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Cultural Autonomy of National Minorities in Estonia: The Erosion of a Promise

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Cultural Autonomy of National Minorities in Estonia: The Erosion of a Promise

ABSTRACT. – After a debate of several years, Estonia enacted in 1993 a law of non-territorial cultural autonomy of national minorities, echoing experiences from the country's previous period of independence. In international discussion, it was initially cited as a promising way of dealing with minority issues in Central and Eastern Europe. Later, its applicability in contemporary Estonia has rather been questioned; in practice, the law has failed to be implemented. The paper inspects possible reasons for that and argues that it could still play a role in Estonia's minority policies, especially with regard to education. The paper is based on an analysis of legislation, parliamentary records and media.

Key Words: Cultural autonomy; Estonia; Russian speakers; Non-territorial autonomy; Minority policies

1. Introduction

”Who reminds [others] of an old thing will have his eye picked out”, tells an Estonian proverb – a rather graphic equivalent of “Water under the bridge” (quoted in Krikmann 1998, 87).

On the other hand, Estonians also frequently quote the early 20th century poet Juhan Liiv and his memento: “Whoever forgets the past will live without a future”. The present paper discusses a part of Estonian legislation that for some seems already antiquated: the *Law on Cultural Autonomy of National Minorities*,¹ enacted in 1993 (*National Minorities... 1993*). A result of several years’ political debate and once subject of considerable international attention, it never became the kind of instrument for safeguarding ethnic minorities’ representation and their cultural and educational interests as expected; it has in effect failed to be implemented. By 2014, institutions for cultural autonomy have been established for two small minorities only – the Ingrian Finns and the Swedes –, but not for the most obvious of Estonia’s minorities, the Russians (who comprise around 26% of the population). The two cultural autonomy bodies established have no clearly defined legal status and are thus unable to carry out their functions as stated by the law.

The *State Programme “Integration in Estonian Society 2000-2007”*, i.e., the document adopted in 2000 and explicating the government’s minority integration policies, still mentioned the potential that the law has in organizing the national minorities’ educational and cultural life, and called for an analysis of the reasons for its non-implementation (*State Programme... 2000*, 55-56). A few years later, its successor, the *Estonian Integration Strategy 2008-2013* (2007) no more pays attention to the law. *Council of Europe’s Advisory*

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3 *Committee on the Framework Convention for the Protection of National Minorities* noted in
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5 2011 “the repeated statements from governmental as well as non-governmental interlocutors
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7 that the act is no longer timely and no longer conforms to the actual situation and demography
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9 of the country”, and ended up recommending that the authorities should not focus their
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11 attention on amending a law “that is generally considered ineffective and impractical”
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13 (*Advisory Committee... 2011, 17*).

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18 On the other hand, the Law on Cultural Autonomy of National Minorities is still a valid part
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20 of Estonian legislation; I will also argue that the needs it has a potential of serving still
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22 remain, in new forms but no less urgent. Finally, the mere existence of the law was at the time
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24 of its enactment seen as showing Estonia’s ability and willingness to tackle its ethnic minority
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26 issues; this in turn paved the country’s way to such organizations as the Council of Europe,
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28 NATO and the European Union. A question is whether its failure should, then, be seen as
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30 signalling the contrary.
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38 **2. The model and the expectations**

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42 The Estonian law on cultural autonomy of national minorities was designed following a
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44 model from 1925, from the pre-WW II republic (von Rauch 1990, 137f.). As it functioned in
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46 the 1920s and 1930s, and as the present law gives a promise of, the Estonian model is a
47
48 textbook example of non-territorial cultural autonomy. Such a form of autonomy can be
49
50 defined as a system of government that gives cultural, ethnic, religious or language groups the
51
52 right to self-rule in respect to matters affecting the maintenance and reproduction of culture,
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54 exercised through specific public institutions; the right concerns individuals throughout the
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3 state who belong to those groups, irrespective of their place of residence (Eide 1998, 252;
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5 262).
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10 The present Estonian legislation (*National Minorities...* 1993) defines national minorities as
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12 consisting of Estonian citizens with a distinct ethnicity, culture, religion or language, but with
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14 “long-term, sound and permanent ties with Estonia”. It designs bodies that are entitled with
15
16 the task of organising the cultural and educational life and social welfare of national
17
18 minorities, governed by a Cultural Council elected by citizens who register as belonging to
19
20 the relevant minority group. According to the law, such bodies can be established by four
21
22 historical minorities (Russians, Germans, Swedes, and Jews) or by any other minority with a
23
24 minimum of 3,000 registered citizens. For an individual, membership in such a group is
25
26 neither mandatory nor subject to scrutiny by state authorities, but an aspect of his or her self-
27
28 proclaimed identity, even if the body exercising the group rights is a public authority (cf.
29
30 Renner 1899/2005, 21).
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36 Not based on territoriality but on self-identification, the law suggests a subtle means of
37
38 dealing with the actual ethnic diversity that in fact characterizes many of the states that were
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40 created (or recreated) at the end of the Cold War in Europe. It is this special quality that for a
41
42 few years in the 1990s made the law an object of considerable both scholarly and political
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44 interest. It was well in harmony with a then influential approach to minority issues in Central
45
46 and Eastern Europe, which focused on creating stability and avoiding territorial disputes in a
47
48 region with many instances of ethnically mixed populations. It is noteworthy that Max van
49
50 der Stoel, High Commissioner on National Minorities of the OSCE (previously CSCE) active
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52 in several Central and Eastern European countries in the 1990s, was always reluctant to
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54 propose territorial solutions for minority problems. His recommendations usually were about
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3 subsidiary, decentralization, and means of promoting the minorities' identity and culture in
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5 selected policy areas (Zaagman 1999, 13). At least on the level of rhetoric, the new
6
7 constitutions of all Central and East European member states of the EU now pay tribute to
8
9 principles of multiculturalism (Agarin and Regelmann 2011).
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14 The present Estonian legislation on cultural autonomy has been discussed mostly by
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16 researchers within two fields – those doing empirical analyses on Estonia's post-
17
18 independence minority and language policies; and legal, public administration and Human
19
20 Rights scholars. There is a considerable body of books, articles and reports on minority
21
22 policies in Estonia but nowadays, they seldom discuss this particular policy instrument more
23
24 than just by a mention, if even that. In the 1990s, the law's very existence was interpreted as a
25
26 sign of a favourable development and as a possible model for other countries with
27
28 geographically dispersed minorities; references were often made to positive experiences from
29
30 the similar law of 1925 (e.g., Garleff 1989; Taagepera 1992). Later on, the Estonian law on
31
32 cultural autonomy has just been occasionally listed among descriptions of other policy
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34 instruments. In an overview of non-territorial or cultural autonomy arrangements in Central
35
36 and Eastern European countries, Osipov (2013, 9-10) points at practical shortcomings of the
37
38 Estonian current legislation; in all countries, his analysis reveals manipulative practices and
39
40 little real empowerment of the minorities. The hitherto most thorough account of the present
41
42 law and its implementation is by Aidarov and Drechsler (2011). They discuss possible reasons
43
44 for why the law never resulted in the creation of a Russian cultural autonomy in Estonia, and
45
46 whether or not this failure, in fact, was a "bad thing" at all from the points of view of the
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48 majority and the minority. They suggest that the law from the beginning may have been of a
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50 performative character and served other purposes than those explicitly stated – namely, it
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52 strengthened Estonia's external image as a democratic country and underlined the continuity
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3 with the pre-WW II republic; further, they find that the ethnic organizing that the formation of
4 a cultural autonomy promotes is unpopular with the majority and, due to internal
5 heterogeneity, difficult or impossible for the Russian minority. Smith's (2013, 39-42)
6
7 discussion echoes this criticism.
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14 In contrast to research in minority policies, more theoretically oriented studies in the law and
15 administration of autonomies have continued to make references to the Estonian case. The
16 idea itself of non-territorial autonomy has not lost its topicality (e.g., Nimni 2005), and the act
17 serves neatly to fill a theoretically interesting category with empirical substance (cf. Légaré &
18 Suksi 2008, 146-147). As such an autonomy is delineated independently of the minority
19 citizens' place of residence, it is an alternative to territorial autonomy. As it is supposed to
20 exercise group rights and carry out functions of a public authority, it also differs from
21 different forms of personal autonomy, i.e., the ways in which members of a minority can
22 exercise their rights as individuals, e.g., by establishing civil society organizations for the
23 purpose (Tkacik 2008, 371; Suksi 2008, 160 f.). The debaters' continuous interest and even
24 enthusiasm about the Estonian case (cf. de Villiers 2012, 176) point at lack of updated
25 information, but also at the potential that the law in fact might have when properly
26 implemented.
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45 In the present paper, I will first discuss the historical legacies that led to the adoption of the
46 idea of cultural autonomy by Estonian decision makers. They are both political and structural
47 and date from the period of Soviet regime (1945-1991), when the country's ethnic
48 composition was thoroughly changed; from the period of Estonia's first independence (1918-
49 1940), when this particular model of relationships between the state and the minorities was
50 first introduced; and from even further back in time, when patterns of relations between
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3 different ethnic communities were established in what then were the Russian Baltic provinces.
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5 In this context I will also discuss the origins of Estonia's present ethnic composition and the
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7 position of different ethnic groups and inter-ethnic relations as they came to be formed. The
8
9 second part of my analysis focuses on the 1993 law, on how it was enacted and on the
10
11 expectations that were connected with it. Its actual failure will then be discussed in the
12
13 context of other developments in Estonia's minority and language politics.
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20 21 **3. Multiple legacies** 22 23

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25 Most of the area that now comprises Estonia and Latvia was until 1917, and for centuries
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27 before that, divided between three administrative entities: Estonia, Livonia and Couronia.
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29 During the 18th Century they all became parts of the Russian Empire as the three Baltic
30
31 provinces. They had similar administrative institutions, different from those of Russia's
32
33 central parts. The leading political bodies were the *Ritterschaften*, which represented the land
34
35 owning Baltic German nobility. In administering the provinces' internal affairs, they had
36
37 considerable autonomy from the central state administration. It was these, but also the
38
39 ecclesiastical and local administrative institutions that made Werner Hasselblatt to
40
41 characterize Baltic history as one of a "self-administration of corporations" (quoted in
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43 Housden 2005, 237). Public power was executed by a set of elected bodies with different
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45 constituencies, delineated not only territorially, but according to different social classes'
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47 rights and privileges.
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54 Even if initiatives to enact the law itself came mainly from Estonia's Baltic Germans, the idea
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56 of cultural autonomy as such found early support among the Estonian national movement as
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3 well. The Estonians' national emancipation before 1918 was mainly about economic, cultural
4 and educational advancement, and its political success was initially confined to the level of
5 local government. Until the final months of 1917, the establishment of political independence
6 was not among the movement's objectives; in common with other minority movements of the
7 Russian Empire, it strived for a national autonomy within a reformed democratic and federal
8 Russia (Smith 2005, 216). The key documents of the new Estonian state, including the
9 Declaration of Independence of 1918 and the Constitution of 1920 promised cultural
10 autonomy for the new state's national minorities, and that leading organs be elected for each
11 national community (Housden 2005, 229; *Riigi Teataja* 1920: 898). The Finnish historian
12 Kari Alenius (2007) considers this ideological heritage – the “political maturity” of the
13 Estonians – as the single most significant factor that influenced the political process that led
14 to the enactment of the law in the Estonian parliament in 1925. Another important factor was
15 that in the course of debating the draft law, political and economic powers were removed
16 from the competence of the cultural autonomy bodies. This made them seem sufficiently
17 harmless from the point of view of the majority. It is also significant, that – on the proposal of
18 the prominent Estonian politician and later authoritarian head of state Konstantin Päts – the
19 cultural autonomy bodies were clearly defined as government institutions modelled on the
20 basis of local governments, thus countering the fear that their establishment might lead to the
21 creation of a “state within the state” (Smith 2005, 218).
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47 In order to use the right for cultural autonomy, a minimum of 3,000 persons were required to
48 register as belonging to the relevant minority – there was no obligatory or automatic
49 registration of a citizen's ethnicity or mother tongue. After that, they should elect their
50 representatives to a Cultural Council which would then be responsible for administering and
51 inspecting the minority's educational and cultural life (including both public and private
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3 institutions). The Council had the right of collecting levies from its constituency (*Riigi*
4 *Teataja* 1925, 153-156; 470; Eide 1998, 253 ff.). Werner Hasselblatt (1890-1958), a
5 prominent Estonian German politician was one of the masterminds and most visible
6 proponents of the Law on Cultural Autonomy of the National Minorities that was enacted in
7 1925. As a conservative, he saw in cultural autonomy a continuation of the region's age-old
8 tradition of decentralized government. But some of the most specific and original traits of the
9 system thus instituted were rooted in Liberal and Austro-Marxist ideas. The Austrian
10 Socialists Otto Bauer (1881-1938) and Karl Renner (1870-1950) originally designed the idea
11 of non-territorial cultural autonomy of national minorities for the purposes of a multinational
12 empire, as opposed to the territorially based institutions favoured by the Bolsheviks. On the
13 Liberal side, the Latvian German prominent journalist, writer and politician Paul Schiemann
14 (1876-1944) became internationally known as a minority rights activist, and compared
15 national belonging to a religious confession – something that an individual may freely choose,
16 and that a modern state should be neutral about (Hiden 2004, 16).
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36 Despite the fact that even Estonia's Russian and Swedish minorities were larger than the
37 minimum required, the bodies of cultural autonomy were only formed by Germans (1925) and
38 Jews (1926). Why Russians and Swedes never made use of this possibility has been explained
39 by two factors. First, neither of these groups was especially affluent or highly educated, and
40 running the institutions of cultural autonomy required some resources. The second and more
41 important reason was that in contrast to Germans and Jews, the two other larger minorities
42 lived more compactly and did in some municipalities comprise the linguistic majority. This
43 gave them the possibility of securing their cultural and educational rights through the local
44 governments (Smith 2005, 211-212). The German and Jewish cultural autonomies worked
45 successfully during the late 1920s and '30s, even during Konstantin Päts' authoritarian regime
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3 after his takeover in 1934. Following the Molotov-Ribbentrop Pact of 1939, Estonian, Latvian
4
5 and Lithuanian governments were pressured to give their consent to a presence of Soviet
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7 military bases and troops in their countries. Germany surprisingly called the Baltic Germans
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9 to “return” to their “Fatherland”, and a massive evacuation of the large majority of Estonia’s
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11 and Latvia’s Germans took place simultaneously as the first Soviet troops arrived to the
12
13 countries. This, and the final annexation of Estonia by the Soviet Union in July, 1940, put an
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15 end to both the German and the Jewish cultural autonomies.
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21 Exile, war, repressions and murder severely reduced Estonia’s German, Jewish and Swedish
22
23 populations. After the war, the Soviet version of modernization, urbanization and
24
25 industrialization was carried out in a way that included a large inflow of labour force from
26
27 other Soviet republics. As a result, the industrialization (at its most intensive, in the 1960s and
28
29 1970s) coincided with a rapid decline of the share of ethnic Estonians in the republic’s
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31 population (from 88% in 1934 to 61% in 1989, according to population censuses).
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37 The population’s present ethnic composition is a result of this development. According to the
38
39 latest census (2012), the largest minority groups are Russians (321,000, or 26% of a total
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41 population of 1,294,000, of which 68% are ethnic Estonians), Ukrainians (22,000) and
42
43 Belarusians (12,000) (cf. Lagerspetz 2014). The number of ethnic Russians and Russian
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45 speakers of other ethnic backgrounds became greatest in the industrial towns of the North
46
47 East, where they form the large majority, and in the capital, where they comprise about half of
48
49 the population. Of the new minority groups, especially the Russians (only a minority of whom
50
51 were descendants of the pre-war Russian minority) were in a controversial position. On one
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53 hand, they could see themselves as representing Soviet Union’s core nationality, and had the
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55 benefit of a parallel educational system and an administration that often served citizens better
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3 in Russian than in Estonian. On the other hand, they were slightly underrepresented both in
4
5 the local Communist party and among the *nomenklatura* positions (Kolstoe 1995, 102).² Parts
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7 of the economy became segregated along ethnic lines – a phenomenon that is still visible in
8
9 the Estonian labour market. Within agriculture, commerce, education and public governance,
10
11 the share of Russians among employees is lower than their share of the population. Their
12
13 share is considerably larger among industrial and transportation workers, and the
14
15 unemployed. In all, Soviet Estonian society showed a deep ethnic cleavage between Estonians
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17 and the Russian speaking population of mainly immigrant origin (Vetik 1993, 273). This
18
19 labour market segregation has survived all political changes and even deepened.
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25 Despite ethnic segregation, the society could hardly any more be characterized as a “self-
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27 administration of corporations” – the legacy of the Soviet rule was in this sense profoundly
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29 different from that of the old Baltic provinces of the Czar’s empire. Real decision making
30
31 powers were centralized, and the local or the Soviet republic’s authorities had little say either
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33 on legislation or on resource allocation. The official ideology explicitly declared that the
34
35 interests of the state, the Communist Party and the working class were one, and there could be
36
37 no organized, let alone institutionally recognized representation of other group interests. All
38
39 associational activities were closely controlled by the state. The first law on non-
40
41 governmental organizations was passed in the Supreme Soviet of the Estonian SSR in 1989,
42
43 as a part of the ongoing revolutionary process, and it covered all types of organizations –
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45 associations, foundations, trade unions, political parties, cooperatives and others. Separate
46
47 laws on non-profit associations and foundations were enacted in 1994-1996, already during
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49 Estonia’s new independence (Rikmann 2012, 47f.).
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3 At the same time, there were developments that reminded of those before the first
4 independence. The existing cultural associations rapidly took advantage of the possibilities for
5 political action opened by the *perestroika* and *glasnost*' policies of late 1980s (Aarelaid-Tart
6 & Siisiäinen 1993, 230). Estonian nationalist and democratic activists eagerly sought contact
7 and support among the other non-Russian nationalities of the Soviet Union who could be
8 engaged in concerted action for the Union's liberalization, democratization and
9 decentralization.
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23 **4. The return of Cultural Autonomy**

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27 We must make a clear distinction between two fields of tension – the socioeconomic
28 and the ethno-cultural. Cultural autonomy provides us with the possibility of
29 separating between the two, a means of reducing the tensions, because if they instead
30 will start mutually reinforcing each other, the result may be a conflict between
31 national groups (*Rahvakongress* 1988, 58).
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41 The *Estonian Popular Front* was the largest and most influential of the social movements that
42 emerged in Estonia as an answer to Gorbachev's liberalizing policies. At its first Congress in
43 October, 1988, the term "cultural autonomy" was widely used. Some debaters made explicit
44 reference to Estonia's pre-war experience (and also to that of the 1920s in the Soviet Union).
45 The statement above by Hagi Šein, an activist in the freshly founded *Forum of Nationalities*
46 *in Estonia (Eestimaa Rahvuste Foorum)*, explicates one of the reasons that gave the idea its
47 appeal. The main accusation of the Soviet central authorities and of the opponents within the
48 local Communist Party, against the Baltic Popular Front movements was that of nationalism.
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3 At that point, the movements had not yet unambiguously set complete political independence
4 as their goal, but with several actions and legislative measures during 1988 and 1989, both the
5 Popular Fronts and the Baltic Republics' Supreme Soviets soon came to challenge Soviet
6 Union's centralized model of government. Both the *Declaration on the Sovereignty of the*
7 *Estonian SSR* adopted on 19 November, 1988, and the *Language Act* of 18 January, 1989
8 were rapidly condemned by all-Union authorities, but soon followed by similar legislative
9 acts by the Supreme Soviets of other Soviet Republics. In Estonia, the *International*
10 *Movement* created in March, 1989 made an effort to unite the republic's Russian speakers
11 against the new political course, while the *Movement of Estonian Citizens*, founded the month
12 before, pressured for more radical action aimed at full-fledged political independence
13 including a restitution of the pre-war republic and its citizenry (Lagerspetz 1996, 60).
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29 As a powerful counter-argument against accusations of nationalism, the Estonian Popular
30 Front tried to show that the politics for democratization were by no means meant to further
31 the interests of any one national group only. On the contrary, its spokesmen pointed out that
32 the superficially ethnically neutral concept of The Soviet Man in fact concealed an on-going
33 Russification of smaller nationalities. The gradually opened freedom of speech and of
34 association provided a means of turning back that development. For a researcher in ethnic
35 identity building, the period of late 1980s and early 1990s in Estonia is indeed fascinating
36 because of the many examples of Russian and Estonian speaking individuals who suddenly
37 became aware of their possession of other possible ethnic identities – be it Jewish, Ukrainian,
38 Tatar, Finn or Swedish – and became engaged in organizational activities focused on reviving
39 an ethnic culture and identity (Lagerspetz & Joons 2004). *The Forum of Nationalities in*
40 *Estonia* was created as an umbrella organization of sixteen cultural societies of different
41 minorities which were represented in the Popular Front's structures. In all the three Baltic
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3 countries, the Popular Fronts³ actively supported the non-Russian minorities' organizing. The
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5 associations that emerged were small in membership, but indispensable when the movements
6
7 forged connections with other Soviet Republics; they had the language skills and contacts that
8
9 were needed when seeking ways to collaborate with democratic movements in the republics
10
11 of their origin (Muiznieks 1995, 6). In May 1989, the Forum reorganized itself as an
12
13 independent organization called the *Estonian Union of National Minorities (Eestimaa*
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15 *Rahvuste Ühendus)*, which later came to play an important role when the Law on Cultural
16
17 Autonomy of National Minorities was debated and enacted by the Parliament.
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22 The Supreme Soviet elected on a multiple-candidate basis on 18 March 1990 stated the re-
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24 establishment of Estonian statehood as its main objective. As in 1918, the issue of national
25
26 minorities' cultural autonomy became a part of the package. On 8 May, the freshly elected
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28 Supreme Soviet turned with a declaration to the Congress of People's Deputies of the Russian
29
30 SFSR, assuring among other things, that the Republic of Estonia will guarantee "all the civil
31
32 rights and cultural autonomy" to its Russian national minority (Eesti NSV Ülemnõukogu, 8
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34 May, 1990). (However, the Citizenship Law of 1992 in fact came to grant citizenship
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36 automatically only to the pre-1940 citizens and their descendants, thus obliging others to go
37
38 through a naturalization process, apply for Russian citizenship, or remain stateless.) The
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40 Constitution that was adopted by plebiscite in June 1992, after that Estonia finally had re-
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42 established her independent statehood in August 1991, states minority nationalities' right to
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44 create institutions of cultural self-government, "according to the conditions and regulations
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46 stated in the law on cultural autonomy of national minorities" (§ 50); other paragraphs
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48 guarantee the right of national minorities' educational institutions to decide upon their
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50 language of tuition (§ 37), and everybody's right to preserve his or her ethnic belonging (§
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52 49) (*Riigi Teataja* 1992, 26, 349).
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5 Parliamentary discussion on cultural autonomy was started already before independence.
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7 Initially, the term was used in a more general sense, and representatives of the government
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9 felt a need also to specify what cultural autonomy was not: it did not, e.g., imply proportional
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11 financing of cultural institutions according to their language of operating (Eesti NSV
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13 Ülemnõukogu, 29 May, 1990). After independence, adoption of the Constitution, and the first
14
15 election of the new parliament, *Riigikogu* on 20 September 1992, the debate became focused
16
17 on the legislative act on cultural autonomy that was to be prepared. When presenting his
18
19 Cabinet to the parliament on 19 October, the Prime Minister Mart Laar, of the Nationalist
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21 Conservative *Fatherland (Isamaa)* Party, listed the drafting of this law among its most
22
23 pressing tasks (Riigikogu, 19 October 1992). After lengthy preparations and with active
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25 participation by members of the Union of National Minorities, the new law proposal was
26
27 written closely reminiscent of the law of 1925. When it was finally debated in Parliament on
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29 28 June, 30 September and 26 October 1993, there was a wide consensus on the necessity of
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31 adopting such a law. Just a few MPs saw in cultural autonomy a potential channel which
32
33 Russia could use for financing activities of people disloyal to the newly independent state.
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35 They were answered by stating, first, that the institutions of cultural autonomy would be
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37 elected by Estonian citizens only (which at that time more or less equalled the pre-1940
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39 citizens and their descendants), and second, that...
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47 [t]he number of people of Russian ethnicity/nationality (*rahvus*) living in Estonia is
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49 such a large one, that they are not the ones who are in need of a law on cultural
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51 autonomy. It will not change anything for them. The law on cultural autonomy of
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53 national minorities has actually been designed for the advancement of those
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3 national/ethnic groups (*rahvusgrupid*) who are in trouble because of their small size
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5 (Mart Nutt (MP of the Fatherland Party), Riigikogu, 30 September 1993).
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10 Referring to the large size of the Russian minority, the speaker obviously pointed at the actual
11 bilingualism of public educational, cultural and social services that already was (and still is)
12 present in Estonia. The substantial debate was concerned with the definition of national
13 minorities. Should the law include a list of Estonia's minorities, or leave the concept open? If
14 "one Kurd" would receive Estonian citizenship, would he or she then constitute one of the
15 country's national minorities (Kalev Kukk, Riigikogu, 30 September 1993)? The final law did
16 not define the concept in other ways than by referring to the individuals' Estonian citizenship,
17 a distinct culture, and "long-term, sound and permanent ties with Estonia". After a discussion,
18 the minimum number of registered members of a national minority entitled to establish a
19 cultural autonomy was set at 3,000 – the same as in the law of 1925. As a further tribute to the
20 pre-war experience, the law listed the four minorities that had been entitled to the right of
21 cultural autonomy during the previous period of independence, and guaranteed the
22 continuation of that right, irrespective of the national group's current size. On 26 October
23 1993, the law was adopted by 64 votes for and 4 against, out of *Riigikogu*'s 101 members.
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45 **5. The Horse and the Carriage**

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49 The law on Cultural Autonomy of National Minorities had the character of a general legal
50 framework, and many of the practical issues needed for its implementation were left for the
51 government to decide. In 1996, the Ministry of Culture was appointed as the one responsible
52 for drafting the necessary regulations (Riigikogu, 12 February 1996). The law required that in
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1
2
3 order to establish cultural autonomy, a list of citizens belonging to the relevant nationality
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5 should be created. The government decree regulating the procedure was issued in October,
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7 1996 (Riigi Teataja I 1996, 72, 1272). Further, the decree that specified the election procedure
8
9 of the Cultural Councils was issued in 2003, ten years after the adoption of the law itself
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11 (Riigi Teataja I 2003, 40, 275). Some members of the *Riigikogu*, signalling frustration,
12
13 occasionally inquired about what the Cabinet had done in order to make its implementation
14
15 possible (Riigikogu, 10 October 1994; 12 February 1996; 5 June 1996; 25 February 1998; 15
16
17 May 2000). Government representatives referred to the legal complexity of the matter, and to
18
19 the passivity of the national minorities themselves. When responding to an inquiry by Mihhail
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21 Stalnuhhin, an ethnic Russian MP of the oppositional Centre Party, Prime Minister Mart Laar
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23 stated in 2000, that...
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29 the Cabinet has preferred to draft the procedure of electing the Cultural Councils in
30
31 close cooperation with representatives of national minorities wishing to carry out the
32
33 elections in practice, in order to take their priorities and needs fully into account. We
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35 find that as long as there is no such wish, or the primary basis, it is very difficult to
36
37 continue with the next step. The decree or act of implementation should be enacted in
38
39 cooperation with people who have made the first step, that is, with those who have
40
41 created a list of minority nationals. A horse can only be harnessed in front of the
42
43 carriage, not the carriage in front of the horse (Riigikogu, 15 May 2000).
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49 Mr. Stalnuhhin was of another opinion: the partner that the Cabinet claimed to be waiting for
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51 could not emerge as long as the regulations were unclear. He saw the Prime Minister's
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53 position as little more than hypocrisy and a way of escaping a promise by delaying (Ibid.):
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3 We have enacted a cosmetic law, we have made ourselves pretty and used make up
4
5 in order to be attractive for Europe. The law does not function and we have now been
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7 told that it does not need to function either. The only thing I can add is a Central
8
9 Asian parable about a famous fictive character called Hodja Nasreddin. The story
10
11 goes that he once promised, within the course of ten years, to teach the Sultan's
12
13 donkey how to read. He was told that he was crazy; he would be hanged, as he would
14
15 never be able to teach the donkey how to read. He answered, you know, within ten
16
17 years one of us three will be dead – I, the Sultan, or the donkey, and by that time you
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19 will be unable to find out who of us three ever could read and who couldn't. This is
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21 how the situation really is, and there is little more I can say. Thank you!
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27 As to the minority organizations' own activity, a first application for establishing a cultural
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29 autonomy was in fact made already in 1996 on behalf of the Russian minority by the *Union of*
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31 *Slavic Charitable and Educational Organizations*, headed by Nikolai Solovey. At the time of
32
33 the application, none of the necessary decrees had yet been issued, and the application was
34
35 never processed (Aidarov & Drechsler 2011, 45). A second, more successful try was made by
36
37 the *Union of Ingrian Finns* in 2000 (Riigikogu, 15 May 2000). Apparently, it triggered the
38
39 drafting of the regulations on the electoral procedure and was rewarded by the election of a
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41 Cultural Council and the establishment of the first cultural autonomy in 2004 (Eesti
42
43 Ingerisoomlaste Liit 2012). The procedure was repeated in 2007 by Estonian Swedes
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45 (Kulturrådet... 2013).
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51 The organizational success of the small minority groups of Ingrian Finns and Swedes –
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53 counting today, according to the 2012 Census, no more than 357 and 375 residents,
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55 respectively – requires some explanation. As to the Ingrian Finns, their number has been
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3 severely reduced during the 1990s and 2000s due to emigration. In April 1990, a statement by
4
5 the Finnish President Mauno Koivisto called for “repatriation” to Finland by the Ingrian
6
7 Finns. In Finnish administrative practice, Ingrian Finnish ethnicity came after that to be
8
9 interpreted as such a “tie to Finland” that could serve as a ground for granting a residence
10
11 permit (Forsander 1999).⁴ In early 1990s, this fact had also the initial effect of facilitating the
12
13 minority’s ethnic organizing: membership in Ingrian Finns’ organizations could be beneficial
14
15 for obtaining visas and residence permits. In 2004, the Estonian Ingrian-Finnish Union was
16
17 reported to have as many as 3,500 members (*Second Report... 2004*, 19). The strong
18
19 organizational basis made it possible for Ingrian Finns to gather the 3,000 enlisted minority
20
21 nationals necessary. As for the Estonian Swedes, no minimum number was required, as the
22
23 law guaranteed the right to cultural autonomy for the four “old” minorities irrespective of
24
25 their current size. The fact that the Citizenship Law of 1992 gave exiled Estonian Swedes the
26
27 right to renew their Estonian citizenship and thus to participate in the election and
28
29 administration of the cultural autonomy provided the group with additional both personal and
30
31 financial resources. It is also obvious that there existed a great deal of political goodwill
32
33 towards this minority. Pille Petersoo (2007) has commented on the role that the Swedish
34
35 minority has in the Estonian identity discourse as an “internal positive Other”, symbolizing
36
37 the country’s historical Western and Nordic ties. Both the Finns’ and the Swedes’ “external
38
39 homelands” were ones that Estonia was busily developing closer ties with. For the groups
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41 themselves, umbrella organizations with undisputed legitimacy were functional in mediating
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43 contacts and channelling economic support from the “homelands”.
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52 Subsequent applications by organizations wishing to represent the Russian minority gave no
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54 result, however. In March 2006, the NGO *Vene Kultuuriautonomoomia (Russian Cultural*
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56 *Autonomy)*, led by the lawyer and politician Stanislav Tšerepanov, applied for the Ministry of
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3 Culture to initiate the creation of cultural autonomy of Russians in Estonia. In accordance
4
5 with the existing regulations, the Ministry first published an appeal in two dailies, inviting
6
7 minority organizations to report their interest. As no other organizations announced
8
9 themselves as cooperation partners, Tšerepanov's association was the only one that could
10
11 have been in charge of the collection of nationality lists and organizing the elections. The
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13 Ministry appointed on 16 January 2007 a commission for evaluating the application. It
14
15 consisted of civil servants, three Russian speaking MPs, and the head of an umbrella
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17 organization of Russian speaking NGOs. The commission ended up criticizing the law itself
18
19 (hardly the usual function of a government commission implementing a law), which does not
20
21 guarantee that the organization initiating the cultural autonomy is truly representative of the
22
23 minority group. An academic expert on ethnicity issues, Professor Raivo Vetik was asked to
24
25 give his opinion. In his written statement (as summarized by the commission), he too pointed
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27 at what he considered as shortcomings of the law, claiming that all the activities that the
28
29 cultural autonomies were supposed to take care of were indeed possible to be carried out
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31 within the framework of other legislation. Vetik suspected political motives behind the
32
33 application, and was also concerned about a Russian cultural autonomy's possible effect of
34
35 complicating the on-going process of changing the tuition language of Russian upper
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37 secondary schools (gymnasiums) to Estonian. He made reference to research by David J.
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39 Smith, whom he reported to have stressed the differences between the minorities in 1925 and
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41 now, which makes the law less suitable for present circumstances (Ministry of Culture 2009).⁵
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49 The Ministry announced its dismissal of the application on 26 February 2009, after an
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51 intervention by the Chancellor of Justice and a court decision obliging it to process the
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53 application (Õiguskantsleri... 2009, 28f.). The NGO appealed to Tallinn Administrative
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55 Court, and after a negative court decision, complained to the Supreme Court. In November
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3 2010, the Supreme Court announced that it will not process the complaint (*Postimees* 2010).
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5 In 2009 and 2011, two similar applications more were made by Russian speaking
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7 organizations. However, the Ministry did not review the first one with the motivation, that it
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9 cannot be processed until a final decision has been made about the previous application, and
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11 the second one with reference to the existence of two parallel applications. These two later
12
13 applications have now (early 2014) been pending for respectively five and three years without
14
15 other visible results than the appointment of a new commission for their evaluation (Aidarov
16
17 & Drechsler 2011, 45-46; Ministry of Culture 2011; 2012).
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23 The results of the law of 1993 hitherto are, thus, much more meagre than those of the 1925
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25 law, and certainly more so than originally was expected by those engaged in drafting it. The
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27 development has also brought into attention some of the law's possible shortcomings: it is
28
29 unspecified, whether and on what grounds the Minister of Culture can decline an application.
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31 One of the stated reasons for not satisfying Tšerepanov's application was that his organization
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33 was not considered to have a basis sufficiently broad for representing the Russian minority.
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35 He claimed, in his turn, that the electoral procedure itself gave a guarantee of wide
36
37 representation. Bearing the size and heterogeneity of the Russian minority in mind it would
38
39 indeed appear exceptional if an organization representative of it as a whole already were in
40
41 existence; that is, however, what the Ministry claimed to expect. What we can see here is in
42
43 fact a new example of the "horse-or-carriage" dilemma.
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50 Another problem is concerned with the continuously unclear legal status of the existing two
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52 cultural autonomies. They are not legal persons and have both had to use parallel NGOs in
53
54 order to run their activities (*Third Report...* 2010, 7f.; Kabanen 2007).⁶ The cultural
55
56 autonomies do not have any official status comparable to the local governments, as they had
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3 in the 1920s and 1930s, and as was the original intention of the present law. In short, despite
4 the appearance of some horses, the carriage (i.e., the legal framework) is still not completed,
5 and some horses (initiators) have not been accepted to be harnessed at all. Both the Sultan
6 (Europe) and Hodja (Estonia) come well along, but by now, the donkey itself shows few signs
7 of life.
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13 14 15 16 17 18 **6. Conclusions** 19

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22 We can now bring back to mind what characterizes non-territorial cultural autonomy both as a
23 theoretical category, and as defined by the present Estonian legislation. It could be seen as
24 reminiscent of a municipal government, only with a more limited number of functions, and
25 elected by a constituency that is not defined by place of residence, but by self-proclaimed
26 cultural identity. In contrast to associations, foundations and other civil society organizations,
27 the cultural autonomy is a public body administering tasks delegated by the state. Governed
28 by a council elected by citizens belonging to the relevant minority, the autonomy is a
29 representative of that subpolity; it gives the minority a legitimate and officially recognized
30 voice, while an association's mandate to represent a minority is much more restricted and can
31 always be called into question. As Sofia Joons (2012), President of the Estonian Swedes'
32 Cultural Council has put it:
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49 The greatest difference between our cultural autonomy and cultural associations is that
50 we carry out democratic elections and that we have citizens, not members.
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3 In this light, the Ministry of Culture's (2009) and some scholarly commentators' (Aidarov and
4 Drechsler 2011; Smith 2013) remarks on the heterogeneity, narrow base and lack of
5 coordination of the Russian associations appear irrelevant. The process of elections is a
6 mechanism through which an (always more or less heterogeneous) (sub) polity becomes able
7 to formulate a shared political will. Admittedly, at the time of the law's enactment in 1993,
8 the exclusion of non-citizens from the definition of national minorities meant also that the
9 cultural autonomy could in the early 1990s not have had the role of a representative elected
10 body of Estonia's ethnic Russians. By now, the situation has changed. A majority of them
11 already are Estonian citizens – in this sense, the law now corresponds better, rather than less,
12 to the country's demographic situation than at the time of its enactment. A body representing
13 the Russian minority would obviously have great potential in furthering its dialogue with the
14 majority; or, thinking about the "Bronze Soldier" controversy⁷ over the removal of a Soviet
15 WW II monument, that led to the ethnically motivated rioting of April, 2007: a body with a
16 legitimate mandate of representing the Russian minority could have moderated the stances of
17 both the nationalist politicians and the more militant minority activists. At the same time,
18 securing a dialogue with the Russian speakers has obviously not been a priority among
19 Estonia's political decision makers. The abolition of the Bureau of the Minister without
20 Portfolio of Population Issues in 2009 (Vetik 2011, fn. 1 on p. 55), the downgrading of the
21 status of the President of the Republic's Roundtable of National Minorities in 2010 (Vabariigi
22 President 2010), and the bureaucratic obstacles put on the efforts to initiate a Russian cultural
23 autonomy are signals of a general trend.

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52 From the beginning, Estonia's minority policies have been closely intermingled with security
53 political concerns. The Popular Front's and the 1992 Constitution's support for cultural
54 autonomy helped to find goodwill for Estonia both among the country's own minorities and
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3 abroad, and it had the clear objective of diminishing the danger of ethnic conflict. The OSCE
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5 and its High Commissioner on National Minorities monitored and gave advice on minority
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7 policies for the same reason. During Estonia's process of preparing for EU membership
8
9 (1997-2004), its minority and citizenship policies were regularly scrutinized by the annual
10
11 progress reports (Raik 2003, 51ff.). Until the EU and NATO accession in 2004, there was an
12
13 obvious security political need to avoid negative attention on the country's treatment of its
14
15 minorities. After that, the securitization of minority issues has continued, but within a
16
17 different key. Especially since the Bronze Soldier riots, attempts at mobilizing the Russians
18
19 politically have been interpreted by the government as clandestinely inspired by the Russian
20
21 Federation, staged in order to destabilize and achieve political influence in Estonia (e.g.,
22
23 Security Police 2012, 11). Without directly saying so in policy documents, large parts of the
24
25 state administration seem in doubt about the Russian speaking citizens' loyalty to the
26
27 Estonian state and consider its large-scale mobilization a potential security threat, even if it
28
29 would be about cultural or educational issues.
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36 In comparison with the Russians, the Ingrian Finns and Swedes had fewer administrative
37
38 obstacles to fight with, presumably also due to the much more positive image that these
39
40 minorities and their "external homelands" had in the eyes of the state administration. They
41
42 were able to carry out the elections of their cultural councils, but the councils were never
43
44 granted with any legal status whatsoever, let alone that of a public administration body. This
45
46 makes them unable to carry out their functions in the ways defined by the law. Obviously, the
47
48 decision makers' readiness for administrative decentralization was far lesser than in the 1920s
49
50 – one can talk about a difference in political culture. According to a historian quoted earlier
51
52 (Alenius 2007, 458), the establishment of cultural autonomies in the 1920s was a sign of the
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54 Estonians' political maturity. This may refer to their own experience of living as a national
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3 minority in Imperial Russia; but also to the fact that, until the centralising tendencies of the
4 late 19th Century (Zetterberg 2009, 342-353), the multinational empire had no problem in
5 delegating ecclesiastical, educational and local administrative functions to autonomous bodies
6 which functioned in another than the state language. Werner Hasselblatt's remark, quoted
7 earlier, points at a line of continuity between that practice and the cultural autonomy law of
8 1925. In contrast, Soviet Union of the 1980s was administered in a much more centralized
9 way. The multiculturalist ideas of the Popular Front and its national minority activists, still
10 echoed by the 1992 Constitution and the law of 1993, were soon side-tracked by the now
11 prevailing view of the state as the guardian and expression of one, culturally and linguistically
12 defined nation. Ideas about state administration, and about the state's mandate for regulating
13 the cultural identity of its citizens were different from those of the 1920s; they laid now much
14 more emphasis on centralization and cultural unity.
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32 Twenty years after its enactment we can state that the Estonian Law on Cultural Autonomy of
33 National Minorities never came to be implemented in the way originally designed. Aidarov
34 and Drechsler (2011: 46-48) see the enactment of the law in 1993 as a gesture partly in order
35 to receive foreign recognition for Estonia's minority policies, partly in order to signal legal
36 continuity with the pre-war republic. While both motives seem to have played a role, the
37 events and debates presented above do not support their assumption that the law in fact was
38 never intended to be implemented in the first place. Neither do I agree with their claim that
39 the law by now has lost its *raison d'être* – if it ever had one.
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52 Debates on cultural autonomy started already before the independence, when the
53 independence movements' and the ESSR Supreme Soviet's most obvious counterparts to be
54 taken into account were not yet the Western international organizations, but the minority
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3 activists at home and the liberally minded politicians and activists in the Soviet Union. Both
4
5 within the Popular Front, the ESSR Supreme Soviet, and the first Parliament of independent
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7 Estonia, there was obvious goodwill not towards the Russians, but towards the smaller
8
9 minority nationalities. It was for their, not the Russian minority's needs that the law was
10
11 tailored. For reasons discussed above, the Ingrian Finns and Estonian Swedes were among the
12
13 more resourceful and better organized minority groups. For most of the small minorities, the
14
15 legislation on non-profit organizations (enacted in 1994 and 1996) provided sufficient,
16
17 administratively less heavy possibilities for organizing.
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23 Could, then, a cultural autonomy of the Russian minority have any function to fulfil in
24
25 present-day Estonia? First, the perspective of the minority electing a representative body
26
27 would itself have a mobilizing and empowering effect – another issue is that most of the
28
29 present Estonian decision makers would hardly welcome such a development. Second, it is
30
31 true that in 1993, cultural autonomy of the Russian minority would not have fulfilled any such
32
33 cultural and educational functions that were not covered by already existing institutions. At
34
35 present, the situation is rapidly changing. From the academic year 2012/13, all formerly
36
37 Russian gymnasiums have been ordered to change their main language of tuition to Estonian.
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39 Despite a legally existing possibility of continuing the tuition in Russian (see, e.g., *Third*
40
41 *Report...* 2010, 44), the Government of the Republic has hitherto dismissed all such
42
43 applications and has also declared that it intends to continue doing so. The Constitution's (§
44
45 37) promise of allowing national minorities' educational institutions to freely decide upon
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47 their language of tuition is considered irrelevant, as municipal gymnasiums are not legally
48
49 regarded as such institutions, irrespective of the mother tongue of their students and teachers.
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51 In fact, the only possible legally recognized body to establish such institutions would be the
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53 cultural autonomy. The Government's treatment of secondary education in Russian language
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3 would certainly have turned out differently, if there had been such a body designed by the law
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5 to “organize studying in the mother tongue” (§ 5) – an institution that the government would
6
7 have needed to build a partnership with.
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12 The fact that there exists no body of cultural autonomy of the Russian minority does of course
13
14 not mean that the minority would be deprived of all cultural and linguistic rights. There is a
15
16 fair amount of pragmatism in how the society and the administration function in practice.
17
18 Most public services are available also in Russian. Local governments have been able to
19
20 design practices that are, in many cases, essentially bilingual (cf. Budryte 2005, 9). Not all
21
22 laws giving priority to Estonian language are always enforced strictly. But the informal
23
24 character of such practices also renders the country’s largest minority’s linguistic rights
25
26 vulnerable for changes of mood in politics or administration; in electoral campaigns, appeals
27
28 to Estonian nationalist sentiments are regularly exploited. This is the weak point of any
29
30 minority incorporation regime that relies heavily on unofficial practices. As long as the
31
32 multiculturalist promises given by the Constitution and by the Law on Cultural Autonomy of
33
34 National Minorities remain a dead letter, the Estonian Russian speakers’ situation continue to
35
36 depend on the country’s often problematic relations with its Eastern neighbour.
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End Notes:

1. Also known as *National Minorities' Cultural Autonomy Act*.
2. It should be mentioned however, that the Estonians most likely to reach the topmost positions of the Communist Party hierarchy were the repatriated descendants of 19th century settlers from Estonia to Russia proper. They could be expected to be more loyal to the regime, as they had no personal or family memories from the bourgeois independent republic. They were usually in practice more fluent in Russian than in Estonian.
3. That is, the Estonian and Latvian Popular Fronts and the Lithuanian Sajūdis movement.
4. The Ingrian Finns are descendants of 17th century settlers from Finland to the area which later became the St. Petersburg region. After the border settlements with Russia in 1920 and later, after the Second World War, many of them came to live in Estonia.
5. What Smith, in fact, stresses (e.g., 2005) is that cultural autonomy can serve as a complement, not a substitute for territorially based approaches, when it comes to large minority groups living compactly on a certain territory. Thus, he prefers territorial to non-territorial cultural autonomy, thereby not meaning that it would be better to have no cultural autonomy at all. The Ministry of Culture's quotations and summary of Vetik's statement do not reflect considerations of this kind.
6. This may also lead to disputes between organizations over the use of resources. In 2013, the yearly financial support of 50,000 Euro, which the Estonian Union of Ingrian Finns had previously received from the Ministry of Culture, was allocated instead to a new organization recently founded by the Union's previous chairman (Must 2013).
7. On 26 -28 April, 2007, street rioting and looting mainly by Russian speaking youth in Tallinn was triggered by the Government's decision to remove a Soviet-time war monument from the city centre. Some 1,300 people were detained by the police during the two nights.

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The events have received considerable scholarly attention too, see, e.g., several articles in 2008's last issue of Journal of Baltic Studies (39, 4); Berg & Ehin 2009; Petersoo & Tamm 2008.

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References

Aareleid-Tart, Aili and Martti Siisiäinen. 1993. Voluntary associations in Estonia and in Finland from the nineteenth century to the present time. *Proc. Estonian Acad. Sci., Humanities and Social Sciences*, 42, 2, 215-231

Advisory Committee... 2011. *Advisory Committee on the Framework Convention for the Protection of National Minorities. Third Opinion on Estonia, Adopted on 1 April 2011.* Strasbourg: Council of Europe ACFC/INF/OP/III(2011)004, 17

Agarin, Timofey and Ada-Charlotte Regelman. 2011. Status Quo Multiculturalism: The Crux of Minority Policies in Central Eastern Europe's New EU Member States. *Journal of Minority Studies*, 5,3: 69-98, 70

Aidarov, Aleksandr with Wolfgang Drechsler. 2011. The Law & Economics of the Estonian Law on Cultural Autonomy for National Minorities and of Russian National Cultural Autonomy in Estonia. *Halduskultuur – Administrative Culture* 12 (1), 43-61

Alenius, Kari. 2007. The birth of cultural autonomy in Estonia: How, why, and for whom? *Journal of Baltic Studies*, xxxviii, 4, 445-462

Berg, Eiki and Piret Ehin, eds. 2009: *Identity and Foreign Policy: Baltic-Russian Relations and European Integration.* Farnham, UK and Burlington, USA: Ashgate

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3 Budryte, Dovile. 2005. *Taming Nationalism? Political Community Building in the Post-Soviet*
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5 *Baltic States*. Aldershot: Ashgate
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7

8
9 Eesti Ingerisoomlaste Liit. 2012. *Eesti Ingerisoomlaste Liidu ajalugu*. Available as:
10
11 <http://www.inkeri.ee/index.php?leht=liiduajalugu> (accessed 8 March, 2013)
12
13

14
15
16 Eesti NSV Ülemnõukogu: *Minutes of the sessions of the Supreme Soviet of the Estonian SSR*
17
18

19
20 Eide, Asbjørn. 1998. Cultural Autonomy: Concept, Content, History and Role in the World
21
22 Order. In: Markku Suksi, ed. 1998. *Autonomy: Applications and Indications*. The Hague:
23
24 Kluwer Law International, 251-276
25
26

27
28
29 *Estonian Integration Strategy*. 2007. *Estonian Integration Strategy 2008-2013*. Available in
30
31 English as:

32
33
34 http://www.kul.ee/webeditor/files/mitmekesisus/Estonian_Integration_Strategy_2008-
35
36 [2013_ENG_VV_11.06.09_nr_236.pdf](http://www.kul.ee/webeditor/files/mitmekesisus/Estonian_Integration_Strategy_2008-) (accessed 8 March, 2013)
37
38

39
40 Forsander, Annika. 1999. Outsiders or insiders? Ingrian Finns in the context of the Finnish
41
42 immigration policy. In: Maarit Leskelä, ed. 1999. *Outsiders or Insiders? Constructing*
43
44 *Identities in an Integrating Europe*. Turku: University of Turku, 52-73
45
46

47
48
49 Garleff, Michael. 1989. Kulturaautonomie in Estland damals – Vorbild für heute? In: Johannes
50
51 Vollmer and Tilman Zülch, ed. 1989. *Aufstand der Opfer. Verratene Völker zwischen Hitler*
52
53 *und Stalin*. Göttingen, Wien & Bern: Gesellschaft für bedrohte Völker, 272-275
54
55

1
2
3 Hiden, John. 2004. *Defender of Minorities. Paul Schiemann, 1876-1944*. London: Hurst
4
5

6
7 Housden, Martyn. 2005. Cultural autonomy in Estonia: One of history's "curiosities"? In:
8
9 David J. Smith, ed. 2005. *The Baltic States and Their Region: New Europe or Old?*
10
11 Amsterdam & New York: Rodopi, 227-249
12

13
14
15
16 Joons, Sofia. 2012. *Memo från möte med Eino Pedanik på Kulturministeriet 17.02.2012*.
17
18 Manuscript
19

20
21
22
23 Kabanen, Toivo. 2007. *Soome vähemusrahvuse kultuuriautonomiast*. Available as:
24
25 http://www.reformipartei.info/20061008_309/soome-vahemusrahvuse-kultuuriautonomiast
26
27 (accessed 8 March 2013)
28

29
30
31 Kolstoe, Paul. 1995. *Russians in the Former Soviet Republics*. London: Hurst
32

33
34
35
36 Krikmann, Arvo. 1998. On the Relationships of the Rhetorical, Modal, Logical, and Syntactic
37
38 Planes in Estonian Proverbs, Part 3. *Folklore: An Electronic Journal of Folklore*, 9, 71-96.
39
40 <http://www.folklore.ee/Folklore/authors/krik.htm>
41
42

43
44
45 Kulturrådet.... 2013. *Välkommen till Kulturrådet för den svenska minoriteten i Estlands*
46
47 *officiella hemsida*. Available as: <http://www.eestirootslane.ee/sv> (accessed 8 March, 2013)
48
49

50
51
52 Lagerspetz, Mikko. 1996. *Constructing Post-Communism: A Study in the Estonian Social*
53
54 *Problems Discourse*. Turku: Annales Universitatis Turkuensis
55
56

1
2
3 Lagerspetz, Mikko. 2014. Estonia. In: Anna Triandafyllidou and Ruby Gropas, eds. 2014.
4
5 *European Migration: A Sourcebook. Second, new and expanded edition.* Aldershot: Ashgate,
6
7 87-98
8
9

10
11 Lagerspetz, Mikko and Sofia Joons. 2004. *Migrants, Minorities, Belonging and Citizenship.*
12
13 *Glocalization and Participation Dilemmas in EU and Small States: The Case of Estonia.*
14
15 Bergen: BRIC – University of Bergen
16
17

18
19
20 Légaré, André and Markku Suksi. 2008. Introduction: Rethinking the Forms of Autonomy at
21
22 the Dawn of the 21st Century. *International Journal on Minority and Group Rights*, 15
23
24 (2008), 143-155
25
26
27

28
29 Ministry of Culture. 2009. *Käskkiri nr. 69, 26 February. Vähemusrahvuse rahvusnimekirja*
30
31 *koostamiseks volituse andmisest keeldumine.*
32
33

34 Available as: http://dokreg.kul.ee/index.php?id=&t_id=6890&asutus_id=1&dok_id=7624
35
36 (accessed 11 September 2013)
37
38

39
40 Ministry of Culture. 2011. *Reply to Juri Desjatnikov, 29 September 2011.* Available as:
41
42 http://dokreg.kul.ee/public/110928_vastus_desjatnikov.332256.doc (accessed 15 June, 2013)
43
44

45
46 Ministry of Culture. 2012. *Komisjoni moodustamine vene vähemusrahvuse rahvusnimekirja*
47
48 *koostamise taotluste läbivaatamiseks.* Minister's Decree, 26 March, 2012. Available as:
49
50 http://dokreg.kul.ee/public/120320_VRKA_vene_taotluste_komisjon.392943.doc (accessed
51
52 15 June, 2013)
53
54
55
56
57
58
59
60

Petersoo, Pille and Marek Tamm, eds. 2008. *Monumentaalne konflikt: Mälu, poliitika ja identiteet tänapäeva Eestis*. Tallinn: Varrak

Postimees. 2010. MTÜ Vene Kultuuriautonomia ei saanud oma tahtmist ka riigikohtust. *Postimees*, 4 November 2010. Available as: <http://www.postimees.ee/337233/mtu-vene-kultuuriautonomia-ei-saanud-oma-tahtmist-ka-riigikohtust> (accessed 1 January 2014)

Rahvakongress. 1988. *Rahvakongress. Eestimaa Rahvarinde kongress 1.-2- X 1988. Materjalide kogumik*. Tallinn: Periodika

Raik, Kristi. 2003. *Democratic Politics or the Implementation of Inevitabilities? Estonia's Democracy and Integration into the European Union*. Tartu: Tartu University Press

Rauch, Georg von. 1990. *Geschichte der baltischen Staaten*. München: Deutscher Taschenbuch Verlag

Renner, Karl. 1899/2005. State and Nation. In: Ephraim Nimni, ed. 2005. *National-Cultural Autonomy and Its Contemporary Critics*. Oxford & New York: Routledge, 15-48

Riigi Teataja: *The Estonian official bulletin publishing laws and government decrees*

Riigikogu: *Minutes of the sessions of the Estonian Parliament*

Rikmann, Erle. 2012. *Construction of Civil Society in Estonia: Discursive and Institutional Changes*. Tallinn: Tallinn University

1
2
3
4
5 *Second Report...* 2004. *Second Report submitted by Estonia pursuant to Article 25,*
6
7 *Paragraph 2 of the Framework Convention for the Protection of National Minorities.*

8
9
10 Strasbourg: Council of Europe ACFC/SR/II(2004)009

11
12
13 Security Police of the Republic of Estonia. 2012. *Annual Review 2011*. Tallinn: Kaitsepolitsei.

14 Available as: [http://www.kapo.ee/cms-data/_text/138/124/files/kapo-aastaraamat-2011-](http://www.kapo.ee/cms-data/_text/138/124/files/kapo-aastaraamat-2011-eng.pdf)
15
16 [eng.pdf](http://www.kapo.ee/cms-data/_text/138/124/files/kapo-aastaraamat-2011-eng.pdf) (accessed 8 March, 2013)

17
18
19
20
21
22
23 Smith, David J. 2005. Non-territorial cultural autonomy as a Baltic contribution to Europe
24 between the wars. In: David J. Smith, ed. 2005. *The Baltic States and Their Region: New*
25
26 *Europe or Old?* Amsterdam & New York: Rodopi, 211-226

27
28
29
30
31
32 Smith, David J. 2013. Non-Territorial Autonomy and Political Community in Contemporary
33 Central and Eastern Europe. *Journal of Ethnopolitics and Minority Issues in Europe*, 12, 1,
34
35 27-55

36
37
38
39
40
41 Suksi, Markku. 2008. Personal Autonomy as Institutional Form – Focus on Europe Against
42 the Background of Article 27 of the ICCPR. *International Journal on Minority and Group*
43
44 *Rights*, 15 (2008), 157–178

45
46
47
48
49 *State Programme...* 2000. *State Programme “Integration in Estonian Society 2000-2007”.*

50 Available in English as:

51
52 http://www.kul.ee/webeditor/files/integratsioon/state_programme111.pdf (accessed 8 March,
53
54
55
56 2013)

1
2
3
4
5 Taagepera, Rein. 1992. Ethnic Relations in Estonia, 1991. *Journal of Baltic Studies*, xxiii, 2,
6
7 121-132
8
9

10
11 *Third Report....* 2010. *Third Report submitted by Estonia pursuant to Article 25, Paragraph 2*
12 *of the Framework Convention for the Protection of National Minorities*. Strasbourg: Council
13
14 of Europe ACFC/SR/III(2010)006
15
16

17
18
19
20 Tkacik, Michael. 2008. Characteristics of Forms of Autonomy. *International Journal on*
21 *Minority and Group Rights*, 15 (2008), 369–401
22
23

24
25
26
27 Vabariigi President. 2010. *Vabariigi President Eesti Koostöö Kogu rahvuste ümarlaua*
28 *kokkukutsumise puhul (26. 05. 2010)*. Available as:
29
30 [http://www.president.ee/et/ametitegevus/koned/2557-vabariigi-president-est-koostoeoe-](http://www.president.ee/et/ametitegevus/koned/2557-vabariigi-president-est-koostoeoe-kogu-rahvuste-uemarlaua-kokkukutsumise-puhul/index.html)
31 [kogu-rahvuste-uemarlaua-kokkukutsumise-puhul/index.html](http://www.president.ee/et/ametitegevus/koned/2557-vabariigi-president-est-koostoeoe-kogu-rahvuste-uemarlaua-kokkukutsumise-puhul/index.html) (accessed 8 March, 2013)
32
33
34
35

36
37
38 Vetik, Raivo. 1993. Ethnic Conflict and Accommodation in Post-Communist Estonia. *Journal*
39 *of Peace Research*, 30, 3, 271-280
40
41
42

43
44
45 Vetik, Raivo. 2011. Integration policies. In: Raivo Vetik and Jelena Helemäe, eds, 2011. *The*
46 *Russian Second Generation in Tallinn and Kohtla-Järve. The TIES Study in Estonia*.
47
48 Amsterdam: Amsterdam University Press, 39-57
49
50
51

52
53
54 de Villiers, Bertus. 2012. Protecting Minorities on a Non-Territorial Basis – Recent
55
56 International Developments. *Beijing Law Review*, 2012, 3, 170-183
57
58

1
2
3
4
5 Zaagman, Rob. 1999. *Conflict Prevention in the Baltic States: The OSCE High Commissioner*
6
7 *on National Minorities in Estonia, Latvia and Lithuania*. Flensburg: European Centre for
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

Minority Issues

Zetterberg, Seppo. 2009. *Eesti ajalugu*. Tallinn: Tänapäev

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