutraliteeti pidama ning selle neutraliteedi alalhoidmise tagamisest osa võtma. [In the event of international recognition of the permanent neutrality of Estonia, Russia, on its part, undertakes to conform to such neutrality and to participate in the guarantees for maintenance of the same.]

In today’s Estonian, the sentence would probably have been recorded in a slightly different form. One of the reasons is that instead of the nominative case the pair of words alaline neutraalsus [permanent neutrality] should be in the partitive case. The text was grammatically correct in the Russian version. It may be assumed that the sentence was suggested and recorded first in Russian, since, as agreed upon between the parties the official language of the peace negotiations was Russian. In the Russian version, the only thing that was altered in the sentence was indeed a single comma error, which initially happened to be in a wrong place in the text, apparently because of the stenographer’s slip.

At the same time, an “i” was omitted to improve the style:

На случай международного признания постоянного нейтралитета Эстонии (,

Россия (и) со своей стороны обязуется соблюдать этот нейтралитет и принять участие в гарантии сохранение такого нейтралитета.³

The entire sentence appeared relatively late in the Treaty being revised, probably not until 26 January 1920, because the earlier proposals and drafts do not include any text in such
a wording. By the same time, consensus was reached that the Peace Treaty shall comprise a total of 20 articles. This number had in the meantime grown much bigger than the 14 articles proposed by the Russian delegation at the start of the negotiations, but in the end a part of important issues were moved to annexes.

As a rule, it is not considered correct, in spoken and written Estonian, to use the same word three times in one sentence. Of course, this particular case represented an official text having juridical significance, and the use of synonyms would not have been recommendable. Yet the meaning of the fifth article would not have been changed if the sentence had been shortened by not using the word *neutraliteet* [neutrality] three times but replacing its subsequent occurrences with the pronouns *seda* [of same, partitive case] and *selle* [of same, genitive case], for instance. As this was not done, and the word *neutraalsus* [neutrality] was not replaced with a very close synonym *erapooletus* [impartiality, neutrality], which is common in Estonian, it may be assumed that that was done deliberately. The phrase *alaline neutraliteet* [permanent neutrality] was sufficiently unequivocal and important in the opinion of contemporary lawyers and experts in international law for its meaning not to be obscured by the use of synonyms (Seene 2001).

The beginning of the fifth article also allows different interpretations of the text: “kui Eesti alaline neutraliteet rahvusvaheliselt tunnustatakse, siis kohustub Venemaa ka oma poolt …” [in the event of international recognition of the permanent neutrality of Estonia, Russia on its part …]. This passage may be interpreted as Russia’s unilateral obligation provided that Estonia’s permanent neutrality is recognised internationally. Yet this may be doubted, since the phrase *on its part* (on the one hand) may also presuppose a
simultaneous obligation on the part of the other party (Estonia). Therefore, the text may be interpreted to the effect that Estonia also had an obligation to obtain international recognition of its permanent neutrality. This seems to be corroborated by the fact, that in the initial drafts, the entire sentence was appended to the Article 6 – on the bilateral obligations concerning the clearing of the Gulf of Finland of wartime mines and to guarantee the free movement of ships and the neutrality of the Gulf of Finland.

The last part of the fifth article – “selle neutraliteedi alahoidmise tagamisest osa võtma” [to participate in the guarantees for maintenance of same] – is also fairly clumsy in Estonian. It is surprising for experts, of international law in the Estonian delegation, to have translated the sentence in such a form and left it in the final version, for as such the text allows different interpretations. Neutrality as the foreign policy status of a state can and may be permanently maintained. However, neutrality may also be guaranteed, either by one or several guarantors.

Thus, neutrality may simultaneously be maintained and guaranteed. The “obligation to guarantee the maintenance” of Estonia’s permanent neutrality allowed Russia (at least theoretically) to interfere in Estonian domestic policy under certain circumstances, when in its opinion Estonia did not maintain its neutrality to a sufficient degree. It may be confirmed in advance that this was indeed done, directly or indirectly, in the following decades. This was done in a rather abrupt manner already during the 1921 uprising in east Karelia, when Estonia sympathised with the Karelians and tried, on Finland’s advice, to submit the issue to the League of Nations and to the international court (Made 1997). Under Moscow’s pressure, Estonia indeed ceased all the actions in behalf of the Karelians that the Russian side might have interpreted as violation of its neutrality. In
subsequent years, likewise, Estonia’s obligation of permanent neutrality was, to a certain extent, used at a number of bi- and multilateral negotiations as a means of exercising moral and political pressure.

The final text of the Peace Treaty contained no deadlines by which Estonia’s permanent neutrality was to find wider recognition. This means that if we recognise the juridical and political validity of the Tartu Peace Treaty today then the need or purpose – to obtain international recognition of Estonia’s permanent neutrality – is still there!

At the same time, the question could also be added whether the publication of the text of the Tartu Peace Treaty, in a series of effective treaties published by the League of Nations, did not already constitute the international recognition of all the articles of the said Treaty, including Estonia’s permanent neutrality?

The Estonian translation of the fifth article was repeatedly amended in the course of the negotiations. Thus, it was slightly shorter in the version of 26 January 1920:

Tunnistatakse Eesti rahvusvaheliselt neutraalseks, siis kohustub Venemaa ka omalt poolt seda neutraliteeti pidama ning selle neutraliteedi alalhoidmise tagamisest osa võtma. [In the event of international recognition of the neutrality of Estonia, Russia on its part undertakes to conform to such neutrality and to participate in the guarantees for maintenance of same].

Thus, there was yet no statement to the effect of Estonia’s permanent neutrality. During the following few days attempts were made to append the same paragraph to the end of the next article, which dealt with the neutralisation of the Gulf of Finland, and the Estonian translation was changed as follows:
Tunnistatakse Eesti rahvusvaheliselt alaliselt neutraalseks, siis on ka Venemaa oma poolt kohustatud seda neutraliteeti pidama ja selle neutraliteedi kindlustamisest osa võtma. [In the event of international recognition of the permanent neutrality of Estonia, Russia on its part undertakes to conform to such neutrality and to participate in the securing of same].

Consequently, the notion permanent neutrality appeared in the Estonian text between 26 and 29 January 1920. It is possible that the final Estonian version of the fifth article was penned by the lawyer Rein Eliaser as late as 31 January 1920, and then it was finally decided to insert it as a separate article, immediately preceding Article 6, which concerned the neutralisation of the Gulf of Finland. In some of the intermediate versions it had already occupied that place, but in a slightly different wording and without bearing a separate number.

Consequently, the fifth article of the Tartu Peace Treaty was repeatedly altered in the course of the negotiations. This must prove that ample attention was paid to both the form and the substance of the article; it was no minor and inconsequential item involved in or between far more important topics. Although, in principle, the Estonian delegation had the opportunity to amend the text and abandon the notion permanent neutrality, they did not do so. Quite the contrary, it was increasingly emphasised in each of the following translation versions. For the members of the Estonian delegation, including the lawyers, such a wording was appropriate, and Estonia’s permanent neutrality was sought to be clearly highlighted.

And yet, why and how did the fifth article come about in the Peace Treaty? As a member of the Estonian delegation and a specialist in international law Ants Piip remembers it
was he who did that. He had taken advantage of the advice of Adolf Ioffe, the head of the Russian delegation, that the Russians’ guarantee be demanded for Estonia if Estonia was going to proclaim neutrality in the future (Piip 1930). However, the memoirs were written at a later time and are at odds with the text of the Treaty, since in the future Estonia could specifically seek international recognition of its permanent neutrality but could no longer start seeking neutrality. This does not mean, in turn, that Estonia could not adopt laws to the effect of specifying or developing neutrality. This issue was repeatedly raised later on; the corresponding proceedings were initiated in 1935-36 and ended with the Neutrality Act passed in the autumn of 1938.

Repeated revisions of the fifth article during the peace negotiations in Tartu should also prove that this was not a spontaneous idea of a single person. The said article, like the others, was the product of collective creation. At this juncture, distinction must be made from the other cases of using the concept of neutrality, which also seemed very topical at the start of the negotiations. In the first meetings of the Estonian and Russian representatives, the talks concerned the so-called neutral areas or zones for achieving an armistice in the first place. These were relevant in the initial stages of the negotiations from August to November 1919, their purpose being to separate the warring troops for the time of the negotiations. Such zones were intended to be used temporarily, until the signing of the Peace Treaty. Later, the idea of neutral zones in close proximity to the border was rejected, although the Versailles Peace Treaty, for instance, provided a direct example for establishing demilitarised zones. Article 7 of the Tartu Peace Treaty also provided for the disarmament and neutralisation of military units hostile towards the
other party, their weaponry, etc. However, in the mentioned article, too, specific periods of time were stipulated for the completion of the process.

The fifth article, therefore, developed into some sort of an introduction to the next two ones, but at the same time acquired an independent and considerably broader meaning and a longer validity. In the autumn of 1919, this coincided somewhat better with the interests of the Soviet delegation, but was far from disagreeable to the members of the Estonian delegation. The initiative and even the tentative wording of the text came from the Russian delegation.

Maksim Litvinov, who hurried to Copenhagen via Tartu to negotiations with the Allies over the fate of the prisoners of war, admitted that while in Estonia, on 16 November 1919 that the Bolsheviks were primarily interested in the guarantees that the British warships would not appear near Petrograd. The official Russian delegation, which arrived in Tartu in early December, brought along their initial proposals again giving prominence to the issue of guarantees. The representative of the Soviet delegation, Leonid Krassin, admitted that they were interested in Estonia’s declaration stating that it has no alliances with the nations at war with Soviet Russia.

Upon the demand of the Estonian side, practical issues, such as those related to finance, economy, borders, concessions, debts, etc., were discussed at the first stage of the negotiations until 16 December 1919. As these were dealt with, general topics related to various guarantees, disarmament, recognition, cessation of hostile propaganda, etc. were raised.

The issue of neutrality, as a separate subject, was first discussed at a session held on 22 December 1919. Immediately, a principal (ideological) difference in the understanding of
the nature of neutrality was revealed. According to the head of the Russian delegation, Estonia was to become, after the signing of the Peace Treaty, the first country in the world to be neutral towards Soviet Russia. At Ants Piip’s surprise question “What about Switzerland?” – Ioffe responded that the latter was not neutral considering just the fact that it had no relations with the Bolsheviks whatsoever. This indicated that for Moscow neutrality meant relations of good will with the Soviet authority rather than a status defined in international law by treaties. In the fifth item of their first draft, put on the negotiation table, the Russians obliged Estonia to start clearing the Gulf of Finland of mines, and that they were interested in the free movement of the cargo ships of both parties. Similarly, in the first draft tabled by Estonia, Jaan Poska raised the issue of the neutralisation of the Gulf of Finland. Accordingly, in the initial drafts discussed by the parties the fifth article only contained a declarative plan to guarantee the free movement of cargo ships in the Gulf of Finland and to carry out a mop-up of sea mines there.

Naturally, the text of the Treaty was immediately translated into English. Interestingly, two translations were completed virtually at the same time. One of them was produced in a free form, evidently by Eduard Virgo, with the intent of introducing the key clauses of the Treaty to foreign diplomats and journalists. In the stumbling language of that translation version, the fifth article stated that “in the event of Estonian neutrality being internationally recognised, Russia also guarantees to uphold this neutrality.”

Simultaneously, another version was produced, to which the seals of the Ministry of Foreign Affairs were affixed and which could apparently be used as the official translation. Now the fifth article read, in a slightly amended form, as follows: “in the case perpetual neutrality of Estonia should be internationally recognised, Russia undertakes to
respect this neutrality and to take part in guaranteeing it.” In slightly later translations the words permanent neutrality were already used, and the text was more authentic in other respects as well. The accuracy of translation was essential, since the Treaty was sent to the League of Nations for approval, and the translated text served, for instance, as a model in the conclusion of peace treaties between Finland and Russia, Latvia and Russia, Lithuania and Russia. In the last mentioned treaties, the fifth article was provided in the same wording as in the Treaty between Estonia and Russia (Kaslas 1973).

A subject in itself is the steps that the leaders of Estonian foreign policy took to obtain international recognition of the neutrality in the 1920s and 1930s. I would only make a brief mention of the 1922 plan to convene an international conference on the neutralisation of the Gulf of Finland. The initiative was made by the Estonian legation in London in the spring and summer of 1922. The plan drew a lively response in all the countries around the Baltic Sea; in some of them extraordinary government sessions were called to discuss it, etc. Mainly due to the opposition from the British and the insufficient enthusiasm of others the issue was left open. Estonian politicians and the signatories to the Tartu Peace Treaty had not forgotten the obligations assumed (Medijainen 2001). The issue of neutrality has been revived among the Estonian public since 1933-34, although the situation had already changed by then.

Conclusion

In summary, it may be said that the Tartu Peace Treaty has had a considerable impact on Estonian foreign policy in different times. It is a historical document, the importance of which is difficult to overestimate. The Peace Treaty may be analysed from various aspects. Although the understandings of the Estonian and Russian delegations of the
essence of neutrality during the peace negotiations were somewhat different both parties were aware of the principal nature of the declaration in the fifth article. It was of special significance that the article, regarding permanent neutrality, was provided under a separate number and was so clearly distinguished from other clauses concerning neutrality. Under the Tartu Peace Treaty, it was unequivocally confirmed that Estonia would be permanently neutral, and no temporal limits were set on that status. In fact, it would be weird indeed to place permanent neutrality into some temporal or other frames. At the same time, however, it must be admitted that since Estonia joined NATO, its foreign policy is no longer in the correct consistent with the fifth article of the Tartu Peace Treaty.

Notes
2 Eesti nõukogude välispoliitika tarbe Vabariigi õiguslikust seisukorust, Tallinn, 1923.
9 Treaty of Peace between Russia and Estonia. ESA 957-10-73, 5

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