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Non scholae, sed vitae discimus.

We do not learn for school, but for life.

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Declaration (in lieu of an oath)

I herewith declare

that I have observed the rules for proper academic research, especially that I have drafted the thesis myself and not used any sources other than those cited in the literature references. All direct and indirect quotes are indicated as such. I further confirm that I have not submitted this thesis as a written course requirement at any university in Austria or abroad.

I am also aware of the circumstance that the academic degree awarded after this thesis has been approved and passed can still be nullified and withdrawn at any later date if the thesis is found to be insufficient with regard to good academic practice (above all if plagiarism is found to have occurred).

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List of Abbreviations

CSCE – Conference for Security and Co-operation in Europe

EEA – European Economic Area

EIF – European Fund for the Integration of Third Country Nationals

EIM – Estonian Integration Monitoring

EMN – European Migration Network

ENI – European Neighbourhood Instrument

ENS – European Network on Statelessness

ESSR – Estonian Soviet Socialist Republic

EU – European Union

HCNM – High Commissioner on National Minorities

ICCPR – International Covenant on Civil and Political Rights

IGO – International Governmental Organization

IOM – International Organisation for Migration

KGB – Комитет государственной безопасности (Soviet Union's Committee for State Security)

MISA – Migration and Integration Foundation Our People

ODIHR – OSCE Office for Democratic Institutions and Human Rights

OSCE – Organization for Security and Co-operation in Europe

PHARE – The Programme of Community aid to the countries of Central and Eastern Europe (originally: Poland and Hungary: Assistance for Restructuring their Economies)

TFEU – Treaty on the Functioning of the European Union

UN – United Nations

UNDP – United Nations Development Programme

UNHCR – United Nations High Commissioner for Refugees

VERA – Estonian inter-university research group

ZEV – Zentralstelle zur Erfassung der Verschleppten (the Centre for Searching and Returning the Deported Persons)

Glossary

A person with undetermined citizenship is a person, or his/her descendant, who has lost his/her citizenship because his/her country of nationality has ceased to exist, and he/she has not used the opportunity to obtain a citizenship of any of the successor states (Aaviksoo, 2013: 32, footnote nr.67).¹

A stateless person is a person ‘who is not considered as a national by any State [sic] under the operation of its law’ (Article 1 of the 1954 UN Convention Relating to the Status of Stateless Persons), and who for reasons beyond his control cannot acquire citizenship of any state.

Alien's passport is an official identification document provided by Estonian Government for non-citizens residing in Estonia; these include stateless persons and undetermined citizens. Since numerically predominant group of alien's passport holders in Estonia are formed by the undetermined citizens, the term ‘alien's passport holders’ in this thesis only refers to undetermined citizens of Estonia and not stateless persons in the meaning of International Law.

Russian speaker; Russian-speaking minority, Estonian Russian refer to a wide range of people who arrived to Estonia during the Soviet era, who use Russian as their first language and for whom until today Estonia is their permanent residence.

¹ Estonian undetermined citizens and Latvian non-citizens of the former USSR are neither citizens of these or any other countries, nor foreigners, nor stateless persons. According to the EU Network of Independent Experts on Fundamental Rights, this classification category is unknown in public international law. (Synthesis Report: Conclusions and Recommendations on the Situation of Fundamental Rights in the European Union and its Member States in 2003, 2004: 90)

Abstract

Karu, Marianne. (2015). *Determining the Rights of Undetermined Citizens in Estonia. On the Examples of Alien's Passport Holders in Narva*. Social and Cultural Anthropology Department. University of Vienna. Vienna, Austria.

Keywords: alien's passport holder, citizenship, ethnic minority, integration, integration strategy, international politics, Narva, policy, undetermined citizenship.

This dissertation attempts to shed light on the situation of former citizens of Soviet Union in Estonian society, who as of today have not required citizenship of any state, by juxtaposing the visions and activities of local and international policy actors and the people of undetermined citizenship. The dissertation's leading question is 'how do the Estonian people with undetermined citizenship perceive their ambiguous status, determined by their alien's passport, in comparison to the officially mediated institutional view?' In particular, the research is based on the anthropological fieldwork which was carried out during the month of March 2015 in the border city of Narva. Direct interaction with alien's passport holders and observing how their daily practices are affected by their special status is a prerequisite for interpreting transparently and objectively the existing phenomenon. In addition, this study reflects the prospects of the Estonian Ministry of Culture and the Ministry of Interior, and discusses to which extent the international policy actors, such as OSCE, EU and UN have affected Estonia's domestic policy on minorities' issues. Hereto, the author's previous internships at the OSCE and UNHCR work in favor of decoding their sphere of influence. Using a historical approach, discursive contours of the Citizenship Act, Aliens Act and the Language Act are outlined; also, all four integration strategies are analyzed. It is shown how diplomatic measures have been used to support the policies which necessarily ensure the maintenance of the nation-state, its culture and people. However, during the last few decades, Estonia has moved from the language- and education-based integration plans to a more inclusive course of action as the "Integrating Estonia 2020" clearly proves. It is increasingly acknowledged that technical measures only do not lead to a cohesive society. Social cohesion is based on the milieu, where people have established trust among other fellow citizens and feel that their country is their home, regardless of whether they have the country's citizenship or not.

Abstract (in German)

Karu, Marianne. (2015). *Feststellung der Rechte von unbestimmten BürgerInnen in Estland am Beispiel von Fremdenpass Besitzern in Narva*. Kultur- und Sozialanthropologie Institut. Universität Wien. Wien, Österreich.

Stichwörter: ethnische Minderheit, Fremdenpass Besitzer, Integration, Integrationsstrategie, internationale Politik, Narva, Politik, Staatsbürgerschaft, unbestimmte Staatsbürgerschaft.

Diese Dissertation versucht die Situation von Menschen mit unbestimmter Staatsbürgerschaft, in der estnischen Gesellschaft, anhand eines Vergleiches der Betrachtungsweise von externen politischen Akteuren und Feldobjekten aufzuklären. Die Hauptfrage der Dissertation ist „Wie die Esten mit unbestimmter Staatsbürgerschaft ihren zweifelhaften Status, ausgedrückt durch ihren Fremdenpass, im Vergleich zu der offiziellen vermittelten institutionellen Sicht in der Gesellschaft wahrnehmen“. Im Speziellen basiert die Recherche auf anthropologischen Feldstudien, welche im März 2015 in der Grenzstadt Narva durchgeführt wurden. Direkte Interaktion mit Besitzern eines Fremdenpasses und Beobachtung wie ihr Alltag organisiert ist, sind Grundvoraussetzungen für eine objektive und transparente Interpretation des existierenden Phänomens. Zusätzlich reflektiert diese Studie die Ansichten des estnischen Ministeriums für Kultur und des Innenministeriums und bespricht in welchem Ausmaß die internationalen politischen Akteure die Themen in der nationalen Politik für Minderheiten in Estland beeinflussen. Hierzu hat die Autorin zugunsten dieser Arbeit vorausgehend Praktika bei der OSCE und dem UNHCR gemacht, um zu entschlüsseln inwieweit dieser Bereich von diesen Organisationen beeinflusst wird. Mittels einer historischen Herangehensweise wurden weitschweifig Konturen des Staatsbürgerschaftsgesetzes, Ausländergesetz und Sprachgesetz umrissen. Auch die Entwicklung der ersten Integrationspolitik bis zur Erstellung der neuen Strategie „Integration Estland 2020“ wurde analysiert. Es zeigt wie diplomatische Maßnahmen genutzt wurden, um die Politik zu unterstützen. Dies garantiert zwangsläufig die Aufrechterhaltung des Nationalstaates, der Kultur und der Bevölkerung. Allerdings hat Estland sich in den letzten Jahrzehnten statt für einen sprach- und bildungsbasierten Integrationsplan für einen liberaleren Ansatz entschlossen. Es ist zunehmend anerkannt, dass nur technische Maßnahmen nicht mehr zu einer geschlossenen Gesellschaft führen. Sozialer Zusammenhalt basiert auf dem Milieu, dem sich Menschen zugehörig fühlen, unabhängig von ihrer Staatsbürgerschaft.

Abstract (in Estonian)

Karu, Marianne. (2015). *Eesti määratlemata kodakondsusega inimeste õiguste määramine. Narva 'halli' passi omanike näidetel*. Kultuur- ja Sotsiaalanthropoloogia Instituut. Viini Ülikool. Viin, Austria.

Märksõnad: 'halli' passi omanik, integratsioon, lõimumiskava, kodakondsuspoliitika, määratlemata kodakondsus, Narva, rahvusvaheline poliitika, rahvusvähemus.

Käesolev väitekiri püüab valgustada määratlemata kodakondsusega inimeste olukorda Eesti ühiskonnas, kõrvutades nende endi kui ka kohalike ja rahvusvaheliste poliitiliste toimijate tegevusi ja arusaamu. Magistritöö juhtivaks küsimuseks on: "Kuidas tajuvad Eesti määratlemata kodakondsusega inimesed oma ebamäära seisundit, mis on kinnitatud nende välismaalase passiga, võrdluses ametlikult vahendatud institutsionaalse seisukohaga?" Uurimistöö tugineb eelkõige antropoloogilisele välitööle, mis viidi läbi 2015.aasta märtsi kuu vältel piirilinnas Narvas. Vahetu lävimine 'halli' passi omanikega ning nende igapäevase elukorralduse vaatlemine on eelduseks, et tõlgendada reaalselt olukorda läbipaistvalt ja objektiivselt. Lisaks eelnevale kajastab antud uurimus Eesti Kultuuriministeeriumi ja Siseministeeriumi väljavaateid ning arutleb, mil määral on Eesti sisepoliitikat vähemuste õiguste küsimustes mõjutanud rahvusvahelise poliitika toimijad. Nende mõjuväljade lahtimõtestamist toetavad autori varasemad praktikad ÜRO Pagulaste Ülemvoliniku ja OSCE juures. Läbi ajaloolise käsitlemise on välja toodud Eesti Kodakondsuse seaduse, Välismaalaste seaduse ja Keeleseaduse põhikontuurid ning uuritud kõiki nelja taasiseseisvunud Eesti integratsioonistrateegiat. Rahvusülest diplomaatiliste meetmete toel on ellu viidud poliitikaid, mis ilmtingimata toetavad rahvusriigi ning selle põlisrahva ja kultuuri püsimist. Teisalt on aga pea paarikümne aastaga liigutud keele- ja haridusepõhistest integratsiooni arengukavadest üha rohkem vähemuste vaateid arvestava ja reaalselt kaasava lõimumispoliitikani nagu tõendab kõige hilisem „Lõimuv Eesti 2020“ arengukava. Üha enam leiab kinnitust, et vaid tehnilised meetmed ei vii ühiskondliku sidususele. Sotsiaalne ühtekuuluvus tugineb olustikule, kus valitseb usaldus kaaskodanike vahel ning kus inimesed tunnevad, et nende riik on nende kodu, olenemata sellest, kas neil on selle riigi kodakondsus või mitte.

1 INTRODUCTION

This thesis articulates that an ethnographic comparative take is the most suitable to interpret a local sociological phenomenon as objectively and transparently as possible, that is, when applying the wider frame of reference declared by the Burawoy's (1991) extended case method's dimensions.

The research is based on ethnographic fieldwork, situated in the Estonian city of Narva which is located on the Estonian border with Russia. The documented experiences and opinions of undetermined citizens of Estonia are complimented by a comprehensive analysis of various political documents, by the standpoints of state officials and by the impact of OSCE, EU and UNCHR to the national legislation. The thesis observes citizenship constellations as the result of 'shifting state borders that have left ethnic kin minorities stranded in neighboring state territories' (Bauböck, 2010: 848).

Neoliberalism has made policies less direct and the number of involved agents has increased, which in turn has also made the anthropological observation and interpretation even more important. I seek to 'question the cultural constructedness of 'common sense' and continually analyze the taken-for-grantedness of policy processes (Shore & Wright, 2011: 15) by asking who is constructing these truths, by what means are they constructed and for which reasons. In other words, under examination are three kinds of parties – state's policy officials, international policy actors and local people of undetermined citizenship, whereby the first two are constructing understandings and truths about the latter. Secondly, the domain of international policy documents that Estonia has ratified or acceded, Estonian integration strategies, Citizenship Act (1995), Aliens Act (1993, 2009) and Language Act (2011) are being analyzed as means of construction. Thirdly, I seek to clarify reasons behind certain political processes on the matter of undetermined citizenship in Estonia today. It is important to observe political processes not only on the local scale but also on the transnational one because activities at the former scale are often linked to developments at the latter and vice versa. Moreover, especially in times of globalization and increasing power of the European Union over its member states' legislation, the role and means of operation of international actors as European Commission, OSCE and UNHCR are questioned on the local level, starting from the time Estonia began to regain its independence from Soviet rule.

“Social action, like the fabrication of social meaning, is not pursued by human beings just as they please; that its determinations have to be explained; that the job of the social scientist is to construe the processes by which realities are realized, objects objectified, classes of persons and things classified, and so forth,” (Comaroff & Comaroff, 2003: 159). Following Wolf’s position on “spelling out the processes of power which created the present-day cultural systems and the linkages between them,” (1974: 261) is exactly what this dissertation aims at. Processes of power, such as formation of legislation, drafting and executing integration plans and accession to the IGOs, can simultaneously work for different goals as is shown by the Estonian diplomatic endeavors which can be attributed to the protection of minority rights and majority rights in parallel. This kind of balance finding is inherent for former Soviet Republics where until today large Russian ethnic minorities reside. Therefore, is it also important for international human rights’ observers to acknowledge the historical setting that influences the legislation and course of action taken by domestic policy agents.

As is shown by the data gathered during the fieldwork in Narva, the undetermined citizens of Estonia mostly inhabit some ‘grey spaces’ in the society, whereby legally they are not part of any State’s citizenry but emotionally they increasingly value local living space as their only home. Regarding residents of Narva, a strong line is still drawn between the city and other Estonian territory surrounding it. Their special status is strongly determined through the closeness of Russian border and the undetermined citizens’ frequent usage of the right to travel across the border without a visa. The Estonian citizenship is not acquired mostly because of this practical reason, as well as, no added value to their present life is seen in the citizenship. While all economic and social allowances for the undetermined citizens are in place, they lack suffrage on the national level, however, the latter is mostly not considered as significant incentive for granting the citizenship. Therefore, only technical measures, such as changing the Citizenship Act will not have as great an effect as building emotional connections and increasing interaction between the alien’s passport holders and the natives.

2 RESEARCH METHODS

As a basis for this ethnographic research, the author aimed to rely on the extended case method of anthropology with a perspective to overlook and reconstruct the prevailing conceptions about alien's passport holders in Estonia. While addressing these matters, consideration of history, ethnic relations, legislation, integration strategies and political actors at local and transnational level have been given increased attention. Burawoy (1991) notes that the elaboration of the dimensions of the extended case method comes with sensitivity to questions of power and reflexivity. At large, this dissertation seeks to decode how (political) power is implemented among its target audience and which effects it reflects. The first dimension that Burawoy indicates is common to all of participant observation: *the extension of the observer into the world of the participant*. Rather than bringing the „subject“ into the world of the interviewer, the observer leaves their comfort zone for the uncertain life of the participant. (ibid: 26) The second dimension refers to *extensions of observations over time and space*. The ethnographers should spend extended periods of time following their subjects around, living their lives, learning their ways and wants. The third dimension refers to *extending from micro processes to macro forces*, whereby the space-time rhythm of the locality shall be situated into the larger geographical and historical context (a distinctive innovation of the Manchester School). The micro shall be viewed as an expression of the macro, for example discovering reification within the factory, commodification within the family, bureaucratization within a school. (ibid: 27) The fourth dimension is the *extension of theory*. The researcher should challenge the acknowledged normality and extend the existing theories in order to accommodate observed anomalies. “We try to constitute the field as a challenge to some theory we want to improve. Only by experimenting and testing out the existing theories in the world, we can suspend ourselves from biases; deny the judgements in order to see the field for what it is.” (ibid: 28)

“Migration is as old as human history, and so too are questions of membership and belonging,” (Brubaker, 2010: 76). Moving from the historical understandings of social theory to the modern times, Vetik (2013) claims that integration has become one of the most debated and controversial issues. This is largely inevitable, as the migration has sharply increased after the Second World War and the majority of the traditional European nation-states have become more multicultural. In particular, the disputes are mainly resulting from the fact that the integration involves various groups' differing political

interests. Moreover, these probable collisions between different ethnicities are arising from distinct historical interpretations and specific objectives that are embedded into integration processes. Therefore, Vetik (2013) explains how it is not unnoticeable that two inherent processes of integration - the preservation of differences and simultaneously ensuring coherence of society - could collide with each other. At large, the inherently conflictual social phenomenon of integration has been observed by situating an ethnographic fieldworker among the undetermined citizens of Narva. Through time and space the alien's passport holders' being has been studied and thoughts have been collected by using the participatory observation research method. Establishing personal contacts allows detailed descriptions of situations, behavior and emotions of the ones under study, as well as observing unscheduled events. This was complimented by collecting the standpoints of domestic political agents who contribute to the construction of notions about undetermined citizenship holders among other former Soviet citizens. Hereto, many policy documents as integration development strategies and laws which address resident aliens have been analyzed in depth. Preparing, formulating, reformulating or acting upon these official documents allow to interpret which discourses prevail at governance level and in society at large, and how these develop in time. The data analysis led to a quasi-comparative take, since the opinions on undetermined citizens vary greatly between the national and transnational policy scale. The political examination was conducted from above and from below. From above, observing how political agendas are envisioned, institutionalized, advocated and transformed into the forms of governance. From below, examining how policies bring about their effect and how people seek their own ends within the fixed policy boundaries. The gathered fieldwork material has helped to challenge and also confirm theories of other intellectuals accommodating the fields of majority-minority matters and citizenship, such as Ahmed (2004), Brubaker (1992, 2002, 2010, 2011), Feldman (2005), Justwan (2014), Lauristin and Heidmets (2002), Nimmerfeldt (2011), Shore & Wright (2011) and others.

The method used for ethnographic data collection was participatory observation and face-to-face interviews either at the respondents' work places or in a home which was already familiar to the respondents. The language of interaction was on 6 occasions the respondent's mother tongue, on 2 occasions their second native language and once English. All interviews and discussions were conducted by the author of this thesis; seven in Estonia and two in Vienna: one face-to-face and the other via Skype.

2.1 Fieldwork

“To establish a true relationship the parties must be present in the same space; in fieldwork this has to be theirs – if there is any point to participation. [...] You live from moment to moment, seeking to understand it, all the while being trapped in the eventness of being.” (Hastrup, 2004: 466-7) Fieldwork allows us to see what is generally not on the surface, something that is hidden in the grey spaces in between social structures, what anthropologists then pick up and interpret for a coherent story, knowledge or theory.

Narva is an Estonian border city, located on the river bank that separates Estonia from Russia. Narva obtained its city rights in 1345, but the first record in written sources about Narva dates already back to 1240. As of 01.01.2014, Narva has 62 078 inhabitants, out of whom 15 per cent are of undetermined citizenship, 36 per cent hold Russian and 46 per cent Estonian citizenship. However, regarding ethnicities, 82 per cent are ethnic Russians and 4 per cent from Estonian, 2 per cent from Ukrainian and 2 per cent from Belorussian descent. (Narva city homepage, 2014) It is the largest city of Ida-Viru County in northeast Estonia where the most Estonian Russian-speakers live. “During the Soviet era, mostly blue-collar workers immigrated to Ida-Viru County to work in what was then an expanding industrial sector,” (Feldman, 2005: 240). Also, compared to other Estonian cities, the concentration of the undetermined citizens is the highest in Narva, which also served as a persuasive argument in choosing it as the locality for the fieldwork.

The Director-General of Estonian Language Inspection, Ilmar Tomusk explains, “Since the socio-cultural and institutional transformation time in early 1990s it is difficult to motivate people to use the official language if their language skill is insufficient. Especially, when it is possible to manage in Russian in general, and in some North-East parts of Estonia Russian is the only possible means of communication.” (Tomusk, 2003) He also underlines that the normalization of the language situation is unavoidably a gradual process, and requires, in addition to legal (technical) measures, various other activities and long transition periods. The fieldwork in Narva was mostly carried out in Russian. Everyday activities, as well as, ‘building bridges’ with locals and communication with people of undetermined citizenship was mostly held in Russian. It is rare to even accidentally hear Estonian spoken on the streets, not to mention one to expect to be served in Estonian. Herewith, since the author’s mother tongue is Estonian and Russian is acquired in a limited extent, the language barrier is acknowledged as an obstacle in conducting the fieldwork.

Although, intermediate level of B1 in Russian allowed to establish relations among locals and also to carry out three interviews in Russian, in order to ensure the locals possibility to express themselves in their mother tongue. Possible misapprehensions were diminished by the presence of a bilingual third person throughout the three interviews that were held in Russian. Next to these interactions, more solid discussions were held with a fourth alien's passport holder in Estonian language. Furthermore, the fieldwork in Narva was situated in a setting whereby an ethnographer of Estonian ethnicity reached out to people of Russian ethnicity to discuss complex elements of citizenship that are closely linked to relationships between those two ethnicities. It cannot be attested if and how the interactions would have taken place differently if the interviewer shared the same ethnic background with the interviewees. Since the topic of citizenship is political in its origin, the anthropological aspect worked in the favor of distancing the ethnographer from being perceived as a supporter of the governmental perspectives or as a representative of the Estonian ethnicity. The latter was also the author's personal aim while interacting with all of the interview partners: to come across as neutral and reliable interlocutor.

Two interviews were carried out with the Ministry of Culture and the Ministry of Interior, one with newly elected Estonian Parliamentarian from *Isamaa ja Res Publica Liit* (Pro Patria and Res Publica Union), Viktoria Ladõnskaja, one interview with a public service provider, Integration and Migration Foundation Our People (MISA), and an informal discussion with a representative of Estonia to the OSCE.

The leading institution coordinating the integration process in Estonia is the Cultural Diversity Department of the Ministry of Culture with whom also one interview was conducted. The Cultural Diversity Department coordinates the drafting, implementation, monitoring and analyzing activities regarding the integration strategies, coordinates policies related to the cultural autonomy of national minorities, organizes activities in valuation of the Estonian citizenship and cultural diversity, and advises the authorities of the Ministry in the field of integration (Statute of the Cultural Diversity Department: §5).

Another lengthy discussion was held with the Ministry of the Interior that is responsible for the formulation, implementation and monitoring of Citizenship Law, the Aliens Act and the Language Act, organizing citizenship ceremonies for naturalized citizens, for granting residence permits, alien's passports and Estonian citizenship.

The third interview was conducted with a former journalist and politician, Viktoria Ladõnskaja, who got elected to the Parliament in March 2015. Throughout her career Mrs.

Ladõnskaja has addressed the topics of integration and various other matters concerning Russian ethnic minority in Estonia. Interestingly, though she is representing the Pro Patria and Res Publica Union party which has always held a conservative position on integration and immigration matters. The predecessor of the party was the Fatherland Party that led the coalition in 1999 when the first State Integration Programme was negotiated.

Another interview was conducted with a public service provider MISA. The foundation was created by the Ministry of Culture and the Ministry of Interior. It is the main institution responsible for the implementation of integration strategies, more specifically, for “instigating and supporting activities aimed at achieving the integration of Estonian society among Estonians and non-Estonians; instigating and supporting activities associated with migration and immigration” (Statute of the MISA 2014, §5).

3 HISTORICAL BACKGROUND

“History is never all one or the other; it’s always a complex analytic equation-to be-resolved.” (Comaroff & Comaroff, 2003: 16)

Reestablishing the democratic order in Estonia in 1991 resulted in rapid development in political and economic domains with which civil society, including peoples’ mental and cognitive state, sought to keep pace with. “In Estonia the inter-ethnic relations should be seen as a part of the post-Communist transformation, including many dimensions: privatization, creating a new legal system, introduction of market relations, etc.” (Lauristin & Heidmets, 2002: 24).

The following section will shed light on the most relevant historical events that have resulted in the present relations between alien’s passport holders from the Russian ethno-linguistic group and the natives in Estonia. It aims to show ‘how the present became logically possible’ (Bartelson, 1995: 8) at moments of historical disjuncture. Change in ruling over one or another ethnicity led to frequent reorganizing of social structures, norms and values that caused misapprehensions and hurt feelings between majority and minority groups, which remain present until today.

3.1 The changing subordination and domination between the majority and minority groups

“Our bodies have been shaped by their injuries. Scars are traces of those injuries that persist in the healing or stitching of the present. This kind of good scar reminds us that recovering from injustice cannot be about covering over the injuries, which are effects of that injustice; signs of an unjust contact between our bodies and others. So 'just emotions' might be ones that work *with* and *on* rather than *over* the wounds that surface as traces of past injuries in the present.” (Ahmad, 2004: 202)

The Soviet occupation’s first year period culminated on 14 June 1941 with the first operation of mass deportation. Thousands of Estonian families, including babies, very old people and pregnant women were sent from their homes to die in inhuman conditions in the Kirov and Novosibirsk Regions. In the so-called forced mobilization that took place in violation of the international law, at least 33,304 (or 36,972) men were taken from Estonia to Russia and were treated as detainees from the very beginning. According to the data of the ZEV committee (Germany’s Centre for Searching and Returning the

Deported Persons), estimate of 1943, Estonia lost at least 59,967 citizens during the first year of occupation. This number is further increased by more than 26,000 people, who either fled or were evacuated to Russia after the outbreak of the war. On 25 March 1949 the second mass deportation from the Baltic States was carried out. The total number of Estonian victims during the March deportation is 32,536 persons, including 10,331 non-deported outlaws who lost their homes and lived under the constant persecution of the KGB. When in 1944 Estonians made up 88—90 % of the population, then according to the data of the 1989 census, their percentage had dropped to 61.5 %. In 45 years the number of foreigners had increased to 495,000 via immigration and while the total number of population was 1,566,000, the number of Russian-speaking inhabitants in Estonia was increased to 577,000. (Kangilaski, Kask, Kukk, et al., 2005: 14-15, 20-21)

The demographic change - settling about half a million Russian-speaking immigrants among a million of native Estonians - has clearly been one of the most extreme examples in the world. Soviet occupation, characterized by socialist industrialization and forced collectivization, brought along major loss to the democratic development, public health and wealth conditions, economy and civil society by damaging the fundamental human rights. Hence, it impeded the development and modernization in society as a whole. The occupation turned, once again, the ruling of Estonian majority over minority into the ruling of minority over native majority. The wounds of the past have impacted the drafting of legislation and setting the course in integration strategies, thus, influencing the lives of national minorities, mostly from the Russian ethno-linguistic group. As Feldman (2005) shows, on the one hand, policies create particular values, on the other, they revalue things. And the latter is mostly the effect of the changing state apparatus. Kennedy (2002: 9) argues that, “Transition culture is a mobilizing culture organized around certain logical and normative oppositions, valuations of expertise, and interpretations of history that provides a basic framework through which actors undertake strategic action to realize their needs and wishes. That mobilizing culture, in turn, structures transition.”

‘The politics of truth and justice’ denotes the struggles that political and social actors have in influencing the state’s role. Firstly, in setting prevailing truth discourses about a nondemocratic past and secondly, in passing measures to enact some interpretation of justice in relation to this past (Pettai & Pettai, 2015: 4). Pettai and Pettai (ibid: 7) explain how truth and justice measures’ primary and defining purpose is serving justice to particular individuals or groups who have been defined by legislative acts as either perpetrators or victims of past wrongs. However, they also acknowledge that, to a certain

extent, truth and justice measures contribute to collective perceptions of the past and to the forging of shared historical narratives. Indeed, the Estonian political discourses of early 1990s were constructed on the memories about the Soviet rule and as a strong basis for policies today, these continue to be collectively justified as compensation for the suffering in the past.

Since the independence of Estonia in 1991 was not gained, but restored, the nation-building of Estonia was grounded on the understanding of legal continuity. According to Feldman (2005: 229), “The western diplomatic community wholeheartedly endorsed this restorationist argument as its position throughout the Cold War was that the Soviet Union illegally annexed the sovereign Estonian Republic.” This perspective in turn also shaped the citizenship policies and led to a course of action whereby titular culture was seen in need of protection from, by the time already collapsed, Soviet rule. The threat as such was later resituated into its successor state, the Russian Federation, and hence, reflected onto the Russian-speaking people who had settled to Estonia during the time of Soviet occupation.

“The threat of such others to social forms is represented as the threat of turning and being turned away from the values that will guarantee [natives’ culture’s] survival. These various others come to embody the failure of the norm to take form; it is the proximity of such other bodies that ‘causes’ the fear that forms of civilization has degenerated.” (Ahmed, 2004: 78) Furthermore, this fear is likely magnified by the geographical proximity with Russia, by its military interventions in other former USSR countries and by the continuing nominal disputes about the border with Russia, along which also large Russian-speaking communities reside. Whether the Russian-speaking people migrated willingly or they were deported by the Soviet state-run labor program, at the time of their migration, they believed that they were merely moving to another part of the Soviet Union (Nimmerfeldt, 2011: 25). During the time Soviet rule still prevailed on Estonian soil, the new Russian immigrants constituted the prestigious society fulcrum, the bourgeoisie, as among the predominantly industrial blue-collar workers also specialists and political party members were ordered to emigrate. Since the natives regained the power over the state apparatus, the Soviet people faced a major conversion which psychologically caused embarrassment and confusion. As Lauristin and Heidmets (2002: 19) declare, “The issue of their rights and life perspectives in Estonia became one of the central points in domestic and international debate during the transformation period, constituting an area of tension and political battles.” Also, Mol

(2014) explains how the reorganizing of the labor market mostly affected Estonian Russians in the society. “The diminished role of the manufacturing industry in the restructured economy of independent Estonia and the ongoing traditional dominance of ethnic Russians in this sector meant fewer employment options for them,” (ibid: 42).

Furthermore, the changing domination between majority–minority groups has brought along alteration in people’s identity patterns. The modernization and renewal of the whole political and social paradigm since the fall of Soviet Union, has shaped not only the economic and political conditions of people’s lives, but also the identity patterns and value systems of both Estonians and Russians (ibid: 22). “Collectivist and ethnocentric values, dominant in the early 1990s, were gradually replaced at the end of the decade by more individualistic, pragmatic and hedonistic value schemes. From the beginning of the 1990s, a new logic of individual self-determination characterized by a striving for personal autonomy and little concern about the “common good” was highly relevant in Estonian society.” (Vihalemm & Kalmus, 2008: 905) Vihalemm and Kalmus further suggest that the post-Soviet transformation period has not come to an end because of the discrepancy between the speed of institutional reforms and the slowness of cultural changes (ibid: 901). Political institutions may not change often but can change quickly while the cultural values and norms are ascribed to more gradual adjustment that indeed can evolve across generations.

“Identities are one of the most important tools for cognitive processing of the cultural changes at the level of an individual. In times of transformation, collective identities become mass vehicles for a popular understanding of events: ideologies and symbols “circulating” in the public sphere will be embedded in identities.” (Vihalemm & Kalmus, 2008: 907) The moments of conflict throughout the 19th century that have brought along change of power have forced people to reposition themselves according to the dominant power apparatuses. Regardless of the classification of these events as justified or unjust, these ruptures in society always result in adversely affected identities.

“The ethnic identity of Estonians was formed in the 19th century by gradual opposing us as Estonians to the Germans and Russians, who had exercised political and administrative power in this territory since the 13th century. The first independent statehood, between 1918 and 1940, also provided Estonians with their first historical opportunity to act as a political nation. This helped Estonians to get rid of the feelings of inferiority created by their experiences of repressed and lower status in relation to the Germans (as former

landlords) and Russians (representing the dominant political power in the Russian Empire).” (Lauristin & Heidmets, 2002: 20) According to Pettai and Hallik (2002: 508), for most Estonians, the core of their ‘nationalism’ is situated in their profound understanding of injustice as a result of, first, the loss of their interwar independence through forcible occupation by the Soviet Union in 1940, secondly, repeated waves of Stalinist deportation during the 1940s and thirdly, the steady influx of Soviet-era immigrants through to the mid-1980s. Nimmerfeldt (2011) shows that before the restoration of Estonian independence, Estonians were identifying themselves as members of an ethnic group, while Russians preferred the category ‘Soviet’, which bared, according to Brubaker (1996), mainly markers of politics and ideology, and not culture. “Even though the Soviet identity co-existed alongside ethnic identities of the Soviet Republics, the Russian ethno-cultural identity was not expressed until 1987,” (Nimmerfeldt, 2011: 59). That marks the time when the Soviet Union began to fall apart and Russia ‘took over’ its pride and other values seen as noteworthy to hold on to.

Today, the Russian ethnic group in Estonia is mostly composed of children and grandchildren of those who settled here during the Soviet occupation. Soviet nostalgia has maintained its political and emotional value in Russia, which is trying to find its own ideological positioning in the world. The phenomenon of collective memories can act as an impeding factor in the integration process, especially if these memories collide with those of other ethnic groups. Cheskin (2015: 83) describes how the different historical interpretations and collective memories compete over the entitlement as “right” narrative of Soviet history. “Russian speakers are more likely to deny that the Soviet Union occupied the Baltic States, and are more likely to associate the Soviet Union with positive achievements such as the creation of industry, job security, and welfare provision,” (ibid.). According to Mälksoo (2009: 6), the Soviet era marked the period of unprecedented international power for the Russian Federation, as well as for the people. “Altogether, if the central lens for viewing the past is self-congratulating on one’s own national greatness and bravery, it is difficult to mold it in order to become more comprehensive vis-à-vis the experiences of those this very greatness has historically touched ‘from the other side’. Any remembering is therefore inevitably also forgetting.” (Mälksoo, 2009: 11) An open dialogue is not applied as a means for constructing a common identity in Estonia, rather are the colliding collective memories of the past to be forgotten or simply ignored in the intercultural dialogue. Nevertheless, the Soviet motherland nostalgia is reproduced and the

mourning emotions of lost motherland's rule on Estonian soil are circulated even by younger generations, by people who have been born and have been living their whole lives in Estonia. "Mourning can be loss of some abstraction which has taken the place of one, such as one's country, liberty, an ideal, and so on," (Freud, 1914-1916: 243). In Estonia the mourning of Russian linguistic-groups is often hidden from public eye and expressed in the familiar sphere of people, because the Soviet occupation is publicly condemned by the native Estonians. Also, publicly it has been aimed to eradicate the interpretations of the historic events that differ from the state's official understandings. EUROCLIO, in partnership with the Estonian History Teachers' Association, has carried out projects in the years of 1998-2000 and 2001-2004 to reconcile the "disrupted historical consciousness": the official history that is taught in school and stated in educational literature and another understanding of history that has been shaped by the influence of family, literature and Russian media,' (Oja, 2007: 59).

Disposition of ourselves evokes vulnerability, as we are exposed to something outside our comfort zone where one cannot find the right language to determine his/her belonging. As Butler (2004: 26) explains, "They are part of normative aspiration of a movement that seeks to maximize the protection and their freedoms. Vulnerability is dependent on existing norms of recognition that can be attributed variably on the human subject," (ibid: 43). People with undetermined citizenship find themselves often stuck somewhere between two realities. Also, the non-citizen's passport, referring to the holder as an 'alien' directly depicts its holder as a foreigner, stranger, as well as different and not-belonging, as if s/he does not exist as a member of the society. Butler describes the human body as invariably a public dimension, constituted in a social phenomenon. Therefore, if a person loses ties and bonds; the relations and linkages by which s/he is constituted, s/he might go missing as well. As Butler says, "We do not only mourn the loss, but become inscrutable for ourselves. [...] The unknowingness of yourself might cause difficulties especially in politics, where it is expected from you to place yourself in social frames." (ibid: 22, 46)

Vihalemm and Kalmus' research corresponds with the results of qualitative studies conducted by Kennedy (2002: 216-220) whose study on Estonia, among other former Soviet countries, emphasizes the spiritual values as a central motif of nostalgic narratives about loss, a characteristic of transitioning culture (Vihalemm & Kalmus, 2008: 916). In sum, the former Soviet citizens, who now do not belong to any country, have lost the essential political and ideological values and are struggling to substitute these by placing

themselves into new social frames. At the same time, alien's passport holders might 'disturb' the 'social normality' because legally they differ from the other citizens and also different cultural signifiers are ascribed to them. Especially, their surrounding policy agents might be distracted by the situation whereby large number of their 'working tools', as human resources might be perceived, are undetermined within the framework of 'social normality'.

The ethnic minority's inability to identify with the state is still an existing problem caused by a two-sided lack of commitment: The Government's ineffective integration measures and the minority's lack of motivation and willingness to emotionally and legally affiliate with the national society. However, during the past couple of decades of newly independent Estonia, important steps have been taken in order to develop possibilities for minorities to be and feel as members of the Estonian state and society, which the following political observation of time shall prove.

4 POLITICS

The attempt of this paragraph is not to provide an exhaustive history of laws concerning citizenship, aliens and official language, rather, it is to illuminate discursive contours of these political settings that serve as the legal basis for Estonia's integration strategies and that have drawn so called 'cultural borders' after the Republic regained its independence in August 1991. I consider three laws – the Citizenship Act, the Aliens Act and the Language Act - most important. The second part of the following sections zooms into the integration development plans, starting from Estonia's first political statement concerning minority policy in 1998 until the present strategy "Integrating Estonia 2020," approved by the Government on 29 December 2014.

While George Marcus proposed to ethnographers six things to follow, either a thing, people, conflict, biography, a metaphor or a story, then Shore and Wright (2011: 12) added a seventh; policy. According to them, "Policies belong to – and are embedded within – particular social and cultural worlds or domains of meaning. But they create as well as reflect those worlds," (ibid: 1). Therefore, it is important to ask how these policies are imagined through time and space, which events they initiate and which tangible effects they entail. For Shore and Wright, the term 'policy worlds' does not stand for 'essentialized or bounded entities; rather are these policies as windows onto political processes in which actors, agents, concepts and technologies interact in different sites, creating or consolidating new rationalities of governance and regimes of knowledge and power' (ibid: 1-2). As well as, Wedel et.al (2005: 34) have noted, "Anthropologists can explain how taken-for-granted assumptions channel policy debates in certain directions, inform the dominant ways policy problems are identified, enable particular classifications of target groups, and legitimize certain policy solutions while marginalizing others."

"In this sense, policies can be studied as contested narratives which define the problems of the present in such a way as to either condemn or condone the past, and project only one viable pathway to its resolution," (Shore & Wright, 2011: 13). In the beginning of 1990s the citizenship and other policies that considered minority topics were imagined as inflexible, carrying in them the regimes of power and knowledge held by and allocated among the titular natives. Based on the examples of Estonia's integration policies, that are observed and analyzed in the following sections, it could be asserted that the officials have moved away from the 'sole solution resolution' to a wider approach, based on increased

contact with and active involvement of the minorities. Hereto, they are not anymore seen as objects of the policies, but subjects and more importantly partners in the transformation. Throughout the past decades, integration policies have become more unbounded and decentralized since there is an increase in policy actors who interact with ‘policy worlds’. “Policy is a fundamental ‘organizing principle’ of society which, like ‘family’, ‘nation’, ‘class’ or ‘citizenship’, provides a way of conceptualizing and symbolizing social relations, and around which people live their lives and structure their realities,” (ibid: 2). Furthermore, through analyzing these organizing processes it can be seen how also ‘fragments of culture and society are brought into new alignments with each other to create new social and semantic terrains,’ (ibid.) It shall be noted that policies are not as stagnant as their created images, but they evolve and change while interacting with public opinions, private sphere of interests, their target groups and other settings. Hence, they ‘acquire a life of their own that has consequences that go beyond the original intentions,’ (ibid: 3). Shore and Wright explain how policies move across cultural boundaries whereby they are not simply ‘transferred,’ but they are reinterpreted according to the new recipients. They admit that it is seldom ‘a neatly rational or coherent process and the effects are unpredictable, as policies tend to have ‘social lives’ that outlive their authors,’ (ibid: 20).

Lagerspetz argues that the Estonian political culture is characterized by the domination of elite-run representatives among who the Russian ethnic minorities’, who more commonly are economically disadvantaged, interests are not considered (Lagerspetz, 2001: 413). On the example of Ida-Viru County and the city of Narva, one could argue otherwise. In the 2015 parliamentary elections the *Keskerakond* (Estonian Central Party), known as the main ethno-linguistic Russians’ supporter in the political sphere, has always predominantly won the regional votes from Ida-Viru County, and from other habitats where mostly Russians reside, for example Lasnamäe and Põhja-Tallinn, districts of Tallinn. However, the parliamentary elections’ outcomes do not reflect the interests of alien’s passport holders who are only permitted to vote in the local elections.

Nevertheless, also in the previous local elections in 2013 the Central Party granted 20 seats out of 31 in Narva City Council. The turnout in Narva during the local elections was only 46,7 per cent, ranking the lowest in the Ida-Viru County region. The Central Party became the first also in the Ida-Viru County, winning 53 per cent of the votes, as well as in Tallinn, gathering 52 per cent of the votes. (Estonian National Electoral Committee, 2013) These are also the regions of Estonia where most Russian ethnic people live. Based on this data,

at least regarding regional politics, the Russian ethno-linguistic minority is definitely not underrepresented in the local councils of the regions they mostly inhabit. Hereby, the Ministry of Culture also confirms that politically the interests of Russian ethno-linguistic people's interests, and among them also undetermined citizens' interests, are well represented, although, they add that on an administrative level, among civil servants there is a major lack of various ethnic voices. "Minority representation in the public sector is practically non-existent; in our ministry there are two persons," he explains. This forms another hurdle in enhancing ethnic equality principles since recruitment practices in public sector should set positive examples of heterogenic personnel also for private sector.

The Government is of the opinion that the right of national minorities to equality is guaranteed by applicable legislation. According to subsection 9 (1) of the Constitution of the Republic of Estonia, all persons staying in Estonia are equal before the law, and § 12 of the Constitution provides for prohibition on discrimination. Furthermore, the Equal Treatment Act is targeted to ensure the protection of persons against discrimination on grounds of nationality (ethnic origin), race, color, religion or other beliefs, age, disability or sexual orientation. Prohibition on discrimination and duty to promote equal treatment are included in the Employment Contracts Act (§ 3), in the Public Service Act (§ 13), and also in the Penal Code. (Estonia's Fourth Report on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities, 2014: 5).

4.1 Citizenship

Estonia's official documents as well as its officials avoid using the term stateless when referring to alien's passport holders in Estonia. Instead, official terms of undetermined citizenship and person of undetermined citizenship are used. The latter refers to a person who has been left without a previous citizenship, as the country of his or her nationality has ceased to exist (for example, citizens of the former Soviet Union and Yugoslavia), and he or she has not *realized the opportunity* to obtain a citizenship of any of the successor states. Stateless person, on the other hand, is a person who does not have citizenship of any state and who does not have the opportunity to obtain one based on his or her free will. Therefore, are the former citizens of Soviet Union seen as undetermined citizens and not stateless persons, because they have the opportunity to be granted Estonian, Russian or any other former Soviet Republic's citizenship.

The rejection of rights to resident aliens or, on the other end of the spectrum, their enfranchising have initiated the discussion about states, which are, in Earnest's words (2006: 243), 'separating the institution of citizenship both from its territorial basis and from the body of rights it has traditionally embodied.' He further explains how researchers then deal with the notion of citizenship politics 'as an approach to broader questions of the historical evolution of state sovereignty, citizenship, democratic norms, and the global human rights regime' (ibid.). Hereby, citizenship legislation and other policies in relation to that must be given increased attention in understanding and analyzing the core situation concerning alien's passport holders of Estonia. It shall be questioned how dependent citizenship is on its territorial affiliation and how great its role is the evolution of international human rights norms on citizenship politics.

Bauböck (2010) explains how until the 1990s, the study of citizenship consisted of two quite separate branches. The broader of these understood citizenship as responding to questions about the domestic political order of democratic states. The two core problems it addressed were the nature and extent of social equality among citizens in capitalist economies and the problem of how to promote civic virtue and political participation in liberal democracies. The narrower branch interpreted citizenship as a legal status attributed to individuals by states and the legal rights and obligations attached to this status. Although, according to Bauböck, the multidisciplinary field of migration studies has recently produced an abundant release of comparative literature on 'citizenship as nationality' which invites to question and redefine the existing meanings and nations about citizenship. (Bauböck, 2010: 847-9) Theoretically, the principles granting citizenship can be divided into two different forms: *jus sanguinis* which results from the blood principle and *jus soli* which bases on the territory principle. Estonian citizenship law originates from the *jus sanguinis* principle, although, as many other citizenship legislatures today, in reality these two forms are often mixed. This is also the result of increased global mobility and migration flows that, whether voluntary or involuntary, create further need to adjust nation states' legislature according to globalization specificities.

"*Jus sanguinis* was reinvented at the time of the French Revolution when it broke with the feudal tradition of *jus soli* that saw all people born on the territory of the king as automatically his subjects. As an attempt to liberate the individual from the state, *jus sanguinis* was more progressive than *jus soli*, and the 1804 French Civil Code rejected *jus soli* in favor of *jus sanguinis*. Following the French Revolution, *jus sanguinis* spread

through continental Europe, while the British tradition of *jus soli* was transplanted unchanged to its colonies in North America, Australia, Ireland and South Africa.” (Shevel, 2009: 275) “After World War II, the spread of human rights values further mandated extension of membership rights to long-term resident migrants. At the same time, in traditional *jus soli* states such as the United Kingdom and Ireland growing immigration led to restrictions on access to citizenship for immigrants.” (ibid: 276) Today, most European countries’ citizenship legislation proceeds from the principle of blood where citizenship is acquired based on parents’ nationality. However, the territorial principle is mostly found in the Americas.

Brubaker (2006) describes the greater levels of naturalization in France compared to Germany, resulted from the product of the different “cultural definitions of citizenry” which are embedded in competing legal traditions of *jus soli* in France and *jus sanguinis* in Germany. He further explains how the *jus soli* legal tradition reflects societal understanding of the “nation” as a multicultural and political construct. On the other hand, the *jus sanguinis* doctrine views the nation in a society as an ethnic construct. The latter refers to nation-states which tend to be exclusionary because immigration policies seek to reinforce national differentiation. While most states today have citizenship policies that combine elements of the *jus soli* and *jus sanguinis* tradition (for example, a *jus soli* state that allows a child born overseas to citizen parents to become a citizen), the important question is the degree of emphasis on the two traditions. (ibid: 248-9)

While Ernest (2006) applies a dichotomy variable to indicate whether a country followed the legal tradition of *jus sanguinis* or *jus soli*, Justwan (2014) argues that instead we should look at the sources of various policy sets. He suggests that it may well be granted that citizenship policies do reflect attitudes of the general population; however, equally possible is that these legal regulations are the result of a host of other factors that are part of the political culture of a country (Justwan 2014: 10).

Brubaker (1992) argues that the politics of citizenship is “a politics of identity, not a politics of interest, moreover, the ‘interests’ informing the politics of citizenship are ‘ideal’ rather than material (via Shevel, 2009: 277). Critics of Brubaker who argue that national identity has nothing to do with the content of citizenship laws in western states emphasize that there are many factors other than national identity that influence citizenship policymaking, including legal traditions and economic, demographic, and military implications of citizenship rules (ibid: 276). Brubaker’s (1992, 2006, 2010, 2011)

argumentations on citizenship are often situated in the context of former Soviet states, including Estonia. He argues that in the case of Estonian citizenship is based on the national identity ideal, where it is tied to the membership of the nation.

Earnest (2006) and Justwan (2014) also articulate how states where citizenship refers to a membership of a particular nation tend to have deep historical roots, and more multicultural states, where citizenship is seen as membership of the state, tend to have a strong history of migration. As Justwan (2014: 10), so did I ask my interviewees whether the statement 'citizenship indicates one's ethnic belonging, based on ancestral roots' is for them 'very important', 'fairly important', 'not very important', or 'not important at all'. The answers shall indicate how important the ancestral roots to the conceptions about citizenship are. The fieldwork's interactions indicated that for the interview partners, such as the government officials and alien's passport holders, the statement was on some occasions not very important and more commonly not important at all. This poses an interesting phenomenon whereby an example of a rather homogenous nation-state with quite a strict citizenship policy, strongly affected by historical events, and with insignificant migration history inclines to an understanding of citizenship as a membership of the state and not of the ethnic natives. This also partially challenges Brubaker's articulations on Estonian citizenship politics as nationalist. However, the following across time review shall indicate to which degree the policies could be seen as nationalist.

"In only two former Soviet republics, in Latvia and Estonia, the initial citizenship laws did not extend citizenship rights to all permanent residents. The rest of the former Soviet republics followed the so-called zero option and extended citizenship rights to all Soviet citizens permanently residing in their territories." (Shevel, 2009: 273) "In Estonia, as with the principle of independence, citizenship, too, was seen as a question of justice for those from whom statehood had been taken away," (Pettai & Hallik, 2002: 512). "Domestically, the Committees asserted that the illegality [unjustly occupied situation of Estonia] also rendered all of Estonia's Soviet structures illegitimate and that power within the republic therefore had to go literally and directly back to those from whom it had been taken in 1940, namely the citizens of the pre-war republic and their descendants," (ibid: 511).

In February 1989 the Committees launched an unprecedented grassroots campaign to register citizens of the pre-war republic (together with their descendants) in order to reconstitute a legal citizenry, which would then have the legitimate right to decide the future of the 'occupied state'. Specifically, the movement's leaders pledged to organize

special elections among these citizens once a sufficient number had been registered (Haug et al. 1989). “Although the movement received no particular publicity or support from the Estonian Soviet authorities or from the Popular Front, the campaign nevertheless caught on rapidly with the Estonian public at large. By the end of 1989, the movement had approached its preliminary goal of around 600,000 registered citizens (out of a possible total of around 750,000) and elections to the new Congress of Estonia were scheduled for 24 February 1990.” (via Pettai & Hallik, 2002: 510) “It was not an ethnic struggle for political dominance; it was the resolution of an international legal issue, in which one state had been illegally occupied by another in 1940, and that state now had a right to restore its sovereignty,” (ibid: 511).

On 6 November 1991 the Supreme Council adopted a declaration stating that Estonian citizenship will be restored to the people who held Estonian citizenship before Soviet occupation, before 16 June 1940, and to their descendants. The naturalization requirements were revealed only in February 1992. Hence, political power was transferred to an overwhelmingly ethnic Estonian citizenry - a transformation that would have been impossible without the availability and effective use of the legal ‘restorationist ideology’ (Pettai 1998). Roughly two-thirds of the 1.5 million Estonian inhabitants restored Estonian citizenship in 1992. All remaining Soviet citizens residing in Estonia could obtain Estonian citizenship through the naturalization process, register themselves as citizens of Russia, the USSR's successor state, or choose any other citizenship. These policies imposed a situation where hundreds of thousands of people were left with undetermined citizenship.

“After, regaining its independence, in the parliamentary, *Riigikogu*, elections in September 1992 all 101 newly elected deputies were ethnic Estonians, and in fact not one Russian party had even contested the election. To be sure, this outcome had a great deal to do with the deep sense of political disorientation that most Russians and Russian leaders felt after independence. Thus, their absence was in part a product of their own incapacity as much as it was an effect of the new citizenship policy.” (Pettai & Hallik, 2002: 513) However, it is crucial to bear in mind that, according to the 1992 Citizenship Act, ‘in order to naturalize one had to have resided in the territory of Estonia for at least the last two years. Furthermore, a waiting period of a year was included in the prerequisites. Since the earliest date for establishing residency was set at 30 March 1990, the two years residency requirement and one year waiting period meant that the earliest date possible for

naturalization was 30 March 1993. It therefore was impossible for the lion's share of ethnic Russians to participate in the 1992 parliamentary election,' (Mol, 2014: 38).

I adhere to the articulation by Pettai and Hallik (2002: 515) that the political measures have had only a limited impact on the socio-economic domain, as socio-economic relationships are understandably more liquid and autonomous; their evolution is also influenced much more by past histories and structures than by single authoritative decisions. In the case of Estonia, to date there have been no programmatic measures that would either explicitly support ethnic Estonians or discriminate against non-ethnic Estonians.

The newly independent nation state reinstated the 1938 Citizenship Act, and according to Mol (2014: 28) it was largely due to the memories of the Second World War and of Soviet population policies. Throughout the time from enacting the Citizenship Act in 1992 until recently it had been amended in a rather narrow scope. One considerable modification was done in 1995 when the residence requirement for those who went through a naturalization process was extended from previously two years to five years. Additionally, a civic exam about the Estonian Constitution and Citizenship Act in Estonian was added to the language examination. According to Pettai and Hallik (2002: 514) the latter amendment soon began to cut down the number of naturalization applicants. The Constitution and Citizenship Act examination can today be submitted electronically and the examinee has to answer 24 multiple-choice questions during 45 minutes. The texts of these Laws in Estonian language and an Estonian dictionary can be used during the exam.

The most recent amendment comes into force on 1 January 2016 which automatically gives Estonian citizenship to all undetermined citizens up to 15 years of age as of 31 December 2015 and yet to be born children of undetermined citizenship. As well as, all children up to 18 years old have the right to possess another citizenship next to the Estonian one, however, at the latest by the age of 21 they must decide upon which citizenship they will keep and which they will abandon. Until the new amendment will come into force, the Police and Border Guard Board has sent the parents of undetermined citizenship a notification by post that their child has a right to Estonian citizenship to which the parents had to send one application back by post, stating if they want the Estonian citizenship. Another option is to come to the Citizenship and Migration Board personally to hand in the application in hard copy. The new modifications abolish the submission of the application. Of course, the parents can decline by saying that they will apply for another country's citizenship or nothing at all. As well as, 65-years old and older

ones are exempt from the written language exam. Lastly, it will be possible to take the Estonian Constitution and Citizenship Act exam also in one of the working languages of the European Council, namely English, French, German, Italian, Russian or Spanish. The amendment stems from the need to encourage integrating older people into society, which is why they are not exempted from the Constitution and Citizenship Act exam, but enabled to take the exam in a language suitable for them.

4.2 Aliens Act

In July 1993 the parliament adopted a new law, the Aliens Act. Since the law caused extensive protests from the Russian-speaking population in Ida-Viru County and after coming into force threatened to destabilize the situation in Estonia, President Lennart Meri refused the pronouncement of the law and sent it to the expertise of the OSCE and the Council of Europe (Saarts, 2009: 136). After some improvements, the Parliament *Riigikogu* announced it.

“The Aliens Act established procedures for non-citizens to receive Estonian residency and work permits and thereby replace their defunct Soviet passports. Although bureaucratically this was a necessary step, it was also a major psychological turning point, as many non-citizens now became de facto stateless persons.” (Pettai & Hallik, 2002: 513) The after-effects of these political decisions extend to the present day as surveys show indignation and insulted emotions towards the Estonian state as one of the reasons, next to visa-free traveling right to Russia and poor language knowledge, why Estonian citizenship has not been obtained by alien’s passport holders.

“Statelessness is rarely a well-documented fact, as there are per definition no state authorities obliged to provide an individual with documentation,” (Swider, 2014: 5). On the one hand, since 1996 the undetermined citizens of Estonia are issued identity documents called alien’s passports. These documents were mostly granted to persons of undetermined citizenship who previously held Soviet Union’s passports with means to provide them time to choose their new citizenship. On the other hand, according to Saarts (2009: 136-137) at first the alien’s passport was not a universal identity document because for traveling one needed to obtain a supplementary temporary travel document. This led to some non-citizens choosing Russian nationality instead, in order to escape the complications regarding travelling.

The alien's passport holders in Estonia cannot serve in the military, as is required from all other male Estonian citizens between the age of 18 until 28. In the United States, for example, permanent resident immigrants, refugee, parolee, and asylum immigrants and other undocumented immigrants can also serve in the military. Although the military service should not be seen as a burden but as an honor, the Estonian young men with undetermined citizenship are freed from this obligation.

Secondly, the Estonian alien's passport holders cannot elect or be elected to the Parliament, *Riigikogu*, as well as, to the European Parliament or stand as candidates at the local elections. The right to choose representatives of the people to the legislative body of the Republic is limited to citizens of the state only. And Estonia is no exception to this in the wider spectrum of the World; stateless people are mostly deprived from this right. Democracy is a system of rule by laws, not by individuals. Hereby, an exception would be New Zealand where in 1975 the voting franchise was extended to all permanent residents, regardless of whether or not they possessed citizenship.

The more homogenous nation-states are, the less likely they are to establish extended voting rights to aliens. Earnest's findings show that state's spending on social security more likely leads, instead of increased policing of claimants and hence a foreclosure of opportunities, to extend voting rights to resident aliens (2006: 266). However, his hypothesis that democratic states with expansive economic rights are more likely to ensure also political rights (ibid: 251) does not hold true in the Estonian case. The alien's passport holders in Estonia may enjoy all economic and social allowances but fall short in having alien suffrage on national level. More commonly aliens are granted suffrage on the local level which is also the case in Estonia, although aliens cannot stand as candidates. Nevertheless, minority groups that are already in risk of being marginalized in the society can be even more subordinated by depriving them of the vote. "Elections are the gateways to the political decision-making processes in all democracies," (Justwan, 2014: 1). "Both at the national and subnational level, parliaments are the institutions that make crucial decisions that affect all individuals residing within the polity. Participating in elections is ultimately a question about influencing policy and extending voting rights to noncitizens, therefore means granting members of an 'out-group' direct influence on the lives of the individuals of the host society." (ibid: 5) Hypothetically, if aliens' voting rights would be extended, one should ask, if it dampens their motivation to become a citizen or not. If it is considered as a shortcoming associated with their stateless status, it also serves as a

motivating factor to acquire Estonian citizenship. Hence, when the extended voting right is provided to the aliens the motivation partly disappears. On the other hand, as Justwan (2014: 1) claims, granting voting rights to noncitizens is one possible step toward the achievement of political integration.

In Estonian employment legislation during the 1990s, citizenship was not used as a discriminatory device for restricting the job opportunities of non-citizens. The Aliens Act paragraph 13 section 4 declares, “Employment in Estonia without a work permit is permitted to an alien who has a permanent residence permit,” (Aliens Act, 1993). Although, non-citizens are not allowed to hold positions that involve exercise of public authority and protection of public interest. According to the Public Service Act (first enforced on 1 January 1996), public servants are the staff employed by central government institutions (ministries, administrative agencies, boards and inspectorates, constitutional institutions, county governments) and local governments (226 towns and rural municipalities), whereby the public service system does not apply to medical staff, teachers and academic staff.

As knowledge of state language is a basis requirement for citizenship, also advanced proficiency in the state language was required from candidates who applied for public positions. The rules were seen as discriminatory by Russian minorities, and they were also criticized by international organizations as a violation of international human rights conventions (by OSCE/ODIHR in 1998 and in 1999) (Mikkel & Pettai, 2004: 336). “However, incumbent non-citizen civil servants (especially in law enforcement as well as health services) were allowed to stay in office and were given time to complete the necessary naturalization procedures,” (Pettai & Hallik, 2002: 516). “It was evident that having Estonian citizenship and Estonian language proficiency together with a higher education guaranteed a person a relatively stable position on the job market, while having only higher education but not citizenship or the language meant a person was less likely to find work in his or her field. In this respect, language proficiency was the central question: not only was it generally a requirement for professional employment, it was also a requirement for citizenship. Without language, many non-Estonians were disadvantaged at both levels.” (ibid: 518)

In general, today the number of any court cases or labor disputes in Estonia arising from racial or ethnic origin is rather insignificant. Also the number of complaints filed with the Commissioner in connection with discrimination on the grounds of race, nationality or

ethnic origin is relatively small. In 2010 two, in 2011 six, in 2012 five and in 2013 four complaints were filed and the Commissioner found that one in 2010, two in 2011, none in 2012 and one in 2013 were findings of discrimination on the grounds of nationality. (Estonia's Fourth Report, 2014: 6)

4.3 Language Act

„Everyone has the right to address government agencies, local authorities, and their officials in Estonian and to receive responses in Estonian. In localities where at least one half of the permanent residents belong to a national minority, everyone has the right to receive responses from government Agencies, local authorities and their officials also in the language of the national minority.” (The Constitution of the Republic of Estonia § 51)

Knowledge of the Estonian language had already been set as a requirement for employees from 1989 when the Estonian Soviet Socialist Republic (ESSR) Language Act was enacted. This also remarks the time when public discussion and also the construction of various political interests regarding language requirements emerged.

“The main goal of the 1989 Language Act was the protection of the Estonian language, the restoration of the functions of the official state language and increasing its sphere of use. In essence, however, it was still a bilingual law, because it provided for the right to use the Russian language and set an obligation to know Russian in almost all the more important spheres of activity.” (Tomusk, 2003)

Regarding employment, the first Language Act's requirements were based on the specific characteristics of a workplace and its degree of communication with other people for example in the service sector. Knowing the Estonian language in executive positions was a requirement already stated in the first Language Act. Regardless of the many amendments, the grounding principles have mostly remained unchanged until today. Public servants and employees of state agencies administered by government or local government agencies must be able to understand and shall use Estonian at the level which is necessary to perform their service or employment duties.

Nevertheless, throughout the past 25 years, language legislation has been modified, new laws have been enacted and, in context to that also Estonia's naturalization procedures have changed. First, procedures allowing non-citizens to be exempt from having to take language tests for citizenship were enforced in 1992 when Government exempted the

citizenship applicants who had acquired primary, secondary or higher education in Estonian. The following regulations to the Language Act, enacted in 1995, aimed to specify the implementation and the terms of the language requirements, while underlining that the name, nationality and native language skills cannot be the basis for the verification of language knowledge. In developing the 1995 Language Act, the 1934 law was taken as a basis, but the drastic interim changes, including the demographic differences in the Estonian population were not taken into account (ibid.).

In 1999, new amendments were introduced: vocational secondary education was also added to the list of educations that excluded the need to prove language proficiency. Later, the Language Inspectorate's supervision showed that in many cases the Estonian proficiency is insufficient for those whose one-year vocational secondary education in Estonian bases on the high school education in Russian. Thus, the wording of the Language Act was again changed in 2007 as follows: The Estonian language proficiency exam is not compulsory for those individuals who have acquired education in Estonian at least on one of the following levels: basic education, secondary education, vocational education² based on basic education, vocational secondary education³ based on basic education and higher education. As of today, the list of educational exceptions have been narrowed again: only persons who have acquired basic, secondary or higher education in Estonian do not need to pass the Estonian language proficiency examination (entry into force in 2013). However, a person who has passed the professional examination in Estonian and works in the specialty marked of the professional certificate need not pass the Estonian language proficiency examination (Language Act § 26 section 5).

The new regulations on Russian-language schools transitioning partially to Estonian language again raised the need to specify the Estonian-language education concept. These amendments were enforced in the margins of the new Language Act that entered into force on 1 July 2011. The new law declares that education is deemed to be acquired in Estonian, if at least 60% of the study is carried out in the Estonian language (§ 26 section 4). Therefore, those who are graduates of a Russian secondary school that had transferred to Estonian language are exempt from the Estonian language proficiency examination.

² Vocational education is a post-basic education training

³ Vocational secondary education is a post-secondary education, which is not officially recognized as higher education; it is considered to be in between secondary and higher education

Broadly speaking, the current law (2011) is a new wording of the Act of 1995, which, in addition to arranging the structure, reformed mostly the field of language of information (§ 16).

Furthermore, the Republic's constitution states that the local administrative bodies where at least half of its inhabitants belong to a national minority are allowed to perform their duties in a minority language (§ 51). Also the residents of these areas are allowed to approach and issue documents to state agencies in the corresponding area and receive answers from them in the minority language besides the responses in Estonian. In addition, all ministries and state agencies have websites in Russian and English, however these do not cover 100 percent of the information and news that are published in Estonian.

Local governments in Tallinn, Harju County and Ida-Viru County issue newspapers in Estonian and Russian. Legal consultations, counselling and services of the employment office, medical aid, police, banking and infrastructure are offered in Russian in regions where the percentage of persons belonging to a national minority is high. (ibid.) Hereby, as the fieldwork was situated in the biggest city of Ida-Viru County, in Narva the possibility of accessing accommodation, food, health, beauty, library, telecommunication and cultural services in Estonian was very complicated and mostly impossible. Indeed, every service that was consumed on the local ground was mediated by the provider in Russian only. This raises a question that was also posed by the Director-General of Estonian Language Inspection: 'How to ensure the language rights of Estonian-speakers in those areas where they are a minority?' (Tomusk, 2003).

As for displaying place names in a script other than Latin next to Estonian, it is possible to add to signposts names in the Cyrillic script, but only in those local governments where the majority of residents were non-Estonian speakers as of 27 September 1939. Hereto, the non-Estonian name may be established as the principal name pursuant to subsections 11 (3) and (4) of the Place Names Act (Estonia's Fourth Report, 2014: 28). The Ida-Viru County's cities, where mostly Russians live, are thus excluded from this right, since these cities are seen as not possessing any historic Russian names of symbolic value. The law is applicable for example in the habitats of coastal Swedes that are historically located in Western Estonia and on the islands, or in the Russian Old Believers villages located in the Eastern Estonia, on the lakeside of Lake Peipus.

Estonia is one of the few EU member states whose education system includes publicly financed schools that provide an education in languages other than the official state

language. Russian language education is available in public and private schools at all levels—preschool, basic, and secondary—as well as in vocational schools and in some higher education institutions. (ibid: 10) In order to increase the cohesion within society, the Estonian Government set the titular language restriction on Russian-language schools - as of the academic year 2011/2012 transitioning to Estonian as a language of instruction from secondary education - that allows students from age 16 to continue their studies with 40 percent in Russian and 60 percent in Estonian. The state has determined five subjects, Estonian literature, citizenship studies, music, Estonian history and geography, to be taught in Estonian and the rest of the subjects can be selected by the school. The new regulations were adopted with great indignation by the Russian-language schools and their attendants. This law was seen as note of discrimination also by the Russian Federation that expressed its indignation on several occasions during the OSCE Permanent Council meetings. The European Committee of Ministers has also expressed their view in saying that the transfer to Estonian as the main language of instruction in Russian-language schools must be implemented gradually and with due regard to the quality of education offered in Estonian as well as Russian (Estonia's Fourth Report, 2014: 33). Regardless of the criticizing notes from the local minority group and on the diplomatic level, the Government maintained its course of action. The Ministry of Education and Research has developed a communication programme to dispel the Russian-speaking minority's concerns, and also the parents were reminded that fully Russian-language basic schools in Estonia will remain unchanged, as will the number of Russian language and literature classes (Estonia.eu, 2013).

The Government's main objective of the transition to instruction in Estonian is to increase the competitiveness of Russian-speaking young people in the labor market. They explain that studying subjects in Estonian also helps to improve the pupils' Estonian language proficiency which in turn will help them get into an institution of higher education and study there in Estonian, as well as obtain Estonian citizenship and find employment (Estonia's Fourth Report, 2014: 33-4). Indeed, the bilingual students, fluent both in Russian and Estonian, have advantages over the natives who possess only one mother tongue, making them more attractive candidates on the job market.

Because of the new 40/60 teaching system in Russian-language schools, there is a greater need for bilingual teachers. "The greatest challenge is to find teachers whose Estonian language proficiency meets the requirements, for which reason there are a few schools which have not been able to institute instruction in Estonian to the required extent," (ibid:

34). The latter is, on one hand, resulting from the demographic aging where the number of bilingual working age Estonian teachers, whose Russian language knowledge was grounded during Soviet time, is decreasing. On the other hand, the teachers from Russian ethnicity have not had the need to acquire Estonian in depth so that it could be used as means of communication at a professional level. At the same time, professional bilingual experts are highly valued and needed employees in the labor market. Therefore, it would be false to generalize all ethnic Russians by Sarah Ahmed's words as "other bodies that cannot be recognized in the abstraction of the unmarked, cannot accrue value, and become blockages in the economy" (Ahmed, 2004: 133). Since, for example, employers in authorities providing public services tend to prefer employees who can speak Russian besides Estonian and English (Estonia's Fourth Report, 2014: 26).

As of today, about a third of the non-Estonian-language schools use the language immersion methodology, which is implemented as a state programme to achieve better proficiency in Estonian. The President of the Estonian Parliament, Ene Ergma, said, "Language immersion clears a path through the obstacle course: it's a bridge that leads us to other cultures, and brings other cultures to us, bringing people and cultures closer together," (MISA, 2015a).

The volume of instruction in Estonian has to be more than 50% of the total volume of instruction and the process of teaching can be followed in two ways: early and late immersion. The early immersion (in 21 schools) means that in the first school year all teaching takes place in Estonian, the study of Russian begins in the second year, and as of the fourth year some subjects are taught in Estonian and some in Russian. The late immersion (in 18 schools) begins from the sixth school year, whereby in addition to Estonian (as a subject) four more subjects are taught in Estonian, in the seventh and eighth year the teaching is conducted in Estonian while the study of the Russian language and literature also continues, and in the ninth year the proportion of teaching in Estonian and Russian is more or less equal (50:50). Although, the number of pupils participating in language immersion programs has constantly increased, there has not been a significant increase in the number of schools applying for the programme. (Estonia's Fourth Report, 2014: 35)

"Concerning supervision over the compliance of the Language Act, the principle of proportionality is especially considered in the Ida-Viru County. For example, four heads of

school whose Estonian language proficiency did not meet the set requirements were identified from 1999 to 2004. The time given to them for language studies has constantly been extended. When in verifying the compliance with the last precept made in 2012 it was established that their language proficiency still does not comply with the set requirements, they were given until 10 June 2014 for acquiring the Estonian language proficiency necessary for work.” (ibid: 26)

Moreover, the Estonian Language Inspectorate submitted an injunction to the Narva City Government, requiring all headmasters and their deputies to improve their Estonian language proficiency and to pass the C1-level language exam that is required in their position. The Mayor of Narva contested the injunction, claiming that some of the headmasters have acquired a master’s degree in Estonian, and thus, they are exempt from the language proficiency exam. The Inspectorate dismissed the objection, stating that the master's degree is not considered as an independent level of education. University Act § 28 declares that the master’s degree studies are second level studies of a higher education for which the graduate is awarded a master's degree. Narva City Government challenged the order of the Language Inspectorate in court and succeeded. However, the lawsuit concerns first and foremost the rights of the school manager or owner and his or her obligations and responsibilities in ensuring the language proficiency of the headmaster, and the Inspectorate’s capacity in implementing the compliance with the law. Therefore, the Language Inspectorate is in the position that headmasters without sufficient Estonian proficiency have to pass the required C1-level exam regardless of the outcome of the lawsuit.

The Estonian Language Inspectorate 2014 Annual report inspected 1131 Russian schools’ or kindergartens’ teachers’ Estonian language proficiency, among who 938 were detected as non-compliant with the Estonian language requirements. The data shows that the most difficulties in organizing teaching of subjects in Estonian are found in the in Ida-Viru County, where 47 teachers who are teaching in Estonian, among 231 inspected, were detected as non-compliant with the Estonian language requirements that are set for the teachers (28 in Narva, 9 in Kohtla-Järve and 10 in Sillamäe). Furthermore, 345 state and local government officials and their sub-agencies’ employees’ proficiency in Estonian was inspected, out of whom 301 were identified as non-compliant with the required language skills. For example, documents supporting municipal government officials’ and their sub-agencies’ employees’ Estonian language proficiency was collected in Narva City

Government. Documentary evidence, certifying officials' and employees' Estonian language skills, was missing on 93 times out of 247. (Estonian Language Inspectorate, 2014)

4.4 Estonia's Integration policies

In the current globalizing world, traditions that characterize different cultures and civilizations are weakening; however, simultaneously the fragmentation in the society is increasing which makes integration measures more of a priority than ever. The latter sheds light on the contradictory situation in the world where the global economic system and international human rights principles are colliding with the endeavors to ensure the survival and power relations of the homogenous nation-state system.

Vetik (2013) explains how the concept integration is changing in time and space, and that it has carried very different social and political functions in various societies and eras. However, it is important to recognize that during the recent decades in the European Union as a whole the concept of integration has evolved as the main conceptual tool in formulating and implementing policy objectives aimed at the ethnic and immigrant minorities. Its popularity is largely based on the fact that integration is associated in the consciousness of Europeans as the 'happy medium' between two extreme forms of minority policy; assimilation and separation. Resulting from the European history, both of these phenomena and their concepts represent a rather negative connotation - assimilation is usually associated with the majority culture's violent domination over the minorities, and ethnic separation refers to the unity of the nation state being threatened by any other culture. (Vetik, 2013) Hereby, one should add the marginalization which also results in negatively interpreted effects of alienation from both majority and minority cultures. "Thus, in most of the European countries, the term integration refers to a constructed process, which, on the one hand, prevents the forcible imposition of the will of the majority, assuming tolerance towards minorities' cultural differences, and on the other hand, ensures the coherence of society as a whole, assuming the minority's adaption to the society's public sphere," (Vetik, 2013).

However, because of specific political processes during the past decades in Estonia, the term 'integration' has gained a particular meaning that is somewhat different from the generally positive European context. As a result, a rather negative connotation is attached to the term integration by the subjects of integration policies. Hence, in political and public

debates a new term „lõimumine“ is preferred and used. Translation into English is somewhat complex since equivalent to the term in dictionaries is still integration, although, one could propose a translation with the word fusion.

In addition to the articulations above, integration is understood by Nimmerfeldt (2011) as a multidimensional process that includes several analytical dimensions: structural, cultural, social and identificational. Structural integration refers to the socio-economic incorporation of the minority group into the core institutions of society, instead of primary level interethnic contacts. The socio-cultural part of integration processes consists of acculturation and interethnic relations, as well as socio-psychological characteristics of adaptation processes, namely identity processes. (ibid: 20-21) Identificational integration is understood in the classical linear model where gradual diminishing of the salience of ethnic and linguistic markers takes place (2011: 28). Integration often takes place in the same order of the dimensions listed above, where identifying oneself within the new cultural borders mark the end phase of the integration process.

Until the integration strategy “Integrating Estonia 2020”, specific policy measures have mostly been limited to the so-called 'directed integration policy', which set the Estonian language learning into the core of this process. Thus, in reality the integration was not seen as a process involving all members of the society, but as the minorities' need to adapt into the society. In the latter case, the integration measures are embedded into liquidation of certain anomalies which fall off the path of recognized normality. With the new course of action since the end of 2012, political agents have withdrawn themselves from conceptualizing the integration through the simplistic linear model, which presupposes the existence of the core indigenous population into which minorities should integrate. It has been acknowledged that the integration should be understood as “decreasing ethnic disparities in society's cultural and social stratification,” which results in "blurring" the sharp boundaries between the groups (Vetik 2013). Vetik (2013) further suggests that in Estonia, prerequisite for such "blurring" is, firstly, acquisition of Estonian language and citizenship by Estonian Russians and, secondly, the greater openness and not tying nationhood to the ethnic background but with the citizenship. Such an approach would replace the narrow focus of the current integration policy with more broad one, within which the minorities are not defined as a 'problem', but as a subject equivalent to majority, and who have, through the democratic procedures, been involved into decision-making process that concern themselves and the entire society (ibid.).

4.4.1 Action Plan (1998-1999)

“Estonia's politicians during the mid-1990s generally saw the minority problem as solved, at least from the perspective of the Estonian state. For example, a survey of major Estonian party programs from this period shows that minority issues did not figure prominently in any of these platforms.” (Pettai & Hallik, 2002: 519)

“The issue of the Russian minority as it was understood in Estonian society in 1996, when the VERA⁴ project was started, was internally, as well as internationally, considered to be a threat to the stable and democratic development of Estonia rather than a positive challenge for developing a new multicultural community. Discussing possible scenarios for development of inter-ethnic relations in Estonia during several seminars in 1997 and 1998, the nature of social and cultural conditions for integration was raised as the main focus of the whole VERA project.” (Lauristin & Heidmets, 2002: 15)

In July 1997, the Estonian Government formed an expert committee on demographical matters and on the issues concerning integrating ethnic minorities into Estonian society. The committee compiled a document on the integration policy objectives and priorities, which the Government adopted on 10 February 1998 and which then was approved by the Parliament four months later. The Action Plan named “Integrating Non-Estonians into Estonian Society: Setting the Course” stipulated the government’s activities in preparation of a national integration strategy (2000-2007) for the period of August 1998 until December 1999. It was Estonia’s first political statement concerning minority policy and with it, ‘the government defined integration as its central political goal and declared that a governmental programme, supporting the integration process, should be elaborated and financed’ (ibid: 25). However, the compiling of the first official policy in minority issues did not manage to involve minority representatives in the drafting process. Pettai and Hallik (2002) also state that the starting point was clearly centered on preparing a political document for the Estonian government and within the context of the new ethno-political balance. The four-page document was a disappointment for many observers, who viewed it as too general and lacking in concrete steps. Yet, it was fundamental for its unprecedented statement of the key political principles, which would set the tone for future policymaking. (ibid: 521) And the future concept saw, according to Lauristin and Heidmets (2002: 22) ‘a

⁴ The Ministry of Education initiated the VERA programme in order to investigate issues concerning integration of the Russian-speaking minority into Estonian society. The objective of the research team was to create a sociological perspective for understanding the complicated inter-ethnic processes going on in Estonian society after the restoration of an independent nation-state in 1991.

transformation from 'ethnic and defensive nationalism' to more pragmatic individualism, whereby the dominant earlier concept of the ethno-state was replaced by a political orientation towards integration, aimed at creating a democratic multicultural society in Estonia.'

"The Action Plan on integration matters focused on the individual and sought to make it clear that the Estonian version of multiculturalism was not based on collective rights or groups. It would not involve state recognition of corporate ethnic groups as part of some consociation or even community-based approach. Rather, it would be an individual-level process, based on each individual's personal choice concerning his or her ethnicity." (Pettai & Hallik, 2002: 522) This individualism is also today a prevailing understanding as all of the fieldwork interlocutors from public institutions underlined the importance of an individual's choice in granting citizenship that cannot and should not be enforced in any way.

At that time, the integration strategy was formulated to work towards the shared space of values, although, the shared space was at the time still solely native-culture dominated. And the gateway to the 'value room' was insured by concrete means such as language and citizenship, hence, by necessitating the *outsiders* to become more like *insiders*. To love the *other* requires that the nation is already secured as an object of love, a security that demands that incoming others meet 'our' conditions (Ahmed, 2004: 135). At the end of 1990s the minority issues were largely construed as security matter that, to some extent, also resulted from the lack of confirmation that the Estonian nation is an object of love *also* for the others. However, the situation, especially from a minority's perspective, has changed significantly since then, it seems like natives still undermine the considerable number of people from Russian ethnicity who do not see any other society or state as their homeland other than the one in which they reside.

4.4.2 The State Programme "Integration in Estonian Society 2000-2007" ("Integratsioon Eesti ühiskonnas 2000-2007")

In November 1999 the draft of the state programme "Integration in Estonian Society 2000-2007" was introduced during an open meeting of the President's Roundtable on Ethnic Affairs⁵. Feldman (2005: 233) provides a brief ethnography on the meeting, which

⁵ President Lennart Meri created the President's Roundtable on Ethnic Affairs in 1993 as a way to promote inter-ethnic dialogue at a moment when ethnic tensions were high and the remnants of the Red Army were still present on Estonian soil (Feldman, 2005: 239).

introductory notes vividly demonstrate the atmosphere that was inherent at the time. Then, the conservative *Isamaaliit* (the Fatherland Party), for whom integration was among its lowest priorities, led the governing coalition. The Minister for Ethnic Affairs, who chaired this meeting, was a member of *Mõõdukad* (the Moderate Party), which supported the state programme.

“The minister greeted the audience and gave brief introductory remarks. She first highlighted the basic tenet of integration: that of Russian speakers must change their ‘mentality’ to adapt to a democratic, capitalist, western-oriented Estonian nation-state. The minister also lamented the lack of national identity in [Eastern] Estonia. ‘When you ask people in Narva where they are from,’ she explained, ‘they simply respond “Narva”, not “Estonia”’. During the introductory meeting, the Russian-speaking leaders charged that the document overemphasizes the Estonian language at the expense of promoting multiculturalism.” (Feldman, 2005: 232)

Feldman (2005: 234) underlines that both western officials and Estonian state officials regard the state programme as a tool to facilitate Estonia’s reunion with the European inter-state system, although, by both of these policy actors, national minorities are being marginalized as their suggestions to make the state programme more multicultural were ignored.

On the other hand, Pettai and Hallik (2002) describe the new policy document as a significant step forward from the prior action plan. They claim it as a much more thorough elaboration of detailed political tools and activities whereby specific ministries or departments, timetables, budgets and output measures were indicated. Moreover, the compiled Estonian integration strategy, adopted in March 2000, now totaled nearly 100 pages. “The new document now stated, ‘The concept of pluralism ... includes the promotion of minority cultural diversity in Estonian society. Therefore, the goal of integration is the adaptation of different ethnic minority cultures existing in Estonia, *not* their assimilation into [ethnic] Estonian culture’ (emphasis in the original). Likewise, the common core component of multiculturalism was now broken down into more specific elements, none of which necessarily stressed ethnic Estonian components. Lastly, the programme no longer stressed the *predominance* of Estonian culture, and it toned down the stress on Estonian dominance of the state. Instead, it took as its point of departure simply the need to preserve and develop the Estonian culture.” (ibid: 523-524)

Yet again, minority matters were still embedded in and justified on grounds of security. Feldman (2005) explains how the continued practice of the Russian language was

perceived as leading to a “two societies in one country” phenomenon, which may become dangerous both socially and from the point of view of security policy. Thus, strengthening the use of the Estonian language was a remedy instrumentalized against that threat. “In other words, public life is to be ordered through the use of the Estonian language, which explains why 81 per cent of the 2000 budget for the state programme was committed to teaching the Estonian language to Russian-speakers,” (Feldman, 2005: 230). In sum, the state programme was based on the directed integration policy, which set the native language learning into the core of its process.

Feldman (2005: 230) underlines a problematic issue by which Estonian administrators and officials when designing ethnic integration programs operate almost entirely on the basis of the Estonian word *rahvus* instead of the word *rahvas*. In his arguments, *rahvus* in English connotes the ethnic meaning of nation, whereby *rahvas* corresponds to the word ‘nation’ in the civic sense. However, I would argue that in Estonian the word *rahvas* in fact refers to crowd, folk or bunch of people, while the term *rahvus* refers to people primarily attached to a country, united by either ethnicity or citizenship. Therefore, using the term *rahvus* in formulating integration documents is justified.

Feldman (2005: 230) claims that the state programme attempts to ‘mitigate against the threat of an idle’. He explains how the strategy of ‘neoliberal nationalism’ made the minority’s political and economic opportunities dependent upon their ability to reproduce the nation for the state, in order to bring forward and revive the Estonian cultural domain (ibid.). The political elite saw the native cultural domain in need of protection and, rather than forging higher intergroup interaction, the officials gave instructions for others who showed interest in belonging to the majority’s socio-cultural space. First and foremost, the knowledge in the official language, followed by acquiring Estonian citizenship was indicated as a gateway to reach the ‘Estonian core’. However, studying language is a technical measure, as is also obtaining citizenship; these are good prerequisites for structural integration into the society, although, these do not guarantee inter-ethnic communication or socio-cultural integration. Even if the state programme was based on a rather narrow readiness from the titular cultural space to build trust among ethnicities and to accept the others as their own, it remarked the first step towards comprehensive and more holistic integration strategies ahead.

4.4.3 The State Programme "Integration in Estonian Society 2008-2013" ("Lõimumiskava 2008-2013")

The second Integration Strategy for 2008-2013 focused less on language-learning and more on societal integration by which trust and contacts among various ethno-linguistic groups in Estonia would be increased. The name of the development strategy was changed to "lõimumine" instead of the previously used term "integratsioon".

Due to the economic recession, the economic matter grew in importance during the 2008-2013 strategy period. From 2010 to 2013 unemployment was addressed on the basis of the measure "Increase of the offer of qualified workforce" through the European Social Fund. The total volume of the projects, implemented for the reduction of unemployment, amounted to nearly 34.8 million euros, whereby 21 projects were carried out in Ida-Viru County, and 27 projects were aimed specifically at non-Estonians or immigrants. Services which were provided included training, counselling, work practice, work exercises, support person services, child care services, start-up subsidies, wages subsidies, travel allowances and scholarships. (Estonia's Fourth Report, 2014: 38) One of the main focal points was decreasing the differences in income levels resulting from their belonging to one or another ethnic group.

The Estonian language-learning still remained salient, although, it was not set as a separate goal, but rather as a prerequisite to reach other objectives in three key areas: in educational and cultural integration, in social and economic integration, and in legal and political integration. While the Strategy (2008: 18) declares, 'ensuring that all residents of Estonia have equal opportunities to receive education through a common education system and to provide the conditions for preserving one's language and culture,' it sets the formal grounding for establishing a homogeneous education system, which then could facilitate the transitioning of Russian schools from secondary education to Estonian as a language of instruction as of the academic year 2011/2012. At the same time the strategy affirms to maintain the autonomy of minorities' cultures and in general practice and introduces various cultural spheres. Hence, the strategy comes across as an attempt to be pleasing for all parties, neither daring to advocate something specific nor rejecting any interests.

"In the field of legal and political integration, the aim is to ensure that everyone has equal legal and political rights and opportunities – thus the emphasis is on continuing to support the naturalization of non-citizen residents, increasing awareness about equal treatment and prevention of unequal treatment, raising administrative capacity to provide services to

persons with different mother tongues, and ensuring that people with other mother tongues can be better integrated into the Estonian public sphere,” (Jakobson, 2014: 12). Jakobson goes further by underlining that at the time none of the integration activities did reached very far. “Some programs encompass only a couple of hundred or a couple of thousand people, although there are still tens of thousands who are not yet integrated. The policy frameworks are rather ambitious in scope (but not in scale), and expensive, as in 2013, a total of 7,042,097 € was allocated for integration programme implementation. Yet, many policy measures do not actually achieve the set goals.” (ibid: 19) Furthermore, MISA, the main public body that implements government integration projects on its behalf, provides consultancy services to approximately 300 migrants and stateless people, on a yearly basis. “We would like to have more of them and we are working in this direction. To solve this problem, we have set up the Info Center now in such way that people would ask more support,” the consultant of MISA explained. This confirms that, indeed, the number of people reached through the integration endeavors remains small.

In 2011, an Estonian Integration Monitoring (EIM) was carried out that analyzed the achievements and setbacks of the government’s integration measures as well as the general attitudes circulated in society concerning majority-minority matters. By the time, Estonian society that in reality is a multiethnic society still remained strongly segregated: during the period of one month, 45% of Estonian citizens claimed having no contacts with representatives of other ethnic groups, and 27% said that they do not have people from other ethnicities in their close circle of acquaintances (Integrating Estonia 2020, 2014: 7). From the point of social cohesion, this is problematic because “personal close contacts (at the level of family or friends) are the most important factors affecting the attitudes towards the other group,” (Nimmerfeldt, 2011: 42). Indeed, relationships that are reported between Estonians and Russians generally remain instrumental or work and study related (ibid: 49). This problem is enhanced on grounds of residential segmentation along ethnic lines in Tallinn and in Ida-Viru County. The latter hampers the different groups’ mingling and to socializing across ethnic lines. The problem is also magnified by the schools that operate only in one or another language, although, the language immersion schools could alleviate the problematic situation.

The EIM, based on studies conducted in 2008 and in 2011, showed that the integration process had not increased in recent years; however, it had polarized – deepened in both positive and negative directions. Furthermore, residents with undetermined citizenship

were asked if they considered themselves as belonging to the Estonian nation in a constitutional sense. The question was answered positively by 34% in 2008 and by 52% in 2011. (Lauristin et al. 2011: 7)

4.4.4 Integrating Estonia 2020 (“Lõimuv Eesti 2020”)

On 11 October 2012 the government approved the proposal for the preparation of a new development plan “Integrating Estonia 2020”. The Ministry of Culture was appointed as the responsible body for compiling the new strategy, which took almost one and a half years. The lack of direct contacts, consultations and interaction with alien’s passport holders was the most problematic issue in forming the former integration policies. As well as, the previously prevailing standpoints were of the opinion that the necessary steps towards greater integration need to be made by the *others* only. Herewith, the new course of action aims to improve these shortcomings.

An extensive consultation process took place before the preparation of the plan. A Ministry of Culture official explains that an independent civil think tank PRAXIS, which is acting in the public’s interest, published advertisements, inviting people who are interested in the topic of integration to join the discussions. “These were people of very different backgrounds, from laborers to public servants,” he explained.

“During the first half of 2013 discussions of various working groups were held. About 1300 persons were involved in the discussions of the development plan. One of the most important target groups discussed was the citizens of European third countries who amount to 15% of the Estonian population. Many of the members of the former Round Table of Nationalities have been involved in the preparation process of the Plan either as coordinators or experts. Discussions were held in different regions of Estonia: Tallinn, Tartu, Narva and Kohtla-Järve. The working language was either Russian or English depending on the target group. Results of the consultation process were discussed on a discussion day held at the conference centre of the National Library on 28 May 2013 with over 100 people in attendance.” (Estonia’s Fourth Report, 2014: 36-7)

On 29 December 2014 the government approved the development plan "Integrating Estonia 2020" and its implementation plan for 2014-2017.

People themselves had a possibility to contribute with their ideas and opinions electronically on the website. Much of the work in preparation to the development plan, including surveys, working papers, news, political documents and conventions are

documented and gathered on the internet pages, www.integratsioon.ee and www.etnoweb.ee/arutelud, so that they would be available for the public.

A greater emphasis is put on the understanding of integration as a 'two-way process based on democratic participation that proceeds, on one hand, from respect towards the language, cultural traditions and values of the native people by the national minorities and new settlers living here, and on the other hand, the native people's respect and tolerance towards the cultural peculiarities of the national minorities. (Estonia's Fourth Report, 2014: 14) Hereby, the strategy also cites activities as 'youths with mother tongue other than Estonian participate actively in youth social work and forge ties with youths whose mother tongue is Estonian,' (Jakobson, 2014: 12). Also an official from the Cultural Ministry explained how part of the new strategy aims at the acknowledgement and toning of role models and opinion leaders from non-Estonian origin through television or other media channels. These role models shall motivate non-Estonian young people to become more involved in public life, as well as, lead them to thinking about applying for Estonian citizenship. "If, for example, they see that their nation companion is running a public office or have achieved something, some of them will go along with it," the official explained.

The strategy regards the integration of the population to be a matter of national importance. As Kymlicka (2001: 26) claims, "Nation-building within a liberal democratic context does not assume that the state occupies a space of cultural neutrality, rather the state engages in the promotion of multiple societal cultures within a single country." The shared sense of democratic values as an objective for new the integration strategy is not tied with the titular cultural domain but with a culturally diverse society that strongly identifies itself through the Republic of Estonia. Thus, integration is not constructed anymore through the ethnic belonging but through determination of the state. The use of the Estonian language as the language of communication in the public sphere, though, remains to be strongly valued.

The "Integrating Estonia 2020" activities are aimed at all regions of Estonia, but in the light of linguistic and cultural background and the specific socio-economic circumstances of the Ida-Viru County's population, part of the integration activities are particularly aimed at Ida-Viru region (Integrating Estonia 2020, 2014: 31). For example, the development plan for Ida-Viru County was recently renewed and one of the new aims is to increase state presence in the region. For example, the Ministry of Justice recently opened one of its departments in the county. In addition, it is being discussed if the Estonian Academy of

Security Sciences shall be opened in Narva; by the time of writing this thesis a decision has not yet been reached.

Anne-Ly Reimaa, the Undersecretary for Cultural Diversity in the Ministry of Culture, underlines that the new strategy aims to support initiatives that promote active involvement of people in the society. “We have prioritized supporting and strengthening the common communication sphere.” She then adds, “Studies and the implementation of the Estonian Integration Strategy 2008–2013 have shown that people have different needs and expectations when it comes to integration. But what is important, is having contact and sharing experiences with others in the society. In order to aid people in having this common ground, we aim to support cultural establishments like museums, theatres and concert halls in providing their programme in a multitude of languages. We hope to bring Estonian culture closer to people with this novel type of “cultural immersion.” (Estonian Ministry of Culture, 2014) One of the first steps in achieving these goals was approving the development project of Narva Arts Residency Center. The Minister of Culture, Indrek Saar, signed a 25,000 EUR grant for the development of the project that aims “to contribute to the creation of synergy between different cultures and to bring a new and inspiring center on the international map of art world,” (Ministry of Culture, 2015).

Also Estonia’s Fourth Report on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities (2014: 7) states that the priority of integration activities is to support the active participation of people with different language and cultural backgrounds in forming a socially coherent society, and the establishment of the common state identity of Estonia, which ensures peoples’ sense of connection with the state and other members of society, supports the economic growth potential and stability of the state. It is claimed that enhanced attention is paid to the communication with target groups and ‘accounting for ethno-cultural peculiarities,’ but also ‘sharing common values and having command of the official language’ is underlined as important guarantee in a society. With these undertakings the new course of action underlines the importance of contact between people with different ethnic background, in order to decrease the segmentation. In sum, integration is only possible through a bilateral willingness and possibility to collaborate.

5 DETERMINING ALIEN RIGHTS BETWEEN THE LOCAL AND THE TRANSNATIONAL SCALE

“An anthropology, of multiple dimensions, seeks to explain the manner in which the local and the trans-local construct each other, producing at once difference and sameness, conjuncture and disjuncture.” (Comaroff & Comaroff, 2003: 172)

This paragraph seeks to unravel the political endeavors between national and transnational scale and by doing that, to bring clarity on how undetermined citizens' situation is dealt with regarding to transnationalist and nationalist approaches.

Feldman (2005: 235) claims that, “Anthropologists have made significant strides in explaining how a discourse of discrete territorialized nations produces national minorities (or any other Other) as ‘matter out of place’. Diplomats act upon this identification of the Other because diplomacy itself is effected through a discourse whereby each nation-state’s permanence as a social actor depends upon the same permanence of other states.” He further underlines the need to reconstruct the methodological take on the world whereby the sites and actors are always attached to one particular locality. “This adjustment creates room to ask how elites who directly manage global processes imagine certain people as a particular policy problem that requires a particular policy solution,” he explains (ibid.). Deriving from Feldman’s (2005) articulation on estranged states, it would be necessary to question whether the Estonian officials authorized to act in the state’s name frame people of undetermined citizenship, and national minorities in general, as a security ‘problem’ in maintaining the nation-state and respectively the international order of these states. He argues that within diplomatic discourse national minorities as *others* are potentially threatening the European inter-state system, because they destabilize any given nation state’s identity as a diplomatic actor. Because, “Only nations represented by states can directly participate in diplomatic efforts to reunify estranged states,” (Feldman, 2005: 226) or as Bauböck (2003: 143) has said, “The people cannot decide unless someone decides who are the people.” Der Derian’s (1987) genealogical explanation of diplomacy as a second-order mediation among ‘estranged states’, sets up an argument that national minorities are constructed as international security concerns within the diplomatic discourse since they obstruct nation-states from **mutually** securing each other through diplomacy (via Feldman, 2005: 219). Moreover, Borneman (1998: 12) argues that,

“International order does not exist as a practice outside of local categories, but rather local practices produce international orders which in turn refashion the local into a simulacrum of the international.” Therefore, local agents are creating and in turn using the established transnational scales as diplomacy to implement their local interests, such as pursuing their security needs. The ‘system’ can only be successful if also other actors of different local scales act respectively, which is mainly for the purpose of maintaining the nation-state order. In proving that a mutually secured nation-state order is essential, Feldman (2005) explains how EU and 8 western governments, Sweden, Finland, Norway, Denmark, the United Kingdom, Canada, the Netherlands, and the United States, funded dozens of programs throughout the 1990s and supported efforts to reterritorialize the Estonian language and culture in the name of (inter)national or regional security. It might be called a multilateral consolidation, where states must come together to ensure their existence as singulars.

“Migration has long generated, and continues to generate, both an internal and an external politics of belonging,” (Brubaker, 2010: 77). Hereto, Earnest (2006) describes a two-way approach in extending political rights to aliens: transnationalist and nationalist theses of citizenship politics. The transnationalist thesis argues that the extension of noncitizens’ rights derives from the institutional evolution of the nation-state. “Reflecting on the heritage of political rights theorists like Marshall (1964) and Stein Rokkan (1999), the nationalist thesis generally explains the political incorporation of resident aliens as a product of factors within the state, including political culture, domestic institutions, and contestation between societal groups. As the name suggests, nationalists argue that shared conceptions of the “nation” continue to drive the state’s constitution of the political community.” (via Earnest, 2006: 246) Furthermore, international and transnational processes transform not only the politics of citizenship within states but also the authority and capacities of states to construct a political community (ibid: 247).

As follows, the inherent characteristics of transnationalist and nationalist theses are discussed in depth in relation to the scenario how rights are granted to aliens in Estonia. Secondly, it is articulated what role the international agents such as European Commission, UNHCR and OSCE have played in shaping Estonia’s legislation and integration policies in regard to undetermined citizens. On the other hand, how has Estonia benefited from the multilateral consolidation in the diplomatic sphere to strengthen and secure its survival as a nation-state? While observing the policies on the local scale, Estonia’s actions towards its

undetermined citizens seem to fall under the nationalist approach, as is through time shown by Brubaker. Although, under the pressure of the abovementioned international actors the Republic has also been induced to modify its internal policies in accordance with the ratified international conventions and with those that it has not even acceded yet.

5.1 The transnationalist approach

The transnationalist thesis argues that the globalization flows steadily withdraw the autonomy of the nation-state and in turn modify the citizenship policies according to the newly emerging needs. Earnest (2006: 247) indicates three phenomena which are typical for transnational citizenship politics: the state is increasingly engaged in the matters of immigration and integration because of the large influx of migrant workers that its economy requires; the resident foreigners increasingly exercise opportunities and rights guaranteed by the nation-state, but also by international human rights and norms domain; and thirdly, several domestic, transnational, and international actors now take part in formulating the state's citizenship and immigration policies.

While Barrington (2000) argues that during the 1990s the Council of Europe, the Conference for Security and Cooperation in Europe, and Helsinki Watch all advocated broader rights for the Russian-speaking minority in the newly independent Baltic republics, the transnational theory mostly fails to describe the citizenship policies in Estonia. Firstly, the negligible effect of international agents on local legislation was indicated during the interviews with the Estonian OSCE representative and with the Interior Ministry. The Interior Ministry official elaborated on the effect that UNHCR have had on the Estonia's citizenship law by saying that, "They have been talking one and the same thing all these years, and no one has changed the law on citizenship specifically because of the UNHCR." The question why Estonia has not yet ratified the United Nations' Conventions on Statelessness (1954⁶ and 1961⁷) was answered firmly and shortly: "The ratification of these treaties has not been considered as necessary." According to the Estonian OSCE representative, the ratification of these Conventions is an exclusively political decision, depending on the ruling party and coalition in power. Therefore, it is surprising that in 2012 on behalf of the delegation of the EU to the UN all EU member states pledged to

⁶ The 1954 UNHCR Convention Relating to the Status of Stateless Persons

⁷ The 1961 UNHCR Convention on the Reduction of Statelessness

address the issue of statelessness by ratifying the 1954 UN convention and by considering ratification of the 1961 UN convention⁸.

Secondly, only very few non-governmental organizations address in an ambiguous extent the matter of undetermined citizenship. And those that do are established on the basis of ethnic belonging and not by or for the people of undetermined citizenship per se. The Ministry of Culture stated, “Practice shows that the main concern of representative organizations of ethnic minorities, which also include people with undetermined citizenship, is to preserve and protect their own national associations, and the objective is not so much to stand for the interests of the undetermined citizens.” Hereby, the Integration and Migration Foundation Our People (MISA) is most prominently dealing with alien’s passport holders as the main institution responsible for ‘increasing the proportion of Estonian nationals; including residents of Estonia becoming part of decision-making processes; and supporting activities that offer people whose native language or home language is not Estonian opportunities to participate in Estonian civic society.’ (MISA, 2015b). It is a public organization, established by the Ministry of Culture, whose projects are mostly publicly funded and thus, the foundation is implementing nation-state’s interests. Moreover, as they also deal with a broad scope of other migrants who come to live, work or seek refuge in Estonia, their consultant indicated, “We do not have many customers from stateless people. One reason is that these people already know a lot from Estonian society. They do not need this kind of support since they are more or less competent.” This indicates that there is actually no essential need for independent citizen associations to ensure the rights of people of undetermined citizenship, because they already enjoy the amount of rights *envisioned possible* for people with alien’s passports. The latter refers to socio-economic rights, with the exception of employment as public servants, and excludes political rights on the national and EU level, although, allowing the aliens’ suffrage on the local scale.

“As Sikkink (1993) and Klotz (1995) have shown, international norms have the greatest regulative effect when they have an organization that champions a specific template that defines compliance and violation; in the absence of such a template or a champion, resident aliens can make only abstract claims for political rights,” (via Earnest, 2006: 269). Earnest (ibid.) claims that there are no international or nongovernmental organizations that

⁸ The Delegation of the European Union to United Nations NOTE VERBALE to the Executive Office of the Secretary General of the United Nations on the occasion of the forthcoming High Level Meeting on the Rule of Law on 24 September 2012.

champion a model of political rights for noncitizens or that encourage the development of a common set of political rights for noncitizens. This argument is however not true. Firstly, the rights of noncitizens are perhaps by widest scope protected by the United Nations Refugee Agency⁹ (UNHCR), secondly, by the inter-governmental organization, International Organisation for Migration¹⁰ (IOM), thirdly, by the European Union network, European Migration Network¹¹ (EMN), and also by the European Network on Statelessness¹² (ENS), to name the most prominent. All of these organizations observe and analyze situation on migration, asylum and statelessness worldwide, compile information and publish supportive handbooks, reports or recommendations on nation-states individually, as well as collectively based on their particular affiliation to some organization or region. In addition, substantial media coverage is set up for delivering news and raising awareness, even for children¹³. Even though the releases of these organizations are not legally binding, they definitely encourage states' officials to improve the rights for noncitizens locally and transnationally. Moreover, UNHCR's Conventions on Statelessness become legally binding upon their accession by the parties. In short, definitely international or nongovernmental organizations that champion a template of political rights for noncitizens exist, as well as also possess an influential position in the international policy sphere. However, the actual influence of international norms and intergovernmental and nongovernmental organizations on the Estonian domestic policy was described by the local political agents as rather insignificant.

"Transnational scholars also rely on the fact that resident aliens may organize across sovereign borders to influence a state's citizenship policies" (Earnest 2006: 255). This transnational characteristic is a factor, which also describes the situation in Estonia.

"Persons belonging to German, Russian, Swedish and Jewish national minorities, and persons of national minorities with a population of over 3000 may establish cultural autonomy bodies of national minorities in Estonia. For example, in Estonia, the Finns and the Swedes have cultural autonomy and they have formed their own cultural autonomy body." (Estonia's Fourth Report, 2014: 10). However, the three attempts to establish a Russian National Cultural Autonomy in Estonia have led to an impasse due to various

⁹ UNHCR Homepage: <http://www.unhcr.org/cgi-bin/texis/vtx/home>

¹⁰ IOM Homepage: <http://www.iom.int/>

¹¹ EMN Homepage: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm

¹² ENS Homepage: <http://www.statelessness.eu/>

¹³ An UNHCR cartoon to help eradicate statelessness (2015) is found on the KORA Homepage: <http://kora.unhcr.org/le-hcr-lance-un-film-danimation-sur-lapatridie/>

reasons, in depth articulated by Aleksandr Aidarov and Wolfgang Drechsler (2011). These attempts have opened up the debate about who represents the Estonian Russian community, if there can be said to exist one, not only for policy-makers but for the Estonian-Russian leaders themselves (ibid: 46). In Estonia, ethnic Russian political parties have fared poorly in elections and, with the notable exception of the ‘Bronze Night’ in 2007, violent mobilization has rarely occurred in any form (Cheskin, 2015: 80). Saarts also explains how the first Russian political parties appeared only in 1994, and the largest representation of Russian parties in the Parliament has been six seats in 1995 (2009: 146). At the moment, there is not a single Russian party represented in the *Riigikogu*. Therefore, the Russian ethno-linguistic group is commonly seen as politically passive, however, it could be said that the geographical closeness to Russia has impacted minorities’ perspectives regarding Estonian state and society. “Russophones are exposed to the cultural and political memory narratives of the Russian state through extensive consumption of Russia’s media and many continue to feel close cultural connections to the identities signified by Russia’s officially propagated collective memories,” (Cheskin, 2015: 83). “The attempts to institutionally monopolize and fix certain meanings of the past further demonstrate that the „interpretation wars” over the past events are substantially struggles over power – as the control over the narratives of the past enables to gain control over the construction of further narratives for an imagined future,” (Mälksoo, 2009: 6). The influence of the Russian media sphere significantly shapes its consumers’ understandings and emotions towards the local society and cultural space that, in turn, can impact their decisions on granting citizenship. “Russia spends a little over \$ 600 million a year to various public information operations and the impact of such informational-psychological war cannot be ignored,” explained Estonia’s psychological defense state adviser, Ilmar Raag (2015). The latter also found confirmation during several interviews. A Parliamentarian, Viktoria Ladõnskaja, explains, “A large part of Estonian Russians live in quasi reality. In the morning they go out to work under the Estonian legal system, however, each evening they take some kind of a pill of Russian news. Rather than being familiar with the events in Estonia, they know what is happening in Russia.” Even when the significance of television is fading and with the rise of internet and social media, the preferences for networks still remain to be divided along linguistic lines. For example, the most popular social media channel for Estonian-speakers is Facebook but for Russian-speakers the sites of Odnoklassniki and vKontakte are preferred. The Interior Ministry

adds, “I cannot imagine a better propaganda machine as in Russia, but it was already like that in the Soviet time.” It is important to note that until 2015 there was no governmental or publicly operated Russian-language TV channel or an Estonian TV channel with Russian subtitles in Estonia. Since the television is a very significant source of media for Estonian Russians, there was no alternative to watching TV channels of Russian origin. Recently opened, ETV+ is a long awaited precedent that provides Estonian Russians an alternative to consume locally produced information in their mother tongue.

The alien’s passport holders’ right to travel visa-free to Russia is another example of how the undetermined citizens are held in the Russian sphere of influence and, according to Interior Ministry, ‘keeping them from taking Estonian citizenship.’

Furthermore, Russian cross-border influence is enhanced through its compatriot policy. Its official position favors the resettlement of former citizens of the Soviet Union with a political programme announced in 2006 that provides simplified naturalization procedure for those compatriots who would like to voluntarily return to Russia.

According to the law, among other groups defined as compatriots¹⁴, they are also considered to be those persons whose direct relatives previously lived on the territory of the Russian Federation, were citizens of the USSR, lived in the states which were part of the USSR, obtained citizenship of these states or became stateless persons, having had the corresponding citizenship and who afterwards became citizens of a foreign state or stateless persons. The developers of the programme originally estimated that 300,000 people would be resettled per year, however, during the entire period from 2006-2011 only 62,500 people moved to Russia (as of 31.12.2011). Formally, the compatriots are subject to a simplified naturalization procedure (without a five-year-requirement of residence in the Russian Federation, without confirmation of a legal source of income and without a language requirement). However, they are required to renounce their previous citizenship and it is necessary for the applicant to come to Russia to obtain a permanent residence permit, which can only be obtained if they have relatives or own real estate in Russia. (Salenko, 2012: 25-6) In fact, according to the law, the programme is not targeting only people from Russian ethnicity, but also those who *chose* to engage in a spiritual, cultural and legal relationship with Russia. Hence, keeping in contact with its compatriots and

¹⁴ Compatriots are also understood to be all persons and their descendants living abroad who have historically lived in the territory of the Russian Federation, and also expatriates (emigrants) from the Russian Empire, the Russian republic, RSFSR, the USSR and the Russian Federation, and those those people who chose to engage in a spiritual, cultural and legal relationship with Russia. (Salenko, 2012: 25)

maintaining their pro-Russian attitudes, especially in light of international events when the West commonly stands against Russia's actions in Eastern Ukraine, is highly important within its political endeavors. Also Jakobson (2014) indicates the Russian Embassy's goals in supporting the compatriot policy and that its main focus is "to assist the consolidation of the Russian-compatriot public associations in Estonia with the aim of ensuring their legal rights and interests and preserving Russophone educational and cultural space" (Embassy of the Russian Federation via Jakobson, 2014: 16).

Moreover, the cross-border relations between Russia and Estonia are also supported through the activities of the Ministries of Culture of both states. "The co-operation between Estonia and Russia is part of the European Neighbourhood Instrument (ENI) for the establishment of welfare and good-neighborly relations. Under the framework the parties undertake to promote international and cross-border cultural cooperation between regions of Estonia and Russia, favor direct contacts at the regional level, and carry out joint projects related to art, music, theatre and folk art." (Estonia's Fourth Report, 2014: 38-9) For the time being, these activities are regulated by the cross-border co-operation programme for 2014–2020 which continues the Estonian-Latvian-Russian cross-border co-operation programme 2007-2013.

In conclusion, Russian ethnic minority in Estonia has, correspondingly to the transnationalist thesis, established firm contacts across the sovereign borders of the Estonian Republic, which has direct impact on Russian ethno-linguistic peoples' lives and in turn, indirectly influences Estonian domestic affairs on citizenship and integration matters. However, the citizenship policies are not modified according to the first transnationalist phenomenon, shown by Earnest, whereby currently increased influx of migrant labor changes the domestic legislature. Secondly, according to government officials, the impact of various domestic or transnational human rights actors or other external agents have had rather small effect on the Estonian citizenship policies. As is noted also by Earnest (2006: 248), the state nevertheless remains the principal institution for the allocation of individual rights and opportunities.

5.2 Nationalist approach

"Nationalist scholars explain variations in the state's treatment of resident aliens as a consequence of immigrant groups articulating their claims for rights through the traditional institutions that bind the nation to the state. The transnationalist thesis explains the state's

treatment of resident aliens, by contrast, as a product of transnational or global processes that erode the historical linkage of the nation to the state.” (Earnest, 2006: 247) Hereby, the creation of large numbers of resident aliens in Estonia is deeply embedded in the historical course of action and it does not result from features of globalization. The settling of a large number of Soviet workforce, party members and military personnel in Estonia was deliberately decided upon ideological and political decisions and strategies.

“The nationalist scholars also locate the state’s policies toward resident aliens in a cultural variable: a society’s historical understanding of how the nation is constituted,” (ibid: 248). History is strongly embedded in the justification of various laws which set the tone for the preservation of the Estonian nation and culture through the ages. Russian-speakers’ incorporation to the national politics, often characterized as low and insufficient, is considered by the media and by the officials as the peoples’ own ‘misfortune’ or ignorance towards native socio-cultural space. It holds true that civic participation in society is rather low, however, not just among national minorities, but in general in Estonia. Nevertheless, excluding non-Estonian citizens from the civil servant and other public executive positions is rooted in the legislation that in turn constructs the political culture by which norms are realized in reality. “Nationalist researchers also explain variations in the rights of resident aliens as the product of the state’s institutions,” (ibid: 249). The formulation of the law on citizenship is predominantly in the capacity of government institutions, being superficially exposed to external influences from the third sector and from international politics. As Brubaker (2010: 77) remarks, “The nation-state remains the decisive locus of membership even in a globalizing World.” On these considerations, Estonia could be classified under the nationalist thesis.

“Democracies today appear to retain considerable autonomy over their policies for the political incorporation of their growing populations of resident aliens. While the global human rights regime may create systemic pressures on democracies, these pressures appear to be refracted both through state-level institutions and through the prism of each democracy’s unique historical conceptions of its political community. [...] Like many other pressures of globalization, democracies seem to respond to transnational norms in ways that are distinctly ‘national.’” (Earnest, 2006: 271-2)

However, the presumably unproblematic national hegemony is still challenged by the processes that are supranational, transnational, and post-national. The policies are set from

above, but the effects reverberate downward. As Katja Swider (2014) shows on the following example:

The Edinburgh Decision, adopted by the Representatives of the Member State Governments meeting in the framework of the European Council to clarify the Treaty of Maastricht, affirms that '[t]he question whether an individual possesses the nationality of a Member State will be settled solely by reference to the national law of the Member State concerned.' Exactly the same message features in the Declaration No. 2 on nationality of a Member State, annexed to the Treaty on European Union in 1992. Interestingly, this declaration has been dropped during the latest amendment of the European Union Treaties by the Treaty of Lisbon in 2009. The disappearance of the declaration from the Treaty texts has largely gone unnoticed, and the declaration is still occasionally referred to in post-Lisbon documentation. However, the exclusion of the Declaration from the TFEU was not a coincidence, and needs to be seen as part of the continuing search for balance between the EU's and Member States' competences in nationality matters. (Swider, 2014: 15)

When mostly these transnational effects are described as weakening the 'borders' and boundedness of nation-states, then Feldman (2005) aims to show how the diplomatic endeavors on an international scale were there to *strengthen* the continuation of nation-states. He explains how "diplomatic discourse structured minority integration debates among western diplomats, Estonian officials, and minority leaders, and how European diplomacy made possible the Estonian government's minority integration policy, which, ironically, seeks to establish the 'Estonian cultural domain,'" (Feldman, 2005: 220-221). Hereto, the transnationalist take was and can be used for grounding the nationalist thesis on determining the rights to aliens on local ground. In sum, although the national visions and needs can be negotiated in the process of forming internationally compliant citizenship rules, the international norms still result from the interests of domestic policymakers and convey the positions of diplomatically acknowledged local actors.

Feldman further underlines: "Transnational processes must be negotiated in reference to a state system that is institutionally premised upon an idealistic conflation of people, culture, and territory. This fact reterritorializes the state against global flows in the name of (inter)national security." (2005: 223)

It could be questioned if the approach of engaging with the international political domain after the restoration of Estonia's independence brought along consequences which the officials did not see coming. The supranational domain is regulated by agreements,

conventions and also legally binding documents that definitely, if not directly, then indirectly influence the internal policy sphere. We shall zoom in on how international agreements recognize the sovereignty of the nation-state to protect its homogeneity and to which extent these advocate the rights for minorities. It shall be questioned to which extent international political platforms are an emanation for their participating states and to which extent the participating states are executing the will of supranational agreements domain.

5.3 The political engagement in diplomatic sphere

According to Kelley (2004), sometimes the institutions were engaged heavily with their member/ participating states' domestic ethnic issues, while at other times these matters went seemingly unnoticed. Sometimes institutions made clear links between behavior and institutional membership, while at other times they relied primarily on persuasion of policy actors. The variable is dependent on the nature of operation of an organization; on the mechanisms it uses for influence such as normative pressure and/or membership incentives. The European Commission mainly forwarded its opinions or sent notes to the Estonian government about its application for EU membership, and through that it has employed the most political membership conditionality. "Especially in 1993, the European Council in Copenhagen laid down more specific political criteria for the associated countries of Central and Eastern Europe that wished to accede," (Kelley, 2004). Among other binding criteria, it was underlined that a 'membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities,' (European Commission, 2015). The EU criteria had still some effect. An amendment to the Language Act, adopted in February 1999, that called for Estonian language proficiency for the employees in the private sector tied with servicing and communication tasks was abandoned under the pressure from the European Union in 2001 (Saarts, 2009: 138). Moreover, Galbreath (2014) marks that, "the failure to amend the Citizenship Law was a key detriment to Estonia's efforts to join the EU," (2014: 270). For example, the 1998 European Commission's Report states, "It is regrettable that the Parliament has not yet adopted the amendments to the Citizenship Law which would align it with OSCE recommendations and facilitate naturalization of stateless children."

To a large extent, Estonian integration endeavors have been funded through the European Social Fund and the European Fund for the Integration of Third Country Nationals (EIF).

Through the PHARE programme the European Commission also extensively funded the measures to improve Estonian language skills among Russian-speakers. On one hand, the external funding has been a great support in implementing such measures for a more coherent society. On the other hand, critics view it as a non-sustainable arrangement of integration policies, whereby the state should independently ensure necessary resources for activities and projects that are in national importance. In any case, external funding is another tool to indirectly impact activities and decisions undertaken at the local ground, because any condemnable activity of the recipient country entails a risk of a reduction in subsidies.

“The main principles of international norms on citizenship are the elimination of statelessness and a respect of the principle of “genuine and effective link” (Batchelor, 1998) between an individual and the state when determining citizenship eligibility, not a preference for territorial and a rejection of ethnic criteria in citizenship acquisition,” (via Shevel, 2009: 285). According to Shevel (*ibid.*), “In the post-communist region, as long as citizenship laws were not in a contradiction to these principles, international institutions did not pressure states to abandon ethnicity as a criterion for granting citizenship under simplified rules.” Also Galbreath (2014: 265) notes that, in comparison to the OSCE and its field missions on the ground, the EU had little influence since it did not have a long-term mission to any of the Baltic States. Moreover, Pettai and Hallik (2002: 521) adhere to the notion that the international organizations such as the OSCE, the Council of Europe and European Union had had little success in prompting proactive measures on integration. In addition, Feldman (2005: 230) argues that no western nation-states raised their voice against the denial of citizenship to newly settled Russian-speakers in Estonia. It is a common practice that political platforms such as the UN and the OSCE have both taken the stand of defending the Estonian government’s citizenship law against charges from the Russian Federation, which claim that Estonia’s humiliating treatment towards ethnic Russians is in violation of the Universal Declaration of Human Rights (United Nations, 1993: paras 83, 87 *via ibid.*).

“It is however true that Member States still retain nearly complete sovereignty on granting and withdrawing nationality, and therefore the harmonization of EU rules on the reduction and prevention of statelessness through nationality laws would not be acceptable under the current treaty regime. However, the range of problems associated with statelessness goes far beyond the domain of nationality law. In particular, the protection and identification of

stateless persons mainly needs to be addressed through the field of migration law.” (Swider, 2014: 10) An approach how the EU could address statelessness and implement protection of the persons of concern could be organized through the field of migration.

As part of Estonia’s Accession Partnership, the EU required Estonia to ‘implement concrete measures for the integration of non-citizens including language training and provide necessary financial support’¹⁵. Therefore, the EU, together with other nation-states, provided an initiative and stimulated the drafting of Estonia’s first proper development plan on integration. The other international agreements that have impacted the minority-majority relations most remarkably are the Council of Europe Framework Convention for the Protection of National Minorities, the Conference for Security and Co-operation in Europe’s (CSCE’s) 1990 Copenhagen Document, and the UN’s 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Firstly, the Council of Europe Framework Convention was adopted in 1994 and has been ratified by all three Baltic States. It is the first legally binding multilateral instrument devoted to the protection of national minorities worldwide (Council of Europe, 2012). The Convention’s Article 5 section 2 states, “Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.” Kelley (2004) explains that the committee of ministers is called on to "monitoring" the implementation of the convention, with the assistance of a committee of experts. After the conventions’ entry into force, each state party must submit reports, based on which a special advisory committee of 18 independent members is responsible for adopting country-specific opinions and also for observing the implementation of the convention through country-visits.

Secondly, the CSCE’s 1990 Copenhagen Document Article 31 states, “Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.” In 1990 when the document was signed, Estonia still belonged to the Union of Soviet Socialist Republics. Although, with its accession to the OSCE, Estonia also confirmed the legitimacy of all existing OSCE documents and instruments. By adhering to the principles of the Copenhagen Document, Estonia also pledged to respect the ‘existing human rights

¹⁵ COUNCIL DECISION of 6 December 1999 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Estonia (1999/855/EC), Section 3.1

conventions and other relevant international instruments and consider adhering to the relevant conventions, if it has not yet done so,' (Copenhagen Document, Article 38).

Thirdly, the UN's 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted unanimously by all member states. Article 2 section 1, for example, states, "Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination."

Feldman (2005: 228) also classifies the abovementioned three documents among the most significant on minorities' matters. Although, he also claims that these documents do not signify a substantial departure from the minimum standard set by the 1966 UN International Covenant on Civil and Political Rights (ICCPR). Whereby, the most notable development is that national minority rights became a legitimate international issue. Hereto, since the time Soviet Union collapsed, Russia has continuously pushed the minority issues into a multi-lateral diplomatic forum as is the OSCE. "As early as 1992–1993, Boris Yeltsin had denounced Estonia as an 'apartheid state' and threatened with economic sanctions if the situation of ethnic Russians did not improve," (Petsinis, 2015: 5). Furthermore, Russia has used the presence of its compatriots in the former Soviet Republics as a political card in negotiating the newly set borders with these states. "Even after the legislation on citizenship has been changed to meet the recommendations of European organizations, Moscow still condemns Estonian and Latvian governments," (Galbreath, 2014: 294). This was also noted during the author's various internships that were conducted in the OSCE during the spring of 2013 and the summer of 2014. Russia is making claims on the discrepancy between residence and citizenship of its national emigrants and blames the Estonian government in its "inhumane" treatment of people from Russian ethnicity. However, at the same time it benefits from this 'produced problematics', since the greater the incoherence between Estonia and its national minority, the closer the ties that Russia can maintain with its compatriots. According to the Estonian OSCE representative, at the OSCE platform Russia engages heavily in the disintegration of the Estonian society. Additionally, it shall be underlined that the OSCE is a highly political organization where the decisions are taken based on the principle of consensus. The latter makes each participating state's right to veto a matter of significance in the organization's

subunits' activities, as well as in the undertakings and statements of the OSCE's High Commissioner on National Minorities (HCNM).

“The OSCE admitted most new [sic!] states quickly, and thus never directly used membership conditionality as a mechanism for influence. Rather, it used normative pressure in the form of persuasion and social influence as its primary method. The OSCE has several lengthy texts that specify educational and language rights for ethnic minorities. Since these are not legally binding and since the OSCE was quite liberal in granting admission in the late 1980s and early 1990s, countries initially paid little attention to the OSCE's comments. Nevertheless, the OSCE has gradually gained stature from the EU's reliance on the OSCE High Commissioner on National Minorities as an expert on minority rights.” (Kelley, 2004)

In 1992, the CSCE's ODIHR and in 1993, the OSCE's HCNM both made recommendations on eradicating statelessness, especially on the situation of children born from former nationals of the USSR, who would otherwise be stateless. These were followed by the OSCE High Commissioner on National Minorities, Max van der Stoel's, recommendations to the Estonian government in 1997 to amend its laws according to the formula set in the European Convention on Nationality, adopted unanimously by the Committee of Ministers of the Council of Europe on 15 May 1997. The latter convention has the prevention of statelessness among its core principles, stipulating that children shall be granted either automatic citizenship if otherwise they would be stateless children, or receive a conferral of citizenship on application after a period of residence “not exceeding five years immediately preceding the lodging of the application,” (Article 6, paragraph 2). Also, Max van der Stoel recommended simplifying the constitutional test that is necessary to pass the naturalization process.

OSCE's recommendations have proven to have the greatest impact on the domestic citizenship politics. For example, in 1997 at the request of the OSCE the government decided to replace the temporary residence permits, given to undetermined citizens, with permanent ones. Moreover, in February 1998 new Estonian language requirements were stipulated for the candidates running in local elections, however, these demands were abolished under the pressure from the OSCE in 2001.

Also the 1997 recommendations by Max van der Stoel led to amendments in the Citizenship Act in December 1998. According to the 1998 amendments, all children born in Estonia after 26 February 1992, and whose parents were not citizens to any other

country will be given Estonian citizenship without the naturalization process. Citizenship could also be acquired for children under the age of 15, and whose parents had lived in Estonia by the time of applying persistently at least for five years. It was very important shift in the Estonian citizenship policy because it was the first time when the principle of *jus sanguinis* was supplemented partially by the principle of *jus soli*. These modifications were more extended just recently as Parliament decided to abolish the application system and provide Estonian citizenship automatically for children born to parents with undetermined citizenship, unless the parents decide to reject it. The law enacts on 1 January 2016, which also grants citizenship automatically to all children who are by the time of 31 December 2014 at the age of 15 or younger. Therefore, we see that considerable amendments have been carried out in the citizenship policy. Even if the officials on local ground do not place any significant importance on the international policy agents, the OSCE and to some extent also the European Commission have forced the domestic officials to defend, explain and also adjust their political decisions. Technical changes to legislation as amendments in the Citizenship Act are direct impacts of the international scale, whereby a participating state executes the will of the supranational agreements domain. On the other hand, domestic politics is also influenced indirectly through diplomatic persuasion, external funding of integration measures and through co-operation with and involvement of the other states or organizations. Herewith the hidden effects of concrete political decisions reverberate downward steadily and gradually, influencing the local socio-cultural life more substantially than initially realized.

6 THE UNDETERMINED CITIZENS OF NARVA

Firstly, in this section it shall be analyzed whether the undetermined citizens, among other Russian-speakers of Estonia, could be seen as forming a diaspora in the layout provided by William Safran (1991). Secondly, it is shown how undetermined citizens are ‘placed’ on the map of Estonian national minorities, most commonly of Russian origin, and whether these collide or coincide with the data gathered during the fieldwork. Thirdly, the restricted rights of undetermined citizens are described with a parallel analysis on how great or minor effects these actually have on peoples’ lives based on the fieldwork material. Finally, the core matter – reasons behind remaining with undetermined citizenship – is addressed.

By decoding the definition of diaspora, its eligibility can be compared to the characteristics of a minority group. William Safran (1991) offers a concept of diaspora to be applied to expatriate minority communities whose members share several of the following characteristics:

- “1) they, or their ancestors, have been dispersed from a specific original “center” to two or more “peripheral”, or foreign, regions;
- 2) they retain a collective memory, vision, or myth about their original homeland – its physical location, history, and achievements;
- 3) they believe that they are not – and perhaps cannot be – fully accepted by their host society and therefore feel partly alienated and insulted from it;
- 4) they regard their ancestral homeland as their true, ideal home and as the place to which they or their descendants would (or should) eventually return – when conditions are appropriate;
- 5) they believe that they should, collectively, be committed to the maintenance or restoration of their original homeland and to its safety and prosperity;
- 6) they continue to relate, personally or vicariously, to that homeland in one way or another, and their ethno-communal consciousness and solidarity are importantly defined by the existence of such relationship.” (ibid: 83-4)

The first three indicators and to some degree also the last characteristic find confirmation among Estonian Russian-speakers, when they are imagined as a coherent diaspora group. However, a culturally bounded entity is never inherently static, internally homogeneous or an externally bounded bloc. The accuracy of these characteristics could be confirmed individually and thus shared within the community, although, the specific magnitude of these dimensions likely vary from person to person from minimum to significant. Also the

undetermined citizens of Narva do not exactly fit to the diaspora picture defined by Safran. diaspora is characterized by considering the host country as temporary home and by the desire to return to the former country of origin. The discussions with alien's passport holders however declared that Estonia is their only imaginable homeland. One alien's passport holder claimed, "We do not forget about our background, our own culture, but I have been raised in the Estonian culture, here is my home, family and work, and I am not planning to move anywhere." Another person replied, "When I am asked for my nation, I will still say Russian but concerning citizenship, despite the fact that I do not have a documented citizenship, I answer I am Estonian, because it is my country and I belong to this country. What other country? Only Estonia." They continue to acknowledge their roots and the memory of the past that might even impact their being in the present, nevertheless, home happens to be related to the present and not to the past.

Many scholars claim that the Russian-speaking identity is distinct from the Russian identity as there is much evidence that Russian speakers in the Baltic States view themselves as fundamentally different from Russians in Russia (Cheskin 2013). "While the political and territorial links between Russia and Russian-speaking identity in the Baltic States seem to be weakening, a trend towards identification along linguistic lines is recognized," (Cheskin, 2015: 75). Also Nimmerfeldt (2011: 35-6) claims that Estonian Russians ethnic identity is rather weak in comparison to ethnic Estonians, adding that family and everyday social networks and linguistic basis have greater role in identifying oneself. The Baltic Russians are increasingly identifying themselves with their countries of residence, also socio-culturally. Hence, whereas their collective memory about their origin stays present, the communal consciousness is more related to the present society which they inhabit. "Identity, according to Henry Tajfel (1981), is a part of an individual's self-conception which derives from knowledge about one's belonging to social groups, together with the value and emotional meaning ascribed to the groups," (Vihalemm & Kalmus, 2008: 907). Hereby, while the undetermined citizens strongly identify themselves as belonging to the Russian ethnic minority, the value ascribed to the group might be decreasing. Even if the group is established on grounds of *difference* from the titular ethnicity, more frequently they underline its locality and position in relation to the similarities with Estonian society. Hereto, while the difference is gradually fading, similarities are valued more. Mol (2014: 50) also recognizes greater affiliation to the Estonian nation among ethnic Russians. In spite of the lack of a common national identity,

he ascribes the stronger feeling of belonging to the concerns of individuals whose interests may lie in aspects such as the increase in common rights, free access to the EU and the remarkable growth of Estonia's economy. "The actual desire of the Estonian inhabitants to share a common life outweigh the significant differences they hold," (ibid: 64).

Vihalemm and Kalmus show, through a meso-level analysis, basing on self-identification and value orientations that mental patterns of three different generations among Estonian and Russian ethno-linguistic groups in Estonia vary greatly. They suggest that 'post-Soviet transition has brought about generational disruption in cultural reproduction, which is particularly visible among the Russian ethnic minority' (2008: 901). Moreover, the mental patterns of young Estonians and Russians bear common characteristics, which is not that common among older generations. They conclude by saying that the post-Soviet transition which brought along changes in cultural templates reached the Russian-speakers later than the native Estonians. Hereby, their understanding of cultural templates draws on Sztompka (2004) and is seen as 'collectively shared symbolic mental resources used by members of society for filtering and interpreting the facts of change' (Vihalemm & Kalmus, 2008: 903). Although, they narrow the concept 'to denote the structures of values and self-identification which they assume to be related to certain interpretations and evaluations of social change' (ibid.). Vihalemm and Kalmus (2008: 923) argue on behalf of three cultural-symbolic frameworks which are shaping the mentality of the Russian community in Estonia: local community identity entwined with spiritual and aesthetic values, subcultural identity paired with the desire for (consumer) pleasures and capitals, and global identification paired with emancipation from local structures. The alien's passport holders of Narva most significantly convey their belonging to their local community; among the habitants of their border city. Indeed, the city's characteristics largely differ from other Estonian cities. Geographical location allows the alien's passport holders visa-free visits to Russia that play an important part in their lives. In fact, the border crossing point is situated in the middle of the city, in the second most important city square *Peetri plats*, and under favorable conditions Russia can be reached in about 15 minutes. Thus, on some days even several visits are paid to Russia. Secondly, the concentration of people from Russian ethnicity in Narva sets a rather different culture of operations and language terms in the public space and in administrative offices of Narva than anywhere else in Estonia. Also in other larger Estonian cities, Russian can be used as means of operation, however, difficulties can occur, and expecting everyone to understand Russian is likely perceived as

arrogance by the natives. Therefore, for the Russian monolinguals Narva is a city where they can feel totally free in managing their daily errands in their mother tongue. Often during the discussions, it came across as if the undetermined citizenship limits the alien's passport holder's options to live anywhere else than in Narva. The city is seen as the most convenient habitation in comparison to other cities in Estonia, for example, because on the labor market Russian monolinguals are often not expected to possess any knowledge in Estonian. In other words, they as "consumers" can best satisfy their needs in the particular environment. One alien's passport holder said, "If I had Estonian citizenship and spoke Estonian, perhaps I would move to another town, where mainly Estonians live... work in another area and in a different workplace; maybe I would also have a highly paid job. With an alien's passport, I am not able to do this." This shows that Estonian language knowledge is seen as beneficial at the labour market. Hereto, Nimmerfeldt (2011) explains in the margins of the concept of transnationalism that instead of replacing affiliation to one country and society with identification to another, the immigrants increasingly withdraw from national borders conditionality (ibid: 30) and pay more attention to religious, regional, local and supranational (e.g. European) identity (ibid: 31). As a proof of the latter, also "A Study of Social Groups in Integration" shows that the people in Ida-Viru County refer to their home as an 'enjoyable atmosphere between 'one's own people' (the Russian-speaking population, we can infer), something that makes one feel at home locally,' (Helemäe, 2013: 22).

In order to better understand the 'allocation' of Russian-speakers in Estonia, the Estonian Parliamentarian, Viktoria Ladõnskaja, suggested a 'mapping of some sort'. In her perspectives,

"The first group would be those of Estonian Russians who are fully integrated. They stress that they are much more Estonian-minded than the natives themselves. They speak without any accent and they nearly do not remember what their Russian origin means. The second group would be those who have gone along with the integration policies. They speak Estonian language, but at the same time they are well aware of their roots of origin. The third group would be the people who are very loyal to the Estonian state, however, they may not be its citizens and perhaps they also do not speak the Estonian language. Although, if you ask them, 'which is your country,' then they will definitely answer, 'Estonia'. The fourth group would be the ones who live in the Russian information space. They are a bit sad that the Soviet era is over, and it is hard for them to admit today's reality which is connected with Estonia."

In her concluding remarks, Mrs. Ladõnskaja refers to a stereotyping in society, often mediated by the media, by which all Estonian Russians are seen as belonging only to the fourth group. She concludes that,

“In real life it is not so. In fact, a lot of ‘third group of people’ live in Ida-Viru County. They do not speak the Estonian language and perhaps do not even watch the Estonian television, but at the same time, they are loyal to the state. And with them we shall work. This is the weakest link, through which Russia can somehow influence our domestic policies.”

Therefore, Ladõnskaja explains similarly to Arnold van Gennep (1960) a spreading of the socio-cultural transition of a person into various phases. According to van Gennep there were three: separation, margin (or limen, standing for „threshold“ in Latin), and aggregation phases. The transition starts from dislocating oneself from a former fixed socio-cultural identity structure, followed by an intermediate phase of ambiguity, where liminal entities are in flux; neither here nor there, and ended by a normalization of a stabile order where the new-insider is expected to internalize the rules and values of a newly inhabited space. Mrs. Ladõnskaja refers to the Ida-Viru habitants as the ‘third group’, who fit into van Gennep’s understanding of the transition subjects in-between the phase of ambiguity. They show some indications of entering the Estonian socio-cultural space, although they are clearly not there yet. Hence, the Russian-speakers are, according to the politician, in the greatest need of assistance, ‘to bring them home.’ Also Mälksoo (2009: 3) adheres to the same notion, whereby ‘the „other“ closest to the „self“ could therefore be the most threatening „other“, as an „alike alter“ could potentially replace the „self“ more easily than any other alternative.’ “Human body is invariably a public dimension, constituted in a social phenomenon. Moreover, if we lose ties and bonds, by which we are constituted, we might go missing as well. We do not only mourn the loss, but become inscrutable for ourselves.” (Butler, 2004: 22) Butler rightfully explains how the unknowingness of yourself might cause difficulties especially in politics ‘where it is expected from you to place yourself in social frames,’ (ibid: 46).

Similar kind of ‘mapping’ was conducted by the EIM 2011 (Lauristin et al., 2011: 9). They used three different kinds of indexes - linguistic, political, and social - based on which integration was measured in society. This was followed by forming five clusters, each indicating a certain level and dimension of integration. Cluster A represents “successfully integrated” people (21% of the respondents); cluster B indicates strong legal-political integration, combined with poor language skills (16% of the respondents); cluster C forms

the opposite: good language skills combined with weak civic relations, characterised by a critical stance towards both Estonian and Russian politics (13% of the respondents); cluster D are mainly people with undetermined citizenship with weak language skills, however, who participate actively on a local scale (28% of the respondents); cluster E are the not integrated people, formed largely by older people with Russian citizenship (22% of the respondents).

Hereby, we see that lack of technical, political rights to participate in politics on the national scale or means an Estonian language skill does not eliminate undetermined citizen's possibility to be integrated. Even if their political interests can be implemented only on the local scale, their civic activity is not limited in any way. This was also shown during one discussion with an alien's passport holder who explained, „To be an active citizen and to love Estonia, you do not need to have its citizenship.“ Generally, in Ida-Viru County alien's passport holders' endeavors to learn the Estonian language have not been successful, however, during the fieldwork, this was always acknowledged with sorrow, as otherwise they *could* obtain the citizenship and participate more in the native politico-socio-cultural domain. „I am trying to learn Estonian in order to get the citizenship, maybe by my retirement at least..“, one person explained. For her the citizenship is clearly not instrumental but holding a moral value. While one alien's passport holder in Narva claimed that his relationship to Estonia is not important at all, the others had positive emotions towards the state and they placed importance on participating in local society. „It [the connection between me and Estonia's society] is very important. Sometimes I feel a lack of a connection between myself and the government. However, I want others to listen to my opinions and political views. I cannot participate in the political life of the country. I can vote at the local elections, but this, to my mind, is not enough. I also want to participate in the parliamentary elections,“ an alien's passport holder explained. Surprisingly, even if they mostly did express positive thoughts towards Estonian citizenship and society, it was complicated for them to identify the positive effects that Estonian citizenship would grant them. In fact, half of them did not know to name any: „I do not know what advantages an Estonian citizen has got,“ „I have not faced this issue, so I cannot answer this question,“ „I do not really know what benefits such a person has in the Republic of Estonia.“ Another alien's passport holder said, “The state should make the reason why the Estonian citizenship is necessary visible to other people and to me as well.” Therefore, the citizenship needs not to be a prerequisite for establishing an emotional connection with the

state, or to acknowledge it as one's own. The Estonian Russians' emotional connection to the state is not in correlation with their citizenship status, whether it is Estonian, Russian or undetermined. The presence of the first does not automatically ensure the presence of the second, and the other way around. Thus, even though 'ethnic groups continue to be understood as entities and cast as actors' (Brubaker, 2002: 165), the integration strategies shall be tailored as much as possible to the occurring different needs of various identity profiles.

"Historically at least, aliens have acquired the full panoply of civil, economic, and political rights only through naturalization in their country of residence," (Earnest 2006: 245). "A stateless person is usually faced with a number of legal and practical problems, which may include the inability to prove his or her identity, to travel, to register marriage or partnership, to access healthcare, employment, or housing, and so on," (Swider, 2014: 6). However, the Estonian undetermined citizens do not face any of these difficulties. Also Swider (ibid.) admits that, „The non-citizens of Latvia and Estonia are examples of stateless populations with access to decent standard of living in their countries of residence."

The Interior Ministry explains, "The alien's passport holders live in Estonia on the basis of residence permits, just like other Russian, Latvian and other EU nationals or third-country nationals with whom they share all the same rights. It is not so that Russian citizens are somehow privileged compared to them. If they need any help somewhere abroad, it is still our responsibility to care for them the same way as we do for our own citizens, since they have a residence permit released in our country. They are our people." Furthermore, the alien's passport holders were more struggling to indicate any negative effects on their form of identification than positive aspects. While the prevailing positive aspect for everyone is the possibility to travel visa-free to Russia, the limited suffrage was indicated twice as a negative aspect, as for others no restrictions of rights were seen in regard to their undetermined status.

"The processes of urbanization taking place in the 20th century across Europe (after World War II in particular) on the one hand, and the emergence and development of welfare states on the other, posed some serious challenges to democratic countries, including the role of local government in a changing society, to the relation of democracy and effectiveness, and to the capacity of municipalities to perform the tasks connected with the development of a welfare state." (Mäeltsemees, Lõhmus, Ratat, 2013: 84) Municipal administrative councils

in Estonia are usually responsible for planning and maintenance of the network of educational institutions as preschool, primary and secondary schools, providing public transport and social services, organizing regional planning, waste management and cultural associations as theatres, libraries and cultural centers. Therefore, undetermined citizens' right for local suffrage still provides a possibility to have a say on a number of locally important matters, or as Bauböck (2003: 151) puts it 'provides political representation in decisions that affect their most immediate interests.' At the same time, the local administrations have no say in regards to citizenship legislation; therefore, the undetermined citizens cannot influence the developments in citizenship policies. Indirectly, they could advocate their opinions through parties that are elected to Parliament or are represented in the government. Another option would be forming independent lobby groups with the aim of persuading the parliamentarians, however, none of these have been established in Estonia until today.

When looking at the technical obstacles that impede alien's passport holders acquiring Estonian citizenship, a lack of language skills is indicated most commonly. Hereby, the required level is B1, which is higher than the beginners' level A2, yet, lower than the intermediate level B2. The language exam is divided into written and oral parts, although, since February 2015, seniors at the age of 65 and older are exempt from the written exam. The international political actors often problematize too strict citizenship requirements for undetermined citizens as the main obstacle in the nationality granting process. Hereby, the Ministry of Culture reckons the Citizenship Act, which has remained largely the same over the years, to be relatively conservative. "It is a politically sensitive issue. I think it could be more flexible and take greater account of the wishes of the target groups," the official explains. For example, Estonia has prohibited dual citizenship and in turn Russian nationality is chosen instead of the Estonian one. The latter enhances the segregation in society even more. The alien's passport holders in Narva mostly see the language examination as too difficult to pass, however, they all think that citizenship cannot be given 'just like that.' One person explains, "Citizenship as such should not be given for nothing. One should have a certain wish, and this wish should be reflected in your actions." Another person claims, "It is also important to show that one is fluent in Estonian and s/he really wants to obtain the citizenship."

The undetermined citizens of Narva often emphasized that they have neither time nor the necessity to obtain citizenship. Whereas the need refers to practical reasoning, the lack of

time is more likely an ‘empty’ cause. If there were a will, there would be a way. But if there is no need shown in the will, there is no need to find a way. Also, as the discussions have proven, the reasoning often leads to historical events that have caused emergence of emotions and feelings that hinder personal devotion to the Estonian Republic. Indignation was expressed in a way that if a person was born in the country, or lives, works and pays the taxes for his/her entire life in the country, he or she shall be given citizenship automatically. Also, it was questioned, “What more loyalty does the state want from the people?” The people are seeking recognition from the state, to feel valued and treated equally to the natives. As Butler (2004: 44) explains, “We are not separate identities in the struggle for recognition but are already involved in a reciprocal exchange; an exchange that dislocates us from our positions, our subject-positions, and allows us to see that community itself requires the recognition that we are all, in different ways striving for recognition.”

On the other hand, the officials’ opinions regarding the lack of emotional connection between the state and alien’s passport holders varied greatly. The Interior Ministry declared that, “It [the will to grant a citizenship] is one’s own inner desire that for us to change is very difficult. How we then would go and ransack in one’s conscience!? Of course we make efforts and try all kinds of soft methods, but we cannot compel anyone.” The Ministry of Culture also states, “We cannot force people to take the Estonian citizenship, we’re trying to create the necessary conditions so that they themselves make the decision in favor of citizenship. Any forcible action causes counteraction. Moreover, possession of Estonian citizenship does not guarantee loyalty to the state.” Also the Estonian OSCE representative shares their opinion. The Parliamentarian, though, sees the issue from a different angle, as she claims, “It is necessary to deal with the emotions and feelings that are behind the different behavior patterns; these are the real reasons why people until today have not acquired citizenship.”

The problems that we encounter here is the double marginalization of the people who are *not anymore* at home in Russia and *not yet* at home in Estonia. Reflecting on the fieldwork, the words of the Minister for Ethnic Affairs in 1999 about Narva being Narva and not Estonia holds true also today. In Nimmerfeldt’s (2011) study some participants in Narva drew a clear distinction between “their” city (and Ida-Viru County in more general) and the rest of Estonia, especially Tallinn, “pronouncing point-blank that “Narva is not Estonia”. In response to the moderator’s question specifying what then comprises Estonia, the

respondents said that “Estonia is out there, in Tallinn and elsewhere.” (ibid: 47) Also the Parliamentarian, Viktoria Ladõnskaja, stated, “A large part of Estonian Russians suffer under a 'homeless person complex'. To root this out of them, there is a need to create a situation where they feel that Estonia is their home. Similarly, it is necessary for the state to recognize that these are our people.” As Nimmerfeld (2011) explains, “To become attached to a society, a person needs to feel welcomed and respected as a part of it; based on these feelings, the sense of belonging will develop and this will be reflected in the desire to call the resident country home.” (ibid: 23) Although, the people from both ethnicities, from both majority and minority sides, preserve some kind of (national) pride in their expressions, deeming themselves as ‘right’ and expecting the other side to join their truths. And the continuation on this path hinders the creation of shared space of a common home. “In order to develop narratives as part of the reconciliation strategy, the conflicting parties must alter the existing exclusive paradigm and substitute it with narratives of common experience, emotional connectedness, and elements of new or revised intergroup linkages,” (Budnitskiy, 2012: 29).

7 DISCUSSION

This thesis has come into being as a proof that after 24 years of the fall of communist rule in Estonia, the process of post-Soviet transformation has not come to an end. It shows how the imagined realities of the official law, *de jure* policies, might not always correspond to the actual realities of social processes on the ground, to the *de facto* policies. Technically, the laws can impose a quick institutional change, but the socio-cultural aspects follow more gradually. “Understanding of the self/other relationship in-between the Baltic States and Russia suggests to conceive identity as a triadic structure where in-between a self and other there is space for different liminal figures that cannot be affirmatively characterized as either one or the other,” (Mälksoo, 2009: 4). The ethnographic fieldwork in Narva sought to observe and interpret those in-between ambiguous and unique spaces that former Soviet citizens and now Estonian undetermined citizens inhabit. And to prove that people without a citizenship primarily don’t present a legal matter, but a phenomenon with a human perspective which is embedded into policy worlds.

Analysis of the legislature shows that the integration measures have developed significantly since 1998 when the first official stand was taken with the Action Plan. Estonia has moved from a society with 32 percent undetermined citizens in 1992, 13 percent in 1999 and 9 percent in 2007 (Estonian Integration Strategy 2008–2013: 11) to 6,3 percent as of March 2015 (Estonia.eu homepage 2015). As the statistics show, the numbers have dropped steadily. As a result of Estonian accession to the EU in 2004 the number of naturalized citizens per year almost doubled, because an Estonian citizen was automatically also an EU citizen. However, the numbers again decreased in 2006 when the alien’s passport holders’ permanent residence status was equalized with the status of long-term residence permit of the EU citizens. The latter granted alien’s passport holders the right to work and travel visa-free within EU, lowering the need for Estonian citizenship. Today, we still witness little over 90 000 people who are not citizens to any country, who have no right to elect or be elected to the *Riigikogu*, to vote or run for a seat in the European Parliament, to serve in the military or be employed as a civil servant, and no guarantee to be given diplomatic protection from their nation-state. Regarding the latter, though, the Ministry of Interior explained, “In fact, when our own alien’s passport holder is in trouble somewhere abroad, then we would not leave him/her out there alone with the concern. Of course we try to help. It could just be that sometimes the other country

involved may not recognize our desire to provide the aid. They might argue: “They're not your citizens!””

Earnest (2006: 242) states, “We are witnessing an era of large-scale migration where the number of resident aliens in democracies has grown explosively which presents both moral and practical dilemmas for democratic governments and their societies.” Hereby, the Estonian experience with numerous inhabitants of undetermined citizenship may offer the rest of the world a notable example. They have created a school system that for decades offered Russian ethno-linguistic children education in their native tongue. In the name of greater integration, after ten years of preparatory work and four years of preliminary transition, the Russian-language secondary schools were transferred to a 40/60 system with the law amendment in 2011. Furthermore, all third-country nationals who live in Estonia and have a valid residence permit or the right of residence are entitled to access the Estonian social security system which includes three kinds of contributions: unemployment insurance, health insurance and pension insurance (EMN, 2013). The undetermined citizens are not deprived from any of the social rights since the social security system is not based on citizenship, but on the principle of solidarity. Additionally, all aliens residing on Estonian territory are provided identification documents, alien’s passports that today also serve as valid travel documents. Hereto, while the policies can provide theoretical and technical means for societal involvement, in reality the process of integration is carried out by the members of society, through the participation and relationships created between different ethnicities. Also Solska (2011) and Mol (2014) are of the opinion that solely changes in citizenship policy do not lead to a shared national identity. In the Estonian case it is proven that technical measures alone, which seem to be substantially in place, are not sufficient for a coherent society where minority can be and feel equal to the natives. While the emotional readiness of both parties is crucial for the integration progress, then the existence of a citizenship may, but does not have to be a prerequisite for its success. Yet again, the emotional linkages are not something that could be forced or decided upon; they are a matter of natural progress.

Nimmerfeldt (2011) gives an example on how official, bureaucratic formation of one’s identity may not mean that emotionally one identifies him/herself with the country. Her subjects of study, Estonian Russians with an Estonian citizenship as well as those without it, provided examples on the occasions they deemed themselves as Estonians. For example, while being abroad or during the process of filling in forms, when they were asked where

they come from they, as well as others, consider themselves Estonians, even though these same people do not identify as such in Estonia. (ibid: 38)

Taken-for-granted understandings on alien's passport holders and on integration process in general are historically constructed, socially mediated and culturally meaningful. The circulated emotions between native and Russian Estonians are certainly shaped by the historical specificity. With the legislation of newly independent Estonia, ethnic Russians were cut off from the political sphere and from the labor market due to language and/or citizenship restrictions. An insistent naturalization procedure and directed integration measures can be reasoned through hardships of Soviet occupation. Furthermore, the political decision-making was influenced by negative emotions projected onto the people with roots in the Soviet Union's successor state, Russia. Turning to Ahmed (2004: 108), "First, shame may be 'brought onto' the nation by illegitimate others (who fail to reproduce its form, or even its offspring), such as asylum seekers. Such others are shaming, because they do not approximate the form of the good citizen. As citizens, they are shaming because they cannot reproduce the national ideal." This particular shameful incapability to live up to the envisioned ideal is embedded into the 'informal aspects of belonging' (Brubaker, 2010: 65), whereby the division between *us* and *them* is operated by ordinary people within their everyday lives. When the minority is perceived as a threat to titular natives' survival through everyday practices, also the formal, documented membership to the nation is undermined. Therefore, the informal acceptance of the *others* in society and letting go of the judgement of past events are of primary importance for minority-majority matters in Estonia.

Clustering Estonia along the homogenous ethnic lines and describing it as an „ethnic constitutional order“ (Peleg 2007) causes misapprehensions between the states' representatives mostly in the sphere of international politics and at the diplomatic level.

“For Western observers the minority is always considered to be subjected to the oppression of the majority. At the same time the existential issues dealt with by the majority population of newly independent states are undermined, especially if the majority happens to have been colonized and suppressed for centuries by great neighboring nations (now turned into the motherland of the new minorities).” (Lauristin & Heidmets, 2002: 23) Also, the Ministry of Culture explains how the foreign policy actors perhaps would approach the Estonian situation differently if they were more aware of its specific societal background. “If you constantly emphasize one thing, and that is unacceptable to a certain

target country, this activity has no effect. But if you know the background of the situation, then you know better to provide them with ideas and solutions,” he notes. Lauristin and Heidmets (2002; 23) explain further, “The external view generally draws on some abstract model of democracy, established on the basis of empirical material of other societies, and holds that the state of affairs in Estonia falls outside the theoretical pattern in some vital ways. As a result, the situation is interpreted as a deviation from the norm – for instance, as an ethnic democracy, or as a generic conflict between notions of democracy and of the nation-state.” The external view is considered as spatially and emotionally distanced from the subject it reviews and criticizes. Additionally, western observers draw on the examples of other localities and hence incline to neglect the specifics of a particular site, situation or people. At the same time, practices of other states can become useful, although, these must be tailored to each locality individually.

Katja Swider (2014: 6) claims that the lack of citizenship in Estonia is highly controversial from the political point of view. However, the presence of significant numbers of undetermined citizens in Estonia is seen as problematic only for international political actors. Domination of native Estonians over other minority ethnicities is not an acute topic domestically, firstly, because of the passive nature of civil society and secondly, it is not seen as a valid concern. “The parallel existence of two ethnic-cultural communities is not seen as a problem because conflicts don’t occur in daily life, and erasing the divisive borders is seen as neither necessary nor even possible (ethnic differences are seen to a large degree as being ‘natural’),” (Drozdova & Raudsepp, 2013: 15). As the Ministry of Culture describes, “People of Ida-Viru County are characterized by the so-called passivity, which is, on the one hand, influenced by the fact that people have gotten used to their situation, on the other hand, they may not believe that something could be changed.” An alien’s passport holder also explains, “Old people are already accustomed to the fact that society [and countries] may be changing, regardless of the fact if they themselves have moved anywhere, but life goes on unchanged.” In the eyes of the alien’s passport holders, their undetermined status does not form any problems as such. Some even see their status as something special because of the visa-free travel possibilities. An alien’s passport holder states, “I just do not see any difference which passport I have at home in the drawer. This is just some kind of paper that I’ll show when I travel to somewhere.” This explains how democratic ways of governance create spaces that allow people to make their own choices, as Shore and Wright (2011: 16) noted, ‘individuals can appropriate and manipulate the

resources of government behind the scenes to more personal political ends' that might deviate from the path anticipated by the governments. "Furthermore, more self-calculating, self-reliant and responsabilized individuals emerge [...] who can exercise their creativity in shaping the kind of institutions and policy worlds that they would wish to inhabit" (ibid: 21). The alien's passport holders of Estonia have made self-calculated decisions within the legal spaces that government has created, simply the ends, chosen by these people, are not always coinciding with the ones policy makers anticipate and international actors agree upon.

The alien's passport holder further explains, "I think that, if the current alien's passport holders want to have any citizenship, they want Estonian citizenship. They should not be called as a problem, as it is done at the political level. As my teacher of psychology once said, there is not a problematic child; there is a child who has problems." The interviews clearly prove that undetermined citizenship is not taken as a problem by the state officials. To put it another way, often I found myself defining the issue alone; the phenomenon of existing little more than 90 000 people of undetermined citizenship is not given much significance in the public sphere. "Sometimes it seems that the whole world sees them as a problem but we do not take them as a problem. At times, it is thought that we keep them detained in a cave or out of the day light, and they are not given anything to eat, but it's not quite so," the Ministry of Interior vividly explains. The state makes an effort and engages publicly in the field of integration which target Russian ethno-linguistic people in general, among whom are also alien's passport holders. The latter group is exclusively addressed only by very few and insignificant socio-political measures. More often they are addressed because of their belonging to an ethnic minority, irrespective of the existence or absence of citizenship. Discussions with political actors show that the phenomenon of undetermined citizenship is undermined, too often simplified and neglected on the domestic political scale. Statements as: "If s/he wants to be a citizen, well, go and submit your application!", "It's exactly like that, live your eight years in the country, learn the language and basically nothing more is necessary!" and "True, the Estonian citizens' right to travel visa-free to United States and some other countries [as Turkey, for example] does not apply for alien's passport holders, but how often do they go there anyway? Undetermined citizens living in Narva go much often to Russia," characterize some prevailing attitudes. Citizenship is not understood as the right to have rights, because the government is of the opinion that undetermined citizens in Estonia already have most of the rights. Moreover, the claims

made in regard to undetermined citizenship status are seen as indicators of other deficiencies in peoples' lives, such as lower education, difficult economic situation, lack of social support or lack of titular language knowledge.

On the other hand, the international human rights agents do see the undetermined citizens as a major concern in the provision of human rights or as a security threat that needs a certain solution and 'fixing.' The OSCE, the European Commission and the United Nations Refugee Agency continue to encourage Estonia to increase action to eradicate statelessness in the country. This is also proven by the latest UNHCR comments on the proposed amendments to the Estonia's Citizenship Act (Comments by the United Nations 2014). Among other comments, the UNHCR also referred to the non-consistent use of terms between the Estonian legal system and the sphere of international law. Since Estonia separates the undetermined citizens from internationally recognized stateless persons, UNHCR noted that 'whether or not a person is stateless as per Article 1(1) of the 1954 Convention depends only on whether that person is considered a national by any state under the operation of its law.' Moreover, 'the *subjective will or capacity* of an individual to acquire citizenship of any country is not relevant in this assessment,' (emphasis added). The latter aspect, though, is exactly the point from which Estonia derives its distinction. The government underlines that undetermined citizens have the capability to obtain citizenship while the stateless do not. UNHCR continues to persuade Estonia to accede the two UNHCR Conventions on Statelessness (Letter by the United Nations 2014). Moreover, even if Estonia remains one of the few European Union Member States that is not yet a party to the conventions, the UNHCR has successfully imposed its recommendations according to the views agreed upon within these documents. The new amendments to the Citizenship Act that will be enforced on 1 January in 2016 have been long advocated by the Refugee Agency. Hence, even without having acceded to the agreements, these already have an indirect effect on the formulation of national legislation.

It should be admitted that alien's passport holders' opinions are considered in an inadequate or a non-existent degree in formulating the legislature which relates to them. However, it would be also appropriate to note that their voice doesn't echo outside the informal circuits of discussions held among them. There are no lobby groups or civil organizations that are established only by themselves or for themselves. Undetermined citizens' opinions are transmitted only through organizations that are formed on the basis of ethnicity or belonging to a minority group of some other kind. This means that the

interests of the minority representations are not explicitly embedded in the issue of undetermined citizenship. The lack of representativeness might be an evidence of unnecessary need for this kind of group, as well as, a sign of a lack of motivation and belief that their opinions could matter, or bring along any difference.

Living in a society that is divided by linguistic markers and ethnic interaction spheres hinders establishing a common national identity. To eradicate segregation between ethnicities, we have to focus on the realities of the present and possibilities for the future, instead of being affected by the losses of the past. “We are not only the past that we (can) remember, but also the past that we can forget,” (Mälksoo, 2009: 8). It would be time to recognize that Estonia is a multiethnic society and not an ethnic constitutional order. Hereto, the existence of a large number of alien’s passport holders forms an exceptional instance for many international observers, although, a rather usual matter for Estonia, and especially for Ida-Viru County, including Narva. The local officials take the phenomenon as a natural effect of historic events and do not declare it as problematic, let alone “inhumane” as the Republic’s eastern neighbor wishes it to see. It is most important to stay true to the perception that the people themselves can decide, firstly, if at all, and then, when, for which reasons, and which country’s citizenship they would like to acquire.

8 CONCLUSION

This dissertation is observing closely three different kinds of agents – state officials, the international political domain and alien’s passport holders – who are all embedded into the social phenomenon of undetermined citizenship. In fact, all of these agents are continuously engaging themselves into various social fields with aims to solve the occurring problems by using available means within constructed policy fields for their personal objectives. Hereby, for international political actors the problem is statelessness which they seek to eradicate through diplomatic persuasion and binding conventions, in order to ensure the maintenance of a nation-state system. For the Estonian state the problem is international observers who advocate for less complicated naturalization procedures, as well as, the *jus soli* principle. They deny any acquisitions of mistreating the former Soviet citizens through the provision of socio-political rights for alien’s passport holders and through defending their *jus sanguinis* citizenship principle. Also, their position stems from the definitional difference of statelessness and undetermined citizenship. For alien’s passport holders the problems are limited political rights and low participation in society due to the lack of language skills and common cultural elements. Even though they remain to be segregated from the ethnic natives, they have found their ways to feel at home as is shown on the Narva’s living environment. The phenomenon of undetermined citizenship stems from historic events, partly constructed by the Soviet occupation and partly by the time when the Republic had restored its independence. The ways in which socio-cultural, institutional and legislative domains were transformed and created are justified by the unjust deprivation of liberty of a nation and its people who were subordinated by occupational powers several times. Or as Brubaker (2011: 7-8) has noted, the policies were oriented towards protecting, strengthening, and empowering the core nation whose very survival was at stake. The regained independence gave the natives a right to reverse the historic subordination for example by temporarily cutting off the possibility to participate in the 1992 parliamentary elections for those who had to acquire the Estonian citizenship through a naturalization process. Estonian undetermined citizens are mostly people belonging to the Russian minority who were left without citizenship after the Soviet Union fell. Russian ethno-linguistic people also form the primary subjects of Estonia’s integration policies that are all analyzed under the research endeavors for this thesis. These policies have been complimented by the analysis of Citizenship Law. Secondly, as language and education were for a decade the core topics of Estonia’s first

integration measures, the Language Act and its development is given heightened attention. Thirdly, undetermined citizens are the target group of the Aliens Act that regulates several matters such as employment, residence, education, social services, and human rights regarding aliens residing in Estonia. In the light of these laws, it is shown how the integration strategies have developed very gradually, withdrawing from a 'directed' take and taking a comprehensive form and inclusive action just recently.

The political discourses create and affect institutional and social normality that shape people's thoughts, emotions and actions accordingly. Consequently, these intrinsic habits provide reasoning to alienate *us* from the *others*. This is proven by the regional segregation and division in personal interaction spheres between ethnic Estonians and Russians living in Estonia. The citizenship as an essential attribute in integration policy documents that offers the excluded other to become politically and legally included. However, in order to acquire a legal recognition as a citizen, one has to embrace the characteristics of native culture and traditions, which is seen as a gateway to a prerogative society. Nevertheless, the former social and political pressure on the Russian ethno-linguistic group to consolidate their cultural roots, in order for the natives to accept them as their own, is diminishing. 'Uni-directional' (Drozdova & Raudsepp, 2013: 16) or (linguistically) directed integration policies which view minorities as objects describe the integration endeavors during the first couple of decades after Estonia regained its independence. However, the most recent integration strategy, "Lõimuv Eesti 2020", clearly has rehabilitated the value of being Estonian by attaching it to the state and not to the nation. Pragmatism and personal gains are important matters that have supported the persistence of Estonian society as a single entity even if its population has been segregated along ethnic lines and ethnicities that struggle to find a common core. Yet, while the political discourse might be changing, the number of undetermined citizens still remains remarkable. Alien's passport holders struggle to indicate the reasons how the local citizenship would improve their lives. Their undetermined citizenship status rarely causes them inconveniences. On the example of alien's passport holders in Narva, mainly practical reasons to travel between Russia and Estonia visa-free keeps them from acquiring any citizenship. Even if the *others*, who hamper the 'norm to take form' in society, threaten the order of the nation-state and cause inconveniences in the international political sphere between the diplomatically acknowledged actors, they still have the right to maintain their 'special' status. The alien's passport holders of Narva have made self-calculated decisions within

the legal spaces that democratic governance creates, only the results, chosen by these people, are not always coinciding with the results policy agents anticipate.

The empirical material, gathered during the fieldwork in Narva and Tallinn, has helped to analyze in depth the understandings and every day practices of undetermined citizens of Narva. Situating these among the frames and discourses, installed by local and transnational political actors, indicate the ways by which they are shaped and contested. Hopefully, this thesis helps to bring undetermined citizens' voices to the attention of law makers and other political key actors, in order to better understand the ethnic minority-majority matters in the Estonian society today.

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APPENDIX

I. Interviews' questions

Questions directed to officials whose position entails work with statelessness in Estonia

1. How does your organization/institution come across undetermined citizenship issues in Estonia?
2. In which ways do your activities entail direct communication with alien's passport holders?
3. What do you think are the main reasons why the undetermined citizenship issue in Estonia remains?
4. What are the most common obstacles the alien's passport holders face when applying for Estonian citizenship? In which ways could the government ease the citizenship granting process?
5. Can the foreign policy events impact the undetermined citizens' decisions in applying for citizenship?
6. If and how do the opinions about the necessity to grant Estonian citizenship change with changing generations?
7. The international political sphere thinks that Estonian citizenship law is rather strict. What is the standing point of your organization towards this opinion?
8. Why has Estonia not ratified either of the two United Nations Conventions on Statelessness (1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness)?
9. Do the alien's passport holders encounter any difficulties resulting from the law in their everyday life (for example, regarding recruitment)? Which difficulties?
10. Has your organization registered situations where alien's passport holders are anyhow discriminated in the society? Which situations?
11. What do you think are the most important benefits an alien's passport holder receives because of his/her status?
12. Does and if yes, then why does your organization see the undetermined citizens' right to travel visa free between Schengen area and Russia as justified?

13. Please specify whether the following statement is for you: very important, slightly important, not important or not important at all. "Citizenship is based on ethnic membership which derives from one's origins".

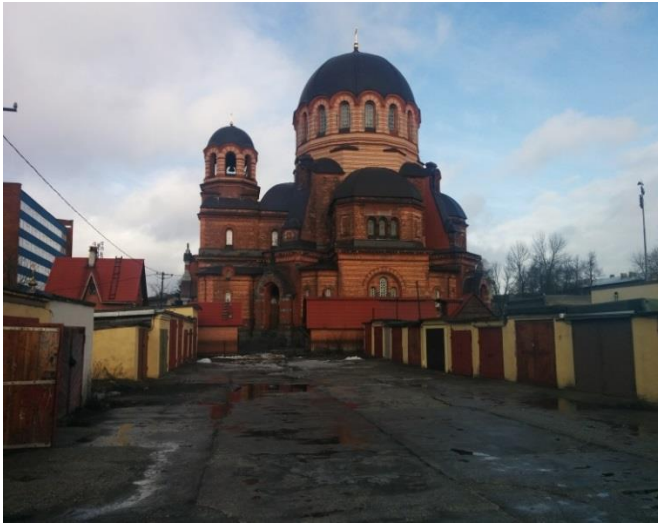
14. Would you like to add something to our conversation?

Questions directed to alien's passport holders

1. Could you please indicate the reasons for not having taken any country's citizenship so far?
2. To which country's society do you feel the most affiliated?
3. How important is the link between you and the Estonian society to you?
4. What are some advantages and disadvantages of your having an alien's passport?
5. Have you ever come across strangers forming their opinions about you by considering the fact that you are an alien's passport holder?
6. Have you ever applied for the citizenship of any country? If you have, why have you been denied it?
7. How would you characterize the process of the application for Estonian citizenship?
8. Are you aware of the free learning materials and assistance that is offered by the government for those applying for citizenship?
9. Why do you think there are so many undetermined citizens in Estonia?
10. What could the government do better to reduce the number of undetermined citizens?
11. In your opinion, what advantages does the Estonian citizenship entail?
12. If you had Estonian citizenship, how important would the right to vote be for you or how important would it be to be elected at the parliamentary elections?
13. With succeeding generations, is the idea concerning the importance of having Estonian citizenship changing?
14. Please evaluate how important the following statement 'citizenship bases on the ethnic, hereditary origin.' is for you? Is it 'very important', 'rather important' or 'not important'? Why?
15. Would you like to add anything to our conversation?

II. Photo material

The copyrights of the following images belong to the author of this dissertation.



Picture 1 The Lords Resurrection Cathedral in Narva and its surrounding of garages



Picture 2 Inside of The Lords Resurrection Cathedral



Picture 3 The contrasting view of the old Town Hall (straight ahead) and new Narva College building (on the left). The high “forehead” of the College represents the old placement of the historical stock exchange building.



Picture 4 View to the Russian Embassy



Picture 5 Last standing Lenin statue in Estonia is located in the courtyard of Narva Hermann Castle



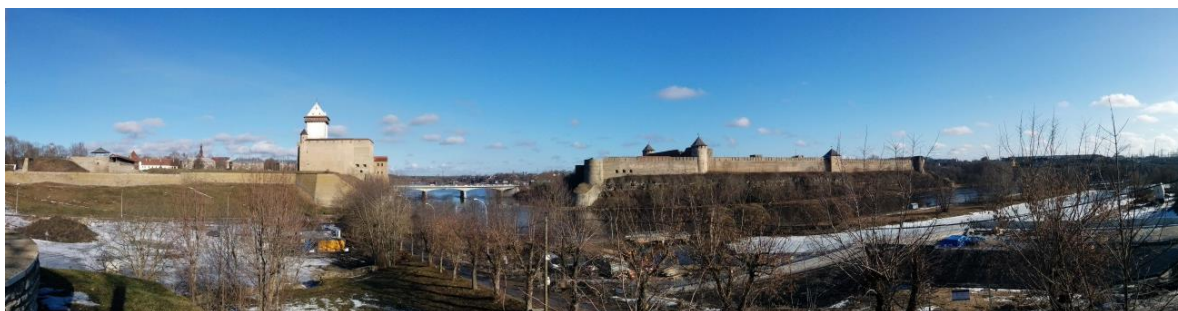
Picture 6 Narva local men sunbathing



Picture 7 People standing in the line at Narva border crossing point



Picture 8 View to the Russian Ivangorod Fortress on the left and Narva Hermann Castle on the right and the Narva River in between, as well as the bridge between Estonia and Russia which is called the “Friendship Bridge”



Picture 9 View to the Hermann and Ivangorod Castles from the South



Picture 10 View to the Krenholm Manufacturing Company

III. Curriculum Vitae

Personal information

First name / Surname: Marianne Karu
Address: Würtzlerstrasse 11-7,
1030, Wien, Austria
Mobile: +37255510155
E-mail: marianne_karu@hotmail.com
Nationality: Estonian
Date of birth: 11.02.1991
Gender: Female



Education

03/2013- 10/ 2015 Joint European Master Degree at University of Vienna, Vienna, Austria
Major subject: CREOLE - Cultural Differences and Transnational Processes
Master's thesis: "Determining the Rights of Undetermined Citizens in Estonia. On the Examples of Alien's Passport Holders in Narva"
09/ 2009- 01/ 2013 Bachelor of Social Science at Tallinn University, Tallinn, Estonia
Major subject: Politics and Government
Field of specialization: International Relations
Bachelor's thesis: "Labor immigration to Austria from third countries with the examples from guest worker programs and „Red-White-Red“ cards' system"
09/ 2000- 06/ 2009 Pelgulinna Gymnasium, Tallinn, Estonia
High school Diploma (Matura)

Exchange Semester

02/ 2012- 06/ 2012 ERASMUS Exchange Semester
University of Vienna (Vienna, Austria)

Working Experience

06/2014- 09/2014 **United Nations High Commissioner for Refugees, Vienna International Centre**
Intern at UNHCR Liaison office to the OSCE and Vienna-based UN Agencies
Responsible for drafting daily, weekly and monthly reports about various OSCE Field Missions, attending

07/2013- 09/2013	meetings and following discussions, preparing presentations, and administrative support Estonian Ministry of Foreign Affairs , Islandi väljak 1, Tallinn, Estonia Intern at Public Diplomacy Department Responsible for International, American, German, Austrian and Swiss Media monitoring and drafting weekly news about Estonia on Ministry's website
03/2013- 06/2013	OSCE (Organization for Security and Co-operation in Europe), Wallnerstrasse 6, Vienna, Austria Intern at Permanent Mission of the Republic of Estonia to the OSCE Responsible for writing memos, attending meetings, preparing statements, and also as technical help

Workshops, Seminars and Qualifications

03/2015 – 04/2015	Fieldwork in Narva, Estonia. For Master's thesis purposes.
12/2013 – 03/2014	ELSA Day 2014 – “Asylsuchende in Österreich – Zwischen Recht und Realität”, podium discussion, Vienna, Austria
01/2014	„Facing Changing Realities- the Evolution of UN Policies“, ACUNS Vienna UN Conference, United Nations, Vienna, Austria
11/2013; 11/2014	“Aspire. Manufactory of Change Congress”, Vienna, Austria
02/2012 – 12/2012	German language Course (B1-B2), Sprachenzentrum der Universität Wien, Vienna, Austria
AIESEC Conferences:	
2012 autumn	„LIC - Local Induction Conference“, AIESEC Vienna WU “ALPS - Austrian Leadership Preparation Seminar”, AIESEC Austria
09/2011 - 02/2012	Russian Language Course (B1), Tallinn University, Tallinn, Estonia
02/2011 – 06/2011	German Language Course (A2), Tallinn University, Tallinn Estonia
2007 summer	Youth Exchange in Greece „Cultural Differences“, ESTyes Organization

Personal skills and competences

Languages	Estonian	C2 (Native)
	English	C1 (Fluent)
	German	B2 (Good)
	Russian	B1 (Basic)