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THE IMPACT OF EUROPEAN ACCESSION UPON LANGUAGE POLICY IN THE BALTIC STATES

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ABSTRACT. The deliberate changes to language regime undertaken in post-Soviet Estonia and Latvia have had significant repercussions for their accession to the EU and NATO. Charges of discrimination against Russian-speaking minorities have led countless European delegations to survey the Baltic States, resulting in a mixture of approval, advice and warnings on language, citizenship and integration issues. While these interventions have been justified by assertions of international human rights standards, such standards as exist have been devised for very different minority situations, and their relevance to the Baltic States is often contested. The article points to an evolving critique of the minority-rights based approach of European institutions, and examines the specific sociolinguistic situation in the Baltic including the often unrecognised attitudes of the Russian-speaking minorities. The Baltic case has wider resonance for other small national languages seeking to reassert their status against former imperialistic language regimes.

KEY WORDS: Baltic States, changes to language regimes, citizenship, European organisations, human rights standards, language laws, language minorities, minority rights, post-colonialism

INTRODUCTION

In November and December 2002, at formal meetings in Prague and Copenhagen respectively, invitations to join NATO and the EU were extended *inter alia* to the three Baltic states of Estonia, Latvia and Lithuania. Besides the expected issues of defence budgets and fish quotas, issues of language policy have featured more prominently in these organisations' vetting of candidate countries than may have been expected, extending to threats of non-acceptance if European or NATO demands are not met. Recent Baltic language policy developments may also have wider implications, particularly for those seeking to maintain and defend the use of smaller national languages as they emerge from imperialistic language situations.



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BACKGROUND TO BALTIC LANGUAGE AND CITIZENSHIP ISSUES

The interest of international organisations in Baltic language policy arose in the dramatic circumstances of the break-up of the Soviet Union. In the late 1980s, all the non-Russian republics reasserted the status of their national languages, counteracting the previous dominance of Russian, and bringing significant criticism from Moscow. Conflict with Moscow became even more intense for the Baltic states after their renewed independence in 1991, when Moscow charged these states with discrimination against their large Russian-speaking minorities, an attack that has lasted in the case of Estonia and Latvia to the present day (Alksnis, 1991; Ramishvili, 1998; *Prima News Agency*, 2002).

There is a substantial literature on the former Soviet and present Baltic linguistic situations. Soviet language policy, including the marked features of asymmetrical bilingualism (Russians remaining largely monolingual, while non-Russians needed to become bilingual to function at any level in the Soviet system) has been well researched (Lewis, 1972; Kreindler, 1985; Knowles, 1989; Smith, 1998). Nørgaard (1996) and Smith (1996) have covered the significant demographic changes that affected the Baltic states through migration from the other Soviet republics, reducing the titular nationals to 61.3% of the population in Estonia by 1989 (down from a pre-war 88%) and to 52% in Latvia (down from 77%). Lithuanians' proportion remained largely unchanged, at 79.6% (down from 80.6%). Few settlers also learnt the local languages (Kolstoe, 1995: 89).

Baltic language laws, strengthened after independence, required that all those working in situations of public contact must be able to demonstrate their competence in the national language; other requirements covered the increase of teaching of the national language in all school systems, signage, and measures promoting the national languages in broadcasting, publication and public life (Maurais, 1991; Rannut, 1994).

Lieven (1993), Misiunas and Taagepera (1993), Aarebrot and Knutsen (2000) and Jubulis (2001) have also detailed the restrictive citizenship laws in Estonia and Latvia, who considered their settler populations too large to grant automatic citizenship; while many settlers supported Baltic independence, parts of this population also had exhibited hostility to renewed independence and hoped for Moscow support. As Hogan-Brun and Ramonienė's (2003) recent article in this journal demonstrated, the different demographic situation in Lithuania led to that country granting automatic citizenship to all legitimate permanent residents, and subsequent language and integration policies have taken a different path.

In Estonia and Latvia, citizenship was granted to those (of whatever nationality) who were citizens in 1940 at the time of Soviet occupation and

their descendants, leaving over 30% of the population in Latvia and 25% in Estonia without citizenship. Systems of naturalisation were introduced, including a test of conversational and basic reading/writing skills in the national language, as well as some knowledge of the country's history and constitution.

While Moscow continued to attack these Baltic initiatives and delayed withdrawing its army (Rannut, 1994: 200–203; Simonsen, 2001), it also hoped that at least two of its demands – automatic citizenship for all residents, and the declaration of Russian as a second official state language – would be supported *from the west* by governments keen to avoid human rights abuses. Karklins cites a 1992 Russian foreign ministry spokesman:

The question of human rights is a very strong weapon. The West is highly sensitive to this issue, in contrast to us. As a result of our diplomatic activities the reputation of the three Baltic countries can be undermined more and more [...] (Karklins, 1994: 122).

These factors have defined how disputes over language and citizenship are understood by the different parties. While Moscow argues these are human rights issues for a stranded diaspora, for the Baltic states these disputes are largely defined as foreign relations disputes and not primarily a case of unsatisfactory local relations with minorities, whose own attitudes are examined below.

Moscow's criticisms found resonance with some western commentators (Fukuyama, 1992; Tayler, 2002), but not with official western bodies. Writing in 1994, Estonian author Mart Rannut recounted how since 1991 there had been some 15 human rights missions to Estonia from the UN and various Western European bodies, "none of which has found any gross or systematic violations of human rights" (Rannut, 1994: 208).

To the chagrin of Russia, the Vienna-based CSCE's [Conference on Security and Cooperation in Europe, later OSCE – 'Organisation ...'] newly appointed High Commissioner for National Minorities [HCNM] Max van der Stoep in 1993 backed the observations of previous delegations in finding "no evidence of persecution of the Russian-speaking minorities in the Baltic States" (CSCE, 1993: 109). The CSCE identified the need to integrate these large minorities into the new states and offered suggestions to the respective governments to this end.

This 1993 CSCE report sets a curious benchmark: there is no doubt this report was a shock for Moscow, and some Russian authors argued that "this should be remembered as an example of the kind of approach that produced internal turmoil in the Russian political establishment" (Konovalov & Evstafiev, 1995: 178). But in some ways it must have been a shock for Europe as well, as subsequent policy involvement from the OSCE, as we shall see, can be seen in part as a retreat from this 1993 position.

THE LANGUAGE POLICY LOGIC OF EUROPEAN ORGANISATIONS

Several interlocking logics have characterised European organisations' response to Baltic language policy. The first arises from a human rights perspective, in trying to find a basis in human rights law to monitor language policy.

However, a feature of the literature in this field is that it almost universally bemoans the *lack* of clear international law in relation to language issues (see Dunbar, 2001, for a concise overview). One example here is de Varennes (1995/6, 1996), whose works have been used widely by European institutions. He argues that regimes need to show a tolerance for minority languages, and indeed that a positive appreciation of minority language rights can be a useful tool in diminishing ethnic conflict. He goes on to argue, however, that relevant international instruments have often been interpreted in disappointingly narrow ways.

He argues for more liberal interpretations, e.g., on what aspects of citizenship requirements are discriminatory, or how a sliding scale should be used to look at where minority languages are used by official bodies, or ways of limiting state legislation on language. He uses a series of hypothetical examples of what courts might hold to be discriminatory in various cases, including some Baltic examples where he favours a two-official languages policy. While the conclusions he draws from his specifically Baltic examples can be questioned (Druviete, 1997), de Varennes has usefully demonstrated the often limited nature of language-related legislation and international norms.

Yet, a time line from the end of the 1980s – when these issues gained significance in Eastern Europe – to the end of the 1990s shows an increasing chorus of views from European institutions proclaiming universality in language rights and declaring a whole host of issues settled in law. We examine examples of this below.

Human rights concerns however are not the only European point of view. Another approach relating to language, central to the post-Soviet case, was that of the OSCE and its attitudes to *conflict prevention*, developed in response to diverse conflicts including armed conflicts in many Eastern European countries (Zaagman, 1999).

These two positions present instructive contrasts. From a *conflict-prevention* perspective, the objective is to recognise specificity, since quite different solutions may be appropriate for diverging cases or even superficially similar cases. But from a *language rights* viewpoint, conflict prevention is incidental to the securing of language rights which are seen to be universal and which rely upon the enforcement of a human rights legal culture that may not hitherto exist; significantly, this approach itself could produce conflict, even while speaking in the name of peace.

Exactly this possibility has been canvassed in Deets' (2002) critique of minority rights perspectives, in an article likely to have a great impact on future language policy discussion. Like de Varennes and Dunbar, Deets stresses the hitherto limited interpretations of minority education and language rights in international law and notes that attempts to write more explicit minority rights into international instruments have often failed. But unlike de Varennes, Deets argues that such unwillingness to countenance minority rights has often been highly perceptive and beneficial, precisely because it limits rights-based conflicts which often become so intractable. Referring to the long-standing debate in liberal political theory over whether group rights exist (as against individual rights) and how they should be treated in social policy, Deets argues that a group rights perspective is flawed:

This is not to argue that policies promoting minority identity and culture should be abandoned, but perhaps much of the discourse on minority rights should be. The language of rights has a seductive power. Its logic often cascades in unexpected directions, and the unavoidably increasing gap between perceived rights and actual policy is potentially explosive (Deets, 2002: 52).

Examining educational and representational rights in Central Eastern Europe, Deets details the success of some minority policies which did not espouse a rights rhetoric in Hungary and Romania, and argues a point of great relevance to the Baltic situation, that the basis for Hungary's own very liberal policies for its very small minorities is precisely to be able to pressure surrounding countries in their treatment of Hungarian minorities there; that is, as an instrument of international relations. We return to Deets' arguments on Macedonia below.

The different perspectives of de Varennes and Deets point to a central issue at stake for language policy: whether rights-centred approaches to minority conflict have the potential to diminish such conflict (de Varennes) or increase it (Deets). Moreover, these would seem to be empirical claims, and attention to the actual mechanisms employed – legal or otherwise – in different contexts may yield useful (and usefully limited) results. The Baltic States present one such case.

However, making the situation even more complex, the mechanisms for European accession have also another logic not quite coincidental with the universal human rights approach – the stress by European organisations on what constitutes conformity to European norms of behaviour. The OSCE and other bodies have found it difficult to simply apply western European norms to often novel minority situations in the successor states of the Soviet Union. Equally, the demands now imposed on Eastern Europe arguably have not always reflected the actual language and citizenship practices in *Western* Europe. Not for the first time, the Eastern European countries

have felt that significant additional standards were being expected of them (Burgess, 1999; Chandler, 1999).

EUROPEAN INTERVENTIONS

Three examples of European intervention in Baltic language policy can be briefly discussed.

Citizenship and Language

Citizenship presented a particular problem for European intervention. Basically, there are no international conventions on citizenship and naturalisation – of all areas, this is one most left up to sovereign states, and regimes range from those with the most inclusive, to those with the most highly restricted citizenship. As this entire spectrum exists in Western Europe, the Baltic stipulations had no clear proscription in easily cited international law (Chinn & Truex, 1996; Skolnick, 1996). However, the lack of international norms on citizenship has not deterred European institutions from making repeated interventions, such as the full-blown confrontations over Estonia's proposed Aliens Law of 1995 (OSCE *Annual Reports* 1994–1996), or the highly publicised pressure on Latvia to change its citizenship law in 1998, after the law had been earlier explicitly approved by European bodies; both interventions not to do with international legal norms at all, but with European political determination to speed up naturalisation processes (OSCE *Annual Report*, 1998; Ozolins, 1999: 37ff.; Jubulis, 2001: 119ff.).

In both countries, a language requirement of a basic conversational and written level has continued to be part of the naturalisation process – a not unusual even if highly variable requirement for naturalisation in many countries (Piller, 2001). The OSCE has hovered around the edges of the language and citizenship link, accepting it as legitimate, but also wanting a rapid increase in naturalisation yet realising the impossibility of instantly improving language proficiency. As well as criticising some aspects of the language tests, European bodies have provided substantial funds for language teaching. Yet naturalisation rates have remained low – after an initial surge in both countries, citizenship rate hover around 1–2% of non-citizens each year (European Commission, 2002a: 30, 2002b: 30), with little apparent urgency to naturalise as there are few disadvantages of non-citizenship (Aasland & Tyldum, 2000; Aasland, 2002).

Use of Language in the Private Sphere

Considerable international pressure in the late 1990s was directed at convincing the Baltic States to drop requirements in their language laws relating to the private economic sphere. These requirements covered individuals in any enterprise who had direct contact with the public and who had not attended Estonian- or Latvian-language schooling, with a graded scale of tested language proficiency in the national language required for different occupations (Toomsalu & Simm, 1998). However, these requirements in the private sphere did not prescribe what language must be used between individuals, for example what language a doctor should use to a patient or shopkeeper use to a customer. The concern was not to monitor *individual use* in interactions, but to ensure *capacity* for communication in the national language at an appropriate level, so that the doctor or shopkeeper could in fact speak the national language if required.

OSCE objected to such requirements in Latvia's new Language Law in 1997, arguing that language use should not be regulated in the private economic sphere except in a highly restricted number of situations of public interest, and criticised similar Estonian requirements, with numerous delegations again urging this point and warning against non-compliance (Ozolins, 1999: 34ff.).

Despite this continual pressure, the Latvian parliament passed a new Language Law in 1999 still containing provisions for regulating languages in private enterprises; after a veto from the President (Fennell & Lambert, 2000: 26), the requirement was reformulated to read:

the use of language in private institutions, organisations and enterprises (or companies) and the use of language with regard to self-employed persons shall be regulated in cases when their activities concern legitimate public interests (public safety, health, morals, health care, protection of consumer rights and labour rights, workplace safety and public administrative supervision) and shall be regulated to the extent that the restriction applied to ensure legitimate public interests is balanced with the rights and interests of private institutions, organisations, companies (enterprises) (Section 2, Article 2, quoted in Poleshchuk, 2002: 4).

There were similar moves in Estonia in 2000 to amend their Language Law, using almost the same formulations as in Latvia, but annoying the European Commission by still producing lists of occupations and required level of language proficiency in areas of "justified public interest" (Poleshchuk, 2002: 3). While outwardly satisfying European bodies, such formulations have, as Poleshchuk argues, only shifted ground to the murkier interpretation of what such justified public interests are. It can be asked whether the tortuous formulations as in the Latvian law above – essentially a repetition of European mantras about what might count

as a legitimate public interest – are any clearer, or easier to follow, than Latvia's much more general 1992 law demanding the capacity to service the public in the official state language of those persons in any enterprise who had public contact positions. A more detailed critique of the European approach, including the problematic nature of the public/private sphere distinctions and doubt on the interpretation of international conventions often cited, is given elsewhere (Ozolins, 1999).

Language Requirements in Candidature for Public Office

An equally protracted campaign criticised requirements to have knowledge of the official state language mandatory for all holders of publicly elected office, among other occupations and professions. This resulted in a court case at the European Court of Human Rights in 2002, though the greatest pressure from European organisations came well before this matter was decided in court, accompanied by threats that failure to change this requirement could lead to rejection of candidature of desired European bodies:

[...] leading Statesmen (including US Secretary of State Colin Powell, US President George W. Bush and NATO Secretary General Lord Robertson) have called upon Latvia to remove the restrictions (Holt & Packer, 2001: 22, fn. 39).

There would be few other Baltic issues on which such a concentration of powerful opinion has ever been directed; the sense of a sledgehammer being used to crack a small but unyielding nut is revealing. Estonia agreed to change this law in 2001, but introduced legislation to make Estonian the language of parliament, with Latvia making a similar decision in May 2002.

Meanwhile, in April 2002 the European Court of Human Rights decided the case of *Podkolzina v. Lettonie*,¹ where a Latvian citizen of Russian origin had been denied candidature for the Latvian parliamentary elections for alleged lack of competence in Latvian (European Court of Human Rights, 2002a).

The details of the case are fascinating both as an example of administrative procedures and as an example of how a court defined the issues present, which differed markedly from the views of other European organisations.

Podkolzina had previously passed a language test in Latvian it at the highest level, as required for parliamentary candidates. However, after

¹ *Podkolzina v. Lettonie* as a full judgment is only available in French (European Court of Human Rights, 2002a). A useful press release from the Court registrar gives a summary in English (European Court of Human Rights, 2002b).

registering as a candidate for the 2002 elections she was visited unexpectedly by a State Language Centre inspector and asked a series of questions to test her Latvian, including questions to do with her political affiliations. Next day the inspector plus a witness returned and ordered her to write an essay in Latvian; unprepared and upset by this behaviour, Podkolzina refused to complete the essay, whereupon the inspector issued a report that the candidate did not have an adequate command of Latvian, as a result of which the Electoral Commission stuck her off the list of candidates. Appeals to local courts were unsuccessful, the courts holding that the inspector's report of lack of competence in the language barred her from candidature.

Podkolzina claimed a violation of European Convention on Human Rights articles on free elections, while the Latvian government claimed that the language requirement was a legitimate aspect of the organisation of parliamentary representation and that its institutions had acted correctly in this case, having concurrently screened other candidates all of whom satisfied the language requirement.

The court held there had been a violation of the Convention, and awarded Podkolzina damages, referring to the shortcomings in administrative and legal processes involved. However, the Court also considered the question of whether it was unreasonable to have language requirements for candidature at all, but here came to a different conclusion from that sought by the applicant:

The Court found that the purpose of the legislation on parliamentary elections barring citizens without an advanced degree of proficiency in the national language from standing for election was to ensure the proper functioning of the Latvian institutional system. It added that it was not for the Court to determine the choice of the working language of a national parliament, as that choice was dictated by historical and political considerations and, in principle, was exclusively for the State concerned to determine. Requirements of that kind pursued a legitimate aim (European Court of Human Rights, 2002b, *Press Release: 2*).

This part of the judgment goes quite against a view that a language requirement for candidature must *per se* be an infringement of rights. That "requirements of that kind pursued a legitimate aim" was the very opposite of what had been claimed by all those pressuring Estonia and Latvia to change such requirements. The Court, as in so many such cases, decided the matter much more narrowly, on "whether the measure removing the applicant's name from the list of candidates had been proportionate to the aim pursued" (*ibid.*).

Regarding proportionality, it would not seem to be a controversial ruling that the applicant had been mistreated. But, on the wider issue, is it against international law to have language requirements for candidates

for public office? Not according to this judgment. However, the minds of European bodies and NATO had already been made up well in advance. It will be of interest to see how the *Podkolzina* judgment is interpreted in future literature on this issue.

These three European campaigns saw a continual reworking of what constituted international standards, and the ability to threaten sanctions to force change. Faced by Baltic protests that these standards were not relevant, European bodies became increasingly legalistic, in the hope of finding formulations that could ensure compliance. And where international standards were not apparent, they have had to be invented.

THE INVENTION OF 'INTERNATIONAL STANDARDS'?

The OSCE instituted a number of projects that sought to define acceptable international norms in minority rights and languages. The *Oslo Recommendations Regarding the Linguistic Rights of National Minorities & Explanatory Note* (OSCE, 1998) drawn up by a small committee, specifically addressed "those situations involving persons belonging to national/ethnic groups who constitute the numerical majority in one State but the numerical minority in another (usually neighbouring) State, thus engaging the interest of government authorities in each State ..." (Introduction). Yet questions arise from the very definition of such a situation being one of a "national minority" rather than a neighbouring State utilising some population aspect to impose foreign relations demands: in this case, addressing minority relations may not be useful at all, and the conflict needs to be recognized for what it is, an international conflict in which national minorities are only a pretext. Druviete (1997) has most cogently looked at the ways in which definitions of national minorities constantly miss the point in the Baltic situation.

OSCE authors Holt and Packer characterised the Oslo Recommendations as "an expert interpretation of binding, legal obligations and political commitments" (2001: 6). Yet the recommendations show little sign of the limited and complex nature of actual legal judgments and interpretations discussed above, and are deliberately put in what the Preamble calls "relatively straight-forward language" and stated emphatically, not to say dogmatically.

Questions of the appropriateness of these Recommendations to the Baltic situation immediately arise, for example on use of languages in relation to Judicial Authorities:

Recommendation 18. In regions and localities where persons belonging to a national minority are present in significant numbers and where the desire for it has been expressed,

persons belonging to this minority should have the right to express themselves in their own language in judicial proceedings, if necessary with the free assistance of an interpreter and/or translator.

Complementary recommendations cover all other significant areas of public administration. Yet despite an apparent reasonableness of wanting public sector personnel to speak the minority language, the situation in the Baltic is the reverse: there, it is not a problem of finding staff competent in the minority language (Russian); staff in the judiciary, police, prisons or the public service who do not speak this language do not exist, nor has anyone been unable to address a court in Russian, whichever region they live in. Rather, the problem is that these authorities under the previous regime increasingly conducted their business in Russian and employed many who could not speak the now official state language. The issue is thus the necessity to turn around situations dominated by monolingual Russophone officials who have insisted on being able to continue to serve all through this language only (Karklins, 1994: 157–158). Druviete has argued:

The demand for the right to stay monolingual is the background and the essence of the linguistic human rights problem of the Russian-speaking population in all the Baltic States (Druviete, 1997: 181; see also Rannut, 1991, 1994).

The situation whereby speakers of the *majority* language can be guaranteed services in their language is only slowly being achieved – the European Commission's 2002 report on Estonia points to the situation of the police in Tallinn who in some instances still have virtually no command of Estonian (European Commission, 2002a: 33).

Despite their often questionable relevance, the Oslo recommendations *were* recommendations with teeth – not because of their (disputable) correctness in law, but through their subsequent adoption by other European organisations as criteria for candidature – thus giving these recommendations an entirely different legal and political force: a set of recommendations became a set of demands, deemed to represent 'international standards'.

Yet Deets argues that European organisations have been inconsistent in their approaches to language rights issues, and that in "Eastern Europe some of the more successful policies in balancing liberalism and collective minority interests have avoided acknowledging a rights claim" (Deets, 2002: 52), for example the OSCE's approach to the conflict over the Albanian language university in Macedonia, set up clandestinely in Tetovo, but opposed by the Macedonian government. Rather than asserting group rights, OSCE successfully transformed this university into an international university, operating in several languages including Albanian. Deets

contrasts this approach to the quite inappropriate handling by NATO of other aspects of the Macedonian conflict involving the Albanian minority, with demands for Albanian to be made an official state language as well as other concessions including a six-fold increase of Albanians in the police force. Faced with the threat of violence, Western governments backed these demands, and Deets argues that the international community was directly to blame for this endorsement of armed threats to secure minority rights:

their own failure to effectively communicate the rationale for [...] NATO intervention in Bosnia-Herzegovina and Kosovo fostered a broad array of interpretations over when minorities could legitimately use force to effect those changes in policies that could not be achieved through the democratic institutions (ibid.).

Macedonia represented a *volte face* on the part of European institutions that had in the early 1990s approved the Macedonian constitution (with Macedonian as the only official state language) and other aspects of Macedonian minority policies, showing the capriciousness of reference to 'international standards'.

Russia pounced on the Macedonian instance to criticise the Baltic States: throughout the conflict, Russia strongly supported the Macedonians and – contrary to NATO – urged Macedonia to resist the Albanian threats ("Macedonia should not make concessions to separatists – FM [Foreign Ministry]" *ITAR/TASS News Agency*, July 18, 2001). But when the final settlement was reached, it argued this represented a "double standard" in how European institutions saw minority rights issues:

While less than 30 percent of the population in Macedonia demand that the language be made a status of state language, this problem is not being solved in the Baltics and not taken into account in their accession to the EU (ibid.).

Putin expressly used this example to urge the Baltic States to make similar concessions ("Russian-Baltic benevolent dialogue possible – Putin", *ITAR/TASS News Agency*, September 3, 2001).

The Macedonian example represents – apart from the treatment of the university – a nadir of language policy in the hands of international heavyweights, where supposed international norms are wrongly used to enforce solutions on conflicts that were never satisfactorily prevented. To accept such international norms would, paradoxically, give approval to the kinds of language policy that can be gained by force, as far removed from considerations of human rights and conflict prevention as it is possible to get.

UNDERSTANDING THE BALTIC LANGUAGE SITUATION

European bodies have struggled to understand the Baltic language situation. Not only have historical factors been discounted, but so too the actual sociolinguistics of the Baltic, and the often quite ambiguous disposition of the Russian-speaking population.

Tove Skutnabb-Kangas has argued that in the Baltic the previous linguistic imperialism has had enduring consequences, changing what would seem to be the assumed status of a national language:

Russian is thus a majorized minority language (a minority language in terms of numbers, but with the power of a majority language), whereas the Baltic languages are minorized majority languages (majority languages, in need of protection usually necessary for the threatened minority languages) (Skutnabb-Kangas, 1994: 178).

Similarly, Quebec author Jacques Maurais has argued that in these kinds of situations

If the goal is to achieve a situation where two unequal languages would finally be equal, then this cannot be achieved through granting similar rights to the languages (Maurais, 1997: 150).

The OSCE has recognised what it defines as “fragile majorities” (Holt & Packer, 2001: 9) but has not seen its own role in maintaining such fragility. The perspective of post-colonialism, anathema to European bodies when considering Post-Soviet situations, has now been related to the Baltic States and brings more thorough theoretical consideration to this issue (Racevskis, 2002. See also Järve, 2002, for a critique of the “fragile majorities” argument).

Skutnabb-Kangas has also often stressed the need for minorities to learn majority languages, and not to refuse bilingualism and a share in the national culture. This has been a bedrock of Baltic approaches to language policy and integration, but this side has received only partial recognition in the work of European organisations. While financing some language teaching programs, and making hopeful statements of minorities learning the Baltic languages (Holt & Packer, 2001: 4), much more European effort has gone into limiting demands by the state for official language capacity. European interest in language teaching has arguably been a purely instrumental concern for raising citizenship rates, while paradoxically vetoing other requirements to promote use of the language. More broadly, this stance can be seen as a *supply-side* approach to languages, a hallmark of many problematic language programs in various contexts that have been keen to promote language learning but have not provided incentives for continued competence (Grin, 1999).

Underpinning the Baltic resistance to international pressures is the belief in the effectiveness of their language policies, and their acceptance by large sections of Russian speakers. By the mid-1990s the European Barometer was beginning to bring up intriguing survey results, showing just how little support there was for the hardline orientation of Moscow. In a survey that was argued by the authors as showing a significant diminution of ethnic tensions in the Baltic states, Maley and Rose found that a majority of Russian residents in the Baltic states *disagreed* with the proposition that "People like us should not be made to learn a Baltic language" (Maley & Rose, 1994: 56). Similar survey results from a variety of sources (e.g., Maley & Rose, 1995; Laitin, 1996, 1998; Druviete, 1998) continued to show that there is a widespread acceptance of the legitimacy of Baltic language and even aspects of citizenship policies. Russian speakers on the whole do not feel threatened, and sociolinguistically these studies have shown a generally high degree of tolerance between Russian speakers and titular nationals. Russian is still widely spoken and understood, with an intact Russian language school system, press, media and cultural institutions.

The result of this lack of confrontation and general agreement on legitimacy has been an increase in competence in the official state languages. The 2000 Censuses showed more than a doubling of the previous level of the knowledge of the respective languages among Russian-speakers – in Latvia from 22.3% in 1989 to 58.5% in 2000 (Tsilevich, 2001: 2), and in Estonia from 15% to 39.7% (Estonia. Ministry of Foreign Affairs, 2002; see also Proos, 2000). Druviete (1998: 141) and Järve (2002: 93) have shown that it is the requirement for language certification for employment that has been by far the major factor in a desire to learn the official state language, and more than twice as important as a factor than the prospect of gaining citizenship. In Latvia, for example, by 2000 some 400,000 persons had passed the language certification tests at various levels, a figure of around half of all adults who had not attended Latvian language schooling (Latvia. State Language Centre, 2002).

Rather than being a unified grouping, the Russian minority in the Baltic states is highly differentiated, from fiercely anti-Soviet Old Believers to a voluble Soviet ex-military minority and a large mass of Soviet period settlers with quite diverse dispositions (Aarebrot & Knutsen, 2000; Jubulis, 2001: 151ff.; Kronenfeld, 2002). The settlers' overall lack of political mobilisation has been noted by both western and Russian authors (see Smith, Aasland & Mole, 1994, Nørgaard, 1996: 209ff.; Zevelev, 1996: 279). Romanov (2000) has shown the often indecisive response of this fractured Russian group to language policy, again stressing the lack of overt mobilisation.

These various orientations of Russian speakers have received scant recognition in European approaches to the Baltic situation. Given the lack of direct opposition by large sections of the Russian communities, and the importance of conflict prevention as a rationale for European intervention, it can be asked who indeed is the conflict in the Baltic States with? If the conflict is, as the Baltic States have always held, essentially a foreign relations conflict between Russia and themselves, then we can question whether a High Commissioner for National Minorities was the relevant commissioner for the job; a commissioner dealing explicitly with foreign relations issues could well have been more appropriate. Over the late 1990s, however, apart from this steady tension with Moscow, the larger conflict increasingly came to be between the Baltic States and *European* bodies over the limits of permissible state action, with little actual reference back to minorities at all. For OSCE, this was a peculiar twist to its conflict prevention perspective.

BALTIC LANGUAGE POLICY AND EUROPEAN ACCESSION

The process of accession to the EU and NATO has seen a continual shifting of the goalposts, well illustrated by the very different responses to Estonia's EU candidatures in 1997 and 2002: in 1997 issues of language and citizenship barely rated a mention in the European Commission's report. Yet as detailed above the late 1990s saw an intensification of demands on these issues when Estonia had been led to believe its house was in order.

The 2002 report on Estonia (European Commission, 2002a), while less critical than that on Latvia, has far more extensive coverage of language and citizenship issues and is much more guarded than its 1997 report. It bemoans once more the slow rate of naturalisation, mentions some still existing incompatibilities with international norms (especially covering signage) and is still bothered by how Estonia has defined integration of its Russian-speaking minority:

Emphasis continues to be placed almost exclusively upon education in the Estonian language, e.g., increasing the proportion of teaching in Russian secondary schools carried out in Estonian or teaching Estonian to adults (*ibid.*: 32).

The Commission views this as not adequate, urging that "the Estonian authorities should ensure that emphasis is placed on a multicultural model of integration as stated in the aims of the state integration programme" (*ibid.*).

On the positive side, the report cites a number of moves such as making language examinations free and increasing the teaching of Estonian for

citizenship candidates, exceptions to the previous aim of making state secondary education in Estonian only by 2007, and removing language requirements for candidates to public office.

In a revealing footnote, the Commission observes that

In a declaration contained in the instrument of Estonia's ratification of the Framework Convention for the Protection of National Minorities, it is specified that Estonia attaches a requirement of citizenship to the concept of "national minority". In practice, however, the Government takes a considerably more inclusive approach (*ibid.*: 31).

This again raises the point as to just what are international standards: all Western European conventions and agreements on minorities and minority languages apply only to historical minorities of citizens, not to their often much larger numbers of *immigrant* foreign nationals (Extra & Gorter, 2001). Clearly, any legalistic reminding of the limits of Western European instruments by Estonia is unwelcome; relief can then be expressed that the Estonian practices are in fact more liberal than any strict following of Western European practice would entail!

For Latvia, a more critical tone is maintained. Even though the report states that Latvia's laws are "essentially in conformity with Latvia's international obligations and the European Agreement", this comes with the caveat that "some of the provisions are worded in such a way that they could give rise to different interpretations" (European Commission, 2002b: 32). While welcoming many of the same innovations as in Estonia, the report remains watchful and uneasy, even hectoring:

As emphasised in previous Regular Reports, it is important that the competent authorities, including the State Language Centre and the judicial system, only apply and enforce the Language Law and its implementing regulations to the extent required by legitimate public interest, having regard to the principle of proportionality, as contained in Article 2 of the Language Law, and in view of Latvia's obligations under international human rights instruments and the rights and freedoms guaranteed under the European Agreement (*ibid.*: 33).

The irony of European pressure on the Baltic States has not been lost on some commentators. In an article 'Saying Nyet to Russian', *Newsweek International* looked at the declining situation of Russian in the now independent former Soviet republics, where Russian is studied less, national languages are stressed, and use of English is becoming more widespread:

Russia has won some improbable allies in the fight to save its language. Both NATO and the European Union have pushed Baltic countries to drop what critics say are discriminatory laws [...]. In February, NATO Secretary-General George Robertson told the Latvian Parliament that its language laws might affect NATO's decision to invite Latvia into its ranks. Reason: the issue is a contentious point with Moscow. "It is not in our interest to admit countries that don't have good relations within their borders or with their neighbours," one NATO official explains (*Newsweek International*, July 1, 2002: 30).

Once more, the aspect of international relations is vital to an understanding of the situation, but as we have seen from the work of OSCE, NATO and others, only solutions that refer to local national minorities are proposed.

CONCLUSION: THE MARGINALISATION OF LANGUAGE POLICY?

The pressures placed on Baltic policies by European organisations have led to consequences that are far from clear. On the one hand, we can see that the changes to former language regime have proceeded substantially and peacefully despite provocations, with at least a formal satisfaction of European demands. Estonia and Latvia have gained access to both the EU and NATO, and the OSCE has withdrawn despite Russian protests (“Moscow deplores OSCE mandates in Baltics discontinued”, *ITAR/TASS News Agency*, December 21, 2001).²

On the other hand, the absolutist nature of European pressure in their specific interventions turned each occasion into a make or break issue for acceptance into Europe – a politics of *chantage*. Consequently, ‘victory’ on these issues has been seen variously as an overthrowing of the entire language regime, which it is emphatically not, and as giving increased hope to those pushing more radical reversion to the linguistic *status quo ante* – an official two-language state (and automatic citizenship). It can be asked whether the pressure on the Baltic States has in fact not *increased* the stand-off over languages, and entrenched the views of some that the language regime will indeed be overthrown or can be flouted, not least thanks to western efforts. The current example is the attempt to mobilise opposition to changes in secondary education in Latvia (Zepa, 2003). The March 2002 gaffe by OSCE’s Gerard Stoudmann, Director of its Office of Democratic Institutions and Human Rights, when he suggested Latvia adopt Russian as a second official language, only to hastily retreat from this opinion, shows the extent to which such perspectives are alive, and not in Moscow alone (MINELRES, 2002; OSCE, 2002).

In this light, we can see many dangers in the rights-driven approach to languages, so promoted by the critics of Baltic language policy (Tsilevich, 2001; Poleshchuk, 2002). A major limitation to universalistic rights-driven perspectives is their blindness to the specificity of language situations. As Druviete argues:

² While the European approach may be hailed by some as a model of how to get nations to conform to international standards, Jubulis quotes Wiegandt’s warning that this is unlikely to serve as such a model: ‘Not every country will be so patient and so willing to prove being a valuable member in the community of democratic states . . . and tolerate visits of more than a dozen international delegations investigating the same issue again and again.’ Quoted in Jubulis (2001: 380, fn. 15).

Baltic countries represent a unique case, probably not taken into consideration when universal declarations on linguistic human rights are written. Their situation shows that the linguistic human rights of state language speakers can also be infringed and that the official state language in an independent country may be an endangered language at the same time (Druviete, 1997: 183).

Meanwhile *sociolinguistic* specifics of a language situation are also crucial – in the Baltic States, we see relatively calm language situations with overall recognition of the legitimacy of the new language regimes. The next stage may see minority members openly denying the charge of supposed discrimination, a stage reached in a situation sometimes seen as having parallels with the Baltic states – that of Quebec, where some anglophones have reacted to the seemingly automatic assumption that they are being discriminated against (Bissoondath, 2002).

The loser from a rights-driven approach seems to be above all language policy itself, as very often language issues as such have been essentially marginalised by the *forces majeures* of political and legal imperatives. This is, for good or ill, the new environment with which language policy must be able to contend, and raises the question of whether language policy is now entirely exhausted by considerations of human rights, minority rights and international law? Such rights-oriented perspectives then become the preserve of political leaders, lawyers and rights advocates who may have little desire to understand language issues. Sociolinguistic understandings are needed to reassert the importance of language issues *per se* in language policy.

Looking further afield from the Baltic States, the question raised is what can small and arguably minoritised languages do to defend themselves? While international sentiment seems to encourage self-determination and the breaking down of empires and imperial relations, we have seen that it actually responds far more quickly to outraged cries from a previously dominant group.

The language policy lessons from Baltic States may however be interpreted in a more positive way. Estonia and Latvia, similar to situations in say Quebec or Catalonia, have been extremely active in putting forward their point of view and challenging international organisations or critics; when international organisations arrived in the Baltic they were not faced with unfettered extreme nationalists but with perfectly articulate language experts and legislatures, not seeking vengeance but being able to justify their policies in detail.

This lesson is important: small languages may find that to avoid being overwhelmed by outside intervention, they need to have an articulated defence based upon a thorough appreciation of their own linguistic situation. While actual sociolinguistic complexity of language use may be

of little interest to visiting delegations and distant international authorities, a sound grasp of these gives supporters of small languages immense confidence in being able to defend their policies.

The greatest danger seems to be where international organisations for their own political purposes arbitrarily legislate and impose unwanted outcomes, in the name of minority rights, as we saw in Macedonia. There, the loser may be precisely the majority population that will refrain from violence or the threat of violence to defend its language, and is persuaded as a reasonable body to give in to often unrepresentative minority demands. The Baltic States have so far managed to avoid that fate.

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