

# Stabilizing Estonia: The International Dimension of State Security and Ethnic Integration Policy

GREGORY FELDMAN

## Introduction

The government policy to integrate Estonia's national minority and non-national populations does not defy western European values and practices, but instead exemplifies them. Moreover, many European Union (EU) member states, the Nordic countries in particular, actively support Estonia's integration policy as a cornerstone of Baltic Sea regional security. Their support rests on the common assumption that the security of the nation-state depends upon establishing the dominant position of the national majority within the territorial boundaries of the state. In this context, I suggest that Estonia's main ethnic integration document, *State Programme: Integration in Estonian Society 2000–2007* (hereafter the *State Programme*), should be understood not as a peculiar expression of Eastern European nationalism, but as an outcome of the logic of state security in Europe.<sup>1</sup> To date, discussion on Estonia's citizenship laws, language laws, and ethnic integration policy focus on the questions of whether Estonia is shifting from "ethnic democracy" to "civic democracy,"<sup>2</sup> whether it has made sufficient progress toward ethnic integration, and whether its citizenship and language laws match those in Western Europe.<sup>3</sup> I forego strict dichotomies between Eastern and Western Europe as far as minority-state relations are concerned because they obscure the ways in which these relations are part of a pan-European discourse nation, state, and security. Therefore, I ask how the *State Programme* functions in the context of broader European interstate relations so that the responsibility for, and improvements in, the difficult circumstances faced by Russian speakers in this future EU member state can be discussed with the necessary nuances.

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Gregory Feldman is an assistant professor of international migration at the University of British Columbia. He received his doctorate in cultural anthropology from the Maxwell School of Citizenship and Public Affairs at Syracuse University in 2001. In addition to his academic research he also has consulted for the United Nations Development Programme (UNDP) on ethnic integration projects in Estonia.

This article concerns the function of the *State Programme* in contemporary (inter)national security. It examines how the *State Programme* supports stable European interstate relations in the present day, and only draws on the complex history of ethnic relations in Estonia as necessary.<sup>4</sup> This approach provides a perspective for interpreting the changes of the previous decade, and focuses discussion on where minority-state relations across Europe might be headed. The Estonian case is particularly interesting given the low level of ethnically motivated violence compared to other post-socialist and many EU states. There has been little ethnically motivated violence despite the presence of a large minority population and the legacy of the Soviet occupation that enabled its arrival.<sup>5</sup> However, rather than assume that Estonia's peaceful transition is a direct result of the successful adoption of liberal Western values, this article makes the counterintuitive suggestion that Estonia's approach to ethnic integration stems largely from the strong Western support given to reinforcing the position of the Estonian language and culture throughout the country. The implication is that Western and Eastern Europe should not be seen as categorically liberal and nationalist, respectively. Instead, both give privileged status to the national majority prior to accommodating minorities.

I begin by outlining the conceptual link between state security, territory, and national culture that underpins interstate relations. This is followed by a brief discussion of how the concept of nation-state sovereignty helped to preclude automatic citizenship for roughly 600,000 Soviet-era Russian speakers upon the restoration of the Republic of Estonia. Today, more than two hundred thousand of these individuals are still either stateless or citizens of other states. I then examine how the *State Programme* not only conforms to international agreements on minority rights, particularly the *Framework Convention for the Protection of National Minorities* (hereafter the *Framework Convention*), but also supports West European security concerns in the Baltic Sea region as explained by diplomats themselves. Next, I show how the logic of nation-state sovereignty precludes the Organization for Security and Cooperation in Europe (OSCE) and Russian-speaking leaders in Estonia from influencing the basic premises of Estonia's ethnic integration policy. I conclude with a brief comment on the utility of viewing ethnic relations in Estonia not as an antithesis of European practices but as a mirror.

### **Security, Territory, and National Culture**

Modern international politics is based on the concepts of national sovereignty and the territorial nation-state. These concepts set up a frame of reference for managing ethnic relations where the national majority enjoys priority over state institutions and, thereby, the territory over which the nation-state is sovereign. International agreements provide certain protective measures for minorities and non-nationals, but these agreements give much discretion in their implementation to the nation-state. Stolcke's analysis of cultural fundamentalism in Western Europe is helpful in understanding the links between security, territory, and national culture.<sup>6</sup> Cultural fundamentalists, who push for strict immigration controls and the separation of cultural groups, argue that humans are naturally eth-

nocentric and that different cultures are fundamentally incommensurable. As such, they contend that national groups should be segregated for their own good, lest they lapse into hostility.<sup>7</sup> This assumption fits into the modernist notion that a nation-state exists to protect a particular national group located on a clearly demarcated territory, from which it follows that national minorities are potential threats to state security. This does not mean either that nation-states are inherently compelled to pursue exclusionist policies or that minorities are subversive by nature. Rather, it points out how security, territory, and national culture are combined in the practice of statecraft to form a frame of reference through which emerges a range of policy options concerning ethnic relations. It also forces us to seek explanations for East European efforts to protect the national majority in a pan-European political and intellectual climate<sup>8</sup> and to recognize how East European elites selectively use the opportunities available in this climate to implement nationalist policies.<sup>9</sup>

In this context, the Soviet collapse in 1991 does not explain why diplomats and officials view Estonia's ethnic integration policy as a tool to establish state security. Their interpretation of ethnic integration as a security issue depends on the right of the national majority to deploy state authority to ensure the survival of its language and culture and upon the assumption that national cultural groups are inclined toward hostility. Western diplomats support an administrative structure outlined in the *State Programme* that should increase Russian-speakers' opportunities to learn the Estonian language and to hasten their acquisition of Estonian citizenship. This tactic, according to the above assumptions, should dampen the appeal of alternative national identities, which could threaten the Estonian nation-state. During the 1990s the tacit assumption has been that ethnic tensions could escalate, even though they have previously remained at a very low level. Furthermore, the significant role of the western diplomatic community in Estonia's ethnic integration policy suggests that the nation-state is consolidated through transnational processes as much as through historical sequences contained within the nation-state. The priority of the diplomats and officials involved in Estonia's ethnic integration policy is to reinforce the viability of the interstate system through its strong support for the *State Programme*. The international commitment to securing a system of discrete and interlocking states is expressed directly in the *Organization for Security and Co-operation Handbook*:

Starting from the premise that security is indivisible, participating States have a common stake in the security of Europe and should therefore co-operate to prevent crises from happening and/or to reduce the risk of already existing crises getting worse. The underlying assumption is that co-operation can bring benefits to all participating States, while insecurity in one State or region can affect the well-being of all.<sup>10</sup>

This framework establishes the nation-state as the base unit in European security, meaning that the stability of an ethnic, Estonian-dominated nation-state is an integral part of preserving European security. Explaining his embassy's objectives in Estonia, one Nordic diplomat candidly remarked "stability is a major part of our policy and [ethnic] integration is essential in that context."<sup>11</sup>

### Border Lines, Histories, and Citizenship

Upon the re-establishment of Estonian independence on 20 August 1991 and the official termination of the Soviet Union on 25 December 1991, roughly 600,000 Russian speakers were living in Estonian territory.<sup>12</sup> The majority of them migrated to Estonia during the Soviet era or descended from those migrants. Migration from other Soviet republics significantly changed the demography in Estonia from 88 percent ethnic Estonian before the World War II to 65 percent of the population of 1,566,000 just before re-independence (see table 1).<sup>13</sup> This demographic shift prompted fears of a loss of the Estonian language and culture among many Estonians which, they argued, only a viable Estonian nation-state could forestall. As the status of Russian speakers was among the most dangerous social tensions in Estonia in the early 1990s,<sup>14</sup> a key issue was whether Soviet-era Russian speakers should be entitled to automatic citizenship.

Two main camps emerged from the diverse viewpoints on the citizenship question. The first camp declared that since citizenship requires loyalty to state and society, Soviet-era Russian speakers should become citizens only through naturalization because their loyalties were to the Russian Federation, which, in the Soviet era, permitted their migration to Estonia.<sup>15</sup> Naturalization would ensure that Russian speakers would transfer their loyalty to Estonia because of its various requirements: an oath of loyalty to the Estonian state, a civics exam, an Estonian language proficiency exam, and five-years of permanent residency in post-Soviet Estonia. By refusing to grant automatic citizenship, the Estonian government would prevent Russian speakers from voting in national elections, holding elected offices, and, possibly, diverting state resources toward Russian language and culture at the expense of Estonian language and culture. This argument was premised upon the claims that the pre-war Estonian Republic was being restored—rather than born anew—and that the Estonian Soviet Socialist Republic never legally existed. Estonia was an independent, sovereign state with mem-

**TABLE 1. Ethnic Composition of Estonia, 1934–2000**

Year	Total	Ethnic Estonian (%)	Non-Estonian (%)
1934 <sup>a</sup>	1,126,000	993,000 (88.2)	133,000 (11.8)
1959	1,197,000	893,000 (74.6)	304,000 (25.4)
1970	1,356,000	925,000 (68.2)	431,000 (31.8)
1979	1,466,000	948,000 (64.7)	518,000 (35.3)
1989	1,566,000	963,000 (61.5)	603,000 (38.5)
2000 <sup>b</sup>	1,370,000	930,000 (67.9)	440,000 (32.1)

<sup>a</sup>Data from 1934–1989 comes from Toivo Raun, *Estonia and the Estonians* (Palo Alto: Hoover Institution Press, 1997), 246–247.

<sup>b</sup>2000 data based on Estonian census. See Ministry of Foreign Affairs, “Population Statistics” <[http://www.vm.ee/estonia/kat\\_173/999.html](http://www.vm.ee/estonia/kat_173/999.html)>, 2003, last visited 3 January 2003.

bership in the League of Nations, which the Soviet Union illegally annexed in 1940. As such, only those individuals who were citizens of pre-Soviet Estonia, or descended from such citizens, should be entitled to citizenship in post-Soviet Estonia automatically. The second camp argued that Russian speakers either had been living on Estonian territory for up to fifty years or had been born on it, which automatically rendered them loyal. They maintained that Soviet-era migrants did not cross an international border when they arrived in the Estonian Soviet Socialist Republic. They were citizens of the internationally recognized Soviet Union before and after they moved to Estonian territory. Therefore, they should not be deprived of citizenship in the country they currently inhabited. Signifying the salient role of territory in international politics, this debate essentially rested on the question of whether Soviet-era Russian speakers crossed an international border when they arrived in Estonian territory. The first camp argued that they did while the second camp argued that they did not.

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Soviet Union, even though it never officially acknowledged Soviet annexation of Estonia, Latvia, and Lithuania. This ambiguity allowed the Western world to back either camp: by not acknowledging Soviet annexation of these three countries, it should support the restoration argument, but by recognizing the Soviet Union it should also recognize the Estonian Soviet Socialist Republic. In the end, it supported the first camp and, by implication, the argument that Russian speakers had crossed an international border. This conclusion helped to justify the classification of these individuals and their descendants as “aliens” to whom citizenship could only be awarded through naturalization. Although Russian speakers who became residents were granted the same social benefits as citizens and those who received permanent residency were given a constitutionally guaranteed right to vote in local elections,<sup>16</sup> it is significant that nation-state sovereignty was prioritized over specific individuals’ circumstances. Given the ambiguity, Western diplomats reasonably could have argued that Russian speakers should be awarded automatic citizenship because they did not cross an international border when they arrived in Estonia. However, within the conventional understanding of a stable nation-state, Western support of the second camp would have jeopardized Estonian security and potentially the European interstate system by prematurely granting citizenship to Russian speakers.

Despite this outcome, as of 2000 approximately 16 percent of Estonia’s population (223,310 individuals) either remain stateless or have opted for the citizenship of another state.<sup>17</sup> In 1993, only one-half of Russian speakers preferred Estonian citizenship which resulted in roughly 100,000 taking out citizenship of

another state, mostly that of the Russian Federation.<sup>18</sup> Eighty percent of those individuals, however, desired Estonian citizenship for their children,<sup>19</sup> and many pushed to enroll their children in Estonian-medium schools and to send them to Estonian-language summer camps. Some 10,000 Estonian-based Russian officers of the Red Army and their spouses are precluded from Estonian citizenship; they and their families were encouraged to relocate to Russia with help from the governments of Finland, Sweden, the Netherlands, and the United States.<sup>20</sup> Naturalization rates peaked in 1996 with more than 22,000 people acquiring citizenship and have declined steadily thereafter.<sup>21</sup> This pattern probably occurred as a result of those Russian speakers who already spoke Estonian passing the required language exam for citizenship. The remainder must learn the official language for the first time. Other pragmatic considerations guide the decision of Russian speakers about when to naturalize. Estonian citizenship is seen by many younger Russian speakers as an EU “work permit” after Estonia finally joins the EU. Others might wish to delay naturalization until they have reached their twenty-seventh birthday, to avoid serving the mandatory period in the Estonian military. What seems to be absent from Russian speakers’ decisions regarding citizenship is a deep concern with ethnicity. Pragmatic factors are much more important, suggesting significantly different motivations behind choices about citizenship than those perceived by the Estonian state (or any other state). Although the state is fundamentally concerned with loyalty, which it ties to ethnicity, individuals focus on the best way to increase their personal opportunities in relation to their particular circumstances.

### **National Security and Ethnic Integration Policy: The European Context**

The difficult legal position of Russian speakers was further compounded by the fact that the Estonian government did not have to (and did not) classify them as “minorities.” The definition of a minority put forth by Capotorti after a review of Article 27 of the International Covenant on Civil and Political Rights remains the universally binding instrument in public international law.<sup>22</sup> He defines a minority as

[a] group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being *nationals* of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, as sense of solidarity, directed towards preserving their culture, tradition, religion or language.<sup>23</sup>

The United Nations Declaration of the Rights of Persons Belonging to National or Ethnic, Religious Minorities of 18 December 1992 extends minority rights to all persons living on the state’s territory, but this document is a nonbinding agreement.<sup>24</sup>

European agreements on minority issues also respect the sovereignty of the nation-state by not insisting that all members of non-majority national groups be classified as citizens. For example, the Council of Europe’s *Framework Convention* applies only to nationals of the state.<sup>25</sup> Significantly, paragraph twelve of the *Explanatory Report of the Framework Convention* (hereafter *Explanatory Report*) says that there is no definition of “national minority” because it was not possible

to find one acceptable to all Council of Europe member states.<sup>26</sup> The signatory state retains the sovereign right to control its own citizenship policy by not being forced to accept a definition of national minority that might not correspond to its own citizenship laws. The *Framework Convention* also leaves the signatory states discretion in implementing citizenship requirements on the assumption that each state understands how to best manage its own particular circumstances.<sup>27</sup> By this logic, national minorities are less qualified than the state to assess the conditions of their own existence. For example, according to Article 14, the state may legitimately decide that it is not feasible to teach minority languages.

The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, *as far as possible and within the framework of their education systems*, that persons belonging to those minorities have adequate opportunities for being taught in minority language or for receiving instruction in this language.

Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.<sup>28</sup>

The *Explanatory Report* further illuminates the privileged position of the signatory state in Article 14. It points out that paragraph one “does not imply positive action, notably of a financial nature, on the part of the state.”<sup>29</sup> Furthermore, “in recognition of the possible financial, administrative, and technical difficulties associated with the instruction of or in minority languages, this provision [para. 2] has been worded very flexibly, leaving Parties a wide measure of discretion.”<sup>30</sup> Last, in regard to paragraph 3, the *Explanatory Report* affirms that the teaching of or in minority languages should not jeopardize the teaching of or in the official language because “knowledge of the official language is a factor of social cohesion and integration.”<sup>31</sup> This last clause is only one reference to the link between a firmly established majority language and culture and state security.

The link is further explored in Article 5 of the *Framework Convention* and in the commentary in the *Explanatory Report*. Signatory states reserve the right to contain minority cultural expression, and they are not required to jeopardize the aims of their own minority/ethnic integration policies:

The parties undertake to promote conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.

*Without prejudice to measures taken in pursuance of their general integration policy*, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.<sup>32</sup>

The *Explanatory Report* says that “the reference to ‘traditions’ is not an endorsement or acceptance of practices which are contrary to national law or international standards. Traditional practices remain subject to limitation arising from the requirements of public order.”<sup>33</sup> The concern with “public order” testi-

fies to the conceptual link between state security and a clear power differential between national majority and minority groups. Overall, the *Framework Convention* effectively guarantees the dominant position of the majority as much as the traditions of minorities.

Although the western diplomatic community accepted noncitizen status for Soviet-era Russian speakers in Estonia, it still pushed the Estonian government to produce a full program to integrate Russian speakers into Estonian society. The center-right coalition that came to power in March 1999 had shelved this issue, thereby stalling initial steps taken by the previous centrist government. However, by March 2000 this coalition produced and approved the *State Programme*, which received considerable political and financial backing from the Nordic countries, the EU PHARE Programme, and later the United Kingdom. The document framed the Estonian language as Russian speakers' "outlet to the rest of society" and their key to social mobility.<sup>34</sup> Resembling the concern of cultural fundamentalists, it assumed that continued use of the Russian language would lead to "the formation of a 'two societies in one country' model in Estonia, which may become dangerous both socially and from the point of view of security policy."<sup>35</sup>

This security premise set up the *State Programme's* expected outcome, which fits within the guidelines of the *Framework Convention*: This is the creation of "the Estonian model of a multicultural society, which is characterized by the principles of cultural pluralism, a strong common core, and the preservation and development of the Estonian cultural domain."<sup>36</sup> "Cultural pluralism" is to occur under the conditions of the *Framework Convention*, which, again, should not undercut the signatory state's own integration policy. This tautology privileges the nation-state over national minorities. "A strong common core" is based on the use of the Estonian language in the public sphere,—the tool by which society is to be united, lest ethnic relations become dangerous. In other words, public life is to be *ordered* through the use of the Estonian language.<sup>37</sup> As such, 81 percent of the 2000 budget for the *State Programme* was committed to teaching the Estonian language to Russian speakers. The "Estonian cultural domain" refers to the top priority given to the preservation and development of the Estonian culture, a constitutional objective of the Estonian state.<sup>38</sup> Again, the *State Programme* does not push the cultural fundamentalism concept of the segregation of ethnic groups. It still aims to establish the dominant position of Estonian language and culture throughout the territory for the sake of state security, however. The strategy deployed in the *State Programme* is to make the fulfillment of Russian speakers' political and economic ambitions (e.g., citizenship and increased employment opportunities) contingent upon a command of the Estonian language and knowledge of the Estonian culture. Russian speakers can participate in mainstream society only by conforming to Estonian linguistic and cultural hegemony. Thus, neoliberal practices in Estonian society are working in concert with a nationalist agenda.<sup>39</sup> Although the *State Programme* claims that "[i]n social dialogue all cultures functioning in Estonia are equal," it continues:

In relations with the state, the status of Estonian culture differs to [*sic*] that of minority cultures since one of the aims of the Estonian statehood is the preservation and



development of the Estonian cultural domain. Estonian society is multicultural and the task of the Estonian State is the creation of cultural development opportunities for minorities also, although for everyone Estonia is and will remain Estonia-centred in the sense of a common cultural domain.<sup>40</sup>

The principle of nation-state sovereignty in international relations bolsters the *State Programme's* conventional aim of spreading the official language across the state's territory and throughout the minority and non-national population. By the late 1990s (and perhaps earlier), Western diplomats posted in Estonia avoided confrontation with the Estonian government on ethnic integration out of respect for Estonian national sovereignty. An official from the United Nations Development Program with extensive experience in Estonia explained that "most [foreign diplomats] have accepted the linguistic premise of integration. Every country draws the line somewhere. [Pressuring Estonia further] would violate sovereignty." A senior Nordic diplomat relied on the metaphor of a good neighborhood, evoking an image of distinct but interconnected households, to explain his country's approach to Baltic Sea regional security: "All countries lying around the Baltic Sea are interdependent in the positive sense. It adds security to us all. The basic fact is that the countries are now independent [and] in a good neighborhood." Commenting on the *State Programme* later in the same interview, the diplomat added "Estonia has shown that integration has started. The basic program is very good move in the right direction."

Since the government's approval of the *State Programme*, most diplomats see ethnic integration as a technical rather than a political matter. In summer 2000, a Western diplomat stated that "ethnic issues are a non-problem here." An ambassador uninterested in quibbling about the *State Programme* was no less direct in stating that "the point is to put our full support behind it." Former Danish Prime Minister, Poul Nyrup Rasmussen, championed Estonian ethnic integration policy as an example for Central, Eastern, and Western Europe.<sup>41</sup> Another diplomat explained that "for us and the other embassies we need to decide which places need institutional support. Really what is important is that there is a bag of money [for ethnic integration]." By 2000 the European Commission concluded that minority issues in Estonia do not violate international standards.<sup>42</sup> The main concern was now the technical matter of strengthening Estonia's administrative capacity to integrate Russian speakers.<sup>43</sup> In sum, diplomats and officials adhere to a conventional ethnological premise when linking ethnic relations to state security. When asked in an interview if the *State Programme* is a part of nation building, a Nordic diplomat fell back on this historical narrative:

First of all it is important to know the continuity that Estonia had in the 1920s and 1930s. This is a re-establishment of a nation and state. The nation was not gone [during the Soviet era]. The nation was not killed, 'nation' meaning culture. In the years of Soviet occupation what had been established had been interfered . . . to the extent that not much was left in the 1990s. One of the features of Sovietization was to change the ethnic mix. One of the tasks of re-building Estonia is to see to it that the changes that occurred do not hinder the re-establishment of Estonia. So, yes, integration is a part of nation building.

In a diplomatic context, the *State Programme* does not contradict European law or practice regarding minorities. It is not this document's cultural protectionism that is striking, but rather the utterly conventional way that it frames ethnic relations as a security problem and envisions its solution. Nordic diplomats, in particular, saw the *State Programme* as a cornerstone of security in northern Europe, which explains why the Nordic governments and the EU PHARE Programme funded more than half of the *State Programme's* total budget in 2000. This strong link between interstate security and ethnic integration gives Estonian administrators confidence that Western donors will finance the *State Programme*, something nationalist Estonian politicians are loathe to do. A member of the

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expert committee that wrote the *State Programme* explained why foreign funding is readily available: “To other issues, it’s comparatively easy. They’ve been watching Yugoslavia. They are ready to pay because they are afraid.” This individual spoke with some jest, recognizing that Western diplomats do not see a direct analogy between the

Balkans and the Baltics. Nonetheless, he highlighted the basic conceptual link between European security and the *State Programme*. Another Estonian official noted that the *State Programme* is only good for raising money. “We can show it to whomever.” The individual then lifted a hand in the air with an open palm facing outward. The gesture carried a double meaning. It symbolized both the presentation of a policy worthy of financial and political support as well as a sign to keep a respectful distance from Estonia’s sovereign affairs.

### **Marginalizing the OSCE and Russian Speakers**

The approach of the Western diplomatic community to ethnic relations in Estonia has been contradictory. On the one hand, the OSCE pressures the Estonian government to liberalize citizenship and language laws.<sup>44</sup> On the other hand, diplomats from EU member states accept the Estonian government’s constitutional duty to protect and develop the Estonian language and culture. This tension ultimately works against the OSCE High Commissioner for National Minorities (HCNM) and the OSCE mission to Estonia, not least because its founding member states did not grant the organization the legal authority to insist on the implementation of its recommendations.<sup>45</sup> Such authority would have undermined the sovereignty of these states. As such, Estonian officials, like those from any other country, can appeal to their own sovereignty as a counterargument to OSCE recommendations.

Correspondence between former HCNM Max van der Stoep and former Estonian Foreign Minister Riivo Sinijärvi in late 1996 demonstrates how Estonia’s com-

pliance with European agreements on minority rights gave the government the tools to resist OSCE's political pressure. The following exchange demonstrates how the Estonian government justifies its approach to ethnic integration in Estonia. According to the HCNM, the Estonian Prime Minister informed him that, on signing the *Framework Convention*, the government would make a reservation stating that the document would only apply to non-ethnic Estonians who are Estonian citizens. The HCNM put forth this argument in disapproval of the government's move, which merits a lengthy quote:

The Framework Convention was drafted with the aim to transform to the greatest possible extent the political commitments adopted by the CSCE (now OSCE) into legal obligations, (pursuant to Appendix II of the Vienna Declaration of 9 October 1993). It is also relevant to recall that Estonia, on acceding to the CSCE in September 1991, has not made any reservations regarding the political commitments relating to national minorities in the various CSCE documents. . .

I am making these remarks in order to make clear that many articles of the Framework Convention have a close resemblance to CSCE Commitments (especially the 1990 CSCE Copenhagen Document on the Human Dimension) while several resemble articles in the UN Declaration of 1985. Against this background there is in my view a risk that making the intended reservation to the Framework Convention without some clarifying remarks might lead to fears and concerns about an intended change of Estonia's policies regarding non-citizens living in Estonia, which, I would hope and expect, are in reality unfounded. I would therefore recommend that your Government would make it clear that the intended reservation will not in any way change Estonia's international commitments and obligations, and that the reservation does not signify that the Government intends to restrict the existing rights of non-citizens living on its territory.<sup>46</sup>

It is significant that the HCNM is not appealing to Estonia's explicit legal obligations; rather he is mustering an argument based on his interpretation of legal resemblances. The force of his argument is thus not through law, but through political pressure.

Foreign Minister Sinijärv's reply to the HCNM included an addendum commenting on Estonia's legal commitments under the *Framework Convention*. The first item in the addendum explained the difference between a reservation and a declaration, according to international law. The HCNM incorrectly thought that the Estonian government was adding the former rather than the latter. A reservation, the addendum explained, refers to portions of the legal text that will be excluded or modified during implementation, whereas a declaration specifies how certain terms will be understood during implementation.<sup>47</sup> The significance of highlighting the HCNM's error is deeper than merely clarifying terminology. It is a subversive act, challenging a powerful western official's credibility to make recommendations to a less powerful EU applicant state—a small but telling example of the weaker party using European legal rules to make one's case against European critics.

Next, the addendum pointed out that there is no universally accepted definition of the term "national minority" in international law. The most common practice has been to follow Capotorti's suggestion (discussed above) as the Estonian government did in its declaration.<sup>48</sup> It then added that the Estonian government

may use its own definition, because the *Framework Convention* also refrains from defining national minority.<sup>49</sup> Thus, “the Contracting Parties [may] define the exact scope of its application.”<sup>50</sup> The addendum then explained that the 1990 Copenhagen Document did not solve this problem of definitions either, which means that OSCE commitments are “of a strictly political nature.”<sup>51</sup> The addendum also casts a different light on the HCNM’s claim that the *Framework Convention* was drafted in order to transform OSCE political commitments into legal obligations. It argued that “para 27 of the *Explanatory Report* merely states that the [Copenhagen] Document has provided ‘guidance’ for the drafting of the *Framework Convention*.”<sup>52</sup> In other words, the Estonian government argues that the *Framework Convention* does not specifically derive from the Copenhagen Document, which guides OSCE’s monitoring of ethnic relations. This position undermines the HCNM’s attempts to force the Estonian government to give up their declaration to the *Framework Convention*. The Estonian Foreign Minister and the HCNM both have interpreted paragraph twenty-seven reasonably, but the terms “political” and “guidance” are sufficiently vague to allow the Estonian Foreign Minister to repel the HCNM’s insistence on specific actions.

Russian-speaking leaders have protested the *State Programme*, but to little avail. In fall 1999 the President’s Roundtable on Ethnic Affairs,<sup>53</sup> which is composed of Estonia’s top minority leaders, held a public meeting with the adviser for ethnic integration to the minister for ethnic affairs to discuss an early draft of the *State Programme*. Diplomats and ambassadors from Western embassies were among the high-profile members in the audience, although none asked questions or voiced opinions. The adviser was granted the floor first, and he attempted to limit the discussion to the technical management of the *State Programme*: “We have to speak not so much about what to do, but how to do it.” Not content with a technical discussion, one member of the roundtable replied that the definition of integration is not clear, prompting him to ask the adviser if the minister for ethnic affairs had a specific goal for ethnic integration. Another member pointed out that integration is the problem of not just Russian speakers but also of Estonians. The current draft envisions Russian speakers learning Estonian but assigns no responsibilities to ethnic Estonians. Then one individual exclaimed that there is a pathological attitude about learning the Estonian language. Most members also doubted that the financial, administrative, and educational systems were up to the task of teaching the Estonian language on such a large scale. Then, one prominent member spoke out:

What is really behind integration for certain political forces? We have known “what” and “how” but not “what for.” This document is to protect the Estonian language. They would like to create an assimilated not an integrated society. We must find from where these desires come. This is a seven-year version of a five-year plan.

Fairly or not, his remarks drew out the political impact of the *State Programme*’s great emphasis on the Estonian language aside from support for minority languages and cultural activities. His equation of the document to a five-year Soviet plan is a clever tactic that analogizes the center-right coalition to the former occupying power. This move attempts to upset the radical distinction that

nationalist Estonian politicians draw between themselves and the old Communist Party. However, the *State Programme* also fits snugly within the *Framework Convention* and the security concerns of western diplomats, suggesting that contemporary international relations enabled the document as much as legacies of the Soviet Union. The draft of the *State Programme* discussed at this meeting (and in the presence of the western diplomatic community in Estonia) differed very little from the final version that the government ultimately approved. The main addition was a clarification of the definition of integration which became known as the Estonian model of a multicultural society (discussed above). Neither the protests of the minority leaders nor the concerns of the diplomatic community had any impact on the fundamental concept of ethnic integration, although no strong evidence suggests that they had such concerns. Given these facts and the correspondence of the *State Programme* to international agreements concerning minority issues, the emphasis on the Estonian language cannot be sufficiently explained by the reluctance of Estonian nationalist officials to yield to minority demands. Rather, it reflects the marginal position of minorities in relation to the task of securing the nation-state in Europe, because this task itself is framed in nationalist terms.

### **Conclusion: A Mirror of Europe**

The *State Programme* should not be seen as a peculiar and reactionary Eastern European nationalist policy that stands in contrast to more liberal Western European ideas of the nation. Europe (Eastern and Western) defers to the nation-state on minority issues because it links these directly to state security, and so the *State Programme* mirrors European practices of statecraft. This pan-European perspective avoids the problem of construing Eastern Europe as a hermetically sealed entity that would obscure the large role that Western Europe has played in setting guidelines for EU accession. The final stamp of approval that the EU applicant states received in Copenhagen in December 2002 testifies to the broader European character of these states' ethnic policies. My point in this article has been neither to support nor condemn the *State Programme*. Both Estonian officials and Russian-speaking leaders can use the present analysis for their own purposes. The former can point to the European logic in which the *State Programme* was designed in order to nullify liberal Western charges of excessive nationalism. The latter can recognize the limits of framing their critique of the *State Programme* in ethno-national terms because they are not in a political position to override the trump card of the sovereignty of the nation-state in Europe. Russian speakers must frame their arguments in non-ethnic terms, ironically, in order to improve their situation. My aim has not been to suggest policy alternatives. This would only amount to an inadequate duplication of the work that so many policy professionals and minority leaders in Estonia have been doing for more than ten years. Rather, I have attempted to complicate the ethical framework in which the *State Programme* exists for the sake of opening more nuanced discussions about security and minority-state relations across Europe. As many scholars have pointed out, the contemporary nation-state exists in a state of tension, in which the

tasks of protecting the national majority and accommodating non-nationals and national minorities grate against each other. A clear articulation of how this tension unfolds in specific contexts can help policymakers to find the most creative and balanced policy solutions.

### NOTES

The research was funded by a 1999–2000 Fulbright-IIE fellowship to Estonia and 2000–2001 David L. Boren Fellowship. I would like to thank the staff of the Integration Foundation and the United Nations Development Program, Estonia for their invaluable assistance during my ethnographic fieldwork. Numerous diplomats, administrators, officials, and minority leaders also provided indispensable help, although they are too many to name. I would also like to thank Merje Kuus for insightful comments on earlier drafts of this article.

1. “Ethnic integration” refers to the cohering of society by increasing Russian speakers’ command of the Estonian language. This will reduce linguistic barriers to employment opportunities and citizenship. Implicit in the *State Programme*’s many different activities is also the aim of exposing Russian speakers to Estonian “culture.”

2. For example, the Organization for Co-operation in Europe (OSCE) heavily pressured Estonia to loosen its ethnic integration policy throughout the 1990s, and the Russian Federation tried to use the Council of Europe to achieve the same end. Similarly, some scholars (misleading in my opinion) frame Estonia as an “ethnic democracy,” thereby juxtaposing it with construction of Western Europe as more liberal and tolerant. See Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, (Baltimore: Johns Hopkins University Press, 1996); Graham Smith, “The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia,” *Nationalities Papers* 24, no. 2 (1996): 199–216.

3. See Lowell Barrington, “The Domestic and International Consequences of Citizenship in the Soviet Successor States,” *Europe-Asia Studies* 47, no. 5 (1998): 731–763; Jeff Chinn and Lisa Treux, “The Question of Citizenship in the Baltics,” *Journal of Democracy* 7, no. 1 (1996): 133–147; Carmen Thiele, “The Criterion of Citizenship for Minorities: The Example of Estonia,” European Centre for Minority Issues Working Paper no. 5 (1999): 1–28.

4. For detailed history of the restoration of Estonian independence and the formation of Estonia’s citizenship and language laws see Klara Hallik, “Nationalising Policies and Integration Challenges,” in *The Challenge of the Russian Minority: Emerging Multicultural Democracy in Estonia*, ed. Marju Lauristin and Mati Heidmets (Tartu: Tartu University Press, 2002), 65–88; Marju Lauristin and Peeter Vihalemm, “Recent Historical Developments in Estonia: Three Stages of Transition (1987–1997),” in *Return to the Western World: Cultural and Political Perspectives on the Estonian Post-Communist Transition*, ed. Marju Lauristin and Peeter Vihalemm with Karl Erik Rosenberg and Lennart Weibull (Tartu: Tartu University Press, 1997); and Vello Pettai and Klara Hallik, “Understanding Processes of Ethnic Control: Segmentation, Dependency and Co-optation in Post-Communist Estonia,” *Nations and Nationalism* 8, no. 4 (2002): 505–529.

5. In *National Integration and Violent Conflict in Post-Soviet Societies: The Cases of Estonia and Moldova* (Lanham: Rowman and Littlefield, 2002), Pål Kolstø makes an interesting comparison between ethnic relations in Estonia and Moldova, focusing on the role of numerous structural factors that have encouraged violent conflict in the latter but not in the former. In contrast I focus on how Estonia’s approach to ethnic relations draws on a logic that underpins minority-state relations across Europe. My question is not why is Estonia stable, but rather how is stability understood in Europe and how does it frame minority-state relations.

6. Verena Stolcke, “Talking Culture: New Boundaries, New Rhetorics of Exclusion in Europe,” *Current Anthropology* 36, no. 1 (1995): 1–24.

7. *Ibid.*, 5 and Douglas Holmes, *Integral Europe: Fast-Capitalism, Multiculturalism, and Neofascism* (Princeton, N.J.: Princeton University Press, 2000).

8. Robert Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor: University of Michigan Press, 2000), 8.

9. Merje Kuus, "Toward Cooperative Security? International Integration and the Construction of Security in Estonia," *Millennium: Journal of International Studies* 30, no. 2 (2002): 297–317.

10. "Organization for Security and Co-operation in Europe," *Organization for Security and Co-operation in Europe Handbook* (Vienna: Secretariat of the Organization for Security and Co-operation in Europe, 1999), 2.

11. All quotes from diplomats were obtained in interviews unless otherwise stated.

12. The population of Estonia in 2000 was approximately 1,370,000 people, of which 930,000 (68 percent) were ethnic Estonian and 440,000 (32 percent) were of other ethnic groups, mainly ethnic Russians. See Ministry of Foreign Affairs, "Population Statistics" <[http://www.vm.ee/estonia/kat\\_173/999.html](http://www.vm.ee/estonia/kat_173/999.html)>, last visited 3 January 2003. Approximately 75,000 non-Estonians automatically qualified for citizenship because they were either citizens of the interwar republic or descendants of citizens. As of 2000, residency permits were issued to approximately 175,000 non-Estonians who did not possess citizenship of any state. Additional residency permits were also issued to approximately 110,000 non-Estonians who possessed citizenship of another state, mostly Russia. As of that time, roughly 30,000 non-Estonians had not registered with the state, and were classified as illegal aliens. Between 1992 and 2000, the state naturalized approximately 115,000 non-Estonians. See Estonian Government, *Integrating Estonia 1997–2000: Report of the Government of Estonia* (Tallinn: Non-Estonians Integration Foundation, 2000), 9. Roughly, 20,000 people were naturalized each year between 1994 and 1996. However, only 8,124 and 9,959 people were naturalized in 1997 and 1998, respectively. The decrease continued with only 4,534 people in 1999, 3,425 people in 2000, and 3,090 in 2001 acquiring Estonian citizenship. See Vadim Poleshchuk, "Accession to the European Union and National Integration in Estonia and Latvia," Technical report no. 8. (Flensburg: European Centre for Minority Issues, 2001), 6; and Klara Hallik, "Nationalising Policies and Integration Challenges," in *The Challenge of the Russian Minority: Emerging Multicultural Democracy in Estonia*, ed. Marju Lauristin and Mati Heidmets (Tartu: Tartu University Press, 2002), 76. Non-citizens and citizens of other states, numbering approximately 223,000 people, are not permitted to vote in national elections, hold any elected office, belong to a political party, work in public sector jobs, or sit on the board of a state-owned company.

13. Toivo Raun, *Estonia and the Estonians* (Palo Alto: Hoover Institution Press, 1997), 247.

14. Marju Lauristin and Peeter Vihalemm, "Recent Historical Developments in Estonia: Three Stages of Transition (1987–1997)," in *Return to the Western World: Cultural and Political Perspectives on the Estonian Post-Communist Transition*, ed. Marju Lauristin and Peeter Vihalemm with Karl Erik Rosenberg and Lennart Weibull (Tartu: Tartu University Press, 1997), 111.

15. It is important not to assert intractable differences between all Estonian and Russian-speaking leaders. Some (ethnic) Estonian independence leaders along with Russian speaking leaders argued that everyone on Estonian soil should be granted citizenship. Many Russian-speaking leaders soon adopted an accommodating stance by recognizing the Estonian Republic as an occupied state, foregoing their demands to include Russian as an official language, and acknowledging the need for Russian speakers to learn Estonian.

16. Through this clause two Russian-speaking parties (the United People's Party and the Russian Party of Estonia) won approximately one-third of the seats on the Tallinn City Council in 1996. By 2000 Russian parties won enough seats to receive an invitation to join the Tallinn city government. Russian-speaking parties also do well in Estonia's northeastern cities because of the right of permanent residents to vote. See Vello Pettai

and Klara Hallik, "Understanding Processes of Ethnic Control: Segmentation, Dependency and Co-optation in Post-Communist Estonia," *Nations and Nationalism* 8, no. 4 (2002): 514.

17. Klara Hallik, "Nationalising Policies and Integration Challenges," in *The Challenge of the Russian Minority: Emerging Multicultural Democracy in Estonia*, ed. Marju Lauristin and Mati Heidmets (Tartu: Tartu University Press, 2002), 73.

18. Ibid.

19. Ibid.

20. Ibid., 69.

21. Ibid., 76.

22. Carmen Thiele, "The Criterion of Citizenship for Minorities: The Example of Estonia." Working Paper no. 5. (Flensburg: European Centre for Minority Issues, 1999), 2.

23. Ibid.

24. Ibid., 4.

25. Estonia has not signed the *European Charter for Regional or Minority Languages*. However, as of 30 December 2002, only ten of fifteen EU member states have done so, and only eight of those have ratified and implemented it. The *European Charter* applies only to citizens of the signatory state, and, like the *Framework Convention*, it assures the signatory state "that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them." See Council of Europe, *European Charter for Regional or Minority Languages*, <<http://conventions.coe.int/treaty/en/Treaties/Html/148.htm>>, 1992, preamble.

26. Council of Europe, *Explanatory Report: Framework Convention for the Protection of National Minorities* <<http://conventions.coe.int/treaty/en/Reports/Html/157.htm>>, 1995, para. 12, last visited on 15 August 2002.

27. Ibid., para. 11.

28. Council of Europe, *Framework Convention for the Protection of National Minorities* <<http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>>, 1995, sec. 2, art. 14, para. 1–3, italics added, last visited on 15 August 2002.

29. Council of Europe, *Explanatory Report: Framework Convention for the Protection of National Minorities* <<http://conventions.coe.int/treaty/en/Reports/Html/157.htm>>, 1995, para. 74, last visited on 15 August 2002.

30. Ibid., para. 75.

31. Ibid., para. 78.

32. Council of Europe, *Framework Convention for the Protection of National Minorities* <<http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>>, 1995, sec. 2, art. 5, para. 1–2, italics added, last visited on 15 August 2002.

33. Council of Europe, *Explanatory Report: Framework Convention for the Protection of National Minorities* <<http://conventions.coe.int/treaty/en/Reports/Html/157.htm>>, 1995, para. 44, last visited on 15 August 2002.

34. Estonian Government, *State Programme: "Integration in Estonian Society 2000–2007"* (Tallinn: Estonian Government, 2000), sec. 3.1, see <<http://www.riik.ee/saks/ikomisjon/programme.htm>>, last visited 29 August 2002.

35. Ibid.

36. Ibid., sec. 3.4.

37. Furthermore, in 2001 the government announced that it was transforming Russian-medium secondary schools into Estonian-medium. Sixty percent of the school curriculum must be in the Estonian language to qualify as an Estonian-medium school. This particular issue, however, has been shelved since the center-right government collapsed in December 2001 and was replaced by a more centrist coalition.

38. The preamble of the Estonian Constitution guarantees "the preservation of the [ethnic] Estonian nation and culture through the ages" (*mis peab tagama eesti rahvuse ja kultuuri säilimise läbi aegade*). While the special position of the ethnic Estonian culture in relation to the state does not violate European norms, it does testify to Hayden's point that



nation-states may welcome minorities as citizens but never fully accept them into mainstream society. See Robert Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor: University of Michigan Press, 2000), 15. It should be noted, however, that the Estonian Constitution was written in collaboration with the legal experts from the Council of Europe. See Marju Lauristin and Peeter Vihalemm, "Recent Historical Developments in Estonia: Three Stages of Transition (1987–1997)," in *Return to the Western World: Cultural and Political Perspectives on the Estonian Post-Communist Transition*, ed. Marju Lauristin and Peeter Vihalemm with Karl Erik Rosenberg and Lennart Weibull (Tartu: Tartu University Press, 1997), 111. For a detailed analysis of the Estonian Constitution as it pertains to citizenship, law, and ethnic relations see Rein Ruutsoo, "Eesti Kodakondsuspoliitika ja Rahvusriigi Kujunemise Piirjooned" ("Estonian Citizenship Policy in the Context of the Emerging Nation-State") in *Vene Kõnitsus ja Eesti Valikud* (The Russian Question and Challenges for Estonia) ed. Mati Heidmets (Tallinn: Tallinna Pedagoogikakõulikool Kirjastus, 1998).

39. Gregory Feldman, "Constructing the 'non-Estonian': European Union Accession, Ethnic Integration Policy, and the Estonian State," in *Crossing European Boundaries: Beyond Conventional Geographical Categories*, ed. Helen Kopnina, Christina Moutsou, and Jaro Stacul (Berghahn: London and New York, forthcoming).

40. Estonian Government, *State Programme: "Integration in Estonian Society 2000–2007"* (Tallinn: Estonian Government, 2000), sec. 3.4, see <<http://www.riik.ee/saks/ikomisjon/programme.htm>>, last visited 29 August 2002.

41. Nick de Souza, "Heads above the Rest," *Worldlink*, November/December 2001, <[http://www.worldlink.co.uk/stories/storyReader\\$913](http://www.worldlink.co.uk/stories/storyReader$913)>, last visited 9 January, 2003.

42. European Commission, *Estonia 2000: Regular Report from the Commission on Estonia's Progress towards Accession*, (Delegation of the European Commission to Estonia: Tallinn, 2000), 20.

43. *Ibid.*, 21.

44. The mandate of the OSCE mission to Estonia expired on 31 December 2001.

45. Organization for Security and Co-operation in Europe, *Organization for Security and Co-operation in Europe Handbook* (Vienna: Secretariat of the Organization for Security and Co-operation in Europe, 1999), 3.

46. Minelres, "Letter to Minister for Foreign Affairs, October 28, 1996," <<http://www.riga.lv/minelres/count/Estonia/961028r.htm>>, 1996, last visited on 4 September 2002.

47. Minelres, "Minister of Foreign Affairs' answer, November 27, 1996." <<http://www.riga.lv/minelres/count/estonia/961127a.htm>>, 1996, sec. 1, last visited on 4 September 2002.

48. *Ibid.*, sec. 2.

49. The Estonian government's declaration deposited on 6 January 1997 is as follows: "The Republic of Estonia understands the term 'national minorities,' which is not defined in the Framework Convention for the Protection of National Minorities, as follows: are considered as [*sic*] 'national minority' those citizens of Estonia who reside on the territory of Estonia; maintain longstanding, firm and lasting ties with Estonia; are distinct from Estonians on the basis of their ethnic, cultural, religious or linguistic characteristics; are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity."

50. *Ibid.*, sec. 3.

51. *Ibid.*, sec. 4.

52. *Ibid.*

53. Former President Lennart Meri created the President's Roundtable on Ethnic Affairs in 1993. It is composed of minority leaders in NGOs as well as Estonian- and Russian-speaking politicians and academics. It can submit legislative proposals to Parliament, but Parliament does not have to consider them. The roundtable is the main forum for the discussion of minority issues in Estonia.