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HUMAN RIGHTS AS THE POLITICAL-JURIDICAL ISSUES
OF THE ESTONIAN-RUSSIAN INTER-STATE RELATIONS

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INTRODUCTION

Within the domain of human rights minority rights are characterised by a much closer relationship to politics both within, as well as between states. In the Estonian-Russian inter-state relations this problem has two main aspects:

- the granting/acquisition of citizenship and
- the prevention of discrimination of the Russian-speaking minority or their protection.

The citizenship legislation in Estonia is perceived as discriminatory by both official Russia, as well as the Russian liberals, who have turned out completely unprepared for the fact

that the Balts, their former allies in the fight against communism, have come to conceive their own idea of state, built not on "universal" principles, but on "ethnic" ones: the strict idea of democracy of ethnic majority in Estonia and Latvia has been incompatible with the widespread Western norms of democracy oriented to the model of individual freedom. That point of view is shared by most of the Russian-speaking population in Estonia. According to their view, the conditions set forth for the acquisition of the Estonian citizenship would create a segregated society and impose permanent restrictions on the civil rights of nearly 30 per cent of Estonia's residents.

The opposite view of the Estonian officials underline the extremely liberal naturalisation procedures according to international standards which have been examined by international experts. Most of them have agreed that what could be considered as liberal under conditions of continued statehood (a compromise between the full rejection to take into account the consequences of the forcible incorporation into the Soviet Union and the readiness to legalise the Soviet time settlers on certain conditions) does not fully meet the requirements of a society whose ethnic composition has dramatically changed during the fifty years of the Soviet rule.

The issue of the prevention of discrimination of Russian-speakers in the Baltic States has been presented as an international (pan-European), as well as a "kin-state" 's matter. Moscow has chosen "normative power" tactics in making appeals to international norms and justice on international fora and proclaimed diplomatic means for the solution of the issue. However, there were manifestations of the provoking behaviour in 1993-1994 connected with the troops withdrawal but they ended in failure under a strong international monitoring: the public relations value was not in compliance with the highly unpopular issue of the occupational troops. The attempts to link the political issues to the humanitarian ones (the border agreement versus the measures on the improvement of the situation of Russian compatriots in Estonia) were renewed in 1996/1997 as a sign

of the raising of the "kin-state" approach to the issues in the Russian foreign policy.

RUSSIA'S POLICY OF THE PROTECTION OF COMPATRIOTS ABROAD: ITS ELABORATION AND IMPLEMENTATION

The problem of the protection of compatriots' rights abroad is one of the foreign policy priorities of Russia and "the main interest" in the defining of the spectrum of Russian national interests. Starting from 1992 Russia has shaped her role within the space of the ex-USSR between two extreme poles: a complete retreat (isolationism) and the restoration of power (domination on the territory of the former USSR).

The practical policies represented by a compromise "Atlantic" variant ran a liberal concept of the protection of human rights and ethnic minorities constituting thus a civilised participation. However, under the pressure of patriotic forces, who in 1993 appealed to the Moldova crises, to the growth of inter-ethnic tensions in the Baltic States and who were supported in their criticism by the Supreme Council of the Russian Federation, as well as a result of the discussions on foreign policy-making in Russia, the "Westernised" approach was changed by the thesis of the

violation of human rights of Russians in the "near abroad" countries according to the "Main Directions of the foreign policy of the Russian Federation" approved of by president Boris Yeltsyn in May 1993.

The idea that the country has a right and a moral duty to act as a defender of the Russian diaspora in the "near abroad" was also fixed in others political documents of that time. The military doctrine of the Russian Federation adopted in November 1993, determined as a threat the suppression of rights, liberties and legal interests of the Russian citizens in foreign countries (it is known that the draft doctrine determined as casus belli the violation of the rights of Russians and those who identified themselves with Russia abroad). There are also known Russia's attempts (the October 1994 UN General Assembly, the December 1994 Budapest OSCE summit) to obtain international support in this matter and to get special powers to ensure security on the entire territory of the former USSR.

In relations with Estonia, the instrumentalisation of the human rights' problem was related to the above mentioned attempts to establish connection between the withdrawal of troops and the protection of rights of the Russian-speaking population in the Baltic States. However, the attention of the international community, international organisations (first, the OSCE), including a personal interest of the UN Secretary General in the unconditional troop withdrawal, saying nothing about the already existing mechanisms of the monitoring of human rights in Europe, made the Russian civilian politicians to insert corrections in the rhetorics of the Russian military and to explain, that it is not the conditions which matter, but the problem must be considered in one entity (for example, the withdrawal of troops from Estonia and the problem of social guarantees to the retired military whom the Russian party regarded as part of the civilian population).

Notwithstanding the scrupulous activities of the Russian diplomats, the possibilities of the military means of the protection of compatriots remain a subject of speculation in the domestic policies

of Russia - starting from 1993 the majority of Russian citizens regard Estonia as a most hostile state with respect to Russia and Russians. According to the "Political Research Foundation" (Moscow) 93 per cent of Russian citizens considered it expedient and possible to apply, on Russia's part, strong responsive military-political steps towards Estonia discriminating the Russian-speaking population in that country (Nezavissimaya Gazeta, 19 June 1996). The proposals of the reconsideration of the national security doctrines and of the reform of military forces, elaborated by the Russian scholars have shocked the Baltic States by the detailed depictions of the possible military sanctions against the countries-violators of the rights of the Russian-speaking population, however, to a considerable extent, they appeal to the public opinion in Russia.

One could also speak about a broad consensus within the Russian political spectrum on the "self-evident" validity of Russia's protecting role: the discussions have focused rather on the means, the degree of vigour and intrusiveness to be used (Kolstoe, 1995).

In her actual policies, starting from 1992, Russia has referred only to the diplomatic means of the protection of the rights of the Russian-speaking population in Estonia:

- in the course of bilateral inter-state negotiations,
- within the framework of diplomatic correspondence and personal meetings of the officials,
- on different international fora.

THE HUMANITARIAN-LEGAL ISSUES IN THE ESTONIAN-RUSSIAN
INTER-STATE NEGOTIATIONS

The negotiation process between the state delegations of the Russian Federation and Estonia started in April 1992. It included among others the humanitarian-legal problems. Thus, already by the second half of 1993 there were signed:

- the Consular Convention,
- the Treaty on legal assistance in civilian, family and criminal cases,
- the Agreement on the cooperation in the field of pensions,
- the Agreements on the assistance to people moving from Estonia to Russia and from Russia to Estonia.

One of the basic documents of this range of problems was the draft agreement on the regulation of the questions of citizenship prepared by the Russian party in accordance with the Treaty on the basis of inter-state relations of 12 January, 1991. Under Article 3 of that Treaty, both parties undertook to guarantee the citizenship to all those who were the citizens of Estonia or of the Russian Federation according to their own free choice. The choice of citizenship shall in conformity with Article 4 (3) of the Treaty be carried out on the basis of the legislation of the country of residence and a treaty on citizenship matters is to be concluded between the parties. In the draft it was envisaged to make it possible for Russians living in Estonia, as well as for Estonians living in Russia to get the Russian or Estonian citizenship according to their will. The dual citizenship concept for both parties was also proposed by the Russian party.

The Estonian party, not refusing to discuss the draft, however, turned to the tactics of the procedural-conceptual clarification and braked the discussion of the draft. Since the negotiation process, as a whole, took place extremely unequally with significant

intervals connected with both blind alley situations in the priority problem with the troop withdrawal (1993-1994) and the change of governments in Estonia (1992, 1994, 1995), as well as in connection with other priorities in the negotiation process (after the Russian troops withdrawal from Estonia 1994 the border questions acquired priority) the humanitarian-legal questions of the bilateral relations did not receive an impulse for a due development. A cause was also lying in a hope for the previous promise of the Estonian politicians to be liberal on the citizenship issues once foreign troops would leave. The number of agreements signed within that range of problems increased by the end of 1994 at the expense of agreements on co-operation in the fields of science, education and culture. The discussion of the draft agreement on the regulation of the questions of citizenship was practically frozen.

In May, 1995, in connection with the change of government in Estonia, as a result of the elections to the State Assembly and thanks to a generally loyal attitude to Russia on the part of the entire government, as well as separate ministers (Minister of the Interior Edgar Savisaar) there was undertaken an attempt to start negotiations about the dual citizenship. In response, there followed E.Savisaar's categorical refusal to A.Mikitayev, Chairman of the Committee on citizenship problems attached to the president of the Russian Federation.

In the second half of 1996 the Russian government got the possibility to accentuate the problems of the Russian-speaking population in bilateral negotiations, since the Estonian diplomacy concentrated efforts on the signing of the Estonian-Russian Treaty on borders as an indirect condition of Estonia's joining the EU and NATO and the realisation of the clauses of the European Stability Pact.

After having solved for herself the problem of maintaining the territorial status quo, Estonia insisted on the mentioning of the Tartu Peace Treaty in the preamble of the Treaty on borders both in accordance with the Constitution and in order to obtain the

recognition of the Tartu Treaty by the Russian side. However, in September 1995, the categorical statement made by Serghei Yastrzhembsky, Russian president's spokesman, that the Tartu Treaty had lost its force in 1940, pushed the Estonian diplomats to change their tactics and to make a proposal to refuse from the mentioning of the preceding treaties in the preamble of the Treaty on borders.

At the beginning of November 1996, a meeting of Yevgheni Primakov, Russian foreign minister and Siim Kallas, Estonian foreign minister, took place in Petrozavodsk, where there was reached a mutual consent about the readiness of the Treaty to be signed, however, the terms and conditions of the signing of the Treaty were interpreted differently. While Siim Kallas proposed to depolitise the humanitarian problems and invited the Russian representatives to Estonia in order to start a regular dialogue on the problems of the Russian-speaking population, he accounted with the signing of the Treaty on borders already at the beginning of December 1996 in Brussels within the framework of the OSCE meeting. However, Russia declared beforehand that the text of the Treaty needed coordination among many institutions in the country. Ye. Primakov specified in his talk with Toomas H. Ilves, the new foreign minister of Estonia in those days that the problems of Russians in Estonia were to be not discussed, but to be solved.

A group of Russian experts - representatives of the Russian Ministry of Foreign Affairs arrived in Estonia in the middle of December 1996, and after some meetings with official and public representatives, handed over to the Estonian government the text of recommendations on the settlement of humanitarian problems in relations between Russia and Estonia, which basis, as it was declared, constituted the recommendations of the OSCE. A representative of the Ministry of Foreign Affairs of the Russian Federation made a statement on the results of the visit that concrete actions were expected from Estonia in response to the recommendations of the experts.

Minister Primakov, in his speech made on January 9, 1997 at the session of the government, continued the "humanitarian attack" by declaring about the intent "to exert pressure on Estonia in the solution of the humanitarian problems" in connection with the latter's interest in the signing of the Treaty on borders and reminded her about the possibility of the use of economic sanctions. Such statements had been earlier prerogatives of the Russian parliamentarians. Now, a general aggravation of the rethorics of the protection of rights became more evident in the official circles. Thus, Nikolai Monakhov, representative of the Russian president's Committee on human rights, declared about the self-determination right of the Russians living in the North-East of Estonia; O.Kutafin, Chairman of the president's Committee on the problems of citizenship, expressed his preoccupation in connection with a real, upon his opinion, threat of the deportation and forced resettlement of Russians from Estonia; Alexander Trofimov, Ambassador of the Russian Federation in Estonia, called speculative ethnic, historical and legal continuity problems which are fundamental for the restoration of the Estonian state and for the formation of the civil society in Estonia.

In February 1997, Russia published her strategy towards the Baltic States in connection with the debates partly initiated by the West about the possibility of the Baltic countries to join NATO, if enlarged, as well as the EU. The following priority tasks in the humanitarian sphere were mentioned:

- citizenship of Estonia (and Latvia) for all Russian-speaking inhabitants of these countries, who had permanent registration at the moment of the declaration of independence,
- simplification of the naturalisation procedure,
- granting of the right to citizenship according to the birth-place,
- free access to the learning of the Estonian and Latvian languages,
- cessation of the oppression of orthodox believers.

Judging by the fact that the maximum, in particular the Russian, requirements were united in a block with the moderate

recommendations of international experts (softening of the naturalisation procedures and the reduction of non-citizenship status by methods accepted by several countries) as well as the disputable convictions of the Russian authorities (some programmes of the teaching of the Estonian language free of charge have been realised in Estonia already over two years, however, they are financed mainly from abroad, not to mention the special programmes for the learning of the Estonian language in schools and higher educational establishments; starting from 1996 the religious conflict was frozen on the secular level and started to be solved on the level of confessional relations between the patriarchates of Moscow and Constantinopol) the strategy was worked out hastily, at least, in these questions. Anyhow, the more acute problems of the Russian diaspora, for example, the problems of education in the Russian language remained beyond the sphere of vision of the authors.

The solution of border questions was directly connected in this document with "concrete measures for improvement of the situation of the Russian-speaking population", which had to be realised by Estonian authorities.

During a short period the Russian diplomacy stopped to pay attention, at least in declarative form, to the linkage of humanitarian questions with the border problems, since the representatives of international organisations (first of all, EU) as well as the leaders of countries, which are lobbying the membership of Estonia into the EU, did not express their support for that position of Russia, the latter is still taking her own time in the signing of the Treaty on borders. The new motivation is an apprehension of the procedure of the Treaty ratification in the Estonian parliament: it is supposed that the Tartu Peace Treaty will be mentioned in a special declaration of the Estonian parliament in connection with the Treaty ratification, what consequently involves the possibility for its revision. At the same time, the problem of the rights of the Russian-speaking population has apparently passed into the sphere of ratification activities of the Russian parliament, whose vice-speaker Serghei Baburin stated during his

visit to Tallinn in December 1996 that the Russian parliamentarians were notable unanimous in their negative estimation of the situation of Russians in Estonia.

INTER-GOVERNMENTAL CONTACTS ON THE MATTER
OF RUSSIAN-SPEAKING MINORITY

The situation of the Russian-speaking population in Estonia was regularly touched upon in the course of the official correspondence and meetings of the representatives of the Estonian and Russian leaderships starting from 1992.

The enforcement of the Estonian Law on citizenship in February 1992 was the first ground for inquiries and, later, for statements on the part of the Ministry of Foreign Affairs of Russia of April 30, 1992, which expressed preoccupation in connection with the limitation of citizenship rights of the Russian-speaking population in Estonia. However, in that period Russia regarded the settlement of the problem rather positively, relying on international levers, as well as on the possibility of bilateral negotiations and by presenting the so-called "credit of trust" to the new Estonian leadership in connection with the good-will statement of Lennart Meri to the Russian-speaking population of Estonia made right after his election to the post of president of the Estonian republic in September 1992.

The first meeting of the ministers of Foreign Affairs of Estonia and Russia (Trivimi Velliste and Andrei Kozyrev) took place already in December 1992 in Moscow on the latter's invitation. The meeting

resulted in the agreement of the ministers to activate the work of the joint group of the Ministries of Foreign Affairs of the Russian Federation and Estonia on the study of the problem of human rights, as well as on the reciprocal explanation of views on the solution of the citizenship problem of the Russian-speaking population in Estonia and on an agreement of regular inter-ministerial contacts.

However, the further development of the problem of the rights of the Russian-speaking population got only negative reactions in the statements and protests made by the Ministry of Foreign Affairs of Russia. Every legal and administrative act of Estonia touching upon the interests and the situation of the Russian-speaking population in the country got sharply negative estimations followed by personal addresses of the Russian leaders to the Estonian leadership in 1993-1994. This negative tone was caused by:

- the discussion and adoption of the Law on local elections (Russia protested against the deprivation of the permanent citizens of their active electoral right)
- the cessation of the retransmission of the Russian "Ostankino" TV channel
- the debates and adoption of the Law on aliens,
- the ignoring by the Estonian authorities of the results of the referendum on autonomy carried out by the local authorities in the North-East Estonia (mostly by the Russian-speakers),
- the decree on the special order of the issuing of residence permits to the retired military and to the members of their families (a protest against a hypothetical deportation),
- the campaign on the issuing of residence permits,
- the problem of travel documents etc.

The main attention of the representatives of the Ministry of Foreign Affairs of Russia who visited Estonia in those years was directed to the correction and overcoming of the impasse situations related to the questions of troop withdrawal. The meetings of the ministers of

Foreign Affairs of Estonia and Russia, as a rule, were of a formal character on the international gatherings, with the exception of the meeting of Andrei Kozyrev, Russian foreign minister and Juri Luik, Estonian foreign minister, as well as of Lennart Meri, president of the Estonian republic in Tallinn in May 1994 at the CBSS session. Another impasse situation caused by the failure of negotiations on the troop withdrawal three months before the fixed term demanded cardinal solutions. One of the main problems became the question of social guarantees to the retired military remaining in Estonia. Russia regarded it as a humanitarian problem, but considered it necessary to be settled in one packet with military agreements. Estonia, in her turn, regarded it as a demand of preconditions for the withdrawal of troops and Russia's violation of the obligations on the unconditional troop withdrawal from the Baltic States taken by her during the Helsinki summit in 1992. In order to come to an agreement, the first official meeting between the president of the Russian Federation B.Yeltsyn and the president of the Estonian republic L.Meri was prepared and realised at the end of July 1994 in Moscow. In its course the Estonian-Russian agreements on the troop withdrawal and social guarantees to the retired military were signed. Touching upon the problem of the Russian-speaking population in Estonia B.Yeltsyn underlined that the character and perspectives of the Russian-Estonian co-operation in trade and economic sphere could be determined only by a realistic attitude of the Estonian state to that problem.

After the fulfilment of international obligations on the withdrawal of troops from Eastern Europe and the Baltic States by August 31, 1994, Russia, to a certain extent, kept apart from the possibility of the bilateral discussion of the problem of Russians in the Baltic States focusing the attention on the possibilities on the international fora. A certain activation of the inter-state dialogue (but already on the inter-parlamentary level) could be noticed after the elections to the State Assembly of Estonia, which took place in March 1995 and, as a result of which, a Russian faction of 6 members appeared in the Estonian Parliament. However, a general

deterioration of the Estonian-Russian relations, starting from the second half of 1995, for the time being, just permitted to speak about a more qualified information level of the Russian authorities on the situation of the Russian-speaking population in Estonia.

The basic protests of the Ministry of Foreign Affairs of Russia in 1995-97 were connected with:

- the campaign on the acceptance of the resident permit requests,
- the debates and the adoption of laws on schools and gymnasia, the adoption and enforcement of the new Language Law,
- the enforcement of the decree of the requirements of the knowledge of the Estonian language to pass examination for citizenship,
- a conflict within the orthodox church in Estonia,
- the refusal of the Estonian authorities to permit to open polling stations outside the Russian Federation Embassy and Consular institutions during the elections to the Russian State Duma (December 1995),
- the campaign on the issuing of residence permits and aliens' passports,
- the invalidity of the former Soviet passports,
- the issues of the obtaining of residence permits by the retired military.

On analysis of the Russian memoranda on the problems of Russians in Estonia has showed that each document offers in average 3-5 examples of incorrect formulations and selective interpretation of facts, producing rather a distorted idea of the reality. At the same time, it would be wrong to suppose that the Russian party was insufficiently or with a certain delay informed about these or those problems. The question is rather about the "adaptation" of operative information in accordance with the logic of the document, which goal is the verification of the violation of human rights of the Russian-speaking population in Estonia. As examples of unrelated statements: "the persons deprived of the possibility to obtain citizenship"

instead of "persons without citizenship", "the pensioners, to whom the residence permits are given only temporarily, including those who are granted it for 6 months" instead of "the retired military", the provision of statistical data without a necessary logical correlation (for example, the number of the received alien`s passports without the indication of the number of applications) or by the utilisation of uncertain terms like "great number", "lots", "much less volume" etc.

The references repeated in conclusion to the recommendations of international organisations, coincide, as a rule, only partly with the remarks of the Russian party, produce in the context of the document an impression of unanimity between Russia and international organisations on the criticism of these or other actions of the Estonian authorities. In conjunction with such harsh and provocative terms like "discrimination on ethnic basis", "lawlessness and arbitrariness", "violation of human rights" etc., not in conformity with the document language of the OSCE, EU and UN, such a combination looks rather disputable.

HUMAN RIGHTS IN ESTONIA AS AN INTERNATIONAL MATTER IN RUSSIA'S POLICY-MAKING

General remarks on the necessity to monitor the human rights in the NIS (New Independent States) made by the leadership of Russia in the period of her appearance on the international arena as an independent state (December 1991, March 1992 - NACC, March 1992 - CBSS) or as a successor of the USSR (January 1992 - CSCE, January - February 1992 - UN) changed for criticism towards the Baltic States right after the enforcement of the Citizenship Law in Estonia. The

concern of the minister of Foreign Affairs Andrei Kozyrev about "the activities of some of our Baltic partners" declared at the Copenhagen conference of the Baltic Sea States in March 1992 was developed into a sharp intervention of the minister in May 1992 at the session of the Council of Europe with the distribution of the corresponding memorandum, which, in fact, gave rise to a consecutive diplomatic struggle of Russia for the rights of the Russian-speaking population in the Baltic States.

Due to Russia's lobbying, the post of the CSCE High Commissioner on the problems of ethnic minorities established in 1992 envisaged a special attention of the Commissioner to the problem of Russians in the Baltic States.

Russia simultaneously started insisting on the necessity of the direction of a CSCE mission to Estonia and Latvia (in December 1992 at the session of the Council of the ministers of foreign affairs of the CSCE a decision was adopted to direct the CSCE missions to Estonia and Latvia, however, that was done on the basis of the invitations of the Baltic States themselves).

In September 1992, Russia, at a special session of the Committee of the ministers of the Council of Europe, protested against the adoption of Estonia and Latvia into that organisation. It was then that the Russian delegation to the United Nations undertook attempts to establish control over the situation of human rights in the Baltic States using the UN possibilities. As a result, several UN missions came to Estonia and Latvia and the question of human rights in Estonia and Latvia was put on the agenda of the sessions of the UN Committee on human rights.

In March 1993, at the CBSS session in Helsinki, on Russia's insistence, there was adopted a decision to establish the post of the Commissioner on human rights and ethnic minorities within that organisation (a year earlier, at the Copenhagen meeting, the expediency of such a proposal was subjected to doubts by the

majority of member-states because of the possible duplication of the functions of the CSCE Commissioner).

In May 1993 Estonia was accepted to the Council of Europe. Protesting against such a decision, A. Kozyrev refused to participate in the session of the Council of Europe on the level of the ministers of foreign affairs and simultaneously proposed to convene an extraordinary CBSS session to discuss the new discriminatory, on Russia's opinion, legal acts of Estonia with respect to local Russians (draft laws on local elections and aliens). The representative of the foreign minister at the session of the Council of Europe expressed on May 14, 1993 Russia's particular opinion in connection with the adoption of Estonia to the Council of Europe. On June 15, 1993, at the world conference on human rights, A. Kozyrev, referring to Estonia's membership in the Council of Europe, accused the Western countries of maintaining a "double standard" in the estimation of the situation with human rights in the Baltic States.

On June 29-30, 1993, on Russia's initiative, the Committee of senior officials of the CSCE considered the situation of the Russian-speaking population in Estonia and undertook a demarche in connection with the unsatisfactory laws of Estonia on local elections and on the status of persons without citizenship.

In the same year, Russia managed to include the discussion of the problem of human rights in the Baltic States in the agenda of the UN General Assembly. As a result, it adopted on December 8, 1993 the resolution " On the situation in the field of human rights in Latvia and Estonia", which acknowledged the existence of unregulated problems concerning large groups of the population of different ethnic backgrounds and the necessity to regularly inform the UN member-states on the development of the situation in the Baltic States. On December 20, 1993, thanks to Russia's lobbying, there was established the post of the UN High Commissioner on human rights, whose special attention had to be directed to the observation of human rights in Latvia and Estonia.

In July 1994, in the course of the Vienna meeting of the CSCE, a delegation of the Russian Federation initiated a special consideration of human rights in the Baltic States, as a result of which a decision was adopted to prorogue the mandates of the CSCE missions in Estonia and Latvia. In August 1994, at the 46th session of the UN Subcommittee on the prevention of discrimination and protection of minorities, Russia proposed to elaborate a special UN mechanism (a special rapporteur or a special working group) to monitor the situation of minorities in the Baltic States.

In September 1994, after the completion of the withdrawal of her troops from Eastern Europe and the Baltic States, Russia declared about the activation of human rights's activities, acknowledging the problem of human rights in the Baltic States as an all-European question.

In December 1994, during the Budapest summit of the CSCE (OSCE), on B.Yeltsyn accused Estonia and Latvia of the continuation of a mass violation of human rights including the infringement of the rights of the orthodox church in Estonia. In Budapest there was adopted a declaration on the problem of the Baltic region, which underscored the role of the OSCE in monitoring the human rights in the Baltic States.

On Russia's insistence, the Permanent Council of the OSCE in February 1995 approved of a comprehensive mandate to the OSCE representative in monitoring the implementation of agreements on social guarantees to the retired military and the members of their families.

In March 1995, A. Kozyrev, in his speech in Paris at the final conference on the Stability Pact in Europe, stressed the importance of international political-diplomatic guarantees for the rights of the minorities resorting to the example of the situation of the Russian-speaking population of Estonia and Latvia and the possibilities of the discussion of the problem within the framework

of the Baltic Regional Table formed in May 1994 in the course of the signing of the Stability Pact in Europe.

In May 1995 the regular (IY) session of the CBSS considered the report of the Commissioner on democratic institutions and human rights, who started his work in October 1994. Russia underlined the necessity to orient the Commissioner to the problem of the observation of the rights of the Russian-speaking population in the Baltic States.

In September 1995 the Geneva Committee on Human Rights, due to the lobbying of the Russian representatives, adopted a sharply critical resolution about the situation of the Russian-speaking population in Estonia.

At present, Russia is actively using all possibilities to regularly consider the question of the rights of the Russian-speaking population in the Baltic States in the following international organisations:

- UN (General Assembly, UN Committee on human rights, UN Subcommittee on the prevention of discrimination and the protection of minorities, the UN fact-finding missions on the violation of human rights, the UN High Commissioner on human rights),
- OSCE (different fora, the OSCE High Commissioner on ethnic minorities, the OSCE missions),
- CBSS (sessions, the CBSS Commissioner on human rights and minority problems),
- the Council of Europe.

In 1996/1997 Russia suffered some successive defeats on the international level in her hard opposition to Estonia in the questions of the protection of the rights. The problem of the situation of the Russian-speaking population in Estonia failed to be included in the agenda of the UN General Assembly in September 1996. The resolution project, which had been worked out by the Russian delegation in the CE, was not submitted for consideration,

the representatives of the OSCE had to stress on different occasions, that the OSCE did not consider it possible to talk about mass violations of the human rights in Estonia, a representative of the European Commission spoke negatively about the Russian moves to paralyse the humanitarian problems in connection with the signing of the Estonian-Russian Treaty on borders. The evaluations of the Council of Europe, which were especially unsuitable for the politics of Russia, the latter defined as "a practice of double standards", which causes the provocative behaviour of Estonia (refusal from a determinate discussion of the problems of the Russian-speaking population).

THE RULES OF RUSSIA'S POLICIES TOWARDS COMPATRIOTS LIVING ABROAD

The basic political document regulating the relations between Russia and the Russian-speaking diaspora on the territory of the former USSR is the programme "The Main directions of the state policy of the Russian Federation with respect to compatriots living abroad", approved of by the government of the Russian Federation on August 31, 1994, in accordance with the decree of the president of the Russian Federation of August 11, 1994.

The completion of the programme was preceded by the parliamentary hearings in the State Duma of the Russian Federation on the "Situation of compatriots abroad" (1994). One of the documents, which stimulated the appearance of the programme was the statement of the Supreme Council of the Russian Federation "On the Measures in connection with the violation of human rights in the Estonian Republic" (1993).

The key issues of the presentation of the conceptual position of Russia and of the interpretation of the political steps undertaken by her were as follows:

- the determination of the sphere of humanitarian responsibility of Russia in the space of the former USSR,
- the determination of "compatriots, whose ranks include not only the citizens of the Russian Federation, but the settlers from Russia and their descendants as well,
- the determination of "serious measures" permissible as regards the states, in which "the compatriots` rights are grossly violated": the reduction of trade-economic relations, the change of the customs regime, the canceling of privileges to the representatives of the states-violaters, which are valid on the territory of Russia.

(It is necessary to stress that in A.Kozyrev's speech at the meeting of the Russian ambassadors to the CIS countries and to the Baltic

States in January 1994, the "economic sanctions" were also qualified as "serious measures". Later, in March 1995, the State Duma of the Russian Federation, after having accused Estonia of the political, legal, social and economic discrimination of the compatriots, demanded serious measures to be taken with respect to Estonia).

The programme, as a whole, contained a depiction of political, legal, informational, diplomatic, economic, social and cultural measures necessary to be taken by Russia to improve and reinforce the situation of the Russian-speaking population beyond Russia's territory.

A more concrete document was elaborated by the Governmental Committee on the compatriots' affairs. "The Programme of supportive measures with regard to compatriots abroad" was adopted in May 1996. The main thesis of that programme stated Russia's point of view on the responsibility of the states, where compatriots are settling, to grant them the whole complex of citizenship, political, economic, social and cultural rights. It is said that Russia intends to use all internationally recognised protection measures in a case of discrimination of compatriots.

The Ministry of Foreign Affairs, the parliamentary committees and commissions, as well as the president's commissions on problems of the human rights and citizenship have become transactive performers of concrete measures in the field of the "creation of conditions for the real observance of rights and freedoms of their compatriots". Corresponding ministries, institutions and social organisations are dealing in the other mentioned fields. At present, one can speak about the realisation of some measures from the block of financial support (support of the Russian community), support of higher education in the Russian language (branches of higher educational establishments, which invite the Russian citizens living in Estonia to study in Russia), from the blocks of cultural (most intensive) and social (retired military) measures, as well as information support (assistance to newspapers in the Russian language).

RUSSIA'S ARGUMENTATION ACCORDING TO INTERNATIONAL LAW

The basis of the international-legal argumentation for Russia in raising the questions of the violation of human rights in Estonia is the recognition of the after-war structure on the European continent established on the UN Charter, determined by peace treaties and confirmed by the Helsinki Final Act and the Paris Charter for new Europe. In connection with the preparation of a draft appeal of Estonia to the United Nations to call Russia, as a legal successor of the USSR, to responsibility for the occupation of 1940, the Russian experts on international politics have refused, in any way, to qualify the events of 1940 and remarked that the contemporary

international law originating from the UN Charter does not permit to settle questions related to an earlier period. The principle of the state continuity put in the basis of the state-building of Estonia and, in particular, brought about in the Citizenship Law of the Republic of Estonia, from Russia`s point of view, must be reasonably combined with the norms of the Code on human rights :

- the Universal Declaration on Human Rights, 1948;
- the International Covenant on Civil and Political Rights with an Optional Protocol attached to it, 1966;
- the Convention on the Reduction of the Statelessness 1961;
- the Convention relating to the Stateless Persons, 1985.

These are the documents also mostly quoted by the Russian-speaking population of Estonia in the estimations of their legal status.

Russia agrees with the fact, that the problem of the Russian-speaking population in the Baltic States (as well as in the CIS states) came to the foreground and became acute as a result of the uncontrolled migration in the Soviet period, however, she believes, that the solution of the problem must be in accordance with the basic principles of the international law according to which the prima facie resettlement of the population (whether it's forced or not) is unlawful. In the case of Estonia, according to the Russian politicians and lawyers, the squeezing out of the Russian-speaking population is done in "whight gloves" ("a civilised variant"):

- first, civilised laws acceptable by the international standards are adopted, which permit the discrimination of a definite category of inhabitants,
- then the practical activities of the state structures start functioning, putting the laws and the adopted sub-law acts into practice (at this stage, the violation of rights is most evident since there exists a dependence on the clerk applying this or another law or act),
- Russia qualifies as a third and fourth parts of the "ousting mechanism" an evident indifference of the Estonian authorities to the situation of the Russian-speaking community and the general

psychological atmosphere of "Russophobia" permeated on all levels of the public life in the country.

Moreover, according to the opinion of a researcher involved in the process of decision-making on the policy protecting compatriots abroad, the usage of the term "minority" by the Estonian authorities in relation to the Russian-speaking population has a definitely political meaning: new leadership representing titular ethno-nations has rushed to introduce the "nation-minority" dichotomy to legitimise their dominant status and sometimes to exclude non-titulars from government and even from citizenship (Tishkov, 1996).

According to Russia's position, there are three basic models of the state with a non-local language population acceptable from the point of view of the observation of human rights (with an account of specific geopolitical, historical, legal and cultural conditions in the country):

- the creation of optimal conditions of the integration with the citizens (most welcome is the so-called "zero option" of the granting of citizenship - the registration, as well as the variants softening (minimising) the conditions of naturalisation and the extension of the possibilities of an automatic obtaining of citizenship for different population categories),
- the possibility of the choice of citizenship during the transitional period measured by the life-time of one generation,
- the state's assistance to the possible re-emigration.

Russia acknowledges her right to make Estonia to harmonise the legal relations of the state and the Russian-speaking population, utilising the means and methods envisaged by the international law. Russia retains possible her human rights' activities towards Russians in the Baltic States:

- as a state, which hurried to recognise Estonia without using the so-called Brussels minimum of the recognition of states, which presupposes guarantees of rights of ethnic minorities and the respect of human rights in the country as a necessary precondition of its recognition,

- taking into account that the questions of the violation of human rights and of the ethnic minorities are not the internal affair of the state, but present a direct and lawful interest for all countries of the region.

A minimum programme in this direction is the implementation of the articles of the Estonian-Russian Agreement of 1991 and, above all, whatever concerns the citizenship problems in order to ensure the political, economic and other rights of the compatriots. Under these conditions, the determination of the obtaintion of citizenship on the basis of the "expression of one's free will" is intepreted as an unconditional, automatic, registrative or simplified procedure. The dual citizenship and the Russian language as the second state language are envisaged in the maximum programme and are of a political significance in the reinforcement of trust between the states.

ESTONIAN CITIZENSHIP POLICY

The basic principles of the Estonian Citizenship policy were formed in 1991-1992. From the position of international law as it was interpreted by the Estonian authorities there was the 1940 occupation of the Baltic States as a result of an unlawful (1939 Secret protocols to the Soviet-German treaties) aggression. Under the international law the occupying country is not allowed to settle its citizens on the occupied territories. If the occupation presumption is accepted, the 1939 citizenry of the Republic of Estonia may be chosen as the main bearer of the state continuity in 1991. The presence of the Soviet-era colonists on the territory of Estonia needs to be made legal by special acts concerning foreigners and migrants (or it must not to be made legal as it was declared by more radical forces in the decision-making process).

The 1992 Law on Citizenship adopted by the Supreme Council of Estonia was based on Estonia's 1938 Law on Citizenship with amendments of June 16, 1940 and an accompanying resolution on its implementation of February 26, 1992. Accordingly, persons who were citizens as of June 16, 1940 or their direct descendants were eligible for immediate citizenship. Citizenship might also be granted to the honoured persons. Persons who moved Estonia after 1940 were eligible to apply for naturalisation under the following conditions:

- two year residency beginning from March 30, 1990 - the day that Estonia declared its intention to restore statehood;
- knowledge of the Estonian language;
- acceptance of an oath of loyalty.

Ineligible for naturalisation were:

- active duty foreign military personnel;
- persons employed by the USSR security and intelligence services;
- persons without a legal source of income.

Following the application for naturalisation the applicant had to reside an additional year in Estonia (a waiting period).

By the end of 1992 the non-citizens were grouped into two basic categories :

- those connected with the Soviet army (90,000 to 100,000 individuals) who were the active and retired personnel of the foreign army, their families and relatives, mostly individuals who opposed Estonian independence;
- the rest of the people (more than 500,000 individuals) who had lived in Estonia for a shorter or longer period of time (of those, 234,000 people were born in Estonia).

In April 1992, 42 per cent of the aliens in Estonia were interested in leaving, 22 per cent had already decided to leave and 8 per cent were ready to leave immediately. During the first nine months of 1992, approximately 26,000 individuals actually left Estonia. Based upon these facts it was assumed that in the near and distant future about 200,000 to 300,000 aliens would make plans to leave Estonia.

That impression was broadly used by Estonian officials at the beginning of 1993. As an example, in the speech of the Speaker of the Estonian parliament Ulo Nugis, at the session of the Parliamentary Assembly of the Council of Europe (February, 1993) it was underlined: " We are especially concerned about a large number of people who have come to live in Estonia - they want to move to the Western countries from here and want to get the citizenship of those countries. They do not succeed in that and so keep waiting here in Estonia." (Nugis,1993).

By checking the migration streams the state policy assisted the emigration of non-Estonians. To carry out these goals, the Migration Foundation was established by the government in 1992 in addition to

many private firms and organisations, which offered the needed material and organisational aid for leaving the country.

Another sociological survey of that time presented data about 320,000 aliens preferring to stay in Estonia and to obtain Estonian citizenship. The last one was regarded by Estonian officials as non unrealistic because of liberal naturalisation rules in Estonia. However, it was expected that complicated citizenship or human rights issues may develop considering the fact that the Russians - non-citizens may find it difficult to get used to the change of their role from the majority population of a colonial empire to that of a minority in a foreign country.

The integration of immigrants had only one real outcome - the government enactment on teaching and examination system of the state language.

In other words, a strategy to limit the political influence of a post-imperial ethnic minority was outlined. "What we really cannot do is agree with the Russian demand to grant citizenship automatically and without qualification, to all inhabitants who are settled in Estonia as a result of the Soviet occupation and colonisation... Yielding to the pressure would mean that Estonia would abandon its newly obtained sovereignty" - said Tunne Kelam, head of the Estonian delegation to the CE, at the May 1993 session of the CE, where Estonia was admitted to full membership.

The determination of the citizenry made it possible to adopt the Constitution and to held elections in 1992. However, the legal status of Soviet-time immigrants was unfair and their participation in society was restricted by both judicial and psychological motives.

The Estonian citizenship policy has reflected a self-defence reaction of Estonians: their wish to return to the normal course of history, their fear to be at a vanishing point because of rapid ethno-demographic changes in 1945-1989, their need to preserve the

national identity, which were closely linked with their decision to integrate only loyal non-Estonians into political bodies of the Estonian state (moderate exclusionism). Loyalty of non-Estonians equalised with their consent to the procedure of naturalisation, where the language requirement was the main obstacle for non-Estonians (data from the 1989 census showed that 85 per cent of non-Estonians knew no Estonian at all) and the main instrument of their political marginalisation. Even the waiting period requirement gave a political effect to provide "elections free from Russians" during the year of 1992.

However, the public opinion background for the decision-makers in Estonia was not very strong: answering the question as to the suffrage of non-citizens (the proposal of the Centrist party to broaden the electorate with the citizenship applicants) 46 per cent of voters voted for the extension of the electorate in the referendum on Constitution of June 1992.

The strategy of a certain distance with non-Estonians became less effective in 1995 as larger groups of non-citizens were naturalised and made use of their political rights (in the 1995 parliamentary elections ethnic Russians won six seats and expect from 8 to 12 for the next elections), however the inertia of the controversy over the "second class citizenship" and "human rights' violations" that developed during the 1992 presidential and parliamentary elections have remained in force.

Under an international criticism and in spite of the aim to be the member of the Council of Europe, several positive changes in the Estonian legislation were made till May 1993:

- in February 1993 a law legalising a more flexible approach towards persons who had to pass the language test was adopted (elderly people and invalids were practically freed from the Estonian language examination requirements);
- those who applied for the citizenship before the Estonian Congress was elected (1991) - without any language requirements, altogether nearly 40,000 persons;

- the dual citizenship was allowed for those holding it by birth;
- maternal and paternal linkage were equated in citizenship applications;
- a draft law on local elections was submitted to the parliament: all persons residing permanently on the territory of a local government unit shall have the right to vote (before that, only Estonian citizens were eligible).

In July 1993, Estonian President L. Meri with the help of the CSCE set up the President's Round Table composed of the representatives of non-citizens (Russian-speaking Population Representative Assembly), ethnic minorities (Estonian Union of Nationalities) and parliamentarians. This forum was established for a permanent dialogue between the Russian-speaking minority and the Estonian majority on a number of crucial issues:

- conditions of citizenship, rapid situation in the North-East Estonia, local elections - in 1993;
- residence permits, travel documents, educational issues - in 1994-1995;
- integration issues, cultural autonomy issues, local elections and education as well - in 1996-1997.

However, in July 1993 the main aim of that body was to settle the political crisis emerged from the Law on Aliens debated in the Estonian Parliament (the authorities of the North-East Estonian cities, mostly settled by Russian inhabitants, prepared referenda on regional autonomy).

The Law on Aliens adopted in July 1993 established a legal basis for the residence of non-citizens in Estonia. Two main problems arose with the government's implementation of the law:

- the application procedure for residence started only the next year (three month before the deadline envisaged by the law), therefore the deadline was postponed;
- three years of temporary residency (with certain limitations of rights) was envisaged for all the aliens before getting a permanent status.

It was only after the criticism of this provision by the CSCE, the EU and the Representative Assembly, as well as after April-May 1994 consultations with the Presidential Round Table, that the Estonian government proclaimed a policy according to which those with permanent status from Soviet times and continuing to reside in Estonia would be guaranteed the social and economic rights of permanent residents.

Under an international pressure Estonia signed the Troops Withdrawal Agreement with Russia (July, 1994). The Agreement on Social Guarantees to Retired Officers was signed in the same packet. Estonian authorities were obligated to grant residence permits to most of the officers and their family members - a special procedure was elaborated, each case was examined on an individual basis. There was established in Estonia a special committee on the study of the requirements for residence permits, which included the representatives of the Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministries of Defence and Social Affairs, as well as a representative of the OSCE.

Sociological data of 1994 showed that 79 per cent of the retired officers expressed a wish to obtain residence permits, but only 31 per cent considered that opportunity as realistic. More than half of the respondents estimated their legal position and psychological situation in Estonia as "much worse" than that of the others non-citizens.

In 1994 the Estonian government also adopted a decision to introduce a special travel document valid for six month and good for one trip only to eliminate the travel restrictions of the alien population (since the former Soviet internal passports were to become invalid on 12 July, 1995). Later, their validity was extended for two years in order to accomodate entry visa requirements of other countries. Simultaneously, the alien's passports were started to be issued.

However, while improving the regulation of the aliens' situation, the citizenship policy shifted back towards a conservative platform. A new Law on citizenship came into force in April 1995

(most of the critical comments made by the experts of the CE to the draft law were not taken into account):

- the requirements for the naturalisation of resident aliens became more strict;
- a requirement of the basic knowledge of the Estonian Constitution and the Citizenship Law was added to the language test of the naturalisation procedure;
- the naturalisation of spouses was introduced and the deprivation of citizenship only with regard to citizens through naturalisation was established.

A fact acknowledged is the conclusion of the Estonian academician Andrus Park made in 1994 on the matter of "liberalising moves" of the Estonian government: "These and other similar moves corresponded to the cyclical pattern that was visible in the Estonian citizenship policy already since 1992: first, a relatively radical law was established, then certain liberalising specifications were added to it, then another relatively radical law was adopted, then again certain liberalising specifications were added, etc. The underlying longer trend in 1991-94 was - against all this cyclical background - towards making the citizenship policy more Estonian-centered and uncompromising." (Park, 1995).

Those liberalisations are obviously linked to the external criticisms both from the international organisations and Western governments, as well as from Russia. Estonia is more sensitive to the first ones where she gains - whether support or rejection - a set of constructive remarks to improve the emerged situation. Concerning Russia's criticisms, Estonia remains convinced that the idea of human rights is cynically exploited by Russia to involve Estonia in a propaganda war.

Due to the technical delays in the issuing of residence permits the government prolonged the period of the validity of the former Soviet passports after the earlier fixed date of July, 12, 1996, for the period necessary to receive any document (alien's passport, the passport of a citizen of another state) as well as an inset on

the residence permits. Later there was fixed the final term - May, 15, 1997, which was rather realistic, as it appeared, for the issuing of documents for the main masses of non-citizens, what did not receive any sharp critical remarks either from the local population, or the observers from outside, practically for the first time in the registration practice of the Estonian State. In order to speed up the procedure of the reception of passports by aliens, some additional offices of the Department on Migration and Citizenship were opened for the acceptance of applications.

In order to simplify the bureaucratic procedure, there were adopted some government decisions:

- on the identity of the fixed-term residence permits given to aliens, who had lived permanently in Estonia till 1991 and the labour permits;
- on automatic conversion of the fixed term residence permits into the permanent ones for the loyal non-citizens (the criterium of the loyalty is the application for residence permits, handed over in the fixed term - till July 12, 1995).

The tendency in today's world is away from the requirement of citizenship as a basis for the exercise of rights, especially of human rights. (Ost, 1993) Estonia is confident that she has expressed clearly her willingness to guarantee the implementation of human rights to all her inhabitants, citizens or not.

The Estonian Constitution, adopted by the referendum on June 28, 1992, contains an entire chapter (from Art.8 to 55) setting forth an extensive list of fundamental rights, liberties and duties of the individual. Most of the entitlements are granted to everyone, preferential rights to the benefit of the Estonian citizens concern just certain categories of properties (land-ownership).

The most important international human rights' instruments, adopted by Estonia till now are as follows:

- International Covenant on Economic, Social and Cultural Rights,
- International Covenant on Civil and Political Rights with the First Optional Protocol attached to it,

- International Convention on the Elimination of All Forms of Racial Discrimination,
- International Convention on the Suppression and Punishment of the Crime of Apartheid,
- Convention on the Prevention and Punishment of the Crime of Genocide,
- Convention on the Rights of the Child,
- Convention on the Elimination of All Forms of Discrimination against Women,
- Convention relating to the Status of Refugees with the Protocol attached to it.

Besides that, the European Convention on Human Rights and all its Protocols, ex. Protocol 6, were ratified with reservations on the matter of property rights and punishment. The ratification of the Framework Convention for the protection of ethnic minority was accompanied by the acceptance of the limited definition of minority by the Estonian parliament doubtfully to be considered as a step back, because the main idea of the European Convention which obligates the states to respect human rights without making differences between citizens or residents of the country remains more powerful to monitor the all kind of humanitarian politics implementation than the other standards.

The decision of the Council of Europe on the removal of the supervision of Estonia made in January 1997 was regarded as an important success of her foreign policy, which significantly restricted Russia's opportunities to raise the question about the continuing violation of the rights of the Russian-speaking population and allowed Estonia to follow the principle of "the abstaining from responding to the regular Russian accusation" as one of the diplomatic principles in the Estonian-Russian relations. The decision of the Council of Europe became a third international certificate of the democratic development in Estonia during the recent half a year, including the denial of the inclusion in the agenda of the UN General Assembly in September 1996 of the resolution about the violation of human rights as well as the

rights of ethnic minorities, upon what Russia insisted, as well as the protest of Max van der Stoep, the OSCE High Commissioner, against the words about mass violation of human rights and the potential disintegration of the Estonian society, as well as the violation of the standards of international law and the restriction of the rights of non-citizens in Estonia, what had been attributed to him by a representative of the Russian Ministry of Foreign Affairs.

The attention of the government to the problems of the integration of the non-indigenous population, which was definitely connected with the elaboration of the strategy in the course of the preparation of the joining EU, has appeared at the beginning 1997 formally expressed first in the restoration of the post of a Counsellor of the prime-minister on interethnic questions, and later also in the restoration of the post of a Minister without portfolio - Minister of Interethnic Relations (symptomatic that this post was filled by Andra Veidemann, the former Minister of European Affairs). The new Minister has determined the extensive teaching of the Estonian language to aliens and the development of a dialogue between the two communities as a tactical task for a successful development of the integration procedure, and as a more concrete task - the monitoring of the work of the Migration and Citizenship Department (a source of the most individual administrative problems of the non-citizens).

THE POLITICAL MOBILISATION OF THE RUSSIAN-SPEAKING POPULATION
IN ESTONIA

The Russian-speaking population in Estonia has been considered by Russia as a kind of homogenous mass, whereas it is, to a considerable degree, subjected to a social and cultural stratification. Most of the Russian residents of Estonia have never supported Russia's argument that the presence of the ex-Soviet armed forces in the Baltic States might be required for the defence of the human rights of the Russians residing there, however, they have never agreed that their rights were not violated in Estonia both on the legislation-making level as well on its implementation.

The political and public organisations of the Russian-speaking population in Estonia started to activise their work at the beginning of 1993 by forming the Representative Assembly of the Russian-speaking population in Estonia. This organisation became the main qualified expresser of the opinions of the non-Estonian population about the laws called to regulate its relations with the Estonian authorities. The main benefits of the Representative Assembly were as follows:

- a representative participation in the Round Table attached to the president of the Estonian republic convened in May 1993,
- close contacts with the CSCE missions in Estonia, with the High Commissioner on the rights of ethnic minorities,
- contacts with Western organisations standing for human rights.

The last ones from Denmark helped to create in 1994 the Public Center on the legal information on human rights. In 1995 the Center sent to the UN Committee on human rights an alternative report prepared by it on the situation with human rights in Estonia sharply conflicting with the official view. The differencies in the scope of rights of the rightful and naturalised citizens, the discrepancy between the local legislative practice and the standards of international law, as well as individual cases of the violation of human rights were presented in this report and considered by the Committee.

The tensions between the Presidential Institute for Human Rights (established in 1992) and this organisation obviously exist as well as mutual accusations of the official propaganda or of the pro-Russian activities continue. However, both of them are working independently and the gathered information is spread out.

At present, there are two main political parties of the Russian-speaking population in Estonia - the Russian Party of Estonia and the United People's Party of Estonia represented in the Parliament, but since December 1996 they do not form a faction due to inner differences. Among the most marked social organisations there are:

- the Union of slavic educational and charity associations, which activities are directed to the maintaining of a special cultural space of the Russian-speaking population;
- the Russian community of Estonia established by the leaders of one of the disintegrated Russian parties is claiming to build a kind of a patronising system in order to help to overcome several problems of the Russians, who live in Estonia (from employment and qualification problems to educational problems);
- The Union of the Russian citizens in Estonia and its regional branches, which is uniting the citizens of Russia;
- The Union of veterans's organisations, which is uniting the retired military in Estonia.

The membership of Russians in the Estonian parties is insignificant and connected mainly with the left-centric parties, which during election campaigns stand for the necessity of a tolerant solution of the "Russian problem". It would not be true either to speak about the preference of the Estonian candidates by the Russian electorate, with the exception of just two or three charismatic leaders who enjoy little popularity among Estonians.

All political and social organisations of Russians in Estonia declare about their support to the interests (sometimes specific) of the Russian-speaking population. The criticism of the legislative policy and of the practice of the Estonian authorities is basically connected with uncomfortable situations, originating from the

registration problems, which provoke wide discussions of the "discriminative purposes and effects" of the state policy mainly in the Russian language mass-media. Since the more liberal organisations pay more attention to the legislative policy and the prevention of possible discriminatory effects, trying to find out, for example, legislative differences in the rights of the citizens (naturalised and rightful) and non-citizens. The more radical organisations pay more attention to the proper "discriminatory effects", either in about 2-3 cases directly falsified or interpreted indefinitely as, for example, "the refusal in granting of residence permits for tens of thousands of people", "breaking of families", "regime of registration control", "the Estonianisation", "total destruction of the higher educational system in the Russian language", "the interference within the affairs of the church", "prohibition to be elected to the parliament", "change of the Russian family names" etc.

Practically all Russian organisations are supporting the initiative of the Russian faction (1996) - the necessity of the introduction of the ombudsman's institution in the Estonian parliament, whose special attention should be directed to the rights of the Russian-speaking population in Estonia, whose electoral possibilities at present are rather small.

The Russian factions in the city assemblies of Tallinn, Narva and Sillamae brought to life as a result of the local elections have also institutionalised the political possibilities of non-Estonians in standing for their rights. By 1995 the non-Estonian electorate increased significantly, as a result of which 6 Russian deputies were elected to the State Assembly of Estonia, thus forming a Russian parliamentary faction. (In 1996 the deputies of the Russian parliamentary faction and of local self-governments formed a union to protect the rights and dignity of the Russian-speaking population of Estonia).

The attention of the Russian political forces is permanently riveted to :

- Citizenship Law of the Estonian Republic (of February 21, 1995) - the softest amendments concerning the mitigation of the requirements of the knowledge of the Estonian language and the facilitation of the procedure of the obtaintion of citizenship by the children of the naturalised citizens are proposed by the parliamentarians, whereas more radical amendments are put forward by the deputies of local self-governments.

- The Law on cultural autonomy (of October 26, 1993) - a demand that the non-citizens participate in cultural self-government. According to the opinion of the Russian deputies, this law does not practically work, due to the limitation in the definition of the ethnic minorities, to whom only the citizens of the Estonian Republic can be referred. While ratifying the Convention on the rights of ethnic minorities in the Estonian parliament, this definition was confirmed again, which, however, provoked a protest with the Russian deputies, who demanded an enlarged interpretation.

- The Law on aliens (of July 8, 1993) - a requirement to grant permanent residence permits to all who lived in Estonia before July 1, 1990. This problem is partly solved at least on the governmental level.

- The Language Law (of February 21, 1995) - a fear for a language discrimination on the basis of sub-law acts included almost in all articles of the Law. The Russian politicians are parallely discussing the problem of the reinforcement of the status of the Russian language in Estonia motivating that the Russian language is a native language for 35 per cent of the population, and for the majority of the Estonians it is the mainly spoken foreign language; the maximum goal is to turn the Russian language into the second state language; the minimum goal is the legalisation of the administrative and regional use of the Russian language.

- The Law on basic school and gymnasium (1993) - a categorical protest against the cessation of the education in Russian from the year of 2000. Amendments to this law have passed the arliamentary

hearings in 1996. At present, the government has proposed a compromise variant: granting of the possibility of the learning of the Estonian language in schools, what is necessary for the graduating students to continue their education after 2007 in the Estonian language with the preservation of Russian schools.

A real successes of the activities of the Russian-speaking politicians in Estonia could be related to:

- the decision of the government on mass issuing of the aliens passports (January 1996)
- the change of the Law on local elections in May 1996 in connection with a wide protest campaign (information sent to international organisations, a letter addressed to the president of Estonia, statements in the press) against the article on the necessity for the candidates, who had not studied at Estonian educational establishments, to pass the exam of the Estonian language. From the political point of view, it could have sharply limited the number of Russian candidates.

The last example was one of the most vivid indicies of the political ability of the Russian-speaking population in standing for their rights: inspite of the fact, that the Constitutional Committee did not agree with the remarks of the president of the Estonian republic, who did not proclaim the Law, declaring that it did not correspond to the Constitution of the Republic of Estonia and a number of international conventions, it proposed to yield, due to political considerations.

The international human rights co-operation of the Russian politicians in Estonia in 1995 was expanded due to the contacts with CE PA as well as due to the creation of the Assembly of the Russian-speaking population of the Baltic States - an inter-parliamentary and inter-party organisation called to protect the rights of the 2,5 million Russian-speaking population in the Baltic States, thus forming a united informational space both between the Baltic States themselves and the Baltic States and

Russia. However, this organisation cannot pretend at present to be representative. It includes members of the more radical Russian parties, of social and political organisations, while the moderate Russian language politicians prefer to keep a distance from this forum.

The Russian parliamentarians of the State Assembly and the Russian factions of municipal assemblies have also played their role in the establishment of regular contacts with their colleagues from Russia including the framework of the program of support of the compatriots abroad.

INTERNATIONAL MONITORING OF THE HUMAN RIGHTS ISSUES IN ESTONIA

The protection of human rights in Estonia has been monitored by a number of high-level international missions during the first few years, among them, by the delegations from the CE, OSCE and UN. The OSCE set up an office in Estonia in February 1993, according to the agreement reached between Estonia and the CSCE in December 1992. The US State Department, the US Congress, the European Commission, Helsinki Watch, Amnesty International, Lawyers' Committee for Human Rights and other interested bodies were surveying the situation with human and minority rights in Estonia. The CBSS High Commissioner on ethnic minorities and democratic institutions is a regional institution relevant to conflict prevention, acting in close contact with the HCNM of the OSCE. However, the key figures in international monitoring in Estonia influencing the law-making process remain the OSCE and the CE.

The report of the first group of the then CSCE that visited Estonia in December 1992, although critical at some specific points, was quite positive in general, stating among other things that the Constitution of Estonia, as well as other laws examined by the mission meet international standards in the observation of human rights. It was recommended, inter alia:

- to study the status of the currently stateless residents who have not been able to adjust their citizenship,
- integrate the large majority of non-Estonians remaining in the country and provide them with equal rights (including citizenship),
- create a provision which would grant all residents the right to freely travel abroad and to return to Estonia,
- adapt the language legislation to the conditions of an independent state (historically multilingual states as Canada, Finland were recommended as policy models).

The OSCE mission, which mandate was prolonged every half a year, became the most active, closely related to Estonia's issues and respectable (at least for the international community, especially for EU) institution monitoring human rights. However, in 1994 the OSCE mission in Estonia, as well as the OSCE High Commissioner Max van der Stoep came under the fire of the Estonian politicians: the accusations concerned the pro-Russian motives of the OSCE activities.

At present, these contradictions are not so evidently expressed, although it is believed in Estonia that the necessity of the presence of the OSCE mission in the country is exhausted in view of the solution of the most complicated problems of the registration (just in this way should be evidently interpreted the repeatedly expressed words by T.H. Ilves, minister of Foreign Affairs of Estonia, about the "completion of integration in Estonia"), but the state and public institutions which deal with the problems of the ethnic minorities in Estonia, are already sufficiently represented in order to monitor the situation in the country.

The OSCE representatives in Estonia, acknowledging the rightness of these statements and, at the same time, understanding that Estonia is worried about her image of a badly doing country, which originates just from the very fact of the OSCE mission's presence, are nevertheless thinking that the mission could remain in Estonia for some more time in order to realise some positive programmes on the prevention of the conflict - language training, establishment of the network of public organisations, "teaching democracy" etc.

It is also necessary to point out that the regularly presented OSCE recommendations about the improvement of the situation of the Russian-speaking minority in Estonia, are, to a greater extent, accepted by the interested states and organisations than the other ones. It is not only because the evaluations made on the basis of the reports of the well informed mission cause more confidence than the opinions of the reporters of other institutions, which, as a

rule, from time to time appear in the country and use mainly the governmental information. It is also because the OSCE represents a key institution in the system of the European security what makes, for example, the EC and NATO proceed from the opinion of the OSCE experts in their estimations of the domestic political stability of the countries which are applying for their membership. The Stability Pact, transferred from the EU to the OSCE for follow up, acts as an incentive to Estonia (as well as to the other Baltic States) to achieve good relations with Russia by solving among the others the ethnic problems.

While the question is about the remarks and evaluations of the leading international institutions which are observing the problems of the Russian-speaking minority in Estonia, there should be noticed their correlation with the different patterns for the harmonisation of the social relations:

- the realistic one for the OSCE,
- the pragmatic-normative for the CE,
- the universal for the UN,

however, the evaluations of the OSCE and the UN coincide more often.

Thus, the problems of the cultural autonomy, from the point of view of the UN and OSCE, could be solved more successfully, if the ethnic minority consisted, according to the legal definition, both of the citizens and non-citizens of Estonia. The CE is abstaining from any comments;

- the language problems, from the point of view of the UN and the OSCE, are at the same time the problems of the utilisation of the Russian language, above all, in the areas of the compact residing of the non-indigenous population. The CE is paying more attention to the training of the Estonian language by the non-indigenous population;

- the problems of the absence of citizenship are valued most optimistically by the CE which, proposing some corrections for the naturalisation procedure, has stated that the evenly developing process of the adoption of the Estonian citizenship (2000 persons

per month) or of the citizenship of any other country will some day permit to solve this problem. The OSCE and the UN are more prone to link the solution of the problem with the softening of naturalisation conditions, which concerns, first of all, children (the UN insists on the statement that children's citizenshipless is a direct violation of Article 24 of the Convention on civil and political rights), handicapped people, spouses etc.

The CE regular monitoring was mostly favourable for Estonian authorities in the first years of its activities in Estonia. On the one hand, the CE reportes stated that a situation, when the major part of the non-Estonian minority - nearly one third of the whole population - was excluded from the referendum on the Constitution and from the first parliamentary and presidential elections, could hardly be treated as normal from the democratic point of view. However, given the historical background and the legitimate right of the Estonians to dispose of their own land, that fact was not recognised by the CE as a sufficient reason for denying Estonia's readiness to become a member-state of the CE in 1993.

According to the CE, the Russians who had come to the country or even were born there after the Second World War, cannot be regarded as constituting a historical minority. They should rather be compared to immigrant workers in other European countries (the viewpoint shared by the Estonian authorities), although one must keep in mind the fact that they have moved into Estonia under the Soviet occupation, without any possibility for the Estonian side to control the influx.

However, in 1995 the CE criticised some articles of the 1995 Estonian Citizenship Law as not in line with international standards. Concerning the 1995 Language law the possibility of the usage of the mother tongue by legal residents (if necessary through an interpreter paid by the state) to communicate with authorities was recommended. On the matter of resident permits it was recommended to consider opinions of the representatives of the Russian-speaking minority and to issue permanent residence permits

to those who had settled in Estonia before 1 July 1990 or to equalise the guarantees of temporary ones with those of permanent, as well as temporary travel documents valid for multiple entries. The OSCE added to that more exact recommendations to the authorities to start a large-scale issuing of the aliens' passports, as well as to pay more attention to the process of the resident permits granting. In 1996, when the process of issuing of the aliens' passports started the OSCE High Commissioner Max van der Stoep called the international community for a broad acceptance of these documents.

Although international missions and representatives came across no ethnic discrimination (individual violations which were reported were limited and not related to a discriminatory policy as such), in 1993 - 1995 the prestige and reputation of Estonia was damaged and her ability to meet the requirements of international norms was put under doubt (Ozolins, 1993). Such an opinion was expressed by the public figures and politicians even in those countries which had been the most supportive of the Baltic independence.

That is why the decision of the CE to close the monitoring procedure as regard to Estonia adopted in January 1997 was especially welcome in this country. However, there is an opportunity to re-open the monitoring procedure, if the problems, among the others, the treatment of the non-historical Russian-speaking minority are not solved within one year from the adoption of resolution. The CE has urged the Estonian authorities to seek to integrate loyal members of the Russian-speaking minority by improving the teaching of Estonian as a foreign language in educational institutions, offering Estonian language courses free of charge or at reduced rates to applicants for citizenship (especially in the Russian-speaking area).

The estimations of the main issues related to the Russian-speakers and given by the CE were as follows:

- the Orthodox Church's conflict as a dispute neither about politics nor about religion, but simply about property and personalities,

- the deprivation of secondary education to the Russian-speaking pupils as unrealistic in the near future because of a poor state of the Estonian language teaching in Russian schools,
- the strategy of the Estonian government as to the residence permits as acceptable,
- the language requirements' changes in the citizenship examination as satisfactory,
- some of the other naturalisation rules to be softened.

Nevertheless, the experts of all institutions, as the optimal variant of the overcoming of the problems, which are connected with the Russian-speaking minority in Estonia, are regarding not so much the control and criticism, as the realisation of the integration programmes, the basic one of which is giving education for Russians in the Estonian language, the assistance for the local governments, programmes of the regional development (in the present case the North-East of Estonia as the most critical region), the assistance for education, mass-media etc. Private international foundations are also participating in this process.

The direct interest in the process of integration of the non-indigenous population in Estonia is also shown also by the Estonian neighbours in the North, who invest significant means for the realisation of the programmes of the Estonian language training ("integration through the language training") and pay special attention to the North-East of Estonia, where the language training requires much more energy and financial concentration in view of the absence of the language environment.

One must be very cautious while talking about the intermediary attempt in the solution of the humanitarian problems between Russia and Estonia - Finland has proposed her assistance in the solution of the impasse problems in the Estonian-Russian relations after Boris Yeltsin had expressed a wish of a rapprochement with the Baltic States instead of just "complaining of the oppression of Russians there". It had been preceded by the failures in the realisation of some Estonian-Russian consultations, which had been proposed by

Russia in September 1996: Estonia would like to discuss the whole package of the problems, but Russia insist on the separate (parallel) discussion of the humanitarian questions. These positions of Estonia are probably stipulated by her reluctance to recognise the urgency of the problems of the Russian-speaking population in the country and by Russia's striving to reinforce their international repercussion in view of the significantly restricted opportunities to the accentuate this theme. The first meeting on the level of the representatives of the Ministry of Foreign Affairs took place in June 1997 in Helsinki followed by the visits of the parliamentary delegations of Finland.

CONCEPT OF THE INTEGRATION OF THE RUSSIAN-SPEAKING POPULATION INTO THE ESTONIAN SOCIETY

Fundamental changes in the formulation of policies towards the aliens were outlined in 1993-1994 after the problems of the legal status of aliens in Estonia were solved, and were realised in 1995-1996 in the form of extensive debates of aliens' integration into the Estonian society to overcome the factual co-existence. Conventionally, one can say that the accent on the integration idea was accepted by the representatives of international organisations and, first of all, by Mr. Max van der Stoel, High Commissioner of the OSCE, who already in 1993, when the policy of the Estonian state was oriented to the stimulation of the emigration, emphasised the necessity to shift the attention to aliens' integration by improving the information policy and changing attitudes towards the stateless persons more tolerant.

There appears more important a realistic evaluation of the situation by the Estonian politicians themselves on the basis of an analysis of the migration data during the last years and opinions of scientific experts - an upsurge of emigration in 1992 and discrepant information about aliens' intentions to link their destiny with Estonia have been replaced by stable indices for the low number of emigrants and utmost high rate of aliens who have wished to stay in this country. The public opinion also plays undoubtedly a

significant role - according to a poll made in 1997 two-thirds of Estonians consider the integration of Russians into the Estonian society necessary (in 1995 40 per cent of them were the supporters of the emigration policies).

Sociological studies carried out at the end of 1994 by the Centre of the Study of Russian minorities in the near abroad countries (Moscow) have showed that 93 per cent of Russians were going to stay in Estonia, 58 per cent of them stated about their intention to be integrated into the Estonian society and to accept its traditions, regulations and living principles, 28 per cent intended to live as they had done before and only 3 per cent supposed to be united in the Russian community. The data of the sociologists in Tartu, published in 1997, appeared to be almost the same (92 per cent of Russians who wished to stay in Estonia showed their positive attitude towards integration, which indices became the wish to let their children study the Estonian language (90 per cent of non-Estonians) and the wish to get the Estonian citizenship (88 per cent of non-Estonians - non-citizens and 96 per cent of Russian citizens in Estonia, accounted the possibility of a dual citizenship or to change their citizenship).

The concept of the integration of non-Estonians into the Estonian society widely spread in the Estonian political and scientific circles proceeds from the fact, that since the majority of non-Estonians (60 per cent) were born outside of Estonia, and a still higher percentage of non-Estonians have not simply isolated themselves from the Estonian society, but they have never been inside of it, the problems of their integration have to be characteristic of the problems of the integration of immigrants.

The following facts are considered at present to be the obstacles for the integration of non-Estonians into the Estonian society:

- an uncertain status of the non-Estonian majority (2/3 of them are not citizens of Estonia);
- a weak feeling to be protected on the part of non-Estonians (absence of conventional paternalistic relations);

- a regional division (sharply limited possibilities for Estonian contacts in North-East of Estonia, 80 per cent of which population are non-Estonians);
- a weak knowledge of the Estonian language (only 16 per cent of non-Estonians speak fluently Estonian) and as a result an isolation of non-Estonians from the developments taking place in Estonia (separated existence of communities);
- estranging of non-Estonians from the state authorities (uncertainty in relations with bureaucracy) and their debarring from the state life (absence of civil participation);
- Estonians' distrust of non-Estonians (problem of loyalty of aliens).

The legal bases for integration are provided for in the Constitution, in the Law on Aliens, in the Citizenship Law, in the Law on cultural autonomy of ethnic minorities and in the Law of refugees in accordance with the European standards. Nevertheless, the practical problems of the implementation of these laws are actual as before.

The teleological aspect of the integration permits also to speak about following the liberal European traditions - under discussion is a variant of integration, as which result the aliens consider Estonia as the only Motherland, they are loyal towards the Estonian state, speak the Estonian language, but they have preserved their native language and ethnic identity - the result to be expected in the second or the third generation of aliens.

As most important for the integration process are regarded the following spheres:

- teaching of the state language (enlargement of the information space);
- Russian mass-media orientated to Estonia (structuring of information space);
- school education (integration through a profound comprehension of the historical, cultural and social context of the Estonian

society; adequate educational systems maintaining the training in Russian, proceeding from the real language situation),

- creation of the Estonian cultural environment (intensive utilisation of as many as possible numbers of social institutions for the integration purposes). (Nutt,1997).

Thus, as key terms in the integration concept spread in Estonia can be regarded the LANGUAGE and CULTURE, and as a main approach - ERASING (here - minimising) of differences.

The following actors are regarded hereby as promoting the integration:

- pragmatic equality of both communities;
- directed influence of the outer factors (EU, NATO, Russia), growth of welfare;
- appearance of buffer-groups;
- readiness of aliens for integration,
- Western (individualistic) way of thinking,
- accepted multiculturalism,
- relative stability in society,
- openness to the West. (Heidmets,1997).

The questions of citizenship and possible softening of appropriate legislation in order to intensify the integration process within the framework of this concept are not discussed and in the same time they are not supported in the Estonian society (44 per cent of Estonians do not regard as necessary to change the policy of citizenship and 28 per cent agree to let make only some insignificant concessions).

From the viewpoint of the Russian-speaking community in Estonia the integration process is linked, first of all, with the political integration (through the institution of citizenship) and MANAGEMENT of differences as a basis of integrated society (institutionalisation of multiculturalism). At the same time, it should be stressed, that there have not been found principle differences in such an interpretation of the citizenship problem in all three categories of

Russians in Estonia (among citizens of Estonia, among aliens as persons without citizenship and among citizens of Russia), moreover one should notice the solidarity and unanimity of non-Estonians while evaluating social problems of many kinds without depending on the fact, whether the latter concerns directly themselves or not.

According to the opinion of some Russian politicians in Estonia, a rather high integration potential which existed in Estonia at the beginning of 1990s in Estonia (self-identification of local Russians orientated towards Estonia, repeatedly demonstrated loyalty to changes taking place in Estonia) is at present exhausted. The conceptional idea about the possibilities of integration is basically formed on the principle of negation: the Estonian language should not be turned into a fetish of integration role, since 35 per cent of the population have Russian as their native language, and most Estonians speak Russian as a foreign language; the problems of non-citizenship should not be ignored, because it produces the effect of a legalised inequality of two communities etc. The preconditions of a successful integration are given as perfect (hypothetical) characteristics: absence of territorial and religious disputes, traditional distribution of employment spheres and political indifference. The most radical representatives of the political elite in the Russian community perceive the integration concept as an assimilation ("Estonianisation").

At the same time, and the data of some sociological polls confirm it, from the point of view of Russians the integration success is connected with supernational institutions - first of all, with the EU: about half of non-Estonians regard Estonia's joining the EU as a possibility for improvement of Estonian's consciousness (probably as softening of nationalism, "Europeisation") and reinforcement of the feeling of protection, which could help to overcome the feeling of threat, proceeding from Russia and Russians.

Differences of the approaches to the integration models on the principle of the erasing of differences - monitoring of differences - are also presented by the evaluation of outer integration

perspectives in the Estonian society. The integrated society (an adequate solution of the problems of ethnic minorities) is a political precondition of Estonia's joining the EU. The regional neighbours of Estonia show also a special interest in this problem as one of the factors for the stability of the region. Scandinavian countries provide significant finances for the study of the Estonian language by aliens, supporting in this way the integration concept of the Estonian authorities. Russia also declares that she is interested in the integration of Russians into the Estonian society, however, judging by her actions, Russia is inclined to keep the language status quo in the Russian community and treats the settlement of the citizenship problem as a starting point of integration processes.

CONCLUDING REMARKS

I. The problem of human rights (rights of ethnic minorities, rights of the Russian-speaking population, rights of the compatriots abroad) in the Estonian-Russian relations remains an open discussion problem and evidently has no solution in the near future. The minimum, according to the Russian opinion, requirements (proposals on the improvement of the situation of the Russian-speaking population) are viewed by Estonia as the maximum ones.

On the example of the main problem of the citizenshipless for half of the Russian-speaking population in Estonia it can be supposed, that Russia has a manoeuvring and concession field for compromises. In the recent time, Russia has been using liberal definitions

("precipitating of the naturalisation procedure"), while she deals with the citizenshipless problem in international institutions, but she is still standing on harder positions in the bilateral relations ("automatic granting of the citizenship to all permanent inhabitants in Estonia, who have resided there before 1991"). Acknowledging the fact, that the present chances for the softening of the immigration laws are limited and the resources for the international pressing are exhausted, Russia will shift the accent from the large scale accusation and requirements to the consideration of some individual cases and differentiated approaches in her direct dialogue with Estonia.

The counter-movement of Estonia should be obviously not the negation, but recognition of the existence of the problem, at least, within the framework, pointed out by international experts. The signs of such recognition have also recently appeared and are connected with the functioning of the Minister's institute and the councillor on the interethnic relations in the governmental structure, as well as with the attempts of the development of a direct dialogue with Russia on humanitarian questions.

II. The thesis about Russian instrumentalisation of the situation of the Russian-speaking population in Estonia and the thesis about Russia's interests in the improvement of the situation of her compatriots abroad can in the same time serve as explanations of the problem.

The real politicians, who are key persons in the procedure of the decision-making in the foreign policy of Russia, have certainly, at least, twice put strictly the problem of the Russian-speaking population in Estonia, pursuing the specific interests of Russia:

- attempts to delay the withdrawal of troops from Baltic States in 1993-1994,
- in the political dialogue with the West, which is connected with the potential membership of the Baltic States in NATO in 1996.

The successive Russian handling of the problem of the Russian-speaking population in Estonia can also be explained on the basis of the global and regional interest of Russia:

- recreation of the normative prestige on the international level (primary appeals to the "human rights" and "rights of ethnic minorities"),
- restoration of the necessary influence in the region of the Baltic Sea area (resorting to "protection of rights of compatriots").

One can agree with the opinion of the Russian researchers that the status of the Baltic States does not have a great significance for Russia, the question can be rather about the mentality, consciousness and psychological barrier. That is why the question about the use of sanctions against Estonia, for example, remains on the level of emotions, which can hardly be converted into policy. (Trenin, 1996).

The diplomatic statements that Russia does not make use of the factor of the Russian-speaking population in order to get dividends in the humanitarian sphere, are of late present in the statements of the Russian realistically minded politicians while talking about the interests of Russia in the creation of a strong Russian diaspora abroad, which will be integrated into the society of the residence country and thanks to this fact have a possibility to bring about the interests of Russia ("the Russian lobby in the near abroad").

III. Estonia accepts the idea, that the harmonisation of the situation of ethnic minorities corresponds to her interests, first of all, in the sphere of security:

- tolerant minorities is one of the preconditions of the successful functioning of the defence system in a small country, especially in case, when the imagination of the threat from abroad of one third of the population differs from the official one;
- the absence of ethnic conflicts is one of the political preconditions of the integration into the EC and joining the NATO, what significantly restricts the possibilities of the "third countries" influence.

However, nevertheless the great attention to the questions of the integration of the Russian-speaking minority and the started elaboration of the integration policy, there exists scepticism with respect to the long-term results: neither the integration function of the Estonian language, nor the tendency towards the democratic education of the young generation of Russians are apprehended as guarantees of the positive development and stability of the society: in the first case the deep cultural differences are difficult for to be overcome, in the second case, it is the potential readiness of the young generations to the restoration of the positions of their ethnic groups in the society as a whole.

As a culmination, there should be a combination of the cultural identity (the Russian community) with the political identity (the Estonian state) in order to form the self-consciousness "the Estonian Russians". The Russian community in the Estonian Republic in 1920-1940 could serve as a historical precedent.

At present, among the main components in the definition of the integration of the elements the "right" and the "obligation" is dominating the aiming at the latter, which produces the impression of an effect of the "positive discrimination" (the standards of majority norms), which can cause a positive result, if the idea of the Estonian citizenship can look attractive for the Russians, who are living there (as indices of the attraction there can certainly serve a relative economic well-being and integration of Estonia into Europe). However, there exists a danger both for the uncertain "state-identity", and for the unformed "territorial identity", which, in the extreme situation, can result in the appearance of the "kin-state identity" and the objectionable effect of the estrangement from the state of residence, even if, in the end, the formal relations with the state of residence would be legalised.

IV. Russian-speaking population in Estonia may be considered as principally integrating in and loyal to the Estonian state and society.

Despite the exclusion of the bigger part of the Russian settler community from automatic citizenship, ethnic tensions have been minimal in Estonia. A weak sense of community, the absence of charismatic political entrepreneurs during the first years of the state-building in Estonia as well as the structure of political possibilities were the limiting factors for the reactively based ethnic mobilisation of Russian-speaking population in Estonia (Smith,1996). Now, on the one hand, we could state the growing up sentiments of collective repression shared by larger part of the community as a result of the long-lasting process of registration or of newcoming issues (education in Russian, first). On the other hand, the scope of political opportunities is widened to achieve certain aims by the utilisation of legal means to escape the collective protest actions and prevent an open conflict.

V.The situation with the non-historical Russian-speaking minority remains to be considered as problematic by such authoritative countries as the USA, Germany, Sweden, Denmark and others and by such organisations as the EU, the CE, the UN, the OSCE and others up till now in the context of their interest to actual functioning of the institutions and instruments of pluralist democracy in Estonia. They have supported an inter-community dialogue conducive to the settlement of minority issues without challenging the concept of legal continuity.

APPENDIX 1.

POPULATION BY NATIONALITY IN ESTONIA
(figures given in thousands)

	1934		1989	
	st	%	st	%
Estonians	992	92,4	963	61,3
Russians	92	3,9	475	30,3
Ukrainians	-	0,0	48	3,1
Belarussians	-	0,0	28	1,8
Finns	2	0,2	17	1,1
Jews	4	0,4	5	0,3
Germans	16	1,5	3	0,2
Swedes	8	0,7	0,3	0,0
Latvians	5	0,5	3	0,2
Other	5	0,4	23	1,7
Totalt	1126		1565	

Source: Kung, Anders. Baltikum - en handbook om Estland, Lettland och Litauen. Sundsvall. 1991.

APPENDIX 2.

ESTONIAN CITIZENSHIP STATISTICS
(as of February 1997)

Total population of Estonia 1, 464, 100

Estonian citizens	956, 876
among them	
citizens by naturalisation (non-ethnic and ethnic Estonians)	88, 534
citizens by birth (non-ethnic Estonians)	80, 000
Estonian residents	335, 368
among them	
citizens of other countries (mainly Russians)	ov. 100, 000
individuals who have not yet chosen their citizenship and who have applied for the Estonian alien passports	133, 646*

Source: The Baltic Times. May 1-7. 1997.

* 101, 819 alien passports have ready for collection or have been distributed as of February 1997.

APPENDIX 3.

TENSIONS IN INTER-ETHNIC RELATIONS BETWEEN ESTONIANS AND RUSSIANS (in percentage)

	1992		1993		1996	
	Rus.	Est.	Rus.	Est.	Rus.	Est.
No tension	28	-	39	53	62	64
Some tension	36	-	43	36	22	24
Average tension	19	-	12	8	13	7

Above average tension 17 - 6 3 3 5

Source: A. Kirch, M. Kirch, T. Tuisk. Characteristics of the Ethnic and Social Development in Ida-Virumaa 1993-1996. Tallinn. 1996.

REFERENCES

- Aklaev, A.; Dozhdev, D. and others (eds.). Interethnic Conflict and Political Change in the Former USSR. Peace Research Institute-Dundas. 1995.
- Baev, Pavel. Russian Minorities in the former Soviet Union.- Conflicts in the OSCE Area. Oslo: IPRI. 1995.
- Baka, Andras B. The Convention and the Protection of Minorities.- The European System for the Protection of Human Rights. Ed. by R. St. J. Macdonald, F. Matscher and H. Petzold. Martinus Nijhoff Publishers. 1993.
- Birmingham, Katherine. The OSCE and Minority Issues. The Foundation of Inter-Ethnic Relations. 1995.
- Boyars, Yuri. Nationality and Minority problems in the Baltic States.- A Manuscript.
- Brunner, Georg. Nationality Problems and Minority Conflicts in Eastern Europe. Gutersloh: Bertelsmann Foundation Publishers. 1996.
- Dunlop, John. Will the Russians Return from the Near Abroad? - Post-Soviet Geography. 1994. Vol.35. N4.

- Estonia and Russia. Estonians and Russians: a dialogue. Tallinn: The Olof Palme International Foundation; The Institute of International and Social Studies; Center for the Study of Mind and Human Interactions, University of Virginia. 1996.
- The Government Activity Plan for the Joining the EU. Tallinn, 1996.
- Heidmets, Mati. Mitte-eesti noorte integratsioon Eesti uhiskonda: arengurajad. - Vene noored Eestis: sotsioloogiline mosaiik. Tallinn. 1997.
- Hough, William J. H. Legal consequences of the Annexation and Occupation of Estonia, 1940-1991. -
A Manuscript.
- The legal status of former Soviet
Citizens living in Estonia and Latvia.-
A Manuscript.
- Jakson, William D. Imperial Temptations: Ethnics Abroad.-
Orbis. 1994. Vol. 38. N 1.
- Kask, P. National Radicalization in Estonia: Legislation on
Citizenship and Related Issues. - Nationalities Papers.
1994. Vol. 22. No 2.
- Kirch, Marika; Kirch, Aksel; Tuisk, Tarmo. Russians in the Baltic
States. - Journal of Baltic Studies. 1993. Vol. 24.
No 2.
- Ethnic Relations. Estonians and non-Estonians. -
Nationalities Papers. 1995. Vol. 23. No 1.
Search for Security in Estonia: New identity
Architecture.- Security Dialogue. 1995.
Vol. 26. N 4.
- Kolstoe, Paul. Russians in the Former Soviet Republics. London:
Hurst & Company. 1995.
- National-building in the former USSR.- Journal of
Democracy. 1996. Vol. 7. N 1. January.
- Lahelma, Timo. The Role of the CSCE Mission in Preventive
Diplomacy - The Case of Estonia (August 1993 -
June 1994). - The Challenge of Preventive
Diplomacy. The experience of the CSCE.
Stockholm: Ministry for Foreign Affairs. 1994.
- Lofgren, Joan. A Long Road Back to Europe for the Baltic States. -
Nordic-Baltic Region in Transition. New Actors, New
Issues, New Perspectives. Ed. by S. Perko. TAPRI:
Research Report. 1996. No 75.
- Lough, John. The Place of the "Near Abroad" in Russian Foreign
Policy. - International Relations. 1993. Vol. 2.
N 11.
- Malachov, Vladimir. Political discourses in Russia during the
first half of the nineties in view of the
Russian presence in the Baltic region.-
A Manuscript.

Materials of the International Scientific Conference on Legal Assessment of the USSR-Germany pacts of August 23 and September 28, 1939.- Proceedings of the Estonian Academy of Sciences. Humanities and Social Sciences. 1995. Vol. 44. N 3.

Meri, Lennart. Presidendi koned. Tartu, 1996.

Neuwahl, N.A.; Rosas, A. (eds.) The European Union and Human Rights. Kluwer Law International. 1995.

Nugis, Ulo. Speech at the Session of the Council of Europe Parliamentary Assembly Committee on Relations with European Non-Member Countries. Tallinn. 19 February 1993. - A Manuscript.

Ost, Anna-Karin. Who is citizen in Estonia, Latvia and Lithuania.- Human Rights in the Baltic States. Helsinki: Finnish Helsinki Committee. 1993.

Ozolins, Andris. The Policies of the Baltic Countries vis-a-vis the CSCE, NATO and the WEU.- The Foreign Policies of the Baltic Countries: Basic Issues. Ed. by Pertti Joenniemi; Juris Priculis. Riga: Centre of Baltic-Nordic History and Political Studies. 1994.

Park, Andrus. Explaining Estonian citizenship policy: A case study in post-imperial relationship.-Proceedings of the Estonian Academy of Sciences. Humanities and Social Sciences. 1995. Vol. 44. N 3.

Partish, Karl Josef. Discrimination.- The European System for the Protection of Human Rights...

Pekkanen, Raimo; Danelius, Hans. Human Rights in the Republic of Estonia. - Human Rights Law Journal. 1992. Vol. 13. No 5-6.

Pettai, Vello. Contemporary International Influences on Post-Soviet Nationalism. The case of Estonia and Latvia.- A paper presented at the American Association for the Advancement of Slavic Studies 25th National Convention.

Saarikoski, Vesa. Russian Minorities in the Baltic States. - New Actors on the International Arena: The Foreign Policies of the Baltic Countries. Ed. by Pertti Joenniemi and Peeter Vares. TAPRI: Research Report. No 50. 1993.

Scheinin, Martin (ed.). International Human Rights Norms in the Nordic and Baltic Countries. The Hague, London, Boston: Nordic Human Rights Publications-Martinus Nijhoff Publishers. 1996.

Sergounin, Alexander. Russia in Europe. Emerging Security Agenda. The Baltic Dilemma and Relations with Nordic Europe.- A Manuscript.

Shlapentokh, V. and others (eds.) The New Russian Diaspora. Russian Minorities in the Former Soviet Republics. New York. 1994.

Simonia, Nodari A. Priorities of Russia's Foreign Policy and the Way It Works.- The Making of Foreign Policy in Russia and the New States

- of Eurasia. Ed. by Adeed Dawisha and Karen Davisha. New York, London: M. E. Sharpe, 1995.
- Smith, Graham (ed.). The Baltic States. The national Self-Determination of Estonia, Latvia and Lithuania. London: Macmillann press. 1994.
- The Nationalities Question in the Post-Soviet States. London: Longmann. 1995.
- The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia. - Nationalities Papers. 1996. Vol.24. No 2.
- Sozanski, Jaroslaw. International legal Status of lithuania, Latvia and Estonia in the years 1918-1994. Riga. 1995.
- Taagepera, Rein. Ethnic Relations in Estonia. - Journal of the Baltic Studies. Vol. 23. No 2.
- Thornbery, Patrick. Council of Europe and Protection of Minorities. - Review of International Affairs. 1995. Vol. 46. December.
- Tishkov, Valery. Minorities and the Post-Soviet State. - Warreport. 1997. No 48. January-February.
- Valdez, Jonathan. The Near Abroad, the West, and National Identity in Russian Foreign Policy.- The Making of Foreign Policy in Russia...
- Vetic, Raivo. Ethnic Conflict and Accomodation in Post-Communist Estonia. - Journal of Peace Research. 1993. Vol.30. No 3.
- Weaver, Ole; Buzan, Barry and others (eds.). Identity, Migration and the New Security Agenda in Europe. London: Printer Publishers Ltd. 1993.

PERIODICAL PUBLICATIONS

The Baltic Times, 1992-1997

Diplomaticheskyy vestnik, 1992-1997 (A Monthly magazine of the Russian Foreign Ministry)

Eesti Paevaleht, 1992-1997 (Estonian daily)

Estonia, 1992-1997 (Estonian daily in Russian)

Estonia in Facts, 1993-1995 (Publications of the Estonian Foreign Ministry)

Human Rights Watch, 1993-1997 (Helsinki)

Kadriru Teataja, 1995-1997 (Publication of the President's office in Estonia)

Nezavissimaya gazeta, 1992-1997 (Russian daily)

The Monthly survey of Baltic and post-Soviet Politics, 1991-1997

Riigikogu stenogrammide, 1993-1996 (Minutes of the Estonian Parliament)

Riigi Teataja, 1992-1997 (An official parliamentary bulletin in Estonia)

SOCIOLOGICAL SURVEY

Kirch, Aksel; Kirch, Marika; Tuisk, Tarmo. Characteristic of the Ethnic and Social Development in Ida-Virumaa, 1993-1996. Tallinn. 1996.

Kirde-Eesti Linnaelanike suhtumine Eesti Reformidesse ja sotsiaalpoliitikasse. 1993,1994,1995 a. vordlev analuus. Tartu: Tartu Ulikool, Avatud Eesti Fond. 1995.

Otobrazhenie kartiny mira v estonskih i russkih gazetah Estonii 12.07-18.07.1996. Baltic Media Center. 1996.

Raitviir, Tiina. Elections in Estonia during the transition period: comparative study (1989-1993). Tallinn: Estonian Academy Publishers. 1996.

The Retired military in Estonia. Tallinn: Institute of International and Social Studies, Olof Palme International Center. 1994.

Russkie v Estonii. Moscow: CRMR, MacArthur Foundation. 1995.

Tartu University Market Research Team. Estonia's Experiment - the Possibilities to Integrate Non-Citizens into the Estonian Society. Tallinn: Open Estonian Foundation. 1997.

Vene noored Eestis: sotsioloogiline mosaiik. Tallinn. 1997.

SPECIAL REPORTS

I. Council of Europe. Parliamentary Assembly.

Ad Hoc Committee on Relations with Easter Europe. Report on Human Rihgts in the Rebrublic of Estonia by R. Pekkanen and Hans Danelius. Strasbourg. December 1991.
AS/Ad hoc-Bur-EE(43)2

Committee on Relations with European Non-Member Countries. The Russiam Minority in Estonia by Jouni J. Sarkijarvi. Strasbourg. October 1992. AS/NM(44)18.

Political Affairs Committee. Preliminary draft report on the application of the Republic of Estonia for membership of the Council of Europe by Mr. Bratinka. Strasbourg. June 1993. AS/Pol(44)12

Political Affairs Committee. Report on the application of the Republic of Estonia for membership of the Council of Europe by Mr. Bratinka. Strasbourg. April 1993. Doc. 6810.

Official Report on Debates (Forty-Fourth Session, 10-14 May, 1993). 1993. Vol. 4.

Political Affairs Committee. Honouring of commitments entered into by new member states by Mr. Bratinka. Strasbourg. April 1994. AS/Pol (1994) 12.

Committee on Legal Affairs and Human Rights. Honouring of obligations and commitments by member states of the Council of Europe. Estonia by Mr. Bindig. Strasbourg. September 1995. AS/jur.(1995)29.

Notion for a resolution on human rights and the situation of the Russian national minority in Estonia presented by Mr. Glotov and others. 2 Oct. 1996. Doc. 7671.

Report on the honouring of obligations and commitments by Estonia. Rapporteur Mr. Rudolf Bindig. 20 December 1996. ADOC7715. Doc. 7715.

Resolution 1117 (1997) on the honouring of obligations and commitments by Estonia. ERES1117. WP. 1403-30/1/97-18-E. Russians in Estonia: Problems and Prospects. A Report prepared by the Staff of CSCE. September 1992.

II. OSCE Mission in Estonia Activity Reports. 1993-1995.

Recommendations by the CSCE High Commissioner on National Minorities upon his visits to Estonia, Latvia and Lithuania. CSCE Communication No 124. Prague. 23 April 1993.

Russian Comments to the Recommendations by the CSCE High Commissioner on National Minorities upon his visits to Estonia and Latvia. CSCE Communication. No 125/Add. 1. Prague. 26 Apr. 1993.

Recommendations on the question of the implementation of the Estonian Law on Aliens. CSCE Communication. No 20. Prague. 14 June 1994.

Letter to the Minister for Foreign Affairs of the Republic of Estonia concerning the draft new Estonian Law on Citizenship. OSCE Communication. No 1. Vienna. 10 January 1995.

OSCE Report on the March 5, 1995 Parliamentary Election in Estonia and the Status of Non-Citizens. May 1995.

III. UN General Assembly. Situation of Human Rights in Estonia and Latvia. Report of the Third Committee. Forty-Eight session. 1993. Agenda item 115.

IV. Country Reports on Human Rights Practices for 1992-1996. Submitted to the Committee on Foreign Affairs US House of Representatives and the Committee on Foreign Relations US Senate by Department of State. (Part: Estonia).

V. Legal Information Center on human rights. Comments on the report submitted by the Republic of Estonia in compliance with the Article 40 of International Pact on Civil and Political Rights. 1995.

Realization of UN Human Rights Committee recommendations carrying out the International Covenant on Civil and Political Rights in Estonia. 1996.

TREATIES AND ESTONIAN DOMESTIC LEGISLATION

Estonian-Russian Treaty on the Basis of Inter-State Relations, 12 January 1991.

Estonian-Russian Treaty on Troops Withdrawal;
Estonian-Russian Agreement on Social Guarantees to the Retired Officers on Estonian Territory, 28 July 1994.

Law on Citizenship, 1 June 1938.
Republic of Estonia Supreme Council Resolution on the Application of the Law on Citizenship, 26 February 1992.

The Republic of Estonia Constitution, 28 June 1992.

Law on Estonian Language Requirements for Applicants for Citizenship, 10 February 1993.

Law on Aliens, 8 July 1993.
Law on Basic and Upper Secondary Schools, 15 September 1993.

Law on Cultural Autonomy for National Minorities, 26 October 1993.

Law on Citizenship, 19 January 1995.

Law on Language, 21 February 1995.

Law on Local Election, June 1996.

INTERVIEWS

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