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## INTERNATIONAL ORGANISATIONS' ROLE IN ESTONIA'S POLICIES TOWARDS MINORITIES

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### 1. THE RELATIONS BETWEEN INTERNATIONAL ORGANISATIONS AND ESTONIA

In this article, I build up my analysis on the basis of the quadratic model, whereby the nationalising state, national minority, external national homeland and international organisations form four poles of the relationship. The „triadic nexus” was first proposed by Rogers Brubaker<sup>2</sup>, and later supplemented by other authors<sup>3</sup> who added the fourth pole – international organisations.

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<sup>2</sup> R. Brubaker, *Nationalism Reframed. Nationhood and the National Question in the New Europe*, Cambridge 1996.

<sup>3</sup> D. J. Smith, *Framing the National Question in Central and Eastern Europe: A Quadratic Nexus?*, “The Global Review of Ethnopolitics” 2 (2002), No. 1, p. 3-16.

It has been claimed<sup>4</sup> that the project of the integration of the post-Socialist East was launched by the West in order for these countries to adopt the political values and economic system of the West. In the West at this time (the beginning of the 1990s) it was widely understood that what is good for the West, is good for the rest of the world. In this framework, the most important project was the European Union (EU) enlargement.

What came to be known as the „Copenhagen criteria” provided a valuable tool of conditionality, in addition to the terms of *acquis communautaire*. In the sphere of minority rights, though, the criteria were more vague than e.g. in economics. Here, the EU relied mostly on the mechanisms developed by the Organisation of Security and Co-operation in Europe (OSCE) and the Council of Europe. One of the monitoring mechanisms adopted was the Framework Convention for the Protection of National Minorities (FCNM); yet no agreed definition of the term „minority” exists to this day.

The EU’s first Copenhagen criterion bears the imprint of the rather amorphous democratic conditionality of the Council of Europe. A country’s democratic credentials had been a prominent point of reference, though not an explicitly formulated condition, during the EU’s southern enlargement in the 1970s. After the EU Copenhagen criteria were formulated, but still before the accession negotiations began, the Council of Europe’s FCNM of 1995 put in place a complex and legally binding pan-European instrument for the continuous assessment of minority issues. Thus, the democracy criterion of the Council of Europe was extended to include minority rights. Members (and non-members) of the Council of Europe can choose, however, whether or not they want to ratify the FCNM<sup>5</sup>. The introduction of the „minority criterion” to the accession process opened up a difficult situation, where the condition was first of all vague and unspecified, and, more importantly, did not exist in internal EU law.

Some authors claim that the regulative power of OSCE, for example, would be directed towards Eastern, rather than Western Europe, thus

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<sup>4</sup> V. Pettai, K. Kallas, *Estonia: conditionality amidst a legal straightjacket*, [in:] B. Rechel (ed.), *Minority Rights in Central and Eastern Europe*, London 2009.

<sup>5</sup> G. Sasse, *Gone with the wind? Minority Rights in Central and Eastern Europe*. Draft Paper. Workshop „Ethnic Mobilization in the New Europe”, Brussel, 21-22 April 2006.

denying the acclaimed principle of universalism of rights<sup>6</sup>. It is also worth noting that taking international organisations as a single actor may be doubtful. For example, Vello Pettai doubts if the international community can be seen as a single generalised whole, as if it always had at its disposal both tools of influence, normative pressure and conditionality. Pettai claims that some European institutions such as the OSCE or the Council of Europe never really had any conditionality leverage at their disposal.

The Yugoslavian conflicts in the 1990s did much to re-enforce the long-standing stereotypes of the East as a backward region. The primary focus has actually not been on the humanitarian or cultural issue, but on security<sup>7</sup>. This perception can be tracked down to many researchers, among others also Brubaker, mentioned above. As the „civic” West and „ethnic” East were seen as regions with separate trends in development, the idea came from the West to prevent ethnic conflict in the East as much as possible.

As a result of this “West versus East” discourse, the main theme concerning the issue of minorities in the Baltics used to be that of conflict prevention, or preventive diplomacy. This discourse is concentrated on the incentives to avoid violent ethnic conflict and often illustrates the case of the Baltics as a success story. One can define incentives as positive sanctions. In the classical economic sense of the word, David Baldwin offered such incentives as granting most favoured nation status, tariff reductions, direct purchases, subsidies to exports or imports, providing import and export licences, foreign aid, guaranteeing investments, encouraging capital imports or exports, favourable taxation, and promises of the above. To this list, other authors have added more political tools, such as offering diplomatic and political support, military cooperation, social and environmental cooperation, cultural exchanges, support for citizen diplomacy, debt relief, security assurances, granting membership in international organisations and security alliances, as well as lifting sanctions<sup>8</sup>.

<sup>6</sup> D. J. Smith, *Minority Rights, Multiculturalism and EU Enlargement*, „Journal on Ethnopolitics and Minority Issues in Europe” 2003, Issue 1, p. 1-39.

<sup>7</sup> Ibidem.

<sup>8</sup> D. Cortright (ed.), *The Price of Peace. Incentives and International Conflict Prevention*, New York 1997, p. 7.

The case of the Baltics is deemed successful, as violent ethnic conflict was avoided, and the credit for this is often given to the actions of international organisations. The existence of institutions and norms is thought to be of crucial importance. These institutions reinforced international norms and could offer rewards if the norms were followed.<sup>9</sup>

There are some critical opinions of the democratisation of the Baltic states as well. According to Timofey Agarin, for example, the democratisation was superficial, the Balts rather successfully adapted the democratic institutions characteristic of the West, but the democratisation of societies, the adoption of Western liberal values essential for the effective, transparent functioning of the political system, was clearly delayed. Agarin agrees that the Baltic membership in the EU does testify to credible and lasting democratic trends.<sup>10</sup> Agarin pays most attention to the relations between the majority and the minority. According to him, among the politicians of the titular nations, there was a prevalent belief that the national minorities posed a threat to the national states.<sup>11</sup> In general, one could agree with Agarin that the relationship between minority and majority has remained complex.

In Estonia, the OSCE mission regularly monitored the situation. This mission not only had an office in Tallinn, but also in the north-eastern towns of Jõhvi and Narva. Although its mandate was officially never for longer than six months, it was continually extended until January 2002, when the mission was closed. In addition, the Council of Europe provided legal expertise and advice on draft citizenship and language laws.

The European Union developed its own strategy of „preventive diplomacy” within the framework of the Common Foreign and Security Policy as provided under the Treaty of Maastricht. This plan was based on the proposals of the French Prime Minister Edouard Balladur and entered into the EU’s institutional framework as a result of the June 1993 Copenhagen European Council. The basic objective of „fostering good

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<sup>9</sup> H.F. Hurlburt, *Preventive Diplomacy. Success in the Baltics*, [in:] B.W. Jentleson (ed.), *Opportunities Missed. Opportunities Seized. Preventive Diplomacy in the Post-Cold War World*, New York 2000, p.94.

<sup>10</sup> T. Agarin, *A Cat’s Lick. Democratisation and Minority Communities in the Post-Soviet Baltic*, Rodopi 2010, p. 6.

<sup>11</sup> V. Sirutavicius, *Timofey Agarin, A Cat’s Lick. Democratisation and Minority Communities in the Post-Soviet Baltic*, „Lithuanian Historical Studies” 17 (2012), p.270.



neighbourly relations and encouraging countries to consolidate their borders and to resolve the problems of national minorities" clearly applied to the confrontational situation between the Baltic states and Russia<sup>12</sup>.

To reach the ultimate goal of becoming EU states, the Baltic countries had to satisfy the criteria for accession as identified by the June 1993 Copenhagen European Council. This implied, among other things, stable institutions „guaranteeing democracy, the rule of law, human rights and respect for and promotion of minorities"<sup>13</sup>. In addition, in 1994, the Essen European Council added the principle of „good neighbourly relations" to the Copenhagen criteria. Some authors claim that it was only in conjunction with the political muscle the European Union had, that some OSCE recommendations were taken on board.

In 1997, the European Commission report included Estonia in its initial „first wave" of EU accession countries; it gave thus a clear signal that the Commission is not going to make Estonia's citizenship and minority policy an issue of fundamental conditionality, nor demand a major liberalisation of Estonia's policies. However, the EU continued to monitor particularly controversial aspects of Estonia's minority legislation. In 1999, it began criticising the Estonian language requirements for electoral candidates as a violation of the UN's International Covenant on Civil and Political Rights. This pressure ultimately led to the requirements being repealed in November 2001. Also in 1999, the EU opposed a series of amendments to Estonia's language law, which were meant to enforce the use of Estonian in private business. The EU was able to prove that such restrictions would be illegal and violating the principles of open labour markets<sup>14</sup>.

There are different opinions of to what extent international organisations and their conditionality influenced Estonia. Pettai and Kristina Kallas conclude in their analysis that the EU had the most leverage and conditionality to exercise political pressure, while OSCE and the Council of Europe were mostly helpful in terms of helping with modalities.

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<sup>12</sup> P. Elsuwege, *Russian-speaking minorities in Estonia and Latvia: problems of integration at the threshold of the European Union*, MI Working Paper No 20, April 2004.

<sup>13</sup> Presidency conclusions Copenhagen European Council, (21-22 June 1993), *Bull. EC.*, 1993, 6, 1.14.

<sup>14</sup> V. Pettai, K. Kallas, *op.cit.*

Judith G. Kelley in her book *Ethnic Politics in Europe: The Power of Norms and Incentives*<sup>15</sup> identifies two levels of influence international organisations use to influence nationalising states – normative pressure and conditionality. She uses a unique, systematised dataset of sixty-four instances of international influence on Estonia (18), Latvia (21), Slovakia (11) and Romania (18) in order to test the relationships. As Pettai states in his review of Kelley’s work, „she aims to reveal the causal conditions that prompt nationalising states to alter their policies (or ethnopolitical regime), and she concludes that threats to delay or exclude a state’s accession to some desired international organisation (conditionality) tend to work better than mere normative pressure (i.e. appeals to international legal norms or ethical principles). Hence, Kelley finds that European Union pressure on Estonia and Latvia to liberalise their citizenship laws in relation to stateless children (or else face the prospect of a delay in EU accession) was much more effective in achieving this goal than the normative pressure exerted, for example, by the OSCE’s High Commissioner for National Minorities Max van der Stoep<sup>16</sup>. Kelley also conducts a statistical regression analysis to separate out the proportional impact of normative pressure when it is paired with conditionality.

Herd and Löfgren analyse the influence of the EU accession process on societal security. To their mind, the extent to which the EU influenced the internal domestic policies of aspirant countries can be well illustrated when these policies relate to societal security. For example, in the latter half of 1999, both Estonian and Latvian minority legislation was modified to adhere to the demands of EU harmonisation. The authors bring examples of critique by the Head of the European Commission’s mission to Latvia, Gunter Weiss. They also mention the criticism by the UN Committee on the Elimination of Racial Discrimination of the Estonian citizenship policy in March 2000<sup>17</sup>. Though authors claim that the EU integration process had direct influence on the politics of the states, they also acknowledge there

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<sup>15</sup> J.G. Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, Princeton-Oxford 2004.

<sup>16</sup> V. Pettai, *Explaining Ethnic Politics in the Baltic States: Reviewing the Triadic Nexus Model*, „Journal of Baltic Studies” 37 (2006), Issue 1, p. 124-136.

<sup>17</sup> G. P. Herd, J. Löfgren, „Societal Security”, *the Baltic states and EU integration*, „Cooperation and Conflict” 36 (2001), No. 3., p. 285.



was an implicit influence, as external support and legitimisation were given to particular sections of the elite that opposed moves to further tighten citizenship and related legislation<sup>18</sup>.

As we can see, the researchers paid attention to the balance between external incentives (first and foremost EU membership) and domestic factors. Domestic factors became especially important after the membership goal was achieved in 2004. Schwellnus, Balazs and Mikalayeva conducted extensive research in order to test the sustainability of minority protection rules in new EU member states<sup>19</sup>. In order to analyse separate cases of minority rules transfer, the research operationalises the conditions for rule adoption, those being external incentives, government position, veto players, and the size of minorities. As far as external incentives are concerned, before the accession, the EU gives candidate states positive incentives for compliance with conditionality in the form of membership perspective. The authors note though that

„after accession, conditionality no longer applies as the reward is paid out, but in areas that are part of the *acquis* the internal sanctioning mechanism of the EU sets in, so that negative incentives (sanction threat) against non-compliance replace positive incentives (membership reward) for compliance. In the domain of minority protection this only applies to non-discrimination on the basis of race and ethnicity, but not to minority rights proper“<sup>20</sup>.

As far as government position is concerned, it depends a lot on the composition of the political parties and whether they are minority parties or nationalist parties. These positions can be either positive towards minority rights, neutral, or negative. Veto players are actors whose agreement is needed for the change of the status quo. In this particular research, veto players are the president, the parliamentary majority and the constitutional court. The size of the minority matters, as in case of a very small minority the minority rules are hardly a controversial subject. The authors, among other things, come to the conclusion on the differences between pre- and

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<sup>18</sup> Ibidem, p. 287.

<sup>19</sup> G. Schwellnus, L. Balazs, L. Mikalayeva, *It ain't over when it's over: The adoption and sustainability of minority protection rules in new EU member states*, "European Integration online Papers (EIoP)" 2 (2009).

<sup>20</sup> Ibidem.

post-accession cases: „The separate analysis of pre- and post-accession cases reveals a marked decline in positive developments after accession, but no revocation of minority protection rules. After accession only the domestic explanation remains, despite external incentives still being present in one issue area, namely non-discrimination”<sup>21</sup>.

The minority protection rules can be called „rules of political conditionality“. Epstein and Sedelmeier distinguish such type of rules: „Rules that are not part of the *acquis*, but were part of the EU’s political conditionality, include democratic principles, human rights, and minority rights. In these issue areas EU institutions do not have any sanctioning power in full members, except in extreme cases of a “serious and persistent breach” of democracy and fundamental rights, where they can act under Article 7 of the EU treaty to suspend certain membership rights. An incentive-based approach would then expect a significant loss of influence for international institutions after accession. The new members might not implement pre-accession commitments after accession, or reverse earlier concessions in costly areas – unless domestic beneficiaries of internationally induced reform have veto power”<sup>22</sup>.

As the post-enlargement context narrows the scope of international intervention, the Council of Europe has positioned itself, in a way, centre stage, namely through the monitoring process linked to its Parliamentary Assembly and the Framework Convention. Latvia provides a good example of the normative move made not during the accession process, but after that – the Latvian parliament ratified the Framework Convention on the 26 May 2005, and it came into force in October 2005<sup>23</sup>.

The Race Discrimination Directive 2000/43/EC, once fully transposed into domestic legislation in all Member States, legally embeds the norm of ‘equal treatment between persons irrespective of racial or ethnic origin’. It arguably represents the EU’s furthest-reaching ‘constitutional resource’ for minority-sensitive policies. Together with the Employment Directive of

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<sup>21</sup> Ibidem.

<sup>22</sup> R. A. Epstein and U. Sedelmeier. *Beyond conditionality: international institutions in post-communist Europe after enlargement*, “Journal of European Public Policy” 15 (2008), p. 795-805.

<sup>23</sup> G. Sasse, *op.cit.*, p. 14.



2000 it forms part of the *acquis*. Therefore, its transposition into national legislation falls under the third Copenhagen criterion, which focuses on a country's capacity to take on the obligations of the *acquis*. The transposition of the directives has been a gradual process in both old and new Member States, and to date the record of implementation has been mixed. Moreover, Article 21 of the Charter of Fundamental Rights, incorporated as Part 2 in the EU's Draft Constitutional Treaty, explicitly singles out "membership of a national minority" among the grounds of discrimination to be prohibited. As with the related Article 22, stipulating the Union's respect for 'cultural, religious and linguistic diversity', it would apply to any action of the EU institutions and the Member States when implementing EU law if the Charter becomes legally binding<sup>24</sup>.

Lauristin and Vihalemm point out that the external and internal factors have interplayed in a complicated fashion during different periods of Estonia's transition. The political agenda of change can be read differently from the perspective of external observers and internal participants. They bring the example of the Russian minority, which from the external perspective is an issue of human rights, while the domestic agenda placed the accent on historical justice and the preservation of the majority language and culture<sup>25</sup>. The first attempts to solve the problems of minority integration were initiated by international agencies. The authors claim that the Bronze Soldier crisis of 2007 (when the relocation of a Soviet monument resulted in Russian-speakers' protests) shocked Estonian society. This then brought about a shift from an external to an internal focus in the Estonian policy of minority integration. This was an important shift in the ownership of integration policy<sup>26</sup>. At the same time, the authors claim, the Bronze Soldier crisis has resulted in further "securitisation" of minority issues and has produced a return to the strong identity politics which characterized the first period of transition<sup>27</sup>.

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<sup>24</sup> Ibidem, p. 25.

<sup>25</sup> M. Lauristin, P. Vihalemm, *The Political Agenda During Different Periods of Estonian Transformation: External and Internal Forces*, „Journal of Baltic Studies” 40 (2009), No. 1, p. 3.

<sup>26</sup> Ibidem, p. 17.

<sup>27</sup> Ibidem, p. 22.

The other important organisation, which has had leverage over Estonia, is NATO. The discourse of joining NATO is directly connected to the security issue. First, as some authors claim, the Baltic states were not serious candidates for NATO membership; the most important reason being lack of support from existing members<sup>28</sup>. The linkage with the minority issue existed also in the NATO accession process. Membership was withheld as Estonia and Latvia had unresolved issues regarding their Russian-speaking populations and had not concluded border agreements with Russia. They also did not have well-equipped and well-trained armed forces<sup>29</sup>. Though NATO did not monitor directly the situation with minorities, the issue was always on the agenda of negotiations.

Another issue which came up in connection to the international organisations is the way it actually started to influence identities. As Richard Mole claims, “the efforts by political actors in Estonia, Latvia and Lithuania – reinforced by reciprocal statements from EU representatives – to emphasize the European identity of the Baltic States and the otherness of Russia thus drew a boundary between the two sides and enabled the Balts to enhance their security by creating a social reality establishing themselves in the global political consciousness as European states beyond Russia’s sphere of influence”<sup>30</sup>. Mole then goes on to claim that the new boundaries that strengthened external security, undermined at the same time societal security within the states, as the communities became more separated from one another.

Some researchers claim that the demands from the EU and other European organisations for better treatment of minorities led to increased Euroscepticism among sectors in Estonian society. It was perceived that the norms of these organisations could erode the identity that Estonian society was seeking to protect in the first place.

In the official documents of the EU in general, the identity of national states is under protection. The Treaty on European Union stresses respect

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<sup>28</sup> R. Mole, *The Baltic states. From Soviet Union to European Union: identity, discourse and power in the post-communist transition of Estonia, Latvia and Lithuania*, London 2013, p. 149.

<sup>29</sup> *Ibidem*, p. 149.

<sup>30</sup> *Ibidem*, p. 155.

for distinct individual national identities (Article 6): “The Union shall respect the national identities of its Member States”.

The European Commission has a statistical device for measuring public opinion in Europe, the Eurobarometer. I have compared the data for three periods: 2004 – the year of accession; 2008 – the first standard Eurobarometer after the Bronze Soldier crisis; and 2014 and 2015, the years of the Ukraine crisis. Estonia has been considered as quite a Eurosceptic country prior to accession. Between spring 2014 and autumn 2014, though, the mood changed considerably. The autumn Eurobarometer showed that 52% of Estonians considered EU membership as a good thing, 36% thought of it as neutral, and 10% found it negative. Earlier, in spring 2014, only 31% thought positively of membership; 39% thought neutrally, and 21 negatively<sup>31</sup>.

During the year of the Bronze Soldier crisis, the support for the EU was up to 66% in spring 2007, rising from 56% in autumn 2006 and dropping somehow to 61% later, in autumn 2007, on to 58% in spring 2008<sup>32</sup>.

During the year 2014, the image of the EU remained predominantly positive in Estonia, comprising around 44%<sup>33</sup>. The 2015 Standard Eurobarometer shows though the trend of the decline in the positive image of the EU, which was 36% for Estonia<sup>34</sup>.

Clearly, the support for the European Union in Estonia has been quite volatile, but it is notable that during the year of the Bronze Soldier crisis it was higher than usual. This fact undermines the hypothesis that the Estonian people reject the EU because of its minority politics and the recommendations to Estonia. It most likely shows that in case of crisis between Estonia and Russia, Estonians see the value of belonging to a bigger international organisation that can act on behalf of their small state.

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<sup>31</sup> Eurobarometer 62 – European Commission, DG Communication. Available at: [ec.europa.eu/public\\_opinion/archives/eb/eb62/eb\\_62\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb62/eb_62_en.pdf) (access: 2.03.2016).

<sup>32</sup> Eurobarometer 69 – European Commission, DG Communication. Available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb69/eb69\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb69/eb69_en.htm) (access: 3.03.2016).

<sup>33</sup> Eurobarometer 70 – European Commission, DG Communication. Available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb70/eb70\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb70/eb70_en.htm) (access: 3.03.2016).

<sup>34</sup> Eurobarometer 84 – European Commission, DG Communication. Available at: <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurvey-Detail/instruments/STANDARD/surveyKy/2098> / (access: 3.03.2016).

Other research also shows that the hopes for security guarantees from NATO and EU were more clearly defined than the fears about losing the identity. The ethnic identity of the people of Estonia was seen to be endangered mostly by other social circumstances (for example, depopulation) but not the European Union<sup>35</sup>.

Nevertheless, Estonian voters proved to be the least enthusiastic about EU membership among the post-communist candidate countries. Still, Estonia voted overwhelmingly to join the EU by 66.83% to 33.17%. The turnout of 64.04% was higher than the previous Estonian elections. Some researchers give reasons for the lower support for the EU, namely the legacy of the Soviet Union and an idealised notion of independent statehood, the proximity and connections with the Nordic countries, and specific unpopular government policies that were linked to the EU accession process<sup>36</sup>.

## 2. RUSSIA'S ROLE IN INFLUENCING THE STANCE OF INTERNATIONAL ORGANISATIONS

In this context, it is appropriate to turn here towards the relationship between a nationalising state and international organisations, influenced a great deal by the external national homeland of the Russian minority – Russia.

Russia often uses the strategy of raising the ethnic issue in the international arena. This approach allows for placing it into the wider framework of international law. Russia has been trying to internationalise the issue to a maximum, while using the widely accepted and universal terminology of international law (such expressions as “protection of human rights, minority rights”; “apartheid”; “ethnic cleansing” etc.). The strong side of this tactic is the gradual accumulation of negative information<sup>37</sup>. This trend can be named the “humanitarian dimension” of Russian foreign

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<sup>35</sup> A. Kirch, M. Talts, T. Tuisk, *The Identity Dynamics of the Estonians and the Russians Living in Estonia Before and After the EU Referendum*, „Ethnicity Studies” 2004, p. 37.

<sup>36</sup> E. Mikkel, *Referendum Briefing No 11. The Estonian EU Accession Referendum, 14 September 2003*. EPERN (European Parties Elections and Referendums Network), 2003.

<sup>37</sup> K. Hallik, *Eestimaa venelased: kas Eestimaa või Venemaa vähemus*, [in:] M. Heidmets (ed.), *Vene vähemus ja Eesti valikud*, Tallinn 1998, p. 223.

policy. Certainly, the human rights dimension is a sort of response to the increasing criticism to Russia's own situation in terms of human rights. Russia thus has chosen an offensive approach to human rights issues as the best form of defence<sup>38</sup>. Many international fora are being used by Russia to raise the issue: the United Nations, CSCE/OSCE, The Baltic Sea States Council, to take just the main examples.

In 1992, the president of Russia, Boris Yeltsin, appealed to the United Nations voicing concern over the situation of Russians in Estonia. As a response, on 16 December 1992, the United Nations General Assembly passed a resolution on the human rights situation in Latvia and Estonia.

In 1993, Estonia became a member of the Council of Europe, notwithstanding Russian opposition. As far as the Conference of Security and Cooperation in Europe (CSCE) is concerned, at the time, it made an effort to appease the Russian side and agreed to open the offices for monitoring the situation in both Latvia and Estonia. This OSCE mission in Estonia continued its work until its closure on 31 December, 2001. Its mandate included collecting information and serving as a clearing-house for information, technical assistance and advice on matters relating to the status of the communities in Estonia and the rights and duties of their members.

On the basis of a decision of the 1993 United Nations World Conference on Human rights, the United Nations General Assembly established the office of High Commissioner for Human Rights. All these missions and delegations started to monitor closely the situation with the Russian minority in Estonia coming up with regular reports on the issue.

Russia has also used the discussions at the UN General Assembly in connection with the resolution on Inadmissibility of Certain Practices that Contribute to Fuelling Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to highlight the situation of the Russian minorities in the Baltics. In addition to allegations of violations of human rights of minorities, accusations about attempts to exonerate Nazi ideology have been added<sup>39</sup>.

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<sup>38</sup> G. Pelnens (ed.), *The "Humanitarian Dimension" of Russian Foreign Policy Toward Georgia, Moldova, Ukraine, and the Baltic States*, Riga 2009, p. 22.

<sup>39</sup> *Ibidem*, p. 51.

Russian representatives also speak regularly on the issues related to Estonia at the UN Human Rights Council (HRC) Standing Committee sessions. They also criticise Estonia on the HRC regular sessions on the grounds of statelessness and alleged discrimination of stateless persons in Estonia. In September, 2007, Doudou Diène, the UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance, visited Estonia. His recommendations contained some criticism of Estonia, but the Russian side at the UN was not satisfied. In the opinion of the special rapporteur, the issue of stateless persons required the solution and attention of the government. It is likely that Russian side was annoyed by the reference in the report that Estonia was occupied by the Soviet Union<sup>40</sup>.

The OSCE is also used by Russia as a regular platform to issue statements directed against Estonia. There were several statements concerning the issue of the Monument to the Bronze Soldier, the protection of military burial sites, military pensioners, manifestations of neo-Nazism in Estonia, and human rights in Estonia. On November 29, 2007, Russian Foreign Minister Sergey Lavrov urged other participating states at the OSCE Council of Foreign Ministers in Madrid to declare 2008 the year of mass liquidation of statelessness in Europe, thus drawing attention to the situation in Estonia and Latvia. Russia also expressed great concern on the declaration adopted in 2009 at the OSCE Parliamentary Assembly in Vilnius, where Nazi and Stalinist crimes were treated as equal<sup>41</sup>.

The other forum for Russian activity is the Council of Europe and its Parliamentary Assembly, PACE. In 2007, the Russian delegation at PACE submitted a motion for an anti-Estonian resolution (“Risk of Resurgence of Nazi Ideology in Estonia”), which was motivated by the adoption of the Law on the Protection of Military Burial Sites in Estonia. There were many verbal attacks by Russia in connection with the Bronze Soldier crisis, but all other member states of PACE agreed that the removal of the Bronze Soldier was an internal matter of Estonia, and that the rights of the minorities had not been violated<sup>42</sup>.

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<sup>40</sup> Ibidem, p. 52.

<sup>41</sup> Ibidem, p. 54.

<sup>42</sup> Ibidem, p. 56.

For the time being, human rights are acknowledged as generally respected by the government of Estonia. Such organisations as Human Rights Watch, OSCE, and the United Nations Human Rights Council, have found no evidence or pattern of systematic abuse of human rights or discrimination of ethnic groups. At the same time, Amnesty International raised concerns in 2009 regarding Estonia's Russophone minority. According to Amnesty International, linguistic minorities face discrimination in many areas, especially in employment and education. Specifically, the Security Police is accused of trying to discredit the Legal Information Centre for Human Rights (LICHR) in Amnesty's report of 2009<sup>43</sup>.

By 2014, Estonia has signed and ratified many international conventions, and it submits regular reports on their implementation, including the report on the Framework Convention for the Protection of National Minorities of the Council of Europe<sup>44</sup>. The Advisory Committee report of 2015 states among its main recommendations that the Language Act should be implemented in a flexible way, that the Language Inspectorate should refrain from imposing fines and the state should focus on positive incentives. The report recommends the use of the minority language while communicating with the authorities in the traditional areas, or there where minorities reside in substantial numbers. The report also pays attention to the plans for the transition of education into the Estonian language instruction, and recommends a flexible approach<sup>45</sup>.

Nevertheless, the Russian tactics of raising the issue in international organisations have been continued all through the researched period, including the past few years. For example, in 2011, the Russian Ministry of Foreign Affairs commented on the recommendations of the UN Committee on the economic, social and cultural rights in connection with the situation with human rights in Estonia. The statement of the Russian Ministry of Foreign Affairs asserts that there are still unsolved issues with the status of national minorities, a mass absence of citizenship, discrimination, racial

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<sup>43</sup> [www.amnestyusa.org/our-work/countries/europe/estonia](http://www.amnestyusa.org/our-work/countries/europe/estonia) (access: 3.03.2016).

<sup>44</sup> The reports can be downloaded at the [www.vm.ee/et/eesti-aruanded-rv-organisatsioonidele-konventsioonide-taitmise-kohta-0](http://www.vm.ee/et/eesti-aruanded-rv-organisatsioonidele-konventsioonide-taitmise-kohta-0) (access: 3.03.2016).

<sup>45</sup> Advisory Committee on the Framework Convention for Protection of National Minorities. 2015. The Fourth Report on Estonia, adopted on 19 March 2015. Available at <https://rm.coe.int/168047d0e5> (access: 11.06.2017).

intolerance etc. Non-citizens comprise 7% of the population, and Tallinn should take measures in order to simplify citizenship procedures<sup>46</sup>.

The Russian Federation has been monitoring the human rights in the European Union, and it published a report on this situation in 2013. Concerning Estonia, the report cites statelessness as the main problem: "The issue of mass statelessness of the Russian-speaking population persists in Estonia with the so-called 'non-citizens' constituting about 7% of the total population. Estonia is still slow in implementing its naturalisation programme. It has not adopted the recommendations of relevant international organisations, including those regarding an easier naturalisation procedure for the elderly permanently residing in Estonia"<sup>47</sup>.

Among other issues, the report mentions the income gap and economic discrimination of minorities. It also turns attention to the education and language rights, claiming that Russian language education is under threat. As a persistent problem, the Russian report emphasises the glorification of Nazism, citing the examples of it. For example, it takes note that:

"On 30 March 2013, Urmas Reinsalu, Estonian Minister of Defence, sent his greetings to participants of the Estonian Freedom Fighters Union conference in Tallinn, devoted to the 100th anniversary of the birth of Paul Maitla, SS Obersturmbannführer, who received the Knight's Cross of the Iron Cross. In his address, Mr Reinsalu thanked 'all those who gathered to honour the memory of a remarkable man'<sup>48</sup>.

After acceding to the European Union in 2004, Estonia preferred to discuss the issue of human rights in the format of this international organisation, and not bilaterally. The European Union used to hold regular consultations with Russia on human rights issues. This format foresees that both sides raise their issues of concern. Russia would normally raise the issue of the Russophone minority situation, among other things. But in this

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<sup>46</sup> Сообщение для СМИ. О рекомендациях Комитета ООН по экономическим, социальным и культурным правам в связи рассмотрением правозащитной ситуации в Эстонии. [Statement for the media. On recommendations of the UN Committee on economic, social and cultural rights in connection with the human rights situation in Estonia], [http://archive.mid.ru//brp\\_4.nsf/0/37498301E33AF-5C044257960004588E6](http://archive.mid.ru//brp_4.nsf/0/37498301E33AF-5C044257960004588E6) (access: 3.03.2016).

<sup>47</sup> Ibidem.

<sup>48</sup> Ibidem, p. 153.





case, not Estonian, but European officials would respond to the allegations on behalf of the European Union.

It is necessary to note here that in the political discourse of Russia, the term 'human rights' acquires a different meaning as compared to the Western understanding. When Russian political establishment looks upon the human rights discourse of the West, it is most universally interpreted as a kind of disguise, behind which real political goals are being hidden<sup>49</sup>.

As we could see from the above analysis, the international organisations have certainly exerted influence on the minority issues in Estonia. It is also clear that in the early 1990s, the minority issue was seen as a security issue by the international organisations. It was connected to the fears of impending violent ethnic conflict in this region. The impetus to act in order to protect the minorities came from abroad at first. Later on, the conditionality of the EU and NATO membership was important leverage to influence ethnic politics in Estonia. After EU and NATO membership were achieved, this process slowed down, and we can argue that the issue became less connected to security. Minority rights started to become a normal issue of politics between international organisations and Estonia, and regular monitoring is still ongoing. The fears of violent conflict due to the policies of the nationalising state subdued while Estonia became part of the West itself.

In the quadratic relationship referred to above, Russia plays an important role as well, as external national homeland. It internationalises the issue of minority, placing it on the international organisations' agenda.

ANNA TIIDO

**INTERNATIONAL ORGANISATIONS' ROLE IN ESTONIA'S POLICIES  
TOWARDS MINORITIES**

In this article, I will concentrate on the role international organisations play in the minority policies of states, using the example of Estonia. I use the model of so-called quadratic relationship, where the minority issue is seen from the perspec-

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<sup>49</sup> V. Morozov, *Human Rights and Foreign Policy Discourses in Today's Russia: Romantic Realism and Securitisation of Identity*, Copenhagen 2002.

tive of four poles: the nationalising state, the national minority, the external national homeland, and international organisations. This model originates from the work of Rogers Brubaker, while other scholars, notably David J. Smith, added to the “triadic nexus” the fourth pole of international organisations. The interaction of international organisations with the states is dual. First of all, they play a normative role while ensuring checks and balances on the nationalising state. Secondly, the international organisations are influenced, in their turn, by the external national homeland; in the case of this article: Russia, which seeks to ensure the protection of the national minority. The main findings of the analysis show that the issue of minority in Estonia was seen as a security threat by international organisations, and that both conditionality and normative pressure were applied to avoid violent ethnic conflict. After the accession to the European Union in 2004, the issue of minority in Estonia gradually became an issue of normal politics and regular monitoring. The crisis of the Bronze Soldier in 2007 brought the realisation that the issue of minority is important to Estonian society as such, and not for external reasons. Russia, for its part, continues to internationalise the issue of minority in Estonia by putting it on the agenda of international organisations, accusing Estonia of violations of human rights and a glorification of Nazism.