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### **Recognition of the Baltic States by the Kingdom of the Netherlands in 1991**

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The following historical overview mostly covers the issue of the recognition of the Baltic States by the Kingdom of the Netherlands in 1991. In order to shed some light to the background, recognition of the Soviet Union by the kingdom in 1942 is also briefly covered.

### **Recognition of the Soviet Union by the Kingdom of the Netherlands in 1942**

The Netherlands recognized the Soviet Union (SU) on July 10, 1942. During the discussions preceding and following the recognition of the SU (January –August 1942) the situation of the Baltic States was not mentioned (based on the information derived from the meeting minutes of the Dutch government in exile in London for the respective period) – although the Baltic States had been annexed in 1940 by the SU. Thus the recognition of the SU took place without making a reservation regarding the annexation of the Baltic States (which were occupied by Germany at that time). The recognition decision took quite some time because at first the ministers thought about a temporary solution, wanted to make sure that the planned diplomatic relations would really be in the best interest of the people of the Netherlands and not damage relations with other countries. The diplomatic relations had long been deferred because of the fear of bolshevism and reluctance on the part of Queen Wilhelmina (her family was related to the Romanovs). These were still deemed necessary in 1942 mostly because of the changed circumstances – the SU was an important partner in the war against Germany. Afterwards the stability of trade between the Netherlands and the SU (1935-1938) was also partially attributed to the fact that there had not been any big political disputes between the countries in the years preceding the recognition.

It is interesting to note that the discussion of the ministers focused on the diplomatic relations with Russia, sometimes referred to as Soviet Russia, and rarely mentioned the Soviet Union. This probably explains the mindset of the Dutch government in exile regarding the SU recognition issues.

### **Recognition of the Baltic States by the Kingdom of the Netherlands in 1991**

It was complicated for the Cabinet of Ministers of the Kingdom in 1991 to recognize the restoration of independence of the three Baltic States because the Netherlands had not made a reservation for the annexation of the Baltic States in 1942 while recognizing the SU (basically meaning that the Netherlands had recognized the Baltic States as part of the SU). The Netherlands (and Spain) were exceptional in that regard, because the rest of the European Community member states had had diplomatic relations with the SU already before the annexation of the Baltic States in 1940 – for which they had made a reservation in their relations with the Soviet Union. This issue has even been mentioned as an example of controversial state succession by a Dutch study book of international law in 2007 (Handboek Internationaal Recht).

Based on the meeting minutes of the Cabinet of Ministers of the Kingdom in 1991 we can say that it was very important for the latter that the Russian Federation had already recognized the independence of the Baltic States, thereby increasing the probability of peaceful solutions in the region (there was certainly some fear regarding the instability in Eastern Europe). It was also essential that the European Community had decided to welcome the restoration of sovereignty and facilitate the establishment of diplomatic relations with the 3 states one day earlier (August 27, 1991) – although some ministers found this sequence bizarre (and argued that it would have been more logical if the member states had made decisions independently before arriving at a joint decision). The uncertainties raised at the recognition

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meeting included the possible effect that the recognition would have on other republics of the SU and in Eastern Europe. But since the Baltic States had already been independent before, they were considered to have a completely different status and were not seen as possible precedents. It was considered important that the Baltic States would be handled in the same manner as other countries from Eastern Europe (eg Bulgaria, Romania) regarding economic cooperation and possible association relationships with the European Community. Principally the ministers were quite confident that the Baltic States would choose for pluriform democracy and market oriented economy – partly because these notions were relevant requirements for Western European support programs for Central and Eastern European countries. In general there was willingness to support the Baltic States financially, as well – although some concerns were raised about possible fragmentation of assistance over different countries. There was one comment about possible worries regarding the situation of certain minorities in the Baltic States against whom measures seemed to be taken. The discussion also covered the issue of setting up embassies but it was thought that the Dutch embassy in Helsinki (or somewhere else in the region) would be enough at first.

The decision of the Cabinet of Ministers of the Kingdom on August 28, 1991 reads as follows:

*Recognition of the independence of Estonia, Latvia and Lithuania, and the establishment of diplomatic relations – accepted with the note that the Minister of Foreign Affairs would send a note to the cabinet in which, ..., an overview of the measures to be taken for the development of the newly established relationships, shall be given.*

*This decision does not set a precedent for any upcoming requests for recognition from other countries in Central and Eastern Europe that have declared their independence.*

The note sent to the Estonian Foreign Minister by the Minister of Foreign Affairs of the Netherlands in August 1991, does not explicitly state the Dutch recognition of the restoration of the independence of Estonia. It refers to the declaration of the European Community and its member states (August 27, 1991), stating that they warmly welcome the restoration of the sovereignty and the independence of the Baltic States and confirm their decision to establish diplomatic relations with the Baltic States.

A fax sent to the Estonian Foreign Minister by the Minister of Foreign Affairs of the Netherlands in September 1991 states that the Kingdom of the Netherlands recognizes the republic of Estonia as an independent and sovereign state and expresses the wish to establish diplomatic relations with Estonia at ambassadorial level. It is also interesting to note that a letter from the Minister of Foreign Affairs to the Speaker of the House of Representatives from January 29, 1992 states: “ with regard to the Baltic States, it can be noted that they were recognized by the Kingdom on 28 August 1991 as new independent states”. Knowing the discussions of the ministers during the recognition, it can be said that this is rather a matter of formulation than sincere belief that the Baltic States were new states.

In conclusion it can be said that the formal difficulties related to the recognition of the Baltic States experienced by the Cabinet of Ministers of the Kingdom in 1991, were mostly caused by the fact that the Dutch recognition of the Soviet Union in 1942 had made no reservation for the annexation of the Baltic States. Relevant background documents analyzed (mostly the meeting minutes of the Cabinet of Ministers of the Kingdom and letters of the Minister of Foreign Affairs) quite thoroughly explain that the Baltic States were incorporated into the Soviet Union in 1940 against their will and that they, in fact, restored their independence in 1991. Still, the tone of the discussions of the ministers, gives an impression that

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they were rather careful and made the recognition decision because the Russian Federation had done so and the joint declaration of the EC countries was in favor of recognition, as well.

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