

[Working Paper 16

[Language Planning in Estonia: Past and Present

Mart Rannut

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1. History in brief

Contemporary Estonia harbours several ethnic groups with Estonians as the titular nation comprising the main bulk of the society. Estonians, a Finno-Ugric people, have lived in their present habitat from the times immemorial, at least since the 3rd millennium B.C., and even, according to the latest theories, 7th millennium B.C.

The forefathers of current Estonian nation moved in at least from two different directions in different waves (cf. Viitso 2001), both groups speaking similar, however differing Balto-Finnic vernacular. This laid basis for two different Estonian languages, North and South Estonian, in use during medieval times, even in print (both became literary languages in the 17th century). The role of the South Estonian literary language began to wane in the 18th century in conjunction with the publication in 1739 of the Bible in North Estonian and with the introduction of

compulsory reading skill in 1729. In the 19th century South Estonian was devalued to a low variety vernacular without accepted literary norm.

In the early 13th century the Estonian lands were subjugated by the State of the Teutonic Order, except for the Setu (part of Southern Estonia) territory in South-East Estonia which was under the Principality of Pskov and where the language and culture bear traces of Russian and Orthodox influence. North Estonia was conquered by Denmark (according to a legend, Danes got their national flag from Estonia, as it fell down from the sky when Danes caught the future capital of Estonia, Tallinn). In the middle of the 16th century the Estonian territory was divided between Poland, Denmark, Sweden and the Grand Principality of Muscovy. Since 1629 Estonia was ruled by the Swedish Kingdom. The Great Northern War left Estonia as the possession of the tsarist Russian Empire for almost two centuries: 1721 - 1918.

After the October Revolution in Russia the Estonian state was founded on 21 February 1918. Estonia was an independent nation-state until 16 June 1940. On 17 June 1940 the Soviet Union annexed Estonia and on 6 August 1940 Estonia was incorporated into the Soviet Union. The Soviet occupation last until Estonia restored sovereignty on 20 August 1991.

The major immigration flows into Estonian lands have always accompanied and followed wars and arrivals of new conquerors: in the 13th century, mainly Germans and Danes; in the 16th and 17th centuries, Swedes; and in the 18th and 19th centuries – Russians. However, up to the beginning of Soviet occupation in 1940 the population of the Estonian lands was quite homogeneous in its ethnic composition: with the predominance of Estonians, other ethnic groups made up no more than between 7 and 11% altogether. It was only after the great wars, in the 17th century, that the proportion of non-Estonians reached the highest level of about 15% (representing about a dozen different ethnicities). During the high tide of russification in the 80s and 90s of the 19th century, Russians made up, according to respective censuses, 3.3% in 1881 and 4.0% in 1897.

In medieval times the language used in the municipal administration was Baltic German, based on Low German (*Niederdeutsch*); the clergy used Latin for their sacred routines; and the language used for state administration

depended on the language of the conquerer, seizing the whole Estonia or a part of it. Thus, in different times (Low) German, Swedish, Russian, and, in places, Danish and Polish were used for that purpose.

2. The Republic of Estonia 1918-1940

2.1. *Ethnic data*

Between the two World Wars Estonia was an independent, mainly mononational state, whose minorities (Russians, Germans, Swedes, Jews) enjoyed ample cultural autonomy, adopted in 1925 and based on the Constitutional article 21. Already the first Constitution, dating from 9 August 1920, contained legal principles to guarantee the existence of national minorities in Estonia (Articles 6, 12, 20-23). It also provided several linguistic rights. For example, Estonian citizens of German, Russian and Swedish national origin were afforded the right to address state authorities in their own native languages. The Law on Public Elementary Schools of 7 May 1920 and the Law on High Schools of 7 December 1922 introduced elementary and high school instruction on the basis of the mother tongue. The principles of the Law on Cultural Self-Government of National Minorities, enacted on 5 February 1925, were worded in full harmony with the conditions for admittance to the League of Nations, formulated by the Plenary Assembly of the League of Nations on 15 December 1920, and in the recommendations of the League of Nations, to which Estonia was admitted on 22 September 1921 (Geistlinger 1994).

These guarantees provided conditions for minority culture and language maintenance. As a result, no major changes in numbers of minority population took place during that period. In the 1922 census the percentage of Estonians was 87.6% and that of all other ethnic groups together, 12.4%. The share of Russians was 8.2%, that of Germans, 2%, of Swedes, 0.7%, and of Jews, 0.4%. According to the 1934 census, the ethnic composition of the population of Estonia was as follows: 992,000 (88%) Estonians, 92,000 Russians (8%), 16,300 (1.5%) Germans, 7,600 (0.7%) Swedes, and 4,400 (0.4%) Jews, plus several smaller ethnic groups. Most of the ethnic non-Estonians were bilingual in Estonian and their native language. The majority of the largest minority group (Russians) lived in rural areas,

the most "Russian" areas being the town of Narva, containing 29.7% of Russians, the territories East of Narva, and the Petseri region. In Tallinn the percentage of Russians was 5.7%. Other major ethnic groups, Germans and Jews, lived mostly in towns, Swedes in the Estonian coastal region and on the islands. In response to an appeal from Hitler, most Germans left Estonia in October 1939.

2.2. Language policy and status planning

2.2.1. The common language issue

The first task of the newborn Republic of Estonia was the solution for the common language. Before that, Estonian as the language of the main bulk of the population was used together with German, language of the Baltic German, the group of privileged *Herrenvolk*, thanks to the positions earned through special degrees of the Tsar concerning the Baltic provinces, and Russian, the official language of the Tsarist Empire. In the new situation, with Estonia formed according to the principle of self-determination of the Estonian people, it was decided to establish the Estonian language as the national language for the needs of the independent Estonian state, with national minorities guaranteed cultural autonomy (*Manifesto to the Nations of Estonia*, from 24 February 1918).

This was further affirmed in several legal acts. According to the Temporary Administrative Law of the Temporary Government, the official language had to be Estonian. Exceptions were Russian areas around Lake Peipsi and Swedish areas in Läänemaa, where the use of the corresponding language of the local population was foreseen.

2.2.2. Minority protection

Gaining their independence, the Baltic states were subject to the various provisions of the Versailles Peace Treaty and the League of Nations relating to language. These provisions attempted to guarantee language and cultural rights and a measure of cultural autonomy to minorities in order to avoid ethnic and national conflicts that were seen to have led to the WWI. These provisions were

eminently suitable for the Baltic states and reflected the view towards minorities that was present there (Ozolins 1994: 163). Estonia developed a minority protection system, based on **territorial autonomy** (guaranteed by several Constitutional provisions), used widely by local Russians and Swedes, and **cultural autonomy** (adopted in the form of the law in 1925), enjoyed by dispersed and non-territorial minorities, like Germans and Jews.

Several decrees and laws regulated official language use in Estonia. The last, most sophisticated **Language Act** was adopted by virtue of the Decree of the State Elder on 29 October 1934. This law confirmed previous practices establishing Estonian as the national and official language. Exceptions were foreign relations and national minority domain, which were regulated in other laws in more detail (see for details Ruutsoo 1993, Loeber 1989).

Acquisition planning was based on the Constitutional clauses that declared the Estonian language as the national language, simultaneously providing mother tongue education to minorities. These principles were implemented in several legal and normative acts.

According to the Law on Public Primary Schools¹, primary schools (grades 1-6) were divided into Estonian-medium, German-medium, Russian-medium, Swedish-medium, or other language-medium schools, based on the mother tongue of pupils (Art. 4). In order to attend a non-native language school, one had to have a sufficient reason, the decision was made by local school board (Art. 7). This principle was further confirmed in the Law on Primary Schools, adopted in 1931². According to this law, non-native language medium education was allowed only if there was no corresponding school nearby. Exceptions were allowed only by permission of the Minister of Education (Kurvits 1938: 56, referred to in Vare 1997). The same principle was for public secondary schools³; however, teaching in Estonian for non-Estonian pupils was allowed (paragraph 3).

¹ RT 1920, 75/76, 208

² RT 1931, 46, 348

³ RT 155/156 – 1922, 91

The Law on Cultural Autonomy, adopted in 1925, granted the right to establish (state-financed) schools with their own language as the medium of education to all minorities numbering over 3,000. According to regulations by the Ministry of Education (passed on 17.12.1918), the Estonian language was required to be a compulsory subject in minority schools, with 4 lessons per week. To found a state-financed, minority language-medium school, a minimum enrolment of 20 pupils was necessary. If the number of minority children was less than 20, minority pupils could study their native language as a subject for 3 hours a week in an Estonian-medium school (e.g. Russian in the towns Paldiski and Mustvee).

2.2.3. *Education for minority language speakers*

The right to establish and maintain schools with their own language as the medium of education to all minorities numbering over 3,000 was widely used by local minorities. In 1929, Germans had 19 primary schools, Jews 3, Latvians 7, Russians 100, Swedes 15 and Ingrians 3. The Germans operated 14 secondary schools, Russians 9, Latvians 1, Jews 2 and the Swedes opened theirs in 1931. Founding native language schools was most difficult for heterogeneous or "illiterate" (orate) minorities. Jews, who had populated Estonia from the beginning of the 19th century, used mostly Russian (sometimes German or Estonian) as their native language. Thus, the Jewish (primary and secondary) schools that were founded used Russian as the medium-language, gradually shifting to Jiddish. On 21.06.1926, the Jewish Cultural Council decided to transfer to Modern Hebrew.

Orthodox Ingrians (*inkeroiset*) spoke Ingrian, a Balto-Finnic language like Estonian and Finnish, but without an established literary form. It caused great difficulty to find a common literary language for the education of the minority. The three primary schools east of the Narva River used Russian up to 1922, when 2 of them shifted to Estonian, a closely related language to Ingrian. According to the Ministry of Education decision dating back to 1926, the medium of instruction was changed to Finnish, as the closest language, but oral use of Ingrian was also encouraged. Due to a petition from Ingrian parents who demanded Estonian, Estonian as well as Finnish-medium departments were opened in both schools in 1933, thus allowing a choice of medium of instruction.

Those non-Estonians who did not have schools in their native languages placed their children in German-medium schools. Besides, Estonian-medium, German-medium and even French-medium kindergartens existed. Several minorities organised nursery schools, operating on a half-day basis.

Higher education was also available in minority languages. There was one German-medium institution for higher education: a private, theological-philosophical, Luther's Academy, and one Russian-medium institute: a private Polytechnic Institute.

Providing basic mother-tongue education for minorities was common in Estonia. The picture changes at the level of secondary and higher education, where the numbers of pupils diminish rapidly, the reason being no further educational needs, especially in rural areas. Only the majority of students from German and Jewish minorities continued their educational studies at the secondary level. Thus, the ethnic elite was reproduced only among these populational groups, and to a minor extent, among Russians.

2.2.4. Ethnic composition of pupils

The ethnic composition of pupils followed that of the whole population. Most of the educational institutions were Estonian-medium. Besides these, there were educational institutions in the minority languages, as well as in the more popular foreign languages. For example, the French-medium lycé and the English-medium college were popular among the elite.

The official minority policy resulted in the native language teaching for the main bulk of ethnic groups. For the primary school in 1922/23 school year, the teaching of native language among Estonians was of 99.7%, among Russians, 95.1%, among Germans, 93.7%, among Swedes, 89.7%, and among Latvians, 65.6%. The exceptions were Jews, with 22.6%, and with others who learned in Russian or German (Eesti Demograafia, 1924: 139, referred to in Vare 1997). There were also mixed schools with several languages used.

Secondary education reflected a similar situation: in 1922/23, Estonian-medium schools were attended by 76.9%, Russian schools, 9.5%, Estonian-Russian mixed schools 1.4% (in Petseri), German schools, 11.8% and Latvian schools (in Valga) 0.4% (Eesti Demograafia 1924: 201, Vare 1997). This trend was stable throughout the following years.

3. Soviet occupation (1940-1988)

3.1. World War II

Following the Soviet-German Non-Aggression Pact and its Secret Protocol (known as the Molotov-Ribbentrop Pact), the Soviet Union annexed the independent states of Lithuania, Latvia and Estonia in June 1940. Estonia was proclaimed a part of the Soviet Union (6 August 1940) and named the Estonian Soviet Socialist Republic, and fell under the rule of the Soviet governmental apparatus and the Communist Party. In the first phase, Stalinist linguistic policy was introduced in Estonia, having a serious impact.

The annexation of Estonia by the USSR in 1940 entailed disastrous changes in the population, including its ethnic composition, resulting from mass deportation (over 10,000 people) and imprisonment (about 7,000) of the autochthonous inhabitants and simultaneous in-migration of population from the annexing country. All schools, societies and clubs of the ethnic minorities were closed, and the system of cultural autonomy was terminated. Their journals and newspapers were closed down.

World War II overrode Estonia twice. Germany conquered Estonia in 1941, and in 1944 the country was again occupied by the Soviet Union. At the end of 1941 Estonia was claimed to be *judenfrei* by Nazis. Many factors contributed to a further decrease in the Estonian population, particularly war damage and losses, imprisonment and executions, as well as deportations and waves of refugees. During the years 1939-1940 ca. 22,000 Baltic Germans left Estonia for Germany. In 1943 Estonian Swedes (ca. 7,500) left their homes in the Estonian coastal region and islands for Sweden, in conformity with a German-S-

wedish treaty, in order to get out of the war. In 1944, before the arrival of the Soviet army, around 75,000 Estonians left as refugees (mainly for Sweden and Germany), in fear of a return of the Soviet terror. The result was that by 1946 the Estonian population had decreased by one-fifth (200,000) to 854,000. A mere 23,000 (2.7%) of non-Estonians remained as minorities in Estonia (the percentage of 97.3 is disputed by Tiit (1993), who proposes the percentage of 95-96%).

3.2. Demographic and social changes after World War II

During the first decade of annexation, under Stalin's rule oppressive methods were used to create favourable social and demographic conditions for the destruction of Estonians and their language as well as of the remnants of indigenous minorities, replacing them with Russian-speaking, imported, "trustworthy" personnel. During 1945-53 around 75,000 persons were imprisoned, from which a quarter were executed.

To make conditions more acceptable for the non-Estonian newcomers, several functional areas were russified, and for the sake of keeping their jobs Estonians had to learn Russian language. Russian was made the second language in education (not a foreign language), and in several areas, the first. The knowledge of the local language in occupied Estonia was not found necessary by newcomers, hence the low percentage of the knowledge (13-20%) among non-Estonians. No stimuli were left for newcomers to respect local language and culture.

Several mass arrests and deportations of Estonians to far regions in the Soviet Union took place (altogether ca 50,000 between 1945 and 49). In March 1949, during one single campaign over 20,000 Estonians were deported to the Far East and Siberia, the majority being women and children. Many died en route (Tiit 1993). In an attempt to mechanically mix peoples, and to destroy their (non-Soviet!) ethnic and cultural environment, the Ingrians (already deported from their mother country in the 1930s) were driven from Estonia in 1947 (Decree of the USSR Council of Ministers of May 7, 1947), from where they had just settled in

1944-1947, finding the new milieu relatively acceptable in terms of language and culture.

The illegitimate transfer of Estonian territory (2,235 sq. kms, the town Petseri/Pechory and ten counties around it and beyond Narva river, with ethnically mixed population of 56,000, from which Estonians comprised 19,000) to Russia at the end of 1944 changed the population almost to monoethnic. The area was linked to Pskov and Leningrad Region (Anderson 1990). These areas had mixed indigenous population of 56,000, consisting of ethnic Estonians (setud, 19,000), Russians and beyond the Narva River, Ingrians, living compactly in their villages. In Petseri, Estonians were in majority, according to the census from 1934.

For non-Russian minorities in Estonia, no possibilities were left to promote and maintain their ethnic culture and language. All their institutions were abolished, including media, schools, clubs, etc. The same rules applied to Russian minority in Estonia, with the difference that the network of Russian-medium schools and clubs enlarged considerably, although not promoting local ethnic culture, but the all-Union socialist culture with a heavy ideological component.

Estonia was rearranged as one ethnic unit (republic) in the Soviet Union, with no ethnically based sub-units. Consequently, all other ethnic non-Estonian groups in Estonia, with the exception of Russians, had to give up their ethnic maintenance systems and linguistic human rights.

The next major societal phenomenon was **unbalancing the local society through massive immigration**. In addition to the rooting of occupational army (it had 505 bases in Estonia, see Hallik 1994:57) Russian workers and collective farmers were sent to Estonia by the USSR government through the *orgnabor* system. To some areas (capital Tallinn, city and district of Kohtla-Järve) these people were recruited through a special agency, *Orgnabor*, all over the Soviet Union. Immigration was favoured as a means of producing loyal personnel with "clean papers". In the years 1945-50, the number of immigrants was 0.5 million, and that of emigrants was half that amount while natural increase was only

8,700. 170,000 non-Estonians settled permanently in Estonia, over 90 per cent of them in towns. They saw Estonia as part of the USSR, where a new way of life and the Russian language had still to be learned (Kala 1991).

After the 1960s, migration diminished, but until the end of the 1980s, the number of newcomers exceeded those leaving by 8,000-9,000 per year, in a population of 1.5 million (data from ESA). As the number of Estonians did not rise to its pre-World War II level, remaining at less than a million, the proportion of Estonians in the overall population fell from 97.3% in 1945 to 61.5% in 1989.

The result was a decrease in the percentage of Estonians, falling to 4% of the population in the town Narva, 3.2% in Sillamäe, 21% in Kohtla-Järve, 2% in Paldiski and 47% in Tallinn, the capital, by 1989 (in 1970 Tallinn still had 55.7% Estonians among its residents).

3.3. Territorial and functional reallocation of languages

Together with the influx of newcomers territorial and functional language shifts took place. In several **functional domains**, Estonian was replaced by Russian, due to Estonia's direct subordination to Moscow, for example in banking, statistics, the militia (Soviet police), railway, naval and air transport, mining, energy production, etc. Their reasons for moving to Estonia were a better standard of living (there was hunger in Russia), organized recruitment (construction work, oil shale industry), privileged positions in certain trades where Estonians were not trusted, e.g. navigation and aviation (an opportunity for Estonians to flee abroad), the railways (the risk of sabotage), communications (state secrets), etc. Some functional activities were completely new in Estonia, having no corresponding Estonian terminology and were therefore carried out in Russian, e.g. *Gosplan* (state planning). Some were recreated in Russian, e.g. everything connected with military purposes. An ancient Estonian profession, off-shore fishing, was forbidden, the boats broken up and burned. Instead, Russian-medium marine fishing and transport system was created, with special attention to ideological issues. As a result, at the beginning of 80s Estonians made up less than half of those employed in industry and transport.

From the late 1970s Moscow restored policies aimed at greater cultural standardisation, reflecting in several dissenting outbreaks concerned with the russification. The Estonian Communist Party operated predominantly in Russian, the Government and several ministries shifted to Russian with the excuse that there was somebody in the collective who did not speak Estonian language (see more in Sinilind 1985).

Together with the functional reallocation of languages, **territorial language shifts** took place. During the annexation, immigrants (who might not have been aware of their status, but moved, according to their opinion, to another part of the Soviet Union) settled mainly in:

- 1) the town of Narva (North-East Estonia), which was bombed down by the SU air force and lay in ruins, and where, during the post-war years, resettlement by Estonians was restricted up to 1952;
- 2) Sillamäe, an area closed to Estonians as members of a "suspect" ethnic group, due to the uranium mining, and, later, uranium processing;
- 3) the Kohtla-Järve oil-shale mines;
- 4) the country's capital, Tallinn (large Russian factories and Soviet bases), and
- 5) the submarine base Paldiski, where Estonians were turned away, and where all monuments reminiscent of Estonia, including cemetery squares, were demolished.

In connection with the building of large military airfields, the linguistic balance was violated and interethnic relations ruined in Tartu, Tapa, Haapsalu and Pärnu. The army took vast territories and Estonians were simply expelled from these lands without compensation. All told access was prohibited or restricted for military purposes to 15% of the Estonian territory.

Together with the decrease of functional as well as regional areas where Estonian language was used, the **rapid rise of the status of Russian** took place. It was caused by several factors, like Russian being compulsorily the sole language for several functional spheres, the construction of a parallel to the already operating Estonian-medium Russian-medium network of plants, factories, offices, institutions and service bureaus as well as entertainment facilities and residence

areas, providing full-scale education (including higher education, vocational schools etc) and services in Russian. These structures were filled with the regular massive influx of immigrants. As a result a Russian-speaking environment was created in Estonia with no contacts with Estonians and the Estonian language, hindering effectively possible integration.

3.4. Linguistic situation

The main features of linguistic situation were:

- ?? the maintenance of native language by ethnic Russians and Estonians,
- ?? assimilation of third nationalities;
- ?? diminishing share of Estonians due to the massive immigration of Russian speakers.

Language maintenance may be observed through the data provided by censuses. Its opposite, language incongruence, refers to people who declare a main (“native”) language different from their national language (nationality was entered in one’s passport in the Soviet Union and, as a rule, one’s parents ethnic background was indicated, i.e. language of origin; Taagepera 1990: 142). This variable indicates that a person is in the middle of an assimilation process, and it also indicates the probable direction of the process. Concerning Estonians, Taagepera noted insignificant incongruence:

In Estonia, the difference is in favour of Russian and shows signs of widening. Still, the cases sum up to only 1.1% of the republic population, and this share has increased very slowly[...] By this measure, assimilation is not proceeding in either direction at a significant rate [...] (Taagepera 1990:143).

While language incongruence may look limited and stable, the preconditions for its future increase may be set by current changes in second language fluency. Members of one nationality must first become fluent in another language before that language can start competing with their native language. Concerning the knowledge of Estonian among Russian-speakers, this was

minimal. According to Taagepera (1990), the number of Russians fluent in Estonian was in 1970 12.5%; by 1979 it had decreased to 11.4%; however in 1989 the level of proficiency of these two languages was 15%. These were mainly local Russians, the resident minority from before 1939 or children from Estonian-Russian bilingual families. This trend was accompanied by the low level of fluency in Russian (*svobodno vladeyet*) among ethnic Estonians: in 1970 it was 27.8%, in 1979 23.3% with a 4.5% decrease, though Russian was a compulsory school subject (Itogi 1970:317, Vestnik statistiki 1980, 10:72, quoted in Dellenbrant 1990). This reflected the **ethnically polarised situation** in Estonia, which might have changed from passive separation to active confrontation if the balance of power changed.

Assimilation of third nationalities was one of the key elements in creating Russian language environment in Estonia. According to the 1989 census, the ethnic composition in Estonia was as follows: 963,000 Estonians, 475,000 Russians, 48,000 Ukrainians, 28,000 Belorussians, 16,600 Finns, 4,600 Jews, 4,000 Tartars, 3,500 Latvians and 3,000 Poles. The group of third nationalities (ethnic non-Estonians and non-Russians) was the most promising soil for growing real *homines sovetici* (see chapter 3.3). To here belonged mostly ethnic Ukrainians, Belorussians, Jews, Germans and Poles, in whose case the official de-ethnization policy had produced significant results: according to the 1989 census only a minority of 40% used their native languages as the first language, 52% were russified, and approximately 8% had switched to Estonian. The percentage of those claiming Russian as their native language was 78,4% among Jews, 67,1% among Belorussians, 63.4% among Poles, 54.5% among Ukrainians, 56.5% among Germans. Assimilation was extremely prominent in the north-eastern region of Estonia with Russian majority, where it affected Estonians also (Kõre 1997: 239). The lack of education in their native language seems to be reason for an underdeveloped sense of ethnic identity, which made the national aspirations of the Estonians difficult for them to accept. Although Jews, Germans and Swedes, owing to their cultural autonomy, successfully maintained themselves as ethnic groups in the years between the two World Wars, most left Estonia during World War II. As a result, only one fifth of Estonian Germans and Jews represented a minority of local origin. The rest came to Estonia seeking better opportunities for emigration to the West, as well as being in fear of pogroms in Russia. The 300

coastal Swedes assimilated to Estonian, as did a third of ethnic Finns, who shifted from Finnish to Estonian.

3.5. Language policy of russification

3.5.1. General aspects

Like in several other domains, language policy in official documents was discussed implicitly under the disguise of ideology. The only exception seemed to be acquisition planning. The goals of the Soviet language policy in Estonia seemed to be:

- 1) full-scale Russian monolingualism for Russians, with local titular language learning optional or formal, (with no lessons or even a teacher), backed by cadre rotation (for military personnel, Communist Party bureaucrats);
- 2) minority bilingualism for other titular nations, with Russian-medium functional domains in expansion;
- 3) assimilation of “third nationalities”, mostly to Russian language.

The Soviet language policy in Estonia was implemented through a favoured immigration pattern. In order to consolidate immigrants on the basis of Russian language, three steps were implemented:

- ?? Creation of a parallel Russian-medium environment, with no need to switch to Estonian;
- ?? continuous transfer of territorial and functional domains from Estonian to Russian, and
- ?? ideological incentives to prefer Russian before Estonian.

These steps threatened the integrity of Estonian, as Kreindler (1990:242) has remarked, causing:

- ?? expanding usage of Russian in administration and mass communication,
- ?? an extensive programme of translations from Russian,
- ?? massive programme of Russian language teaching.

Though Article 36 of the Constitution of the USSR stated:

Citizens of the USSR of various races and nationalities enjoy equal rights. Implementation of these rights is guaranteed by politics of comprehensive development and convergence of all nations and nationalities of the USSR, cultivating citizens in the spirit of Soviet patriotism and Socialist internationalism, option to use mother tongue and languages of other nationalities of the USSR,

However, the implementation of these rights was out of consideration. The reason was the lack of the rule of law: Constitution and international human rights instruments ratified by the Soviet Union were not regarded as legal documents, acceptable in court, and interference in delivering justice by the KGB and Communist Party officials was common. Several documents affecting language policy were classified, thus there was no possibility to demand linguistic human rights in this situation.

3.5.2. Implementation of language policy

The years from 1988 onwards reflect the biggest changes in the Estonian society, influencing all domains. Therefore, language policy, based on an entirely different concept from the previous one, was one of the main cornerstones in the modification of the Estonian society. Due to the heritage of the previous period, the renormalisation policy has been slow and difficult. Especially, the existence of two mobilised linguistic groups, the Estonian-speaking and the Russian-speaking one, both identifying themselves as the majority in Estonia and representing opposite views in several crucial issues, has made solutions difficult to find. The conditions of *perestroika*, providing more freedom, enabled the mass mobilisation of these groups, causing gradual increase of tension and conflict. This was accompanied with the diminishing central power, especially in the domain of ideology, channelling the struggle for the redistribution of power on the axis of the centre (Moscow) and the republic (Estonia), with the leadership of the republic losing its dependence on Moscow and coming more and more under the influence of the population of Estonia.

One has to take into account that the changes affected Estonian population with various paces, varying in different territorial (Tallinn compared to North Eastern Estonia) and functional domains (e.g. banking vs. mining) as well as different populational groups (e.g. Estonians vs. Russians). This is why the mass actions of Intermovement and its allies, struggling against the Estonian government, were terminated with the restoration of independence of Estonia in 1991, except North-East, where an unsuccessful campaign for the territorial autonomy of the Russian-speaking population (based on the pattern of the Trans-Dniestr region of Moldova) was held as late as 1993.

The functional domains that went through rearrangement (banking, real estate) or re-established anew (Estonian Army), or were highly profitable (in legal way, like information technology), were Estonianised. While those vast former Union-subordinated factories and plants that did not correspond to these criteria, continued to operate in Russian, with only control and direction structure shifting to Estonian.

The promotion of democracy through *perestroika* and *glasnost* led to the foundation of various NGOs and popular movements, which started the process of mobilisation of various interest groups, based on common ethnic, environmental and economic views. It also strengthened the system of fair elections, which consolidated federalism while also weakened ideological and military power institutions. As a result, the republic-centre (Moscow) axis gained importance in the following developments.

Gaining more freedom and strengthening democracy and human rights enabled the population, mobilised by various interest groups, to put forward the demands for the restoration of values maintained in the collective memory. This included sovereignty, with the initial, milder version represented in the form of economic self-management, return to the more fact-dependent history, ethnic and linguistic maintenance and environmental protection.

3.6. *Restoration of sovereignty*

The Baltic republics took the avantgarde position in *perestroika*, being most receptive to *perestroika*, however the Baltic peoples wanted to go much further than Moscow reformers were prepared to allow (Smith 1994:139). Thus, having no powerful control at their disposal, they took two main directions, which were not desired by the incumbent political leaders, namely the restoration of the national sovereignty of Estonia, and the restoration of the right of existence for the languages and cultures of Estonians and other discriminated ethnic groups.

The two corresponding laws were the Declaration of Sovereignty and the Language Act. The Supreme Council of the Estonian SSR passed the Declaration of Sovereignty on 16 November 1988, declaring the supremacy of Estonian laws over Soviet ones. The proclamation of Estonian as the official state language in Estonia, and its legalisation as such by a corresponding Constitutional amendment, was passed by the Supreme Council on 6 December 1988.

Several additional pro-Estonian steps were taken: the legalisation of the national colours, the restoration of the name of the Republic of Estonia, the declaration of Estonia as being in a period of transition towards independence (*restitutio ad integrum*), and the establishment of immigration quotas. A number of measures were taken in order to restore the Estonian language to its rightful status. In August 1990 the Estonian Government decided to repeal all acts which discriminated the use of Estonian and to create a body empowered to supervise the implementation of the Language Act. On 23 November 1990 the National Language Board was established. It was the main body responsible for implementing language planning in Estonia, monitoring the use of Estonian, the official language, both as a native language and as a second language, and also supporting and regulating minority language use among the adult population. Its work was based on the relevant articles of the Constitution, the Language Act, the Law on Education and the Law on Cultural Autonomy as well as on the international human rights standards. The primary functions of the Board were the elaboration of language policy and language planning strategies,

including the organisation, supervision, and analysis of the implementation of the Language Act, the improvement of language teaching methods, the supervision of normative terminological and onomastic work, and the pursuit of sociolinguistic studies.

In Estonia a sophisticated set of problems of democracy and human rights had to be tangled, among which were the expanding confrontation between the two linguistic communities. Estonians had the right to end occupation and oppression, including linguistic one. Simultaneously, those who in-migrated during the occupation, did not expect the occupation to come to an abrupt end, meaning that they had to face obligations connected with language and citizenship, lowering their competitiveness in the employment market and worsening their relative living standard compared to indigenous population.

Thus, two key issues of Estonian transformation emerged for which the popular movements had to take a stand: sovereignty of Estonia, on the one side, and the Estonian language protection and other cultural issues, on the other.

4. The Language Act of 1989 and its consequent language policy

4.1. *The making of the law*⁴

The Constitutional amendment declaring Estonian the national language of Estonia was adopted on 6 December 1988. The Language Act was passed without changes on 18 January 1989 by the Supreme Soviet of the Estonian Soviet Socialist Republic.

The Language Act passed was essentially a linguistic declaration of independence. The Chairman of the Presidium of the Supreme Soviet, Arnold Rüütel wrote in the **Introduction to the Language Act of the Estonian Republic** (1989):

⁴ The developments of establishing independent language policy are described in more detail in Rannut (1990, 1997).

The slogan balancing language and people was promoted long ago. This is the ideal to which we must strive. The underlying principle of the Estonian SSR Language Act is to resolve the language rights of citizens who have Estonian as their mother tongue with the language rights of citizens who have Russian as their mother tongue.

The Language Act was a provisional one in its content, matching the needs of the transformational process underway in Estonia. Though it described Estonian as the sole official language, due to political expediency, the main principle was based on the requirement of Estonian-Russian bilingualism, which required that holders of certain jobs had proficiency in both Estonian and Russian (in most cases the knowledge of 800 words were sufficient). To reach the required level a 4-year delay was introduced in the law, so that it became effective in 1 February 1993.

For the implementation of the law, a first regulation was issued, Governmental Regulation No. 57, of 8 February 1989, focusing on the distribution of tasks and the redistribution of resources in order to improve Estonian language teaching.

To support the aims of the law administratively, various institutions were established. In order to coordinate the teaching of Estonian to Russian-speaking adult population, a special office, the **Estonian Language Centre**, was established on 13 March 1989 by a governmental decree.

The **Language Protection Committee** (LPC), an organ foreseen by the law, was also formed at the collective state organ –Presidium of the Supreme Council– by virtue of the decision of the Presidium of the Supreme Council of the Republic of Estonia of 31 March 1989. As the work of the LPC as an advisory body turned out to be ineffective, the government of Savisaar created an executive organ for the implementation of language policy. On 23 November 1990 the National Language Board was established. It was the main body responsible for implementing language planning in Estonia, monitoring the usage of Estonian, the official language both as native and second language of the population, but also supporting and regulating minority languages usage among adult population.

The primary functions of the Board are the elaboration of language policy and language planning strategies, including the organization, supervision, and analysis of the implementation of the Language Act, the improvement of language teaching methods, the supervision of normative terminological and onomastic work, and the pursuit of sociolinguistic studies.

The law functioned up until 1995, when the article 29 of the Language Act of 1995 declared the Estonian SSR Law on Language⁵ null and void from 1 April 1995.

4.2. Contents of the law

This law has been commented by Grin (1991) and Maurais (1991, 1993) and Ozolins (1995). In Russian, comments have appeared in Rannut (1990) and Dyatchkov (1992).

The domains regulated by the law were as follows:

- language choice of the individual, based on Estonian-Russian bilingualism, where the right was given to subordinate or to customer;
- bodies of state authority and government;
- firms, institutions and organisations;
- courts of law;
- education, science and culture;
- meetings;
- names;
- signs and information;
- application of the law;
- responsibility and supervision over the observance of the law.

As the main emphasis was laid on the status of Estonian in comparison with that of Russian, the issues of corpus and acquisition planning were considered with less detail. According to Ozolins (1994: 165), the chief

⁵ ENSV Teataja 1989, 4, 60; RT I 1993, 20, 352; 1994, 49, 804

objective of the Language Act was the sustainable development of all languages and cultures.

The law confirmed the position of Estonian as the official state language. Apart from several articles in the law itself, it is supported by detailed regulations. These provisions assert the dominance of the local language against other languages, chiefly Russian. The law also provided Estonian-medium communication for Estonians.

The official language regime was introduced in Articles 1, 7, 8 and 9. According to this, sessions and meetings of state authorities and government were required to be held in Estonian. However, all official documents adopted by such bodies were to be translated and published in Russian.

Concerning the **status of Russian**, the law stated: “In its treatment of the Russian language, the present law proceeds [...] from the fact that after Estonian, Russian is the second largest native language in the republic.” Russian language use was officially maintained through the territorial regime, individual rights and functional domains. In providing **individual rights**, the law made generous concessions to non-Estonian speakers, including the right to use a language other than Estonian in dealing with the state (Articles 3 and 20) and to receive official documents in Russian. Article 3 of the law provided that an individual who does not speak Estonian has a right to conduct his or her affairs in Russian in the state and government institutions of the Estonian SSR as well as in institutions, enterprises and organisations of the Estonian SSR.

It also provided for special rights attached to some **functional domains** (Article 8), and maintained the Russian-medium education (Article 19). Thus, it secured the special status for the Russian language, however, considerably improving the position for Estonian.

Minority protection was guaranteed through the establishment of schools in other languages, broadcasts, and other cultural institutions and forms supporting ethnic maintenance. These provisions were especially important for other non-Russian minorities, who had been denied all

these aspects of cultural autonomy under the Soviet regime. It enabled to (re)open minority schools and other institutions. The 1989 Language Act thus for the first time recognized non-Russian ethnic identity equal to Russian one and provided legal basis for its development (e.g. through education).

The elements of the **territorial regime** were introduced in the Articles 8 and 36. With the exception of north-eastern Estonia and those regions of Estonia where Russian has served as the official language and where the overwhelming majority of the population on the territory has no command of Estonian, but not including the city of Tallinn, the official language of the institutions of state authority is to be Estonian.

4.3. Estonian-Russian bilingualism

The Language Act in its content was a provisional one, matching the needs of the transformational process going on in Estonia. Though it described **Estonian as the sole official language**, due to political expediency as well as reality where most of the Soviet-period immigrants had not got acquainted with Estonian culture and language, the main principle was based on the requirement of **Estonian-Russian bilingualism**, demanding the holders of certain jobs to have a proficiency level command of both Estonian and Russian. An important human right was formulated: the right for private persons to communicate both in Estonian and Russian, obliging the other side to accommodate. The Language Act declared that linguistic proficiency requirements were to be defined for all State employees, if their position made it necessary for them to communicate with the general public. Article 4 is the basis for **bilingual regime for functional domains**. It provides that:

Persons whose job requires communication with individuals, i.e. all executives and administrators, the staff of state and government organs, public organisations, the judicial system, law enforcement and inspection agencies, medical personnel and journalists, the employees in trade and communication services the rescue personnel, etc., shall be subject to certain requirements of language competence. The competence in and use

of Estonian, Russian and other languages shall be obligatory within the requirements laid down in Article 37 of the present law.

Article 37 provided for these requirements to come into effect as of January 17, 1993, four years from the date on which the Language Act was adopted. The law set dates for implementing Article 4 of the law, which states that Estonian must be used by *persons whose jobs require communications with individuals*. To reach the corresponding level, a 4 year delay was introduced in the law, making the requirements effective from February 1, 1993. Article 38 declares sanctions for those not complying with Article 4.

Explanation of the State Work and Social Issues Committee of the Estonian SSR, May 5, 1989 stated that:

the acquisition of language, within boundaries of language knowledge requirements, shall be considered as a direct requirement of the employee... Language knowledge requirements shall be a mandatory criteria for employees in the signing of work contracts and their evaluation... With the employment of language knowledge requirements, the enterprise shall be permitted to release an employee from employment for non-possession of the required knowledge as per Article 37, Point 2 of the Estonian Work Code due to the non-accordance to insufficient qualifications at their place of employment.

On July 14, 1989 the Estonian Government passed a decree providing specific regulations concerning the Estonian Language Law and setting specific language level requirements for certain types of employment. Decree No 10 of July 14, 1989, **Guidelines for the Application of Language Requirements in the Estonian SSR** proscribed exact dates for implementation. It stated:

The acquisition of language within the boundaries of language knowledge requirements shall be considered as a direct requirement of the employee...With the employment of language knowledge requirements, the

enterprise shall be permitted to release an employee for non-possession of the required knowledge.

The transition period was two years (for enterprise) and four years (for persons), as all the enterprises involved in trade had to bring their work into accordance with the law in two years, while the persons engaged might work in jobs not connected with public for additional two years without the knowledge of Estonian.

The Guidelines established six categories of language abilities, from A to F. Category A requires a language proficiency corresponding to basic listening comprehension of 800 of the most common words and expressions. B requires both listening comprehension and oral production, based on the 800 words, and C also requires reading comprehension and a basic, limited competence in written production. D is based on a more advanced lexicon of 1500 words, with both receptive and productive oral and (basic) written skills. Category E corresponds to an ability to use the language of one's own profession, both orally and in written form, at a level which corresponds to the use of a vocabulary of some 2500 words. Category F is defined as full proficiency in the language. The guidelines prescribe in great detail for which jobs a knowledge of Estonian is necessary. Level C is prescribed for most retail sales and service jobs, levels D or E for persons in top-management positions. Fluent knowledge of Estonian is expected from the President, members of the Government, Ombudsman, judges, psychiatrists and a few other professionals.

Article 6 of the law provided a requirement that those performing services shall be obliged to use within their limits of competence required of them, the language chosen by the customer.

Non-distinction between private and public was the main handicap. As the law was drafted and adopted before the introduction of private property, several of its articles did not differentiate private from state or public. The Council of Europe experts (Pekkanen, Danelius 1991: 22) suggested a distinction between those in public service and those who are privately employed or who exercise their profession independently. According to their opinion,

as regards public officials, certain linguistic qualifications may certainly be imposed. In some cases, there may also be specific reasons to do so in regard to professional people who provide services to the public.

The legislator ought to be more cautious in imposing language requirements on private relationships, including private business. Several provisions of the law (Articles 2, 3, 12, 13, 14, 15, 16, 17) concern the activities of firms, institutions and organisations. Insofar as these provisions apply to private legal persons, it may seem at least questionable whether it is justified to regulate their use of language in legislative form.

The principle of bilingualism of services and state agencies, with the right of customers to choose the language of communication, introduced constraints on monolingualism of clerks and service personnel, which, taking the situation into account, meant restrictions for Russians –overwhelmingly monolingual at that time– on upward mobility and on employment in positions of public contact,.

Concerning the issues of acquisition planning the law introduced several radical changes. These were:

1) The implementation of the principle of the national language :

The Estonian SSR shall guarantee education in Estonian on the whole of its territory. (paragraph 19, lg 2).

This principle was held in the **Law on Education** from 1992. It was further clarified in Article 22 par. 1:

Citizens of the Estonian SSR shall enjoy the right to receive vocational, secondary, special and higher education in Estonian in all the specialities taught in the Estonian SSR.

The same right was guaranteed by the 1992 Constitution.

2) The principle of mother-tongue education was the second major change. Up until that time, it had been a mere Constitutional clause with no legal meaning, now this was introduced in the law. One of the problems that needed to be overcome was the submersion of minority children to Russian. Thus, the principle of monolingualism was introduced to provide language shelter in education. This was formulated as a general clause in Article 19 par. 1:

The Estonian SSR shall recognize the equal right of every citizen to general state-provided vernacular education;

and further specified in Article 20 par. 1:

The citizens of the Estonian SSR shall enjoy the right to receive pre-school and general education in monolingual educational establishments.

The same principle was repeated in a wider interpretation in the **Law on Pre-school establishment**. In order to secure the implementation, the law foresaw several requirements in the following paragraphs 2 and 3:

Internal communication of non-Estonian child-care institutions and schools may be conducted in the respective language.

The heads and staff of child-care institutions and educational establishments shall be proficient in the language of instruction of the respective institution.

Article 21 gave priority to the education in the national language. It stated that guarantees shall be provided for the teaching of the Estonian language in all educational establishments and study groups working in other languages. All students at higher educational institutions who have no command in Estonian shall be taught the Estonian language.

3) State obligations concerning the Russians were brought to the level of actual needs of this populational group, eliminating ideological (the tenet of Russian as the interethnic language) and assimilative (language for other minorities) motives in this aspect. However, this group still enjoyed more privileges compared to other minorities (which reflects no discrimination by its own). Article 19 para. 3 states:

General education in Russian shall be guaranteed in accordance with the distribution of the Russian-speaking population.

The issue of further education in Russian-medium educational facilities was left open: either it should be continued in Russian, according to the needs and possibilities of the Republic, or it should shift to Estonian, with the intensive teaching of Estonian at the initial stage of their professional schooling. Article 22 foresaw the creation of Russian study groups or schools in accordance with the needs and possibilities of the Republic, thus limiting the production of specialists in Russian language medium to the actual needs. Maurais (1991) observes that the law established the following two means in order to counterbalance the linguistic effects of massive immigration: by imposing Estonian on the children of immigrants at least as a required subject in all schools (Article 20) and forcing the employees who have contact with the general public to learn Estonian. Article 22, paragraph 2 stated:

Graduates of Russian schools in the Estonian SSR shall be guaranteed the opportunity for pursuing further education at Estonian SSR establishments of vocational, secondary, special or higher education through the creation of Russian study groups or schools in accordance with the needs and possibilities of the Republic, as well as through intensive teaching of Estonian to them at the initial stage of their professional schooling.

4) Integration by massive teaching of Estonian. This was implemented by determining the obligations of the Republic to build the teaching network of the Estonian language in the framework of the compulsory as well as

optional education and thus enlarging the Estonian-language environment. The general clause was provided in the Article 21 para. 1:

The Estonian SSR shall guarantee the teaching of the Estonian language in all educational establishments and study groups working in other languages, irrespective of what institution they are controlled by.

This principle was introduced also in the higher education in para. 2 of the same Article:

All students at higher educational establishments who have no command of Estonian shall be taught the Estonian language.

In reality, the Language Act of 1989 had no major impact on the educational system. The only visible change was the increase of the number of Estonian lessons from 2 to 4 in 1990/91 in the Russian-medium school grades 3 – 4. In general, in the curriculum of Estonian schools there were less Estonian lessons than Russian lessons.

The Language Act, adopted in 1989, should be seen as a remedy to language problems at that time. The main problem was a catastrophic growth of Russian monolingualism, reasons being demographic changes, low status of Estonian in several functional and regional domains, and non-integrative education. Language Acts should thus be regarded as the response to the considerable threat to local national and linguistic autonomy.

Particularly for Estonia and Latvia, the Language Acts were seen as a prime means of securing ethnic survival for a population threatened with becoming a minority within its own territory (Ozolins 1994: 165).

5) Language requirements instead of ethnic criteria. Language as a vital element of national identity and national survival was non-negotiable.

Simultaneously the issue of ethnicity was less significant, with the Estonian population accustomed to minorities. Thus, no ethnic preferences in legislation and administration were introduced, but instead, language requirements, while providing clear language rights for speakers of other languages (Ozolins 1994: 168).

6) Propagandistic Language Act, rather than for implementation.

Several articles of the law had no legal meaning, or their implementation was beyond the reach of a democratic state. Thus, these should be considered as signals for power turn. Simultaneously, implementation of the law was secondary, and politically sensitive, demanding some postponement in the future. This may be the reason why the office for implementation of the law, National Language Board, was established only in 1990. This has been noted by Maurais (1997: 158), who regards the lack of a state agency entrusted with all the practical aspects of implementing the switchover from Russian as a major flaw.

7) Visible signs of the new language policy. (Maurais 1997:152) has emphasised the necessity of visible change in some language policy domains, in order to reduce uncertainty about the future of the language concerned through visible, concrete manifestations of language. In the Estonian case these may be public bilingual signs and information, and language requirements for employment.

8) Language Law as power redistributor. The Language Act caused the mobilisation of groups based on linguistic interests. However, the anxiety was not the content of the law, but the political factors behind the law. Maurais (1991) who has analysed the Estonian Language Act in comparison with Quebec and 4 other republics, noted that

the language question conceals power struggles in a given society, as it has been noted repeatedly, extralinguistic factors play their part in language planning (Maurais 1991:119).

From the formal point of view, the Estonian Language Act of 1989 did not alter the former situation substantially, but rather maintained *status quo* by granting the right to receive education in one's native language, with Estonian enjoying higher status among Estonians and Russian among Russians (cf. Taagepera 1990). Ozolins (1994), however, considers these modest language policies of the Baltic states as a crucial element in national reconstruction and transition from the Soviet system. The Language Act redefined Estonian language from a *de facto* acquired minority status to a full national status as the language of state and administration, and of most social discourse (Ozolins 1994: 161). What's more, this occurred in a peculiar context where the national language was not the most widespread language in Estonia: while most of Estonian residents were able to cope in Russian, only a minor part of local non-Estonians knew Estonian that much.

In this way, the adoption of the law signalled the redistribution of power and together with it, the formation of new elites in Estonia. Due to the insignificant formal changes for the most of the Russian-speaking population (the law did not concern the main bulk of it directly), the ambiguity of the situation with the two endo-majorities remained, thus causing several further conflicts and offering grounds for outside political influence. Ozolins supports the view that Estonia has,

in the short period since independence, been able to substantially realise its language policy aims. (Ozolins 1994: 161).

However, the main scope was laid on short-term visible programmes, while long-term programmes like educational and integrational programmes, were not given adequate attention or were even neglected. Thus, the new emerging situation was still not a satisfactory one, and it needed a further qualitative step to be made in order to improve the linguistic situation in Estonia.

4.4. Demographic situation after 1989

The 1989 census registered 127,547 members of non-Russian ethnic minorities in Estonia, of which 66,641 or 52.2% gave Russian as their mother tongue, 40% of them spoke their native languages, and approximately 8% spoke Estonian. The lack of education in their native language resulted in an underdeveloped sense of ethnic identity, which hinders the cultural recovery. Although Jews, Germans and Swedes, owing to their cultural autonomy, had successfully maintained themselves as ethnic groups between the two World Wars, most of them left Estonia during World War II. As a result, only one fifth of Estonian Germans and Jews are of local origin, i.e. legal minority. The rest moved to Estonia looking for better opportunities by emigrating to the West, using Russian as their first or second language. Usually those languages in Estonia are functionally underdeveloped, though in some cases their corresponding titular countries of origin assist in maintaining the necessary referential and non-referential potential of the language concerned. However, the support from the government and the countries of origin seems to be irregular and insufficient. As a result, several of these languages have very low social and political status, being seen as almost meaningless in public life. In the educational domain this situation has contributed to the high rate of illiteracy in one's native language. Quick assimilation processes are visible, resulting in the loss of the language of parents in the second or third generation. In most cases, the trend to shift to Russian, promoted and enforced during the Soviet occupation, continues by inertia.

Some language groups assimilate into Estonian (Finns, Ingrians, Swedes, part of Jews, etc.). Hallik (1997: 108) remarks that the statistical data and ethnic data differ in Estonia's case significantly. The conditions and potential for ethnic reproduction is fully available for Estonians and Russians, and partially (endogamy, native language near environment, links with the ethnic homeland) for Ukrainians, Ingrian Finns, Jews and some other minor groups. Some of these are affected by massive emigration. All of these are non-territorial (dispersed), their number to support self-development of their culture, insufficient. Most of these speak Russian as their first or second language and, as it seems, are bound to assimilate into the Russian-speaking community in Estonia.

A new phenomenon in Estonia seems to be the revival of ancient South Estonian language, *werro*. According to Pajusalu et al. (2000) the number of speakers may be as great as 70,000, while only ca 1000 of those regard themselves as ethnic *werrokeseid*, as opposed to ethnic Estonians. The cross-border language *seto*, a dialect of the former, is currently also gaining status of a separate language as the native language of Orthodox *seto*. Their speakers may also be as much as 50,000, while active users comprise just several hundred. The main difference between those languages-to-be lies in religion, with *werro* being Lutheran (Protestant) and *seto* Orthodox.

According to the census data from 2000, the number of persons belonging to third nationalities has dropped considerably, covering 81,000 persons. Only less than 40% have sustained their language of ethnic affiliation. Russians, the biggest non-Estonian group comprises 351,000 persons (475,000 in 1989), the number of Russian mother tongue speakers is 407,000 at the cost of third nationalities. According to estimates based on school goers, non-Estonians will comprise one-fifth of the population in Estonia in the next generation.

According to demographer Kalev Katus (1997), 73% (26.3% of the total population) of ethnic non-Estonians were first generation immigrants. The historical Russian minority comprises 38,200 (7.3% of ethnic non-Estonians), being mostly bilingual. As the census of 1989 showed, the reason for such sociolinguistic picture was the abnormal immigration pattern during the Soviet occupation (Katus 1997):

- 1) Most non-Estonians are first-generation immigrants with socialization outside Estonia. They comprise over 95% among 45-year-old people and 80% among those 20 years or older.
- 2) The second-generation immigrants fail to follow the socialization patterns of the local population: due to the high russification pressure, the second-generation immigrants joined the Russian language community.
- 3) The contacts between immigrants and Estonian population are marginal (different workplaces, cultural habits, marginal number of mixed marriages). Though immigration was put under control with the

Law on Immigration in 1990 and Law on Aliens in 1993, the influence of this pattern will last long, causing tensions and hindering integration.

The non-Estonian population is mainly concentrated in cities (91% of all non- Estonians were townspeople), the principal concentration places (for 80% of all aliens) being six major Estonian towns: Tallinn, Tartu, Narva, Kohtla-Järve, Pärnu, Sillamäe. 234,000 (39%) were born here, and 86 percent of these people never moved from their place of birth. The last few years have seen an increase in the percentage of Estonians in the population (from 61.5 in 1989 to 64.7 in 1997). This is due to emigration and the relatively sharp fall in the birth rate among non-Estonians. The relative share of births to Estonian families has risen from 58.6% in 1986 to 66.0% in 1990 and 73.3% in 1993.

Reasons for emigration are different: one being the rapid change of social environment and restructuring of economy, making keeping the previous living standard in Estonia difficult. The other factor, remarkable among Ukrainians and Belorussians, is the search for their ethnic roots and national identity. As the obtainment of corresponding citizenship in these countries requires the residence in the state concerned, repatriation becomes the sole option.

Thus, Estonian language functions in four different types of **language environment**. However, Estonian is the sole language spoken all over the Estonia in various combinations of environment. Firstly, it provides the sole linguistic environment in major part of the Estonian territory, with the exception of major cities, urban areas of Harjumaa and Ida-Virumaa and the western shore of Lake Peipsi. Secondly, it competes successfully with Russian in the environment of stratified linguistic pluralism (cf. Khubchandani 1996) in most cities with the Russian community present (Tallinn, Tartu, Pärnu, Haapsalu, Kehra, Loksa, etc.), Estonians form a minority in 6 towns and 4 communes. Thirdly, in the western shore of Peipsi (Mustvee, Kallaste) peaceful bilingual coexistence of Estonian and Russian language environment seems to take place. Finally, Estonian is marginalised in some towns of Ida-Virumaa (Narva, Sillamäe, etc.).

The knowledge of the Estonian language is increasing:

According to the results of the census of 1989, 18% of ethnic non-Estonians could speak Estonian; the knowledge of Estonian among Russians was 15%, among Ukrainians 8.1% and Belorussians 6.8%. Among this populational group, the share of non- Estonians, who are able to speak Estonian has been continuously increasing during last years, from 14% in 1988 to 37% in 1995. The same share was reported also during the census of 2000.

5. Language planning after the adoption of the Constitution in 1992**5.1. *Status planning*****5.1.1. *Introduction***

Language planning in Estonia is implemented through legislation, comprising the Constitution, over 400 laws, lower legal and normative acts. The legal acts to be analysed are: the Constitution, the Language Act of 1995 and other related regulatory acts, Citizenship Laws (1993, 1995) and Decrees (1992) on Citizenship, Law on Cultural Autonomy (1993), Law on Basic and Secondary Education (1993), Law on Pre-school Institutions, Law on Institutions of Vocational Training, Law on Private Education, Law on Universities.

The pace of development of Estonian language policy during a period concerned is reflected by the composition of each Estonian legislative assembly, providing the guidelines of its political will through laws. In addition, the success of each government in language policy has depended upon the political views, rather than its competence in the domain concerned. The political views of a government have been made explicit only in the unregulated domains.

5.1.2. *Estonian Constitution and language regimes*

The Estonian Constitution, approved by referendum on 28 June 1992 and entered into force on 3 July 1992, combines Estonian legal tradition from the first independence period with developments on the international level. Whereas the Constitutional structure of Estonian state organs resembles the pre-Soviet period, the part of constitutional freedoms and rights of people living in Estonia reflects tendencies of international human rights law.

The amendments to the Constitution need to be adopted prior to a national referendum as well as the consent of the Parliament of two consecutive legislative periods, thus making any change or modification extremely difficult. Thanks to this system political stability necessary for development is provided. It also enables to form the basis for future strategies concerning language. Language issues are regulated in several articles of the Constitution.

As can be deduced from above, the Constitutional clauses do not reflect the situation of Estonia, but rather a desirable situation, to be reached in the near future. Thus, the Constitutional system should be seen as the framework for the existing laws accommodated to it and future laws drafted according to it. Estonia's nation-building task as a nation-state appears to be quite balanced in the Constitution, envisioning the common language policy through the introduction of Estonian as the official (national) language, a system of hierarchisation and regulation for minority languages, and, as a counterbalance, language considered as a human right, providing linguistic protection for individual and collective aims.

In May 1993, a United Nations Human Rights Centre report provided a review of the Estonian Constitution. It acknowledged that *the philosophy of the Constitution is thus in full harmony with the two International Covenants of the United Nations of 1966 and modern human rights standards in general.*

The following analysis is based on the traditional language planning issues regarding status, corpus and acquisition planning. The status

planning overview starts with the two regional language regimes in Estonia: a monolingual and a bilingual (official-minority) language regime.

The Constitution proclaims Estonia as a nation-state and a politically unitary state (Article 2):

The land, territorial waters and airspace of the Estonian state are an inseparable and indivisible whole.

Estonia is politically a unitary state wherein administrative division shall be provided by law.

So that ethnically autonomous regions are unconstitutional (Laitin 1996: 47, referring to the case of Ida-Virumaa referendum and a consequent decision by the National Court from July 1993).

The two main characteristics of nation-building, namely the requirements for the introduction of the common language and the hierarchisation of languages, lead to the two language regimes introduced in the Constitution, which are (Rannut 1997):

- ?? Estonian monolingualism throughout the whole Estonian territory;
- ?? Estonian-minority language bilingualism, reflected in two different forms:
 - territorial autonomy;
 - cultural autonomy.
- ?? In addition to this, functional regimes concerning foreign language use may be introduced by the Estonian government.

Next, we provide a review of these regimes in more detail.

5.1.3. Estonian monolingual regime throughout the whole Estonian territory

Monolingual regime is based on two different foci: administrative requirements based on instrumental needs of a state (official

language, information, translation, etc.) and specific linguistic rights, sustaining Estonian language environment.

a) Administrative requirements

State administrative interests are affirmed by the official language principle:

*The official **language** of Estonia shall be Estonian,*

as stated in Article 6 of the Constitution. The contents of this principle are provided in the Language Act of 1995. The explanation for the term “national language” used in Article 6 of the Constitution is provided in the first chapter of the Estonian Language Law of 1995, covering articles 1, 3, 4, 6. Article 1(1) specifies the status of the Estonian language, repeating Article 6 of the Constitution in the first paragraph:

(1) *The national language of Estonia shall be the Estonian language.*

Article 3(1) of the Language Act of 1995 determines the language of administration of the state structure:

(1) *The language of administration in a state institution, a local government and in its institutions (referred to as local government), as well as the language of service and command in the Estonian defence forces, shall be the Estonian language.*

In this way, it accords with the norms of the Constitution (art 52(1)):

*The official **language** of state and local government authorities shall be **Estonian**.*

Article 17 of the Language Act regulates the language of reporting:

Reporting by institutions, enterprises and organisations which are registered in Estonia shall be conducted in the Estonian language, according to the procedures prescribed by law.

In Article 23 of the Language Act the language of information is subordinated to the national language concept:

(1) Public signs, signposts, advertisements, announcements and advertising shall be in the Estonian language, except in the cases determined in Articles 13, 15 and 18 of the present Law, and except in the organisation of international events.

(2) The provisions in the present Article shall not apply to the representations of foreign countries.

Article 25 of the Language Act⁶ attempts to regulate an extensive set of legal issues concerning translation of the spoken text of a foreign language of an audio-visual work, or a transmission or program transmitted by a broadcasting organisation:

1) Upon broadcasting (including transmission by television stations or cable networks) of audiovisual works (including programmes and advertisements), foreign language text shall be accompanied by an adequate translation into Estonian.

(2) A translation into Estonian is not required for programmes which are immediately retransmitted or language learning programmes or in the case of the newsreader's text of originally produced foreign language news programmes and of originally produced live foreign language programmes.

(3) A translation into Estonian is not required in the case of radio programmes which are aimed at a foreign language audience.

(4) The volume of foreign language news programmes and live foreign language programmes without translations into Estonian specified in

⁶ Amended on 10.09.97 - RT I 1997, 69, 1110- and entered into force on 04.10.97

subsection (2) of this section shall not exceed 10 per cent of the volume of weekly original production.

The National Language Board lost the court case against the National Television in 1996, which violated the above-mentioned requirement for Estonian language translation, due to formal criteria. As the National Television did not have the licence for broadcasting (!), it was acquitted in the court.

b) Estonian linguistic rights

Estonian linguistic legislation provides for international human rights standards as well as specific human rights for the purpose of protecting Estonian language environment. Linguistic human rights are based on various fundamental principles. The **non-discrimination principle** (equality before the law) is provided in the Constitution in art. 12(1):

*All persons shall be equal before the law. No person may be discriminated against on the basis of nationality, race colour, gender, **language**, origin, religion, political or other beliefs, financial or social status, or other reasons.*

The latter is provided in more detail for judicial rights (art. 21(1) for arrest):

*Any person who is deprived of his or her liberty shall be informed promptly, in a **language** and manner which he or she understands, of the reason for the arrest, and of his or her rights, and shall be given the opportunity to notify his or her immediate family of the arrest.*

and art. 21(2) for holding in custody:

*No person may be held in custody for more than forty-eight hours without specific permission by a court. Such a decision shall be promptly made known to the person in custody, in a **language** and manner he or she understands.*

Other judicial aspects of the linguistic regulation are delegated to other laws in art. 3(2):

Language use in pre-trial proceedings and trial proceedings shall be in applicable laws.

The **communication rights** (freedom of expression) are stated in article 151 of the Constitution:

*All persons shall have the right to address state or local government authorities and their officials in **Estonian**, and to receive answers in Estonian.*

The most important domestic human right, the **right to communicate in the Estonian language** on the whole territory of Estonia, is provided in article 4 of the Language Act. It implies Estonian-language environment, placing obligations to all institutions and artificial bodies before any person. The law does not differentiate between public and private legal persons or any hierarchy in job positions in the two following articles:

1) Everyone has the right to access public administration and to communicate in Estonian in state agencies, local governments, bureaus of notaries, bailiffs and certified interpreters and translators, cultural autonomy bodies and institutions, companies, non-profit associations and foundations⁷.

(2) All employees of agencies, enterprises and organisations shall be provided with work-related information in Estonian⁸.

Chapter 4 of the Language Act establishes various standards and necessary links with other linguistic norms. Article 16 deals with consumer protection, based on the right of the consumer to Estonian-language information, thus making the former human right more explicit:

⁷ Amended on 14.11.2001 -RT I 2001, 93, 565- and entered into force on 01.02.2002

⁸ Amended on 09.02.99 -RT I 1999, 16, 275- and entered into force on 01.07.99.

A consumer of goods and services shall have the right to Estonian-language information and service, in accordance with the Law on Consumer Protection⁹.

The implementation of this article has been a success thanks to the cooperation with the Consumer Protection Board, who has provided most effort in this aspect. According to the data issued by the National language Board, more than 50% of prescriptions and other protocols were written out for this reason during the period from January to April 1997.

c) Implementation of the common language regime

In order to fulfil this obligation, Article 5 (Requirements for knowledge and usage of the Estonian language) delegates the establishment of requirements for the knowledge and usage of the Estonian language by employees of state institutions and local governments, as well as of institutions, enterprises and organisations, in work-related dealings with the public to the Government of the Republic.

On 29 January the Government of the Republic issued **Regulation No 31** establishing the requirements of the knowledge and usage of the Estonian language for the categories of persons referred to in Article 5. It introduced a new level system, based on the Threshold Level of the Council of Europe. The competence in Estonian was divided into three broad categories:

- basic level, corresponding to the levels of A, B, C of the previous system.
- intermediate level (previous D),
- advanced level (previous E, F),

In addition to the competence on the required level, one has to master the work-related terminology. The requirements are intended only for those employees communicating orally or in written form with others as part of their work.

⁹ RT I 1994, 2, 13

5.1.4. Bilingual regimes

In order to protect linguistic and ethnic minorities in Estonia, two bilingual regimes are provided: a territorial one and a cultural one.

a) Territorial autonomy

Bilingual territorial regime is based on the Constitutional articles (51(2)):

*In localities where at least half of the permanent residents belong to an ethnic minority, all persons shall have the right to receive answers from state and local government authorities and their officials in the **language** of that ethnic minority.*

and art. 52(2):

*In localities where the language of the majority of the population is other than Estonian, local government authorities may use the **language** of the majority of the permanent residents of that locality for internal communication, to the extent and in accordance with procedures established by law.*

The definition of a foreign language is given in Article 2(1) of the Language Act:

Every other language besides the Estonian language shall be a foreign language in the context of the present Law.

Next paragraph (2) of the same article establishes the criteria for the language of a national minority, based on the definition proposed by Capotorti:

The language of a national minority shall be a foreign language which Estonian citizens belonging to a national minority have historically used in Estonia as their mother tongue.

Article 3(1)'s second clause of the Language Act enables the existence of the official bilingual language regime in an officially monolingual state:

Exceptions shall be determined in Chapters 2, 3 and 4 of the present Law.

The principle introducing bilingualism is further confirmed with the corresponding Article 7 of the Language Act, which establishes demands concerning employees as regards the knowledge and use of the Estonian language:

If the language of a national minority is, together with the Estonian language, the language of internal administration in local government, the employees must have a knowledge of the Estonian language within the requirements determined by the Government of the Republic for the knowledge and usage of the Estonian language.

Most articles in the second chapter of the Language Act deal with the language of a national minority. Article 10 provides for human rights along the lines of Constitutional Article 51. It establishes the right to use the language of a national minority and further specifies the content of the right:

Everyone has the right to address state agencies, local governments, and their officials in Estonian and to receive responses in Estonian.

It also defines the term *permanent resident*:

In localities where at least one-half of the permanent residents belong to a national minority, everyone has the right to also receive responses from state agencies, local governments, and their officials in the language of the national minority.

Article 11 is in line with Article 52 of the Constitution, concerning the use of the language of a national minority as a language of administration. It also establishes the mechanism of implementation of this right:

The official language of state agencies and local governments shall be Estonian.

In localities where the language of the majority of the residents is not Estonian, local governments may, to the extent and pursuant to procedure provided by law, use the language of the majority of the permanent residents of the locality as an internal working language.

The use of foreign languages, including the languages of national minorities, in state agencies and in court and pre-trial procedure shall be provided by law.

This right of the council of a local government to propose the language other than Estonian for internal administration was used by Narva and Sillamäe City Councils in 1995. However, these proposals were declined by the Estonian government for two reasons: firstly, although most of the residents in Narva and Sillamäe are of Russian origin, they don't constitute a Russian minority according to the Article 2 of the Law on Cultural Autonomy, which adheres minority to the condition of belonging to the Estonian citizenry. The second reason was the condition of use of an additional language, meaning that the members of the Council should be able to conduct the work in Estonian. As this condition was not fulfilled (most of the work was done in Russian) the Government did not consider it necessary to make a favourable decision in this case.

Article 12 of the Language Act regulates the language of correspondence of a national minority area, establishing explicit norm:

Correspondence with state institutions and other local governments shall be conducted in the Estonian language by local governments, where the language of internal administration, together with the Estonian language, is the language of the national minority.

The same applies for language on seals, rubber stamps, letterheads, advertisements, invitations and announcements, covered by Article 13:

(1) *The seals, rubber stamps and letterheads in a local government where, together with the Estonian language, the language of administration is the language of the national minority, must be in the Estonian language.*

(2) *The invitations, advertisements and announcements in the local governments noted in Paragraph 1 of the present Article must be in the Estonian language, to which the local government may add a translation into the applicable language of the national minority.*

In order to accord other laws with the Language Act, Article 29 (2) amended the Law on Local Government Organisation¹⁰:

1) Paragraph 7 of Article 23 was amended and worded as follows:

Council regulations and resolutions and minutes of council sessions shall be prepared and made public in Estonian. In a local government where the majority of permanent residents are non-Estonian speakers, minutes of council sessions may, in addition to Estonian language, be also prepared in the language of the national minority constituting the majority of the permanent residents of the local government.

2) Paragraph 3 of Article 41 was amended and worded as follows:

The use of foreign languages in local governments, including languages of national minorities shall be provided for in the Language Act (RT I 1995, 23, 334; 1996, 37, 739; 40, 773; 1997, 69, 1110; 1998, 98/99, 1618; 1999, 1, 1; 16, 275; 60, 618; 2000, 51, 326; 2001, 58, 354; 65, 375; 93, 565). The permission granted on the proposal of the corresponding local government council pursuant to § 11 of the Language Act to use the language of the national minority constituting the majority of the permanent residents of the local government alongside Estonian as the internal working language of

¹⁰ RT I 1993, 37, 558; (amended on 04.12.2001 - RT I 2001, 100, 642 - and entered into force on 21.10.2002)

the local government shall be valid until the authority of the corresponding council terminates.

b) Cultural autonomy

The second bilingual regime is based on cultural autonomy. Article 50 of the Constitution assures ethnic minorities *the right, in the interest of their national culture, to establish institutions of self-government in accordance with conditions and procedures established by the Law on Cultural Autonomy for National Minorities.*

On 16 November 1993 the Estonian Parliament adopted the **Law on Cultural Autonomy for National Minorities**. It is the legal successor of a similar law dating back to 1925. This 1925 law was considered by the League of Nations to be a model text for the cultural autonomy of national minorities. The new law, which has been given a generally favourable appreciation by the experts of the Council of Europe (Bratinka et al.), revitalises and simplifies the old one. It follows Capotorti's definition in determining national minorities.

Article 1 of the Law on Cultural Autonomy for National Minorities establishes national minorities in Estonia:

This Law considers as national minorities citizens of Estonia, who:

- * reside on the territory of Estonia;*
- * maintain longstanding, firm and lasting ties with Estonia;*
- * are distinct from Estonians on the basis of their ethnic, cultural, religious, or linguistic characteristics;*
- * are motivated by a concern to preserve together their cultural traditions, their religion or their language which constitute the basis of their common identity.*

Estonia's position on the definition of minority was confirmed through the ratification of the **Framework Convention for the Protection of National Minorities** on 21 November 1996 by the *Riigikogu*, the

Estonian Parliament, who made a declaration according to which the Republic of Estonia understands the term *national minorities*, which is not defined in the Convention, exactly as provided above.

The right for cultural autonomy is regulated in Article 2(2):

National minority cultural autonomy may be established by persons belonging to German, Russian, Swedish and Jewish minorities and persons belonging to national minorities with a membership of more than 3,000.

The rights themselves are listed in Article 4:

Members of a national minority have the right:

- 1) to form and support cultural and educational institutions and religious congregations;*
- 2) to form ethnic organisations;*
- 3) to practise cultural traditions and religious customs if this does not endanger public order, health and morals;*
- 4) to use their mother tongue in dealings within the limits established by the Language Act;*
- 5) to publish ethnic language publications;*
- 6) to conclude agreements of cooperation between ethnic, cultural and educational institutions and religious congregations;*
- 7) to circulate and exchange information in their mother tongue.*

Thus, the Law on Cultural Autonomy for National Minorities grants the citizens of Estonia who belong to a national minority the right, in particular, to set up their own cultural and educational institutions and religious congregations and use their own language in both private and official communication in accordance with the Language Act. Moreover, it provides for the establishment of cultural councils by the national minorities entrusted with the organisation and co-ordination of the activities of cultural autonomy institutions.

Article 5 provides for the objectives of the national minority cultural autonomy, thus establishing the political, cultural and social limits of the system:

(1) The principal objective of national minority cultural autonomy is:

- 1) the organisation of education in the mother tongue and monitoring the use of resources provided for this purpose;*
- 2) the formation of national minority cultural institutions, organization of their activities and the organisation of ethnic cultural events;*
- 3) the establishment and bestowment of funds, scholarships and awards for the promotion of national minority culture and education.*

Chapter 3 of the Language Act is dedicated to the regulation of the use of the language of a national minority in the cultural autonomy bodies of a national minority. Article 14 establishes in the first paragraph the collective linguistic human right for the cultural autonomy bodies of a national minority to use their own language, explicitly limiting its extent in the second paragraph as well as in Article 15:

(1) The cultural autonomy bodies of a national minority may use, as the language of internal administration, the language of its national minority.

(2) Communication by the cultural autonomy bodies, both with state institutions as well as with their local governments where the language of the national minority is not in use as the language of internal administration, shall be conducted in the Estonian language.

The law also guarantees to **non-citizens**, those who reside in Estonia, the right to participate in the activities of the national minority's cultural and educational institutions, thereby reducing, in practice, the difference between citizens and non-citizens. Article 6 regulates the legal position of non-citizens:

Foreigners residing in Estonia may participate in the activities of cultural and educational institutions and religious congregations of national minorities, but they may not vote or be elected or appointed to the leadership of the institutions of cultural self-government.

The re-establishment in October 1993 of the Law on Cultural Autonomy for Ethnic Minorities, which was in force between 1925 and 1940, has had an important effect. As a result, cultural self-government, independent of central authorities, may be established by those minorities who were entitled the right under the 1925 Law and those whose membership exceeds 3,000. By 1995 more than 60 different associations had been registered as regular non-profit organisations. The Estonian Union of Nationalities is the umbrella organisation for over 30 cultural societies representing 21 ethnic minorities.

According to the Cultural Autonomy Law, minorities have the legal right to preserve their ethnic identity, national culture and mother tongue. In order to promote mutual understanding and dialogue among different groups, as well as provide access to political decision-making, representatives of ethnic minorities were invited in July 1993 to join a permanent roundtable¹¹ consultative body under the aegis of the President of the Republic. Nationalities Union representatives also take an active role in the work of the Estonian Institute for Human Rights (Viikberg 1995).

5.1.5. International law

The liaison with the norms of international law, ratified by the Riigikogu, the Estonian Parliament, and thus being prior to domestic legislation, is provided in the art. 123(2) of the Constitution:

The Republic of Estonia shall not conclude foreign treaties which contradict the Constitution.

¹¹ The roundtable was in fact organised before the adoption of the Cultural Autonomy Law as a response to the crisis in Northern-Eastern part of Estonia.

123(2) If Estonian laws or other acts contradict foreign treaties ratified by the Riigikogu, the provisions of the foreign treaty shall be applied.

These are regarded as an inseparable part of the Estonian legal system, as provided in art. 3(1):

(...) Universally recognized principles and norms of international law shall be an inseparable part of the Estonian legal system.

In this way, Estonia is under the obligation to accede and keep the ratified standards linked to language. This legal clause seems to be the main reason why international human rights instruments are used actively with the aim to find disharmony with Estonian laws and contest these.

5.1.6. Foreign languages

The foreign language usage, though not being an acknowledged human right, is regulated by art. 52(3) of the Constitution:

*The use of foreign **languages**, including the languages of ethnic minorities, by state authorities and in court and pre-trial proceedings shall be established by law.*

Chapter 2 of Law on Languages regulates the use of foreign languages in state institutions and local governments. Article 8 settles the principle of mutual agreement as a basis for administration in a foreign language:

Persons who do not have knowledge of the Estonian language may also use, in their spoken communication with employees of state institutions and local governments, a foreign language which these employees know, if there is mutual agreement. If there is no mutual agreement, the communication shall be conducted with the mediation of an interpreter, with the expenses being borne by the person who lacks the knowledge of the Estonian language.

The same principle is extended to the language of foreign communication in Article 9:

State institutions and local governments, as well as their employees, shall have the right to use in their foreign communications a language which is suitable to both parties.

Article 18 of Language Act provides for the exceptional cases the delegation to the Government:

The use of foreign languages for the transfer of information to the consumers of services and goods, as well as in work-based communication, shall be conducted according to the procedures determined by the Government of the Republic.

This article foresaw the Governmental regulation for providing flexibility to the law, regulating the use of foreign languages. Article 18 of Language Act is explained in more detail with **the Governmental Decree No. 32** from 29 January 1996, regulating foreign language usage. This deals with two cases, for transmitting information, and for communication during employment. For employees this means the requirement to competence in the foreign language concerned. The domains specified are international transport and tourism, customs, information bureaus, export requirements and international events.

5.2. Corpus planning

Corpus planning in Estonia has been based on promotion, persuasion and educational system, avoiding large-scale legal regulation. Thus, the Language Act states laconically:

Article 1(2): The basis of the official use of the Estonian language, in the context of the present Law, shall be the standard of the Estonian written language according to the procedures determined by the Government of the Republic.

The standard of the Estonian written language was determined by the **Decree No. 323** of the Estonian Government of 3 October 1995. This interprets the norm as a system of orthographic, grammatical and lexical norms and recommendations, in order to provide integrity and clarity of the official language use. It is also a part of employee's professional skills. It also establishes the sources, authorities and supervising organs.

Legal regulation in naming policies is more thorough. Peeter Päll (1997) has listed the legal acts regulating name usage. The fifth chapter (Articles 19-22) of the Language Act¹². Chapter 5 deals with names, designations and information. Articles 19-22 deal with geographical, personal and business names and designations and principles of their transcription. Article 19 regulates the language for a place name:

(1) Estonian place names shall be in the Estonian language. Exceptions which can be justified historically or culturally may be allowed for place names.

(2) Every Estonian place shall have only one official name. The basic form of an Estonian place name shall be written in the Estonian-Latin script. Estonian place names shall be written in the language of a national minority, which uses a different alphabet, according to transcription rules determined by the standards of the written language.

Article 20 is provided for the protection of the name of an Estonian citizen.

The official form of the name of an Estonian citizen shall be written in Estonian-Latin letters. The names of Estonian citizens shall be written in languages using other alphabets, according to the transcription rules determined by the standards of the written language.

¹² RT I 1995, 23, 334

Article 21 (2) regulates the use of Estonian in stationery:

(2) The seals, stamps and letter-heads of agencies, companies, non-profit associations, foundations and sole proprietors which are registered in Estonia shall be in Estonian. An agency, company, non-profit association, foundation or sole proprietor may append a translation into a foreign language to an Estonian text.

Special attention is paid to solving legal disputes concerning the international form of a name in Article 22:

(1) The international Latin-letter form of a name of an Estonian place, citizen, item, enterprise, institution or organisation shall be same as the name used in Estonia.

(2) The writing of names, as determined in paragraph 1 of the present Article, in a language which uses another alphabet, shall implement the transcription rules which are determined in the standards for the written language.

The same applies to Article 24 concerning the language of state registration signs:

The letter combinations of state registration signs may contain only Latin letters.

The use of *Riigikogu* as the name of the Estonian legislative body has deserved a separate Article 26:

(1) The Riigikogu, as the name of the Estonian legislative body, shall not be translated.

(2) Riigikogu shall be written, as in the Estonian language, in foreign languages which use the Latin alphabet, and in languages using other alphabets, according to the transcription rules determined in the standards for the written language.

(3) *The term “parliament” may be use instead of, or in addition to, Riigikogu as the unofficial name of the Estonian legislative body, in both the Estonian language and in foreign languages.*

In addition, several separate laws touch issues of names (cf. Päll 1997). **Law on administrative division of Estonian territory**¹³, to this a governmental decree was attached, in order to effectuate the changes of boundaries and names of smaller administrative objects¹⁴. **Law on Geographical names** was adopted on December 11 1996¹⁵. **Family law** concerning the issues related to personal names was adopted in October 10, 1994¹⁶. **Business law** adopted in February 15, 1995¹⁷ deals with the issue of business name in its second chapter (Articles 7-15).

5.3. Acquisition planning

5.3.1. Legal basis

The language of education has been also a concern for both Estonians and speakers of other languages, inherently linked to conflicting interests of common language promotion and minority maintenance. This dilemma is reflected in **the Constitution**. For educational rights, Art. 37(4) of the Constitution on language of instruction is provided:

All persons have the right to instruction in Estonian.

The second clause introduces the basis for cultural autonomy with minorities themselves, making decisions for education, not state or local government authorities:

¹³ RT I 1995, 29, 356; 1996, 42, 808

¹⁴ RT I 1996, 72, 1268

¹⁵ RT I 1997, 1, 2

¹⁶ RT 1994, 74, 1324; 1995, 29, 356; 59, 1006; 1996, 36, 738; 1997, 16, 261

¹⁷ RT I 1995, 26-28, 355 jj

Educational institutions established for ethnic minorities shall choose their own language of instruction.

Article 6 of the **Language Act** provides for educational guarantees in the Estonian language and in a foreign language:

State institutions and local governments shall guarantee the opportunity to acquire Estonian-language education, according to the procedures prescribed in law, in all the educational institutions belonging to them, as well as the opportunity to acquire a foreign-language education, according to the procedures prescribed by law.

The same principle was earlier adopted in the Law on Education (1992, 12 192), article 4 para. 3.

The **Basic Schools and Upper Secondary Schools Act**, first passed on 16 June and rejected by President Meri, was successfully passed in an amended form on 15 September 1993. Article 9 of the law states¹⁸:

(1) In the upper secondary school stage, the language of instruction shall be Estonian. In the upper secondary school stage of municipal schools and in specific classes of municipal schools, any language may be the language of instruction. Permission for instruction in another language shall be granted by the Government of the Republic on the basis of an application by a local government council. A corresponding proposal shall be made to the local government council by the board of trustees of an upper secondary school based on the development plan of the school.

(2) In a school or class where instruction is not given in Estonian, Estonian language instruction is compulsory beginning from the first year.

According to the first paragraph of article 9 of this law, the language of instruction will be guaranteed in Russian in state schools only in the primary level (first 9 years), meaning the reorganisation of Russian-medium and other minority language medium schools providing upper secondary education according to

¹⁸ Amended on 26.03.2002 - RT I 2002, 34, 205 - and entered into force on 05.04.2002.

the guidelines established in the Law on Cultural Autonomy. Article 52 of the same law prescribed the transfer for the years 1993-2000. This forecast the transfer to Estonian-medium instruction in all state and municipal secondary schools or, alternatively, the enrolment in minority schools. Education in Russian minority secondary schools continues to be offered in the native language. Thus, Russian-medium basic schools must give their students sufficient knowledge of Estonian to continue their studies in Estonian, if they so choose. As this posed a considerable political problem for the Russian-speaking community (not for other minorities), this change was postponed. According to the amendment passed in 1997, such changes will become gradually effective after the year 2007.

Language teaching in other types of school is regulated in the corresponding laws. The **Law on Private Schools**¹⁹ gives the owner of the school the right to determine the language of the school (Art. 15). The **Vocational Educational Institutions Act**²⁰ prescribes Estonian as the language of education (Art. 18). The use of other languages is determined by the founder of the school. The **Law on Universities**²¹ prescribes Estonian as the language of instruction (art. 22(8)), leaving the use of other languages to be determined by the council of a university.

5.3.2. Current situation

Also other countries provide financial support for adult language teaching activities. As a legal basis, **Order of Management of Exam on National Language**, operates, establishing evaluation procedures, consultations and exam management issues. In addition to these centres, numerous privately-owned language centres are in operation, providing a wide range of various language learning options. Some courses provided correspond to the standards of the **Law on Adult Education**²².

¹⁹ RT¹ I 1998, 57, 859, passed 3 June 1998 and entered into force 6 July 1998, amended by the several acts (see: <http://www.legaltext.ee/text/en/X70034.htm>).

²⁰ consolidated text RT I 2001, 68, 406, entered into force 25 July 1998, (amended by the different Acts: <http://www.legaltext.ee/text/en/X30017K5.htm>)

²¹ RT¹ I 1995, 12, 119; consolidated text RT I 2003, 33, 206), entered into force 18 February 1995, amended by the following Act: 07.08.2003 entered into force 01.09.2003 - RT I 2003, 58, 387.

²² RT I 1993, 74, 1054

Art. 13(4) of the **Law on Refugees**²³ places the obligation to the local governments concerned to provide assistance to refugees concerning translation and Estonian-language learning.

5.3.3. *Schools*

The requirement of the Estonian language environment deriving from the Estonian Constitution implies the task of providing the proficiency in Estonian language in the framework of compulsory education. However, several challenges are confronted in the implementation of this task.

The challenges here are **the large number of non-Estonian pupils and their isolation from Estonian-speakers**. Together with the corresponding demographic trend, the number of Russian-speaking pupils increased up to the year 1990, when their share comprised 37% from the total number of pupils. Currently, qualitative changes are taking place in this respect. In 1993, 17% of the schools used Russian as the medium of instruction. In the 2003/2004 school year, there were (in addition to 521 Estonian-medium schools) 87 Russian-medium schools and 25 mixed schools. Currently, there are less than 40,000 pupils in Russian-medium schools, a figure which decreases by 4-5% every year. The main reason for this drop is the repatriation connected with withdrawal of Russian troops in September 1994 and an extremely low birth rate (less than 3,000 children born in Russian-speaking families annually), consequently resulting in a shortage of pupils. Due to this, several Russian schools near the Russian military bases have been closed. The second highly visible reason for decrease is Russian parents' desire to place their children in Estonian pre-school educational establishments and schools in order to immerse them in the language (ca. 5% of the places in Estonian schools, over 4,000 pupils). This has resulted in a lower proficiency level in Estonian as well as in other disciplines for all pupils. To avoid these negative effects, the number of Russians in the Estonian-medium educational institutions has been limited. Simultaneously, alternative programmes for Russian children are being started.

²³ RT I 1997, 19, 306

According to the national curriculum, the teaching of non-Estonian children is provided in the Russian language. In this way, the monolingual Russian-medium educational system, adopted during the Soviet occupation is maintained. Estonian is taught mainly as a subject. Though the absolute amount of time reserved for lessons of Estonian exceeds far the amount commonly used for learning a foreign language, due to the attitudinal lag expressed in the language spread model still operational, the level necessary for functioning in the society is not reached (the costs still exceed benefits in most cases in Grin's sense).

The separation of these two educational systems, Estonian-medium and Russian-medium, is amplified by Russian-language environment in some towns. The most challenging areas in Estonia are towns with residents composed by migrants, closed for Estonians previously, with Russian functioning as the sole language in most functional domains (Sillamäe, Paldiski, Narva during the first years after WWII). Most of the non-Estonian-speaking pupils reside and attend school in bigger cities. In these areas, Estonian language learning stimuli are scarce and the number of teachers insufficient. For example, in the border town of Narva, where the Russian speaking population makes up 95%, in 1994, 5 out of the 79 teachers of Estonian have had their training through correspondence courses, and 28 posts are vacant. This can partly be explained by highly hostile policies of past municipal governments, effectively blocking any initiatives to introduce Estonian in the schools of Narva. However, things have improved considerably and there are no vacant places, although quality remains a problem. In sharp contrast to those is the situation in core Russian minority areas like the town of Mustvee (56% Russian), or Kallaste (88% Russian) on the shore of Lake Peipsi. The population there is overwhelmingly bilingual and there is no basis for ethnic or linguistic conflicts.

Though the Language Act demanded the teaching of Estonian (Art. 21), the **progress in its implementation** was slow. In the school year 1990/91, 32 schools did not teach Estonian at all, due to the lack of teachers (Statistika Aastaraamat 1992, referred to in Vare 1998). In 1992/93, 10-15% of the pupils in Russian-medium schools did not learn Estonian. With the adoption of the Law on Primary and Secondary Schools the teaching of Estonian was made compulsory from the third grade (Article 9, para. 2), however now it is compulsory from the first grade. In order to follow the law the teacher staff had to be

completed. Currently this task has been achieved formally with the employment of teachers with insufficient knowledge of Estonian.

The curriculum envisages 3 Estonian language lessons per week, beginning in the 3rd grade. Starting in 1996, Estonian was taught from the 1st grade onwards. Some Russian-medium schools use Estonian as a medium for teaching certain subjects (history, geography), as a partial immersion.

5.3.4. Education for (other) minority language speakers

The Law on Cultural Autonomy for Ethnic Minorities, approved in 1993, grants all minority groups the right to establish private (but state-financed) schools, including secondary schools in which a minority's own language serves as the language of instruction and where additional instruction in their cultural heritage is provided.

Education must be based on the language an individual commands most. Thus introducing native language for these as the first language of education this principle is followed. Today there is at least one non-Russian, full-scale minority language school in Estonia: the Jewish schools. In these schools, another language is used in lower grades as the medium of instruction, Estonian and Russian accordingly. Their educational system qualifies roughly for a language shelter programme (maintenance programme), where students are instructed through the medium of their heritage language, in homogenous classes with minority children with the same mother tongue only, with bilingual teachers. Like elsewhere, language shelter programmes or maintenance programmes show high levels of success thanks to the effective pursuance of linguistic (bilingualism) and societal goals (equity and integration) (Skutnabb-Kangas 1990).

Belorussians, Finns, Ukrainians and Armenians have some primary school classes where their languages are used as medium of instruction. In addition to these, several ethnic minority groups arrange lessons in their native language and culture in the form of Sunday schools, as a first step towards opening schools in their native languages. The main constraint with regard to using the right to

establish minority schools, the dissociation from the minority's native culture, can thus be overcome by "artificially" creating native language environments.

As ethnic Russians account for three-quarters of the population of non-Estonian ethnicity, schools with Russian-medium instruction may still face the additional task of integrating other language speakers (like Belorussians, Tatars and Ukrainians) into the Estonian-speaking society. Thus, in several cases, Russian-medium schools offer optional lessons in other minority languages for the purpose of accommodating these groups. In addition, several bilingual subgroups have been formed as a result of ethnically mixed marriages. For most non-Russian students with a low status mother tongue, Estonian-medium and Russian-medium schools function as **immersion programmes** where they receive instruction through the medium of a second language with a high status (Estonian or Russian), together with native speakers of the language of instruction. Teachers, as a rule, do not understand the mother tongue of the children belonging to this group. Being an explicit example of a subtractive language learning, it constitutes a threat to these children's native language and culture, and results in poor school achievement. However, language attrition may have already taken place and the family has shifted at home to the language instruction at school. According to Skutnabb-Kangas (1990) this is the most disastrous method for educating minority children. Societally this means either assimilation or marginalisation.

The programme of success seems to be language immersion, started in 1999. Currently over 1,000 students study in programmes of early (7 schools) and late immersion (4 schools). In addition, Annelinna Secondary School offers partial immersion programs.

The most challenging issue in education is definitely secondary education of Russian students in Estonia. Due to minute number of Russian students (ca. 4,000), full-scale secondary education via Russian is not considered expedient. The solution seems to be the gradual introduction of bilingual programmes, providing satisfactory knowledge in the national language.

5.4. Citizenship laws

The main challenge to normalisation of the language environment and effective nation-building has been the non-integrated Russian-speaking community in Estonia. The Legal status of this populational group is connected with the question of succession of the Russian Federation into the rights and duties of the former Soviet Union. The Minsk Agreement of 8 December 1991 and the Alma-Ata Protocol of 21 December 1991, which founded the Commonwealth of Independent States (below: CIS), did not solve the fate of Soviet citizens outside the CIS. Geistlinger (1995:104) comments here:

Thus it has to be concluded that the succession into the rights and duties of the former Soviet Union turned out to be a matter of bilateralisation and regionalisation (of the CIS member-states) dependent on effective state power and international acceptance. As far as the United Nations and multilateral treaties are concerned, the Russian Federation was accepted into the place of the former Soviet Union, while leaving open whether we have to assume a case of complete dissolution of the former Soviet Union or of separation of all former union republics, except the Russian Federation, which entered into the personality of the Soviet Union.

Unlike the republics forming CIS, succeeding the Soviet Union, Estonia is (like Latvia), according to its Constitution and international law, the rightful and legal successor of the Republic of Estonia, declared on 24 February 1918 and forcibly annexed to the Soviet Union on 6 August 1940. Estonian citizenship is based on *ius sanguinis* principle, according to which a child by birth acquires the citizenship of their parents. With the re-establishment of Estonia's *de facto* independence came the *de facto* re-establishment of its citizenry. Estonia has followed a consistent inclusive policy to integrate those residents, who are not Estonian citizens. Since 1992 Estonia's governments have held to a firm position on the right of these people to choose their citizenship, and have maintained the belief that citizenship cannot be forced on anyone. Estonian citizenship is not based on ethnicity. All persons, including those belonging to ethnic minorities, who held Estonian citizenship before 16 June 1940, and their descendants, received Estonian citizenship automatically. Surveys estimate that at

least 80,000 non-ethnic Estonian residents are already Estonian citizens through birthright. On the other hand, many ethnic Estonians did not live in Estonia before Estonia was occupied and as such they also do not automatically have citizenship.

Among main normalization problems after the termination of occupation is the political, linguistic and cultural integration of non-Estonian residents in Estonia. The main political obstacle lies in obtaining Estonian citizenship. The problem with citizenship arose as the half-a-million immigrant community lost its citizenship of the Soviet Union together with the disintegration of the Soviet Union, being not entitled to automatic receipt of the citizenship of Estonia. With the CIS a change of the naturalization laws from *jus sanguinis* to *jus soli* took place, thus depriving citizens of the former Soviet Union of their previous citizenship and leaving them “stranded”.

Estonian sovereignty was restored in 1991, adding to the *de jure* existence also the *de facto* component. According to the international law it could not be regarded as a new state. Estonian parliament declared that the Soviet occupation had not interrupted the *de jure* legal status of Estonia; therefore, all the consequences of Soviet rule were *ex tunc*, not valid from their inception (statement of Estonian Foreign Minister to United Nations, 47th Session of the General Assembly, 29 September 1992). Consequently, all those who entered Estonia after the Soviet invasion, i.e. after 16 June 1940, did so illegally and therefore had no automatic right to citizenship. Conversely, all those residing in Estonia prior to 16 June 1940 (or their direct descendants) would automatically be considered citizens of the Republic of Estonia. According to this, these individuals never lost their citizenship; rather, Soviet rule merely held it in abeyance.

On 26 February 1992, the Estonian Supreme Council passed a **Decree On the Application of the Law on Citizenship**²⁴, which reactivated an amended version of the Citizenship Law of July 1, 1938. The resolution was needed in order to bring the 1938 Citizenship Law up to date with the realities of post-annexation Estonia. According to the new text, Soviet annexation suspended the implementation of the 1938 law, and therefore all those who entered Estonia after annexation did so unlawfully and were not entitled to

²⁴ RT 1992, 7, 109

receive citizenship automatically. The parliament enforced the Estonian Law on Citizenship of 1938²⁵ with the amendments made on 11 December 1939²⁶, in the version was put in force on 16 June 1940 (the last day preceding the Soviet occupation). This law divided the population into two groups: citizens, i.e., those who were citizens of the pre-war Republic, and everyone else. The 1938 Law on Citizenship was the most liberal in Europe at the time of its adoption. It established the *jus sanguinis* principle, by which citizenship is passed automatically to descendants. Others could obtain it through a naturalisation process, with a residence requirement of 2+1 years and basic proficiency in Estonian. This law envisioned few exclusions to the residency or language requirements. Notable amendments to the law, namely point 16 of the Decree of 26 February 1992, list those who have no legal right to naturalisation: active duty, foreign military personnel, former employees of Soviet security/intelligence organs, individuals convicted of serious felonies or repeat felony offenders, and those without a steady income. Some articles of this law were declared inapplicable, others were to be applied in a manner specified by the decree. The procedure for acquisition of Estonian citizenship by naturalisation is regulated by a decree of the Government of Estonia of 6 April.

The main obstacle for implementation of naturalisation procedures was the issue of level of the knowledge of the Estonian language required to applicants. As there was no common understanding between the fractions of the Supreme Council on this matter (opinions ranged from fair knowledge to understanding basic words with no need to be able to speak oneself), the issue was postponed and left to the Parliament, which was to be elected in a couple of months to decide. The new Parliament adopted the **Law on the Estonian Language Requirements for Applicants for Citizenship**²⁷ in 1993, which was declared void in 1995. Under this law one was expected to:

- 1) have a listening comprehension of everyday texts, such as news broadcasts, announcements and statements;
- 2) be able to hold a conversation on a given topic, such as family, work, leisure activities and shopping. Some topics require a basic knowledge

²⁵ RT 1938, 39, 357; 43, 404 and 405 XVI

²⁶ RT 1939, 114, 882

²⁷ RT 1993, 11 171

- of Estonian geography, important historical events, culture, national holidays and national symbols;
- 3) read and provide a short summary of announcements, news reports, newspaper articles, regulations, etc.;
 - 4) be able to complete simple written exercises, such as filling out personnel applications, composing a curriculum vitae, writing an address on an envelope, writing an application for a study or employment position, writing a letter of authorisation, and filling out standard forms.

It also provided for special examination guidelines for persons born before 1 January 1930, and persons who were considered to be permanently disabled or who were unable to complete an examination in the usual way due to their disability. Persons born prior to 1930 were exempt from the written requirements, they were however required to converse on topics such as the family, work, leisure activities, shopping, places in Estonia, and Estonian history, culture and national symbols. Specific guidelines for the disabled varied, taking into consideration the different forms of disability (i.e. hearing, visual or speech impairment). Graduates of public secondary schools, who had completed a final Estonian language examination in accordance with standards established by the Ministry of Culture and Education, had the right to apply for citizenship by naturalization without completing a further examination. The current Estonian language curriculum in Russian-medium schools, approved by the Ministry of Culture and Education, fully covered the Estonian language requirements established for citizenship applicants. These Estonian language requirements were incorporated with minor changes into the new **Law on Citizenship**²⁸, adopted by the *Riigikogu* on 19 January 1995 and proclaimed as Law by the President of Estonia on 31 January 1995 and entered into force on 1 April 1995. Article 5 continued the *jus sanguinis* principle:

(1) Estonian citizenship shall be acquired by birth by:

- 1) any child whose at least one parent is an Estonian citizen at the time of the child's birth;*

²⁸ RT I 1995, 12, 122; 83, 1442

2) any child who is born after the death of his or her father, if the father at the time of his death was an Estonian citizen.

(2) Any child found in Estonia, whose parents are unknown, shall, at the request of the child's legal guardian or a guardianship agency, be recognised by a court of law to have acquired Estonian citizenship by birth, if it is not proven that the child is the citizen of another state.

(3) No person may be deprived of Estonian citizenship acquired by birth.

Article 6 establishes the conditions for obtaining Estonian Citizenship (naturalisation requirements):

An alien who wishes to receive Estonian citizenship must:

- 1) be at least 15 years of age;*
- 2) have stayed in Estonia permanently on the basis of a permanent residence permit for at least five years prior to the date on which he or she submits an application for Estonian citizenship and for six months from the day following the date of registration of the application;*
- 3) have knowledge of the Estonian language in accordance with the requirements provided for in § 8 of this Act;*
- 4) have knowledge of the Constitution of the Republic of Estonia and the Citizenship Act in accordance with the requirements provided for in § 9 of this Act;*
- 5) have a permanent legal income which ensures his or her own subsistence and that of his or her dependants;*
- 6) be loyal to the Estonian state;*
- 7) take an oath: "Taotledes Eesti kodakondsust, tõotan olla ustav Eesti põhiseaduslikule korrale. " [In applying for Estonian citizenship, I swear to be loyal to the constitutional order of Estonia.]*

Article 8 let the requirements of the former law intact:

(1) For the purposes of this Law, knowledge of the Estonian language shall be a general knowledge of the Estonian language, required for day to day life.

(2) The requirements for knowledge of the Estonian language shall be as follows:

- 1) listening comprehension (official statements and announcements; notices of danger and warnings, news, description of events and explanations);*
- 2) conversation (conversation and narration, use of questions, explanations, assumptions and commands, expressing one's opinion, expressing one's wishes);*
- 3) reading comprehension (public statements and announcements, public notice, news, sample form, journalistic article, message, catalogue, user's instructions, traffic information, questionnaire, report, guidelines);*
- 4) writing (applications, letter of authority, letter of explanation, curriculum vitae, questionnaire, standard form, completing a test).*

(3) Knowledge of the Estonian language shall be assessed through an examination.

Procedures for holding the examinations shall be established by the Government of the Republic.

(4) A certificate shall be issued to all persons who successfully complete the examination.

(5) Any person who has completed basic, secondary or higher education in the Estonian language shall not be required to complete the examination.

However, Article 9 added the requirements for and assessment of knowledge of the Constitution and the Law on Citizenship:

(1) Any person who wishes to receive Estonian citizenship must have a knowledge of:

- 1) the general precepts of Estonia's state system, as established in Chapters I and III of the Republic of Estonia Constitution;*
- 2) the basic rights, freedoms and duties of all persons as established in Chapter II of the Republic of Estonia Constitution;*
- 3) the authority of the Riigikogu, the President of the Republic, the Government of the Republic and the Courts as established in the Republic of Estonia Constitution;*

4) the conditions and procedures for acquiring, receiving, restoring and losing Estonian citizenship in accordance with the Law on Citizenship.

(2) Knowledge of the Constitution and the Law on Citizenship shall be assessed through an examination, which shall be held in the Estonian language. Procedures for holding the examination shall be established by the Government of the Republic.

(3) A certificate shall be issued to all persons who successfully complete the examination.

Article 10(1) allowed the requirements established in points 2-4 of Article 6 of the law to be disregarded for persons who are lawfully and permanently in Estonia and who have performed a special service to the state of Estonia. Special services were regarded accomplishments in science, culture, sports or some other sphere which has contributed to Estonia's international reputation.

Together with the adoption with the new Law on Citizenship, the whole system of tests went under rearrangement. Main thrust was put on the objectivity of the test, the qualifications of examiners and the administrative management of the testing system. Such a step was necessitated because of the insufficient language competence of some examinees, who nevertheless had managed to pass the test. Thus, already in 1994, the Estonian Language Centre was reunited with National Language Board as a department of it. (During the years 1992-1994 the Centre operated independently under the Ministry of Education, having almost no contact with the National Language Board and with other expert institutions in this domain. The reasons for such division were purely political and caused serious problems in the quality of the management and the tests themselves).

The new language tests were prepared in cooperation with experts from the Cambridge University, under the aegis of the Council of Europe (Toomsalu and Simm 1998: 51-52).

According to new conditions, language qualifications are monitored through a control system, based on the Regulation “The order of the conducting procedure of the Estonian language level exam” by the Ministry of Education (Eesti keele tasemeeksami läbiviimise kord, RT add. 1999, 109, 1396; 2002, 48, 663; 2003, 4, 39). The citizenship exam is conducted according to the Governmental decree No. 14 from January 14, 2002 (RT I 2002, 6, 24; 105, 626), allowing joint arrangement of citizenship exam together with the graduation exams in the basic schools. Special requirements for disabled persons are provided, exempting applicants from certain tests on specific language skill, according to the kind of disability.

The level of linguistic sophistication, however, is heterogeneous and seems to exceed that of the Estonian language exam, which requires the knowledge of a general level. In addition to that, the terminology belongs to the special-purpose domain. Thus, in order to overcome the difficulties extending beyond the language requirement, examinees are allowed to consult the Estonian-language text of the Constitution and the Citizenship Law during the exam.

In 1998 the amendment 747 SEI to the article 13 was drafted by the Government and adopted by the Riigikogu, allowing stateless parents who have resided in Estonia at least five years to apply for citizenship for their children born in the Republic of Estonia through simplified procedure. The requirements in this case are the following: the child must be born after 26 February 1992 and be not older than 15 years²⁹.

6. Final Conclusions

The Estonian situation is represented by a compound change, comprising qualitative shifts on several levels:

- from totalitarianism to democracy;
- from a socialist to a capitalist economy;

²⁹ In 2002 the 20% of all Estonian residents were non-citizens (including the 12% of stateless people). Naturalization in recent years was 3000-4000 persons per year.

- from the dominated imperialist language-spread, and further, Soviet nation-building situation to a dominant nation-building model.

These changes have not been easy, as Hamel (1997:16) witnesses: *This [i.e. Baltic] case shows how difficult it is to redress historical injustice and to convince a group in power (or previously in power) that the privileges they acquired during the period of their rule violate the rights of others.*

Current Estonia is sociolinguistically characterised by:

- a predominant position of the Estonian language and culture;
- dominating position of Russian in certain domains;
- polarised linguistic situation between Estonian and Russian speakers;
- inherent consolidation of Russian-speaking and Estonian-speaking communities;
- a multitude of other languages and cultures, both autochthonous and immigrant;
- different language environments in both territorial and functional domains;
- politisation of the linguistic situation on the Estonian-Russian axis due to the past occupation and totalitarianism.

This situation has been reached through the collision of language policy models in the course of time. The period has witnessed nation-building efforts, starting with the rearrangement of the status of the Estonian language based on minority protection model to the needs of nation-building. The campaigns from the 1930s as well as statistics on the educational system confirm that this result was achieved. The educational policy was guided by the principles of the considerably generous minority policy of the Estonian state, together with the building of a nation-state with Estonian as the national language. The sophisticated and ever-developing legal system provided significant linguistic rights for minorities as well as financial support. The educational conditions enabled mother tongue education for the recognised minorities up to the secondary level. At the same time, the national language status of Estonian was implemented through the achievements in corpus planning and acquisition planning. The requirement of the proficiency in the Estonian language in written and oral communication was based

on the national curricula and was under the constant supervision of the Ministry of Education.

While the period between the two World Wars implied a nation-building model, the following occupation, reflected through the modern policy of language spread based on direct territorial language contact, brought around ethnic mobilisation (cf. the support of guerrilla activities of forest brothers) and a visible conflict, crushed through violence (executions, imprisonments and deportations). Totalitarian hegemony was established, making ethnic counter-power impossible. However, although the dominance was lost, as acquisition and corpus policy were regulated through the federal ethnic power grid, these stayed mostly intact, effectively obstructing the transformation of nation-building into minority protection. Thus, expectations from both sides differed, with Estonians considering Russian nation-building attempts as language spread and simultaneously Russians viewing Estonian nation-building as minority protection. Due to attitudinal lag, common to language policies, the linguistic situation in Estonia stayed ambiguous. Even the ideological pressure of the 1980s with its glorification of Russian and stigmatisation of non-Russian failed in this aspect.

The main societal change was the foundation of a potential ethnolinguistic conflict by creating a new privileged linguistic elite based on preferential Russian language-biased status and acquisition planning, supported by the artificially created Russian language environment, while the maintenance of the high inherent status local Estonian language was allowed, through ideological passivity in corpus planning, and for a long time, in acquisition planning (it may also be interpreted as hidden resistance of prominent cultural figures). Thus, two linguistic groups with high inherent native language status were maintained simultaneously: Russian and Estonian speakers, the last ones powerless at that time, due to the effective mechanisms of hegemonic control. The inevitable conflict was postponed by state violence or threat of it. Levits (1990:53) commented the situation:

Despite the formal equality of Soviet citizens, their division into two politically and socially uneven groups is an important domestic political factor which destabilizes the entire ruling system. The constantly growing

need of the non-Russian part of the population for political emancipation is also increasing the significance of the national factor.

Thus, the separation was maintained and active major linguistic conflict avoided by state violence, based on hegemonic control.

Together with the weakening of other military, economic and ideological power grids, the importance of federal ethnic structure increased and the new conditions created enabled the processes of ethnic mobilisation to gain more freedom. This resulted in the restoration of independence of Estonia in 1991 and the establishment of a new power balance. However, this political declaration was one of the final steps towards sovereignty and new language policies. The crumbling of the Soviet Union started from the republics whose population still preserved high inherent self-value, by making use of the principles of *perestroika*

Thus, the object of negotiation lies outside the language domain controlled by the speakers of Russian. The emerging new linguistic environment is the object of negotiations, with the aim to secure previous rights within the new environment through power set up both domestically and internationally. This may be regarded as a pattern of language spread policy, still maintained by attitudinal lag, supported through Russia's foreign policy instruments.

In spite of all tensions, one may witness a gradual linguistic normalisation with Estonian as the national language known by the vast majority of the population, while minority languages are still accommodating to the new conditions (including ethnic revival) and there is an ever-increasing popularity of major foreign languages.

As regards the language legislation in Estonia, it has been developing inconsistently, affected by domestic political reshuffle and international pressures. Thus, though the Constitution was adopted in 1992, the new language regime was legitimised only at the beginning of 1995, with the adoption of the new Language Act. Several non-systematic steps have been made lately.

The laws on language and citizenship adopted in 1995 signal the stability of society and power consolidation, enabling to launch a new nation-building-motivated language policy. The main blocks of it are the following:

- Estonian as the sole national and official language (common language principle);
- minority protection through territorial and cultural autonomy (hierarchisation and regulation of autochthonous languages);
- various functional foreign language regimes;
- respect for individual linguistic rights;
- active promotion of integration;
- subordination to international law.

The **approach** in legislation is **non-ethnic** and purely instrumental. In contrast to the Language Act of 1989, language legislation is not used for propagandistic goals. It is possible for almost all residents legally living in Estonia, regardless of ethnicity, to apply and acquire Estonian citizenship if they wish to. Thus, ethnicity has no legal value in establishing one's position in society. Instead, proficiency of the common language is valued through the system of various domains (citizenship, employment, elections, etc.). In this way, the developments signal the transformation of the society to a more democratic and civic one.

7. References

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