

The 1991 Treaty as a Basis for Lithuanian-Russian Relations

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Preface

By signing the Lithuanian-Russian Border Treaty of October 26, 1997 and the treaty concerning the delimitation of the exclusive economic zone and the continental shelf in the Baltic Sea, Lithuania became the first country in the post-Communist era to have fully settled its border issues with the Russian Federation. This latest development has to be viewed in the context of the eight-year normalization process of Lithuanian-Russian relations which began just after the restoration of Lithuania's independence in 1990.

By declaring the restoration of its sovereignty, Lithuania also was the first country to openly challenge the Soviet Government in Moscow. Lithuania's independence declaration only widened the split between the "reformers," who generally understood Lithuanian aims, and the "old guard" who did not. In August 1991, after the "old guard" coup attempt against the Soviet President Mikhail Gorbachev failed, the Soviet Union came under heavy international pressure (many Western countries never recognised 1940 Lithuania, Latvia and Estonia subjugation under the Soviet rule) and had to recognise Lithuanian, Latvian and Estonian independence. An important role at that time was played by the largest constituent part of the USSR - the Russian Soviet Federated Socialist Republic. On July 29, 1991, even before the Soviets recognised Baltic independence, Russian President Boris Yeltsin and Lithuanian leader Vytautas Landsbergis signed the Lithuanian-Russian Interstate Relations Treaty, which has been a guiding document for the two countries relations ever since.

Following its return to the international community, Lithuania has chosen integration into the Western and global political, economic and security structures as its top foreign and security policy priorities. Seeking to ensure its continuation of its prewar statehood, and in search of Western security guarantees, Lithuania rejected the possibility of membership in the Commonwealth of the Independent States. In negotiations with Russia on former Soviet troop withdrawal, Lithuania also refused to sign any political agreement that could have implied some sort of legitimacy for the Soviet troops' continued presence.

Today Lithuania is openly seeking membership in the European Union and NATO, seeing in that an opportunity for dialogue, rather than an obstacle in its relations with Russia. Consequently, a principled foreign policy approach and clarity of the direction chosen has not prevented Lithuania from developing good, business-like relations with Russia on the basis of the 1991 Treaty.

The Restoration of Independence and the 1991 Treaty

The Independence Restoration Declaration, adopted by the Lithuanian Supreme Council (parliament) on March 11, 1990, came as a surprise to the Soviet leadership in Moscow. Politically this showed that the USSR was losing its grip on the territories annexed in 1940. On March 15, following several days of confusion the Congress of People's Deputies, presided over by Gorbachev, declared the decisions of the Lithuanian parliament to be void.¹

The Lithuanian political leadership, headed by Landsbergis, had sought unsuccessfully to avoid an outright confrontation with Moscow. The statement of the Congress of Peoples Deputies' was followed by a blockade of natural resources, mostly gas and oil. The aim was to show that Lithuania was unable to function without Soviet energy supplies and thus keep the Soviet Union together.² Yet Lithuanians could not be persuaded to change their decision. The logic of the Independence Restoration Declaration was based on the fact that Lithuania's 1940 incorporation into the USSR had been accomplished by force and therefore was in violation of international law. This position was also based on the fact that the United States, the United Kingdom and other Western democracies had followed policies of not recognizing the Baltic states as constituent parts of the Soviet Union.³ The only compromise that Lithuania offered to Moscow was a "moratorium" on the legal consequences of the Restoration Declaration. This moratorium, however, was proposed with the condition that the Soviet leadership would agree to initiate bilateral negotiations - consequently it never came to be. Although the blockade was partially lifted, failure to begin the negotiations and the Soviet armed attacks on its government institutions had forced Lithuania to search for ties with the "other Moscow." The use of force in the Lithuanian capital, Vilnius, especially during the bloody Soviet crackdown on unarmed civilians by Soviet special forces on the 13th of January 1991, made any dialogue with the Soviet central authorities impossible. Gorbachev condoned military actions while blaming Lithuania for the consequences.

Seeking and receiving international sympathy (through personal visits and statements of support) at the time amounted to some degree of international recognition. The active work of "information bureaus" established in the major European capitals and the pre-war diplomatic legations maintained in Washington and at the Holy See was critical in contacts with the West. This also led to increased contacts within the USSR. Reformist politicians and former dissidents in Russia proper were sympathetic to Lithuania's struggle. The president of the Russian Republic, Boris Yeltsin, formerly a high Communist official sacked from the Politburo for his "extremely reformist" views, was also keen to counterbalance Gorbachev by supporting the Baltics. Seeing an opportunity to fracture the Soviet monolith, the Lithuanian leadership sought closer ties with Yeltsin. Preparations for drafting a Lithuanian-Russian treaty had already begun in 1990 when leaders of the three Baltic states and Russia met in Jurmala, Latvia. Russian-Latvian and

¹ Senn, Alfred Erich, *GORBACHEV'S FAILURE IN LITHUANIA*, New York: St. Martin 's Press, 1995:92.

² Ibid., 99.

³ For facts on the 1940 annexation of the Baltic states see Kavass Igor I., Sprudz Adolph, *BALTIC STATES: A STUDY OF THEIR ORIGIN AND NATIONAL DEVELOPMENT; THEIR SEIZURE AND INCORPORATION INTO THE USSR* . Third Interim Report of the Select Committee on Communist Aggression. House of Representatives, Eighty -Third Congress, Second session, 1954. Williams S. Hein & CO.,Inc. Buffalo: New York, 1972.

Russian-Estonian Treaties were signed in January, 1991. They included an agreement of the Parties on the need for cooperation, outlined the rights of the Russian-speaking populations and confirmed the independence of Latvia and Estonia. The Lithuanian-Russian Treaty, signed on July 29, 1991, went further. In preparing to negotiate with the Russian republic, Lithuania had set up a state delegation (just like the one it had for the negotiations with the USSR). Among other things, the negotiations concentrated on the questions of whether to make a reference to the 1920 Lithuanian-Soviet Russian treaty, and whether to condemn the 1940 Soviet occupation. Neither was acceptable to the Russian side yet a compromise was reached by “forgetting” the 1920 Treaty but “mentioning and condemning the 1940 annexation.”⁴ This, undoubtedly, was an important achievement for Lithuania at the time. Significantly, the Russian parliament had ratified the treaty in 1992 after the dissolution of the USSR when Russia had officially accepted the rights and responsibilities as successor to the Soviet state. The Russian-Estonian Treaty was also ratified in 1992, while the Russian-Latvian Treaty, due to the Russian parliament’s refusal, remains unratified.

Main Principles of the 1991 Treaty

As was already mentioned, the importance of the 1991 Treaty stems first of all from its preamble in which Russia recognized “the 1940 annexation violating Lithuania’s sovereignty.” The other significant statements include Article 1, regarding the recognition of mutual recognition based on the March 11, 1990 Declaration adopted by Lithuanian parliament, and the Russian parliament’s declaration on sovereignty made on June 12, 1990. The article also contains a pledge to restrain from the use of force as well as to respect each others’ “territorial integrity and inviolability of borders.” Thus the first article has obliged Lithuania and Russia to recognize each others’ current frontiers and political status as established in 1990.

Article 2 of the Treaty maintains that the Parties “recognise each other’s right to independently realize their sovereignty in the area of defense and security (...) as well as through systems of collective security.” Having such principle in the treaty with Russia has greatly strengthened Lithuania’s policy of NATO integration.

Article 4 concerning the rights to citizenship was primarily initiated by Russia. Upon the restoration of independence, almost 9 percent of Lithuania’s population were ethnic Russians. In the law on citizenship, adopted a year prior to the independence declaration (on Nov. 3, 1989) all people residing in Lithuania had been granted a two-year period to apply for citizenship. As a result of this policy a majority of ethnic Russians and Poles (almost 7 percent of the general population) has chosen to become Lithuanian citizens. Article 4 in the Lithuanian-Russian treaty, therefore only confirmed Lithuania’s commitment to equal treatment of both its native and non-native residents in granting Lithuanian citizenship.

⁴ Lansbergis, Vytautas *LŪPIS PRIE BALTIJOS* Vaga: Vilnius 1997:257.

Also important for Russia was Article 11 concerned with “the preservation of favourable conditions for the economic and national-cultural development of the Kaliningrad Oblast.” In accordance with this article Lithuania has assumed a responsibility not to impede the development of this exclave.

In Article 17, in order to oversee the implementation of the Treaty the Parties have agreed to a bilateral consultation procedure. Currently the intergovernmental consultation committee on the Lithuanian side is chaired by the Foreign Minister and, on the Russian side, by the Deputy Prime Minister.

The general time frame for the Treaty’s validity was set for ten years, except for Article 1 which is applicable indefinitely. After the period of ten years one of the Parties is allowed to discontinue the Treaty; otherwise it continues to be valid for yet another ten-year period.

Relations with Russia: Early Developments

From the very outset of the restoration of independence Lithuania has sought to stabilize its security situation. Initially that included removal of the Russian troops, managing transit and, later on, seeking integration into NATO.

On September 8, 1992 the Lithuanian Minister of National Defense, Audrius Butkevičius, and his Russian counterpart, Pavel Grachev, signed a timetable on the withdrawal of former Soviet troops from Lithuania. The timetable, however, did not contain the political text - an agreement, which was supposed to be signed by the President of the Supreme Council of Lithuania, Vytautas Landsbergis, and the Russian President Boris Yeltsin. Yeltsin refused to sign the agreement on the basis of the need for its further development. The Lithuanian position, especially the claim that Russian troops had been stationed in Lithuania illegally, and that Russia had to pay compensation for the damages inflicted by the troops since 1940, has drawn harsh criticism from Russia. On several occasions Russia accused Lithuania of purposefully delaying the signing of the agreement until the last troops were withdrawn. Russia had even threatened to halt the withdrawal, yet the troops, as stated in the timetable, were completely withdrawn from Lithuania on August 31, 1993. Thus Lithuania, unlike Latvia and Estonia, which had also signed political agreements with Russia concerning troops withdrawal, managed to avoid juridical confirmation of the Russian troops’ status.

Another security policy issue for Lithuania was the military transit question. After reunification in 1990, Germany, together with the six eastern *Länder*, inherited the garrisons of Russian troops which now had to be withdrawn. Withdrawal was to be completed a year after the Russian troop withdrawal from Lithuania, and since the troops being moved out of Germany used Lithuania’s Klaipėda port ferry connection with Germany’s port of Mukran, some arrangement needed to be made for their transit through Lithuania. The agreement on transit was signed on November 18, 1993 and was supposed to be void after the Russian troops had left Germany but not later than the end of 1994.

The other, and even more significant aspect of the military transit problem, was the ongoing transit from the Kaliningrad exclave - Russian territory bordered by Lithuania, Poland and the Baltic Sea but lacking a land connection to Russia proper. Russia sought to have a specific bilateral agreement determining the rules and procedures of military transit from Kaliningrad via Lithuania. The Russian draft of such an agreement implied unrestricted military transportation by rail, road and air. Lithuania was in favour of having unified internal rules regulating all, not only Russian, military transit. Such rules would have to be respected by all countries transporting their troops or equipment across Lithuania. In the course of negotiations Russia did not hesitate to use economic pressure by delaying ratification of the 1993 Lithuanian-Russian Agreement on economic cooperation, threatening to cut gas and oil supplies, and doubling the duties on Lithuanian goods imported to Russia. Although Lithuanian Prime Minister Adolfas Šleževičius announced on September 29, 1994 that his government has adopted the Rules on Military and Dangerous Cargo Transit, they never came into effect. Instead, Lithuania and Russia agreed that the November 1993 rules for Russian troop withdrawal from Germany be annually re-applied to military transit from Kaliningrad. According to these rules military transit from and to Kaliningrad is carried out by rail, while each case of transport has to be pre-approved by the Lithuanian authorities.

Concerns Over Kaliningrad

Kaliningrad District is yet another important issue of Lithuanian-Russian relations reflected in the 1991 Treaty on Interstate Relations. The northern part of the area formerly known as East Prussia, originally settled by Baltic peoples, Prussians and Lithuanians, and since the 13th century ruled mostly by Germans, went to the USSR as WW II bounty. East Prussia's capital, Königsberg, was renamed Kaliningrad and became the administrative center of an *oblast* within the Russian republic. After Lithuania regained its independence the district became an exclave surrounded by Lithuania, Poland, and separated from Russia proper by the territories of these states, as well as Belarus and Latvia.

Amid some speculation on the future of this area (due to its rich Lithuanian cultural heritage, the region was formerly known as 'Little Lithuania' or Lithuania Minor) political realities have led both Russia and Lithuania to take special notice of Kaliningrad in their bilateral relations. In Article 11 of the 1991 Treaty reference is made to a special agreement concerning Kaliningrad. The agreement, signed at the same time as the Treaty, reflects both Parties' recognition of existing borders, guarantees the rights of national minorities, sets legal preconditions for transit of energy, goods and people to and from Kaliningrad, and provides for Lithuania-Kaliningrad cooperation in culture, the economy and trade. In 1995 Lithuania also agreed to establish visa-free travel for residents of Lithuania and Kaliningrad District, thus making an exception in the general Lithuanian - Russian visa agreement.

Such differentiated treatment of Kaliningrad District in Lithuania's relations with Russia stems from both the proximity of this region to Lithuania and its unique prospective role

as Russia's gateway to Europe, as well as a gateway to Russian markets. Sometimes, however, ideas on Kaliningrad as some sort of "fourth Baltic state" are raised both by the local administration seeking greater autonomy as well as by some international observers.⁵ Certainly the main concern Lithuania has regarding Kaliningrad is the high concentration of Russian troops in the area. It is estimated that Kaliningrad military bases now contain up to 100,000 troops as well as a huge quantity of military equipment.⁶ Understanding that in order for this region to be economically viable, foreign investments and trade will be needed, Russia allowed a Special Economic Zone (SEZ) to be established in 1996. The establishment of the SEZ was also met favourably by Lithuania, which assumed that this will allow a move towards the creation of a new, less military and more business-oriented identity of Kaliningrad. As an expression of these new trends, trade with Kaliningrad in 1997 increased about 2.5 times when compared with 1996. In general, Lithuanian-Russian economic ties are based on the 1993 Treaty on Trade and Economic Relations. Since 1995 Lithuanian-Russian trade volumes are constantly growing, and in 1997 reached \$ 2.29 billion, superseding the 1993 high of \$2.03 billion. Currently Russia is Lithuania's largest trading partner, followed by Germany - the largest partner of the EU countries (trade turnover: \$1.48 billion).

Lithuania's Integration into NATO

The second article of the 1991 Lithuanian - Russian Treaty recognizes the right of both Parties to independently implement their sovereignty in the areas of security and defense. The article also specifically mentions the possibility of the Parties' participation in collective defense systems. Lithuania, thus, was clearly in line with the provisions of this article when, on January 4, 1994, Lithuanian President Algirdas Brazauskas made an official request for Lithuanian membership in the North Atlantic Treaty Organisation. This step, preceded by multiple Lithuanian official visits to NATO headquarters in Brussels, as well as NATO official visits to Lithuania, was an expression of Lithuania's pro-Western orientation, evident from the very outset of the restoration of independence. The Lithuanian Law on the Basics of National Security, adopted by the Seimas (Lithuanian Parliament) on December 19, 1996, among other measures ensuring national security, mentions integration into the EU, WEU and NATO.⁷

Soon after the request for NATO membership Lithuania began active co-operation with NATO within the NACC, PfP and, later, EAPC frameworks. Aside from Lithuania's early accession to the Partnership for Peace program itself, cooperation efforts proceeded, including the 1994 signing of a Security Agreement between Lithuania and the Alliance, Lithuania's 1995 accession to the Partnership Planning and Review Process, the Lithuanian-NATO Individual Partnership program, as well as Lithuania's newly formed armed forces units' participation in a number of PfP military exercises. For its

⁵ Radjab, L. *KALININGRAD: BOOMING BUSINESS IN THE FOURTH BALTIC STATE?* Exposure, Oct. - Nov.-Dec., 1997:28 -31;

⁶ Redman, Nicholas H. *KALININGRAD: RUSSIA'S BALTIC EXCLAVE* Briefing Paper No. 25 September 1995, The Royal Institute of International Affairs.

⁷ *NACIONALINIO SAUGUMO PAGRINDO ÁSTATYMAS*, Valstybės žinios, 1997 Nr.2-6

Kaliningrad, which is Lithuania's only border with Russia, date back to as early as the 15th century. Yet, politically, the 1997 Treaty is clearly an important achievement.

Upon returning to Vilnius the Lithuanian delegation also brought a packet of President Yeltsin's security proposals for all three Baltic countries. These proposals were primarily aimed at keeping the Baltics away from NATO. In addition to Russian security guarantees, they also included proposals for multiple civil and military confidence-building measures. Although Lithuania, as well as Estonia and Latvia, were not ready to trade in the prospect of transatlantic links in return for Russian guarantees, the positive tone of the proposals was well received both in Lithuania and the West.

Conclusions

Looking to the future, there seems to be much evidence to predict positive trends in Lithuanian-Russian relations. Both countries are eager to normalize their mutual ties and this is reflected in the numerous treaties and agreements spanning the time period from the 1991 Treaty on Interstate Relations to the 1997 Treaty on Border Delimitation and beyond. On numerous occasions Russian officials have stated that Lithuanian-Russian relations are good and friendly. The two countries also share similar experiences of economic liberalization and privatization processes, and they recognize and value democratic ideals. Certainly different cultural backgrounds and experiences of the past have to be taken into account as well. Russia still sees the West as its opposite, or at least as a different entity. Lithuania is identifying closely with the Western experience and sees itself as an inseparable part of Europe. The NATO and EU are seen by Lithuania as the framework of modern Western society.

In the context of European enlargement processes Lithuania sees itself as ready for membership in both the EU and NATO. Identification with European values, the democratization and liberalization of the country, the high pace of economic growth and the rapid development of defense capabilities makes Lithuanians confident that they are prepared to participate in European processes. Furthermore, Lithuania's geographical location makes it an important player in the field of European security. As a country which borders the Baltic, Lithuania is involved in close partnerships with Poland, Latvia, Estonia and the Nordic countries. All of these states, together with Russia and Germany, are also members of the Council of the Baltic Sea States - a regional forum concerned with human rights, economic, cultural and ecological cooperation. In this setting Lithuania's good relations with Russia are very significant. The present and upcoming rounds of NATO enlargement provides the possibility for the Alliance's opening into the Baltics. The suggested inclusion of Lithuania as the first from among the Baltic states during the second round of NATO enlargement, would serve both as a precedent for including Latvia and Estonia and, in fact, not damaging the Western-Russian ties.

Lithuania supports the development of Western-Russian cooperation. It is in Lithuania's interest to ensure that the Cold War situation will never be repeated, and that Russia not isolate itself from the rest of the world. Basing its policy towards Russia on the principles of the 1991 Lithuanian-Russian Treaty, Lithuania is confident that its

integration into the EU and NATO will increase further its contribution to the dialogue between Russia and the West.