

**Half Full or Half Empty?
The OSCE Mission to Estonia and its Balance Sheet
1993 - 1999**

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ACRONYMS

BT	The Baltic Times
CBSS	Council of the Baltic Sea States
CoE	Council of Europe
CMB	Citizen and Migration Board
CiO	OSCE Chairman-in-Office
CPC	OSCE Conflict Prevention Centre
CSO	OSCE Committee of Senior Officials
EU	European Union
HCNM	OSCE High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
HoM	Head of Mission
IOM	International Organisation for Migration
NGO	Non-Governmental Organisation
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees

HALF FULL OR HALF EMPTY? THE OSCE MISSION TO ESTONIA AND ITS BALANCE SHEET 1993-1999

Hanne-Margret Birckenbach¹

ABSTRACT

The focus of this study, largely based on field research and interviews with current and former staff members, is the evaluation of the performance of the OSCE Long-term Mission to Estonia established in 1992. The analysis starts with an overview of the Mission's mandate and the structure and composition of its staff. The strategy of 'active conformation' (avoidance of directly confronting the Estonian Government on human rights issues) adopted by the Mission and the allocation of priorities in the broad range of activities are linked to the concept of preventive diplomacy as understood by Mission's diplomats. The study finds that there is a clear gender-related hierarchy. Also, insufficient attention is paid to strengthening the links between the Mission's involvement in societal-based NGO projects supporting democratisation and the development of civil society and the more government-oriented activities of the Mission. This section is followed by a reflection on the Mission's future and a compilation of suggestions by persons interviewed on how to transform the Mission so that it can make a significant contribution to the integration of the Russian-speaking minority and to the development of democracy and civil society in Estonia as a whole. The author then concludes by arguing that, although its presence was never welcomed by the Estonian State, the Mission has made itself too valuable to be closed down and still has a positive role to play in calming tensions in the country. The final conclusions seek to generalise the findings as regards the role of the OSCE Long-term missions in preventive diplomacy.

I. INTRODUCTION

The subject of this study is the work of the OSCE Long-term Mission to Estonia (below: "Mission") established in 1992 by the Committee of Senior Officials (CSO) in order to "promote stability, dialogue and understanding between the communities in Estonia" according to its mandate. Similarly to other OSCE Long-term Missions, the Mission to

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Estonia has had to act within a complex constellation from the viewpoint of history, traumatic experiences, actors involved and interests at work, and which is strongly determined by state-building mechanisms, the struggle for power and by rapid political change in the international world. The background for launching the Mission is as follows. After Estonia regained its independence in 1991, more than thirty percent of its inhabitants found themselves excluded from Estonian citizenship. This group consisted of persons who had arrived in Estonia legally as citizens of the Soviet Union during Soviet rule, and of their descendants. Most of them were of Russian origin; one third, however, consisted of persons who had arrived from Belarus, Ukraine, Poland and Latvia. Together with those ethnic Russians who were accepted as Estonian citizens, because their families had lived in the country before 1940, they form the Russian-speaking minority which, in certain areas, constitutes a majority. In 1999, the number of non-citizens had diminished to 26 percent of the total population (375,000 persons out of 1,440,000) either due to emigration to Russia or to naturalisation procedures based on the minimum standards required internationally. About 8 percent of the Russian-speakers had already opted for and acquired Russian citizenship as a consequence of discrimination against them² but continued to live in the country as foreign residents. The majority of Russian-speakers, ca 250,000, i.e. 17 % of the population, live in Estonia as “non-citizens with special status” and are de facto stateless persons.

As a result of their discriminatory non-citizen status, tensions appeared on the domestic and on the bilateral level (with Russia) as well as on the international level. The Estonian State perceives the exclusion of this contingent as a *legitimate* decision in the interest of *national security*. For non-citizens, the same decision is unfounded and unjust. From the perspective of the Russian State, it is seen as a massive *violation of the human rights* of potential Russian citizens who might wish to emigrate to Russia one day. Finally, from the international point of view, a triangular minority conflict has developed³ which

² The requirements for obtaining Estonian citizenship (especially language training, certain documents such as a birth certificate and a doctor’s examination) are more than most people can manage or afford. Russian citizenship can be obtained by a simplified procedure.

³ A state is carrying out a nationalistic policy against a minority, and a second state proclaims to act as a patron of the minority (Brubaker 1997).

risks escalating to the point of threatening European stability—a danger which is intensified by the fact that a similar conflict appeared in Latvia. In the face of this dangerous situation, a variety of international organisations became involved, among them the United Nations (UN), the Council of Europe (CoE), the Council of the Baltic Sea States (CBSS), the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE). With the strong support of particularly interested states, such as Sweden and Finland, and a number of transnational human rights NGOs, a strategy of preventive diplomacy was developed. The Estonian case is generally regarded as a positive example of preventive diplomacy which has bound different state actors to co-operate with one another and has controlled the dynamics of the conflict. It has also achieved certain progress in granting fundamental rights to most non-citizens, such as the right to reside in the country, the right to travel, the right to social care, to work permits, the right to participate in local elections as well as the right to apply for naturalisation. Nonetheless, one must admit that the living conditions of Russian-speakers deteriorated during the 1990s (Andersen 1999) and their satisfactory integration into political life has still not been achieved. Disputes over the laws concerning citizenship, naturalisation and language have not been settled, neither domestically nor between Russia and Estonia, nor even internationally. In 1999 the Estonian political class still refused a dialogue on related issues. This gives reason to ask whether the concept of preventive diplomacy applied can be regarded as appropriate.

Part of the burden of carrying out a strategy of preventive diplomacy was laid on the OSCE Long-term Mission to Estonia. This Mission is the subject of this study which attempts to determine the specific contribution of the Mission to a conflict prevention strategy. This study thus seeks to complement previous official descriptions from a more independent point of view. As in other areas, the Mission's work represents only one—albeit decisive—element within the broader range of instruments of preventive diplomacy; therefore, the impact of this element cannot be assessed without referring to its interaction with other instruments, in particular the interaction between the Mission and the OSCE High Commissioner on National Minorities (HCNM), the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and other governmental or non-governmental international organisations (Birckenbach 1997). Consequently, the

question here is not primarily what the Mission has achieved but rather how it has translated its mandate into action, and how representatives of international and domestic actors on site—governmental as well as non-governmental—have judged its performance.

A precondition of the Mission's work was to obtain a mandate agreed upon by the OSCE, by disputing state actors and, above all, by the Estonian government. Thus, the analysis starts with an overview of the Mission's mandate, its reliance on the recommendations of a previous ODIHR fact-finding Mission, and the enrichment resulting from the office of the OSCE Representative to the Estonian Government Commission which has completed the team since 1994. The staff of the Mission is described in Chapter III which emphasises both the advantages of having an international and intercultural team as well as the tensions deriving from this feature, most visibly with respect to the gender-related hierarchy. This is also considered in Chapter IV which investigates how Mission members understand the concept of preventive diplomacy and in what ways room is made for human rights considerations. The focus of the study on hand is Chapter V which describes the Mission's various activities and how they interconnect. Chapter VI considers the Mission's future from the perspectives of various state and non-state actors and presents a collection of ideas for transforming the Mission's approach, reflecting both criticism as well as the need for prolongation. The final chapter presents a few summarising conclusions on the Mission's work and reflects on possibilities for generalisation.

I am eternally grateful to all those who made this investigation possible. My special thanks are due to the former Head of Mission Ambassador Dr. Detlof von Berg who, after the seminar "Minorities and Majorities in Estonia: Problems of Integration at the Threshold of the EU" organised by ECMI (Flensburg and Aabenraa, 22-25 May 1998), invited me to visit the Mission in Tallinn. This gave me the opportunity to observe the work of the Mission for a fortnight in August 1998, to follow the working meetings, and to discuss various issues in more than 30 interviews with Mission members and other actors on site. The interviewees, as a rule, spent between one and three hours answering my questions on (1) activities and operations within the Mission; (2) perceptions of Mission members regarding their work; and (3) the work of the Mission as viewed by

other actors in Estonia. The list of persons interviewed (see Appendices) consists of several Mission members as well as Estonian government representatives, local actors in Tallinn and in northeastern Estonia, Estonian NGOs and social groups including non-citizens, members of the Russian Embassy and representatives of other international organisations on site. Since all interviews are confidential, the names of the persons interviewed are not indicated unless they have agreed to be identified. Furthermore, all interviewees were informed about the aims of this investigation. Again, I especially appreciate the contribution by Dr. Detlof von Berg who generously and patiently helped me build a first insight in the views, language and games of diplomats working with an OSCE Mission. He also read a first draft of the manuscript and suggested a few corrections. Thanks also go to Anna Westerholm and Dr. Markus Galdia for their recommendations.

My interest in learning about the Mission's work was not satisfied in every aspect. Centrepieces of its work are various types of reports to the international community. My attempts to study these reports failed to a large extent. The opportunity to carry out "a fact-finding mission on the Mission," as announced in the invitation by the Head of Mission (HoM), was negatively affected by this lack of transparency (see below). Sometimes I found myself involved in the Mission's tactics. Although I intensively checked information given in the interviews by comparing it with information given in the literature by other experts, I am fully aware that an investigation so strongly based on interviews without access to the relevant documents is limited and must contain errors. Access to these documents would have helped compensate the tendency of the actors to make the interview part of their diplomatic games. The results presented here may therefore be regarded as a founded hypothesis on the Mission's work at a certain point. Hopefully, this study will be improved when more documents are available for quotation.

Preventive diplomacy needs political support. This is also the case of the work of the Mission to Estonia. This study hopes to contribute through the use of the tools of a researcher whose duty is not to spread reservations or applause but to consider the subject seriously and publish the findings. In recent years, while attending international seminars on minority issues and OSCE-related questions, I several times experienced OSCE diplomats complaining that academics, in particular when concerned with Baltic

affairs, tend to use a more diplomatic language and are more cautious and flattering towards governmental representatives than OSCE diplomats. This study tries to escape from this tendency. I would like to end this introduction by expressing my strongest wish that the readers of this study will recognise that—according to the findings of this analysis, and despite all criticisms—the Mission and its members earn high credit for their contribution to Estonian and European developments, and for their daily performances which are unparalleled.

II. MANDATE OF THE OSCE MISSION

It was not an easy task to obtain the consent of the Estonian Government to make the citizenship conflict an issue of concern within the OSCE and to establish a Long-term Mission in Tallinn. Estonia valued the OSCE as an instrument for securing its independence and for accelerating the withdrawal of Russian troops from the Baltic States. It was Russia which brought the conflict onto the agenda by linking it to its obligation to withdraw the troops. Estonia strongly resisted at first but finally allowed the OSCE to establish a presence in the country. It is not entirely clear how the agreement was achieved⁴ but, after lengthy negotiations, a major step was taken when Estonia indicated on 28 September 1992 that it was prepared to invite the OSCE to send an ODIHR fact-finding mission to the country. The ODIHR mission was composed of German and Finnish diplomats⁵ and its mandate was to analyse Estonian legislation and its implementation according to human rights standards. The second major step was taken when Estonia invited the OSCE Chairman-in-Office (CiO) to launch a Long-term Mission to the country. This invitation was accepted by the CSO on 13 December 1992.

Both steps were strongly connected. The first HoM was already a member of the ODIHR fact-finding mission and the recommendations of the “Report of the CSCE ODIHR Mission on the Study of Estonian Legislation,” which prepared the brickwork of the Long-term Mission, are explicitly mentioned in the mandate. The ODIHR report concluded that the situation of stateless Russian-speakers in Estonia gave rise to concern, and stated in parallel that it concurred with earlier findings in a report of the CoE that no international human rights instrument would recognise “the right to a nationality as a human right enjoyed by everyone.” Nonetheless, the ODIHR mission advised “in the interest of Estonia itself to facilitate the integration of the large majority of the persons remaining in the country and to provide them with equal rights including

⁴ Some authors refer to pressure from the United States (Zaagman 1999: 20).

⁵ The experts of the ODIHR Mission were: Christian Tomuschat (Professor, Faculty of Law, University of Bonn), Klaus Törnudd (Ambassador, Ministry of Foreign Affairs, Finland), their assistants Ulrich Brandenburg (CSCE Division, Ministry of Foreign Affairs, Germany) and Päivi Kaukoranta (Legal and Human Rights Division, Ministry of Foreign Affairs, Finland), and Jack Zetkovic (Deputy Director, CSCE ODIHR, Warsaw) as Executive Secretary.

citizenship as soon as possible (Tomuschat, Törnudd et al. 1997).” For this purpose, the ODIHR mission suggested the following:

72. [...] The mission therefore recommends the following specific measures in reference to citizenship:

- A law detailing language requirements for the acquisition of Estonian citizenship, significantly lower than the level currently required, should be adopted without further delay.
- Exceptions should be provided that would waive all language requirements for invalids and pensioners who fulfil the conditions of Article 7, paragraph 3 of the Citizenship Act.
- Steps should be taken to ensure that paragraph 16 (4) of the resolution of the Supreme Council of 26 February 1992 shall not be applied with respect to legal residents of Estonia who have lost their steady income due to unemployment.
- In full conformity with the Citizenship Act (Article 3, paragraph 6), it should be ensured that children born from former nationals of the USSR, who would otherwise be stateless, are registered as Estonian citizens.

73. According to long-standing CSCE standards, participating States are obligated to facilitate family reunification. Minor children must be able to live with their parents and spouses must be able to join one another. Although it is certainly legitimate to check whether a marriage is a real and not only a fictitious one, the mission recommends that Estonia review its legislation and practices with a view to ensuring that there are no inconsistencies with the standard of family reunification. There should be no waiting lists compelling family members to live separately for years.

74. Since freedom to leave one’s country is an undisputed rule of international human rights law, Estonia should do everything in its power to grant every person lawfully resident within its territory a real opportunity freely to travel abroad and to return to Estonia. For that purpose, persons who are currently stateless should be provided with an alien’s passport if they are no more holders of valid passports of the former Soviet Union.

75. Since the only viable and realistic assumption for the future is that Estonia will permanently have a linguistic minority of perhaps 25-40% of the total population, the cultural needs of the minority will need to be taken care of on a permanent basis. Within the limits of available resources, due attention should therefore be given to the cultural and educational needs of all language groups in the country as well as to facilities for the effective teaching of the Estonian language to all those who need to learn them.

76. The present language legislation may in certain respects require adaptation to the conditions of an independent State. For example, it is hardly the task of the State to lay down requirements for private employment contracts. If bilingual competence is necessary in a given situation, the potential employer will insist that any applicant possess the requisite qualifications. Language requirements for public service could

be differentiated in different parts of the country, and transitional rules could be liberally applied. Flexibility would alleviate tensions and help the Russian-speaking population to gain confidence in a future of peaceful Cupertino between all groups living in Estonia. Particularly in those parts of the country where one language dominates the rights to security of employment should accordingly be weighed against the right of the public to service in either Estonian or Russian. Policy models for developing the language legislation can be found in countries that have given a generous treatment to migrant workers and in CSCE States that are historically multilingual (such as Canada, Finland, Switzerland).

Ironically, it was just the ODIHR, the human rights department of the OSCE, that legitimated the OSCE in Vienna to deal with the conflict over citizenship separately from considerations on human rights which it put last. This highly-disputed decision (Schlager 1997; Birckenbach 1997) was obviously determined by Estonian interests. It also conformed with those of West European states to prevent a spill-over effect regarding citizenship rights of migrants in their countries. Thus, Pettai is right when noting:

“For the OSCE, its range of manoeuvrability was limited by the international community’s acceptance of Estonia’s basic citizenship policy and the latter’s principle that the Soviet-era immigrants were non-citizen residents. Although, in its reports the mission sometimes hinted at the need to liberalize certain provisions of the citizenship law, it never called for a full-scale revision of the restrictive policy. On several occasions in 1994, for example, the mission had to issue press statements reiterating its respect for Estonia’s citizenship policy and for the fact that Estonia had been illegally occupied by the Soviet Union in 1940. The statements were usually meant to counter perceptions that the mission was becoming too intrusive into Estonian policy (Pettai 1998).”

Russia agreed with this strategy when it accepted the mandate and can hardly complain. The people concerned and their representatives may have held a different view but their opinion did not matter at all in the OSCE strategy.⁶

The Mission started operating during February 1993 and was fully ready for action in mid-April 1993 when the first diplomats from Canada, Denmark, Finland, Germany, Sweden and the USA had arrived. The headquarters were located in Tallinn. After severe disputes concerning its work, the Mission had to move from its first office in the building of the Estonian Foreign Ministry and has been located since then in a small

⁶ The same is true for the mandate of the HCNM who stressed several times that his office is not one “for” national minorities but “on” these groups.

house in the old part of town. The annual budget is about 7 million ATS (1999) for operative costs. The diplomats' salaries are directly paid by the seconding countries.

The activities of the Mission are guided by the mandate which is set for a period of six months. However, the mandate has been prolonged every six months following a decision taken by the CSO as well as by the "Article of Understanding" signed by the first HoM on 13 February 1993. This article additionally regulates issues of security and freedom of movement of Mission members as well as their access to people, societal groups and representatives; it also covers their privileges and immunity. Both documents are in force without any changes. The mandate reads as follows:

TERMS OF REFERENCE FOR THE OSCE MISSION TO ESTONIA⁷

Objective of the Mission: The objective of the Mission is to promote stability, dialogue and understanding between the communities in Estonia.

Mission Activities: To this end the Mission will:

- establish and maintain contacts with competent authorities on both the national and the local level, in particular with those responsible for citizenship, migration, language questions, social services and employment;
- establish and maintain contacts with relevant non-governmental institutions and organizations, including political parties, trade unions and mass media organizations;
- collect information and serve as a clearing-house for information, technical assistance and advice on matters relating to the status of the communities in Estonia and the rights and duties of their members;
- contribute to the efforts of Estonian national and local authorities to recreate a civic society, *inter alia* through the promotion of local mechanism to facilitate dialogue and understanding;
- keeping in mind the temporary nature of the Mission, consider ways and means of transferring its responsibilities to institutions or organizations representing the local population.

In its work the Mission will take into account the findings of the CSCE/ODIHR Mission to Estonia.

Size and Composition: The Mission will number initially six members. All participating States are eligible to participate in the Mission.

Mission Area: The Mission will operate in the whole territory of the Republic of Estonia, but its activities will focus on the northern and north-eastern parts of the

⁷ CSCE/19-CSO/Journal No. 2 / Annex 1.

country. The Mission will establish its headquarters in Tallinn and other offices in Narva and Kohtla-Järve.

Co-ordination: The Mission will exchange information and co-operate on relevant questions with the Office for Democratic Institutions and Human Rights and, in questions falling within his competence, with the High Commissioner on National Minorities.

The Mission will exchange information and co-ordinate, as necessary, with representatives of the United Nations, of other international organizations and of CSCE participating States in Estonia.

Reports: The Head of Mission will submit regular reports to the Chairman-in-Office.

Conditions of Service: Provisions ensuring the safety and freedom of movement of the members of the Mission, access to the local population, communities and authorities, privileges and immunities will be included in the Memorandum of Understanding to be signed by the Head of Mission and the Government of Estonia.

Duration and Review Procedures: The Mission will operate for a period of six months. The operation, duration and other modalities of the Mission will be reviewed, as the appropriate, by the Committee of Senior Officials.

In late 1994, the Mission's staff was complemented by the "OSCE Representative to the Estonian Government Commission"—a position created during the negotiations on the withdrawal of Russian troops when Estonia had to agree to allow 20,000 Russian military pensioners to apply for residence permits and social guarantees. The Estonian government, relating this number to the figures of its own small military forces, insisted that the pensioners represented a threat to Estonia's security and demanded that resident permits be delivered only after each candidate had been examined. Russia accepted this request but demanded international observation of the examinations. In turn, Estonia demanded that a German expert with special knowledge of the former Soviet military forces act as the observer. Finally, on 26 July 1994, the agreement on "Matters Related to Social Guarantees for Military Pensioners of the Russian Federation on the Territory of the Republic of Estonia" was signed. It says again that the office of the OSCE Representative was established "on the request of Estonia". The duty of the OSCE Representative, who started his work in November 1994, is to participate in the work of the Estonian Government Commission, to make recommendations concerning the granting of residence permits and to inform the CiO on the work of the Commission. The Representative is supported by an Estonian assistant. The office is not subordinated

to the HoM and has its own budget (ca. 1.7 ATS in 1998). The intensity of the informal co-operation between the two offices depends on the HoM in office and the Representative's decisions. Sometimes the Representative and/or his assistant participate in the working meetings of the Mission and in some NGO projects (see below). Occasionally, the assistant is also sent to implementation meetings organised by the ODIHR and whose purpose is to review implementation of "human dimension" agreements by OSCE participating States.

III. THE MISSION'S TEAM AND HIERARCHY

The Mission is composed of individuals with different cultural origins, qualifications, social situations and political backgrounds. Each OSCE participating State can send personnel and change of diplomats occurs frequently.⁸ Mission members must stay for at least six months and they may prolong their contracts if the HoM agrees and if a longer stay is preferred by the OSCE. As a rule, the commitment is prolonged two or three times; however, some diplomats stay up to three years. As regards their personal capacity to plan, the perspective is short-term. Thus, the profile of the Mission is heterogeneous and changes continuously. The first two HoMs, Klaus Törnudd and Timo Lahelma, were from Finland. They were succeeded by Richard Samuels (UK), Herbert Grubmayr (Austria), Jean Perrin (France), Detlof von Berg (Germany), and, since October 1998, Bernd Braun (Germany). About 20 diplomats from six countries have worked in the staff since the beginning and there is still a strong German and Finnish contingency.

In August 1998, the Mission was composed of Detlof von Berg, who was HoM in Tirana before then and left Estonia the same year to take up the post of German Ambassador to Lithuania. Lt. Col. Christian Bistrup from Denmark was just taking up the post of Deputy HoM, relieving the most senior member of staff, Kai Niels Willadsen,⁹ likewise commissioned by the Danish military forces. Furthermore, the staff had three First Secretaries: Markus Galdia, an experienced advocate (again from Germany), Sari Kantola, a Finnish economist, as well as Anna Westerholm, a Swede with a political science background and NGO experience. New within the staff was a scholar of jurisprudence Neil Brennan who was hired as Second Secretary. Before joining the Mission, he had been teaching international law and human rights within the Open Society Programme at the University of Tartu, Estonia. He took the initiative and applied directly at the Mission; this step helped make Canada second Mr. Brennan to a

⁸ In the period between summer 1998 and 1999, every post (apart from the bookkeeper's) was replaced and the share of women declined.

⁹ After he left, he returned to Tallinn and became a member of the Delegation to the European Commission.

country where he already was. The Mission further employed an Estonian driver and an Estonian secretary (Hedi Kolk) who had worked with the Mission since the beginning until she was dismissed in summer 1999. Another Estonian, Eve Kuusmann, is employed part-time for bookkeeping but originally taught Estonian foreign affairs and was responsible for project management at the Centre for Democratic Studies at the Tallinn Pedagogical University. The office of the OSCE Representative is headed by the German Uwe Mahrenholtz, a former military attaché in Moscow, and now a pensioner. His assistant Tiina Ilsen, again, is Estonian.

The mandate as well as the hierarchical diplomatic tradition places implementation of the mandate to a large extent into the hands of the HoM. In August 1998, the situation was characterised by a relatively liberal management style of the then HoM. Every Monday morning the diplomats came together for a working meeting of about two hours. It served to inform about new developments, to distribute and coordinate duties and to discuss issues which are disputed among Mission members. All of them appreciated the freedom to act on their own, granted to them by the OSCE headquarters in Vienna as well as by the then HoM.

The heterogeneous composition of the personnel is supportive of the broad range of the Mission's duties. This, however, also means that its members are not of one mind regarding central issues of their work. The mandate, for example, calls for support for 'civil society' in Estonia but nearly every member of the staff has his/her own understanding of what is meant by this term. Different political cultures, a broad range of very diverse activities, life in an intellectually poor environment where everybody knows and mistrusts everybody, and where every Mission member must suspect his colleagues not only in order to realise the common declared goal of serving the OSCE, but also to provide the commissioning government with a particular kind of 'secondary reports'—all these aspects cause emotional stress. The diplomat's opportunity for compensation—material or moral—is small. Occasionally, while participating in international conferences, Mission members can find some appreciation which is denied them while working on the spot. Compensation outside of work is difficult. One reason

is the heavy workload,¹⁰ and again it depends on the HoM whether he helps make the situation bearable. Another reason is that most Mission members are not accompanied by their families and have to live without close friendly social relations.¹¹ Mission members become easy subjects of gossip and speculation, and there is not much left for them than to hope for their own carrier taking an upturn when their barren period in Estonia is over.

Professional diplomats from different generations have to co-operate with persons who are more experienced with the NGO and human rights sector; these persons, it turn, must collaborate with persons formed by military service; and individuals who have received a traditional diplomatic education in history or jurisprudence, and who have never had access to electronic media, have to co-operate with those whose perspectives are influenced by the social sciences and who cannot live without the internet. When male diplomats from Germany encounter female diplomats from Scandinavian countries in small offices, one can expect social friction negatively affecting work as long as possibilities to reflect on the situation itself are poor. One can observe these tensions most easily with respect to gender. It is not a specificity of the Mission to Estonia that the hierarchy within the staff exhibits a well-known pattern: the Mission is headed by men; at the intermediate level, we find the male experts of law; and the female members of staff, educated in subjects beyond traditional diplomacy, are placed at the bottom.

The existence of such a hierarchy is no secret. One direct expression is rendered by the form of address: whereas the HoM is called “Mr. Ambassador”, the staff is called by forenames. Female Mission members, however, are often referred to as “the girls” or even “the girlies”. Although they express their discontent with this terminology which they perceive as discriminatory, the male staff smiles at them when they complain. Male diplomats do not feel this form of address to be incorrect and perceive the term “girl” as

¹⁰ “The work schedule of Mission personnel is determined by the HoM. There is no set eight-hour working day in any of the Missions. Frequent circumstances require that Mission personnel conduct duty activities in the evening and on weekends [...] in all instances, the completion of Mission objectives and local working conditions must prevail.” (*OSCE personnel guidelines for seconded Mission staff* 1).

¹¹ “The OSCE discourages the accompaniment of dependants of seconded Mission members to the operational area.” (*Administrative Instruction* No. 4/98, 1 June 1998).

friendly. The form of address is even more delicate when used during communications with visitors. People outside the Mission tend to also adopt the address. When they call a female diplomat a “girl”, her authority to act according to her rank of First Secretary is undermined. This practice also intensifies the gender-specific division of labour within the Mission. Whereas male diplomats are invited to participate in high-ranking events, to receive international visitors and to communicate with members of the political elite and state representatives, female diplomats are usually busy with the Russian-speaking population and NGO affairs and do not get to use their specialities, for instance in economic issues. Their activities, which are also part of the mandate, are regarded as marginal by male diplomats. The female staff members do not share this view and consider their work to be essential, albeit of low prestige. They feel excluded from international contacts and related prospects for promotion and resent the fact that women have to do twice as much work and twice as well as men, without gaining due recognition for their efforts.

When asking about core qualifications needed in order to run the Mission, one gets a female and a male answer. The men at the top of the Mission’s hierarchy perceive the job as part of the routine range of diplomatic activities. Knowledge in history and law matters, but most important to them is long-standing experience in diplomacy. The idea of increased OSCE training in conflict prevention is looked at with scepticism. In their opinion, training should remain a responsibility of the seconding country because this would better guarantee the quality of the diplomats’ education. Male diplomats think that the present system, which includes only one day’s preparation in Vienna,¹² provides sufficient knowledge for serving in a Mission. Nonetheless, they support additional training on working together within an international team—a skill which is usually not part of a diplomat’s traditional training. In the face of the increasing need for OSCE personnel and the fact that the OSCE is urged to accept every person proposed by a state

¹² “A one-day orientation program is offered in Vienna to assist new Mission members in beginning their assignment with the OSCE. Upon arrival at the OSCE Secretariat, new Mission members will meet the Conflict Prevention Centre staff responsible for Mission support. They will receive an overview of the OSCE and Secretariat personnel will respond to whatever question new Mission members may have [...] Individuals who are to be assigned administrative duties in the Missions will receive a more extensive briefing concerning their area of responsibility.” (*Personnel Guidelines for Seconded Mission Staff*, section: “Orientation of OSCE Members”).

without further examination, they plea for better training of the fresh personnel streaming in.

Female diplomats hold different ideas concerning qualifications needed. They have participated in an OSCE training seminar in Vienna which they regret that their male colleagues never attended and wish that all Mission members were likewise prepared for their duties, including leading persons. In the female view, staff members should primarily learn to operate within a multicultural environment inside the Mission as well as outside, to handle several difficult issues within a short period of time and in parallel, to act flexibly and upon one's own initiative, and to work together with people under great emotional strain. Willingness to travel around the country is a must. Female diplomats would also like to see training for all the staff with respect to teamwork and "gender-sensitivity training". In their view, the OSCE in Vienna should have more influence in the choice of the HoM and traditional trust in hierarchy should be replaced by trust in equality and professionalism.

However, a need for training with respect to conflict management and conflict resolution was articulated neither by the male nor by the female staff. Apparently, the profile needed for diplomatic activities within a Mission is determined in a "masculine way". Reservations against female personnel, feigned to be founded on negative experiences, are circulating. Male diplomats fear emotional, passionate and rash female colleagues, whose nerves might snap easily and who might weaken the Mission which should function as an "impregnable fortress". Former female staff members were blamed in a stereotypical way because of alleged severe "mistakes" which affected the Mission's relations with the Estonian government. Such incidents are known outside the Mission but not so much labelled as a failure of a female diplomat but rather as an indicator of the tenacity of Estonian politicians, always searching for an opportunity to criticise the Mission.

Despite reservations against women in diplomatic functions, all Mission members as well as all interviewees answered affirmatively and in a politically correct fashion to the question of whether they could imagine a woman as HoM. Most of them point to the office of the UNDP in Tallinn which is headed by the Swedish female diplomat Petra

Lantz-de Bernardis. This general approval, however, has some reservations. Male diplomats propose that a woman should take a leading position only when she knows her own limits and is prepared to hand duties over to a man if needed. The degree of tension would also be of importance. The more a conflict has already escalated into violent action, the more an OSCE mission would have to rely on military personnel, and the more difficult it would be for a woman to occupy a leading position. So far, for all interviewees, Tallinn would be an ideal place to test a woman.¹³ Female diplomats hesitate to believe that the OSCE would ever appoint a female HoM, although they would welcome her with enthusiasm because they would expect a reduction of discrimination and hierarchy as well as a change of priorities in the Mission's approach to fulfilling its mandate.

¹³ At the time of publication, a woman was appointed Head of Mission in Tallinn. She is the first woman to ever occupy the post of HoM in a OSCE Long-term mission.

IV. THE COMPREHENSION OF PREVENTIVE DIPLOMACY

As outlined above, the understanding of the essence of the Mission's duties and approach is not unified. The concept of the Mission is predominantly designed towards addressing a specific situation in a country where dependable relationships between people are lacking and the fear of being treated unfairly determines the behaviour of all actors. The Mission must cope with the fact that its presence was not welcomed by the state authorities and that the OSCE and the Mission are regarded as weak actors, even lacking the trust of the discriminated group. The Mission cannot rely on the traditional insignia of might and power, i.e. military support, and has to struggle for authority, recognition and self-recognition. Often, the strategy even forbids it to justify its activities and demands that the Mission does not react against criticism or show any emotions. Thus, the Mission also has to protect itself in order not to be anybody's fool and must play tricky games in order to be accepted by various actors as a reliable partner with an outstanding knowledge of developments in the country. It must show flexibility and avoid rigid positions without risking losing control. There is little space for kindness, warmth, humour, self-irony and self-reliance of the Mission itself. This burdens the working climate, which is further negatively affected by another factor unknown in other organisations: the positive results of the Mission's work will only be known in retrospect; even when certain achievements are obvious, they can hardly be celebrated.

Most Mission members follow a traditional, pre-democratic understanding of international politics when describing the Mission's duties. In this view, the OSCE is seen as an instrument of foreign policy, functioning like a permanent "Vienna Congress" exempt from the demands of democratic participation and control. Less than for the military (which is in need of public support in order to obtain resources), publicity counts positively for institutions carrying out preventive diplomacy. The Mission finds itself subordinated to the CSO in Vienna and is only responsible to this organ. The diplomats believe that the OSCE, including its conflict prevention sector, is not in need of any kind of public affirmation but of goodwill only. The less the public is involved, the better the OSCE is expected to function. Preventive diplomacy is perceived as a form of security policy, in contrast to human rights policy. Mission members also emphasise that even

the complaining Russian-speaking population is not interested in human rights but solely in the amelioration of its day-to-day life. Neither its representatives nor the Mission members believe in the statement made by the participating States in the CSCE Paris Charter that security, democracy and human rights ought to form a whole.¹⁴ Instead, one propagates a concept which says that, in principle, states do not promote human rights as an end but as a means of serving their particular national interests

According to this philosophy, the Mission's priority is to defuse existing tensions. The search for solutions is allocated to second rank. Comfort is seen as the primary goal of the OSCE, of the member states as well of the people of Estonia. The common aim seems to be to create a state of quietude and to avoid disputes of any kind on the international level (between Estonia and Russia and other states belonging to the OSCE, European Union or NATO). This also applies to domestic developments in Estonia as well as to the Mission itself and its relationship towards the Estonian State. In its own presentation, it is not a critical institution but one characterised by the intent to collect and distribute material and moral resources (money and books as well as moral support and attention) and by the aim to create an atmosphere of improved co-operation among all actors. In order to avoid confrontations with the Estonian government and, at the same time, to influence it by pointing to the real needs in the country, the Mission chose a strategy of "active conformation". This strategy is composed of a semi-public part and a more secret, behind-the-scenes part. The two components of the strategy are used together to achieve the overall aim of influencing the Estonian government.

In public, the Mission neither plays a mediator's role between the Estonian State and the Russian-speaking minority nor does it act as its agent. Rather, the Mission *backs the Estonian government to a large degree, varying according to the HoM in office and to the issue under discussion*. Public statements are made only when it has been internationally agreed that developments in law-making are definitely in violation of international law. This was the case with the amendments to the language law in 1999

¹⁴ The Charter reads, for example: "We are convinced that in order to strengthen peace and security among our States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable" (*Charter of Paris for a New Europe*, adopted at the CSCE Summit, Paris, 21 November 1990).

that sought to impose a requirement for all persons working with the public, including private businesses and NGOs, to be able to speak Estonian. The then HoM was cited in the press as having said that the organisation does not object to language regulations in the areas of consumer protection, public safety and security, but that it objected to some of the provisions in the Estonian amendments which go further than international law would allow. “If they want to be part of European institutions then they need to play by their rules and follow international standards.”¹⁵

Such clear communication has been rare. Even when Mission members attend international seminars, they protect the government against criticism expressed for instance by NGO participants who demand that more attention be paid to human rights and to dialogue. Mission members do not participate as partners in the dialogue; instead, they play the role of observer (some people say “Big Brother”). They only ask to speak when arguments or disgruntlement seriously challenge the official Estonian position. During breaks, Mission members act more sharply. They use informal speech to react to attacks which had been unfairly directed against representatives of Russian-speakers or to ask foreign participants to behave in a responsible manner and not to disrupt the process of dialogue with unpleasant statements.

With disregard for the vulnerability of the discriminated minority, *the Mission supports the government’s ideological positions, particularly with regard to citizenship and language, although Mission members, at the same time, work hard for change and dialogue.* Mission members describe the conflict in nearly the same way the Estonian government does and accept its phrasing, thereby insinuating, for instance, that the country is experiencing no tensions, no human right violations and that there is even no Russian-speaking minority.¹⁶ They accept the vague term of “integration” as the ultimate aim, and even support it with clichés pretending that ethnic Estonians and ethnic Russians in Estonia live in two different worlds and that Russians should integrate into the Estonian world and assimilate. They ignore the fact that Estonian society consists of

¹⁵ BT 8-14 July 1999.

¹⁶ Indeed the term is difficult because Russian-speakers consist of several ethnic groups, each of them being in a minority position.

Estonians and Russians. Another cliché is that Russians in Estonia are a lethargic group of post-Soviet people, thereby implying that Estonians represents a modern, free world. Some Mission members even call non-citizens “occupants” and blame them for being emotional and passive at the same time. The Mission abstains from any frank comments and glosses over crisis-prone developments in the country, reporting solely on positive events. Contrary to practice during the first years, the Mission today abstains even from formulating recommendations directly.

The Mission also considers the objections against its presence raised by the Estonian State. Estonian representatives, for example, have claimed that the presence of the Mission might scare away foreign investors. Correspondingly, the Mission makes itself invisible and abstains from displaying a flag or even a nameplate outside the office. To the argument that the Mission could hinder Estonia’s efforts to join the EU, the Mission responds by demonstrating that its activities are helpful in securing EU resources and in convincing the EU of Estonia’s willingness to qualify for membership. (For the Mission’s position on EU-related issues, see Chapter V.2).

In exchange for its support for the views of the Estonian government, the Mission expects the State to make concessions to non-citizens. Occasionally, reports are drafted saying that the Government has behaved in a liberal and rather generous fashion towards non-citizens on certain issues. The draft is communicated to the Government which can thereby find out about the Mission’s expectations. If the Government then behaves as expected, the Mission publishes the information, thereby helping to improve the image of the country abroad. This method works, but not always. If the Government does not react to the draft, then nothing is reported and the Mission looks again for further opportunities to motivate the Government to change its position.

This moderate strategy also applies to issues of human rights and minority rights. “Active conformation” with the Estonian State may also be used to describe the approach of searching for means acceptable to the Estonian political class of dealing with the fate of the Russian-speaking minority. This is generally placed on the agenda not as a human rights matter, but at least as part of the OSCE ‘human dimension basket’, in order to create the awareness that the integration of non-citizens is really an Estonian problem

and cannot be dismissed as Russian rhetoric. Although shying away from placing human rights issues on the agenda, the Mission occasionally cannot escape from the dynamics of this discourse. The Mission must address human rights issues either in cases when a state expects the Mission to raise human rights questions or in cases when the Mission has received a warning that an NGO will make human rights issues a central subject. In those cases, the Mission seeks to demonstrate that it is prepared. In other words, its orientation towards human rights issues depends not on the needs of the vulnerable group but on the possibility that an actor—governmental or non-governmental—is able and willing to politicise human rights violations.

When the Mission cannot avoid dealing with human rights issues, it understands its function as an instrument for allocating the struggle for human rights rather than overseeing their implementation. The Mission's duty is to prepare for tensions which might derive from human rights disputes and to contribute to the ability of OSCE institutions to tackle the situation. For this purpose, it delegates the human rights issue as much as possible to appropriate OSCE bodies better designed to address the Estonian government concerning its commitments to human rights standards. It will also assist this institution or person—usually the HCNM and his office—with a substantial part of the work, for instance by preparing a legal opinion. Two cases which were topical in August 1998 serve to illustrate how the Mission handles human rights related disputes.

The first one concerns Estonia's religious policy. Estonia is afraid of the Orthodox Church as a Russian basis for destabilising the state and therefore wants to foil links between the Orthodox Church in Estonia (which owns a lot of property) and the Orthodox Church in Russia. Thus, the Estonian government promoted the incorporation of the Russian Orthodox Church in Estonia into the patriarchy of Constantinople. This is presumably not only against canon law, but also against the freedom of religion of the majority of about 50,000 Orthodox believers. The Mission was prepared to provide its mediation offices, but remained cautiously in the background. The Estonian Archbishop Korniliy (who belongs to the Moscow patriarchy) turned towards the HCNM and the Mission. After Orthodox believers organised several demonstrations, the HoM contacted the Archbishop as well as the Russian embassy in order to test its willingness

to politicise the issue and to prevent such a development. The Russian ambassador gave a signal that Russia was not interested in seeing the issue become a central point of the Mission's work. One can conclude from this that, as long as Russia is not interested, and/or as long as the Orthodox believers do not mobilise the necessary resources to enlist the international audience in the defence of their rights, freedom of religion in Estonia will not become topical in the Mission's dialogue with the Estonian government, although from an objective point of view it is a matter of human rights.

A second case concerns Estonian limitations on the freedom of expression. Non-citizens in Estonia are free to associate; however, public demonstrations must be officially approved and are only allowed after an Estonian citizen has accepted responsibility for it. During summer 1998, the "Union of Russian citizens" in Estonia and the "Union of Russian Pensioners" contravened this law and some participants were arrested. This was definitely a violation of human rights—even according to Mission members.¹⁷ In this case, the Mission decided to deal with this issue actively. One reason behind this decision was that such arrests could be repeated and could thereby cause legal proceedings and political unrest. Another reason was the Mission's fear of certain NGOs who could make these violations an issue during a forthcoming ODIHR implementation meeting on human dimension issues and blame the Mission for idleness. Whether and how the issue would come up could not be predicted. Again, the Mission avoided direct confrontation with the Estonian government and abstained from making any public statements. Instead, it pursued a silent strategy: it prepared a legal opinion and communicated intensively with the office of the HCNM in order to let him, not the Mission, comment on the arrests as a violation of human rights commitments. Further, the Mission preferred that the HCNM hand over the legal opinion—enriched by diplomatic niceties—to the Estonian government.

¹⁷ CBSS Commissioner, 1998.

V. THE MISSION'S FIELDS OF ACTIVITY

If one has in mind how small the staff is and how complex its working conditions are, one will note that the Mission's performance, as described below, is impressive. Whereas the Mission had initially focused on the laws related to citizenship, statelessness and residence permits, its field of action has become much broader and includes the collection of information, reporting, international coordination, advice to state institutions, mediation during political crises, as well as duties related to socio-political projects. All these activities are meshed together and are part of an overall concept, but they are of different weight. The more important the activity is for the Mission, the more it is concealed from the public eye.

1. Collecting information and reporting

Almost all of the Mission's activities are based on its core capacity to collect and communicate information. Mission members are proud of being better informed about Estonia and the Estonian northeast than any other national or international organisation. The Mission produces different types of reports: Activity Reports, Spot Reports, Background Reports, Surveys, Internal Memos and other documents such as the reports of the OSCE Representative to the CiO. None of these reports are available to the public; their confidentiality, however, varies.

Contrary to the Activity Reports, the *Spot Reports* on incidents and early warning react to certain crisis situations; they are not prepared regularly, but fairly often. *Background Reports*, on the contrary, are rare. In August 1998, a socio-political Background Report of more than a hundred pages, entitled "Aspects of integration - Report of the OSCE Mission to Estonia" was completed following an initiative of the then HoM. He had originally asked the two female diplomats at the Mission to report on social-political developments in Ida-Virumaa county but, in the end, most of the staff had become involved and was quite exhausted. A survey was now at hand, including chapters on civil society developments, the role of NGOs and mass media, education and language policy, migration, citizenship, ethnic minorities, inter-ethnic relations, socio-economic

factors of integration, social stratification, unemployment, and the role of regional development. The aim of this survey was to contribute to a better understanding of the magnitude of the issues to be tackled within the integration process. The survey was communicated to the Estonian government as well as to OSCE headquarters in Vienna. Even in Vienna this survey can be studied neither by the public, nor by government representatives, nor by experts for the simple reason that it has apparently disappeared from the files in a mysterious way. Rumours say that the Estonian government did not like its contents and sent a person to steal it from the archives.

As already mentioned, the Mission also prepares *Legal Opinions* which concentrate on international law and often touch upon human rights issues. They are particularly relevant in the communication between the Mission, the HCNM and the Estonian government and, occasionally, they are labelled as Background Reports and also forwarded to Vienna.

About twice a month, the Mission prepares so-called *Activity Reports* of three to seven pages. Signed by the HoM, they are communicated to the CiO, the Conflict Prevention Centre (CPC) in Vienna and to the HCNM in The Hague. The Mission further sends these reports to selected institutions on-site: the Estonian Ministry of Foreign Affairs, the Foreign Affairs Parliamentary Commission, the Ministry of the Interior, the Ministry of Nationality Relations, the Ministry of Education, the Office of the President, the embassies of OSCE member states in Tallinn, the Delegation of the European Commission and the Tallinn UNDP office. Although these reports are not available to the public, they are not secret either. They are transmitted semi-officially by the governmental recipients to selected persons. Thus, their contents may be known informally. But it is more difficult for representatives of the Russian-speaking community to gain access to these reports than for groups which are on friendlier terms with the Estonian State.

Explanations given for the mystery behind the Mission's Activity Reports sound more like excuses. The HoM finds it common sense that reports are not distributed although it is not forbidden to circulate them outside the Mission. Indeed, the mandate does not mention any limitations for distribution. Other Mission members point to the fact that,

according to the mandate, their duty is to report to the OSCE Chairman-in-Office (CiO), to representatives of the United Nations, of other international organisations and of the OSCE participating States in Estonia—and to no-one else. Nobody would expect a government to share all its information with the public and the same should be clear regarding the OSCE because of its governmental nature. The Mission was mandated to serve as a “clearing-house” for the purpose of member states only, and not for NGOs. They can obtain sufficient information from other sources and may even participate in various OSCE conferences. As to the people of Estonia, they already know the situation in the country and should not need to study OSCE reports. Finally, Mission members explain that reports are part of “silent diplomacy” and have been written in a specific diplomatic language not understandable to the general public.

It is rather unlikely, however, that it was the Mission’s free decision to withhold information on such a strict basis for two reasons: firstly, it had exercised a less restrictive information policy in the beginning when it was headed by Finnish diplomats; secondly, the Estonian government had complained about the reports in order to criticise the Mission’s work. In one case, the continued presence of the Mission was put in jeopardy after the authors of an Activity Report had cited a local news item on the Red Army in 1944 and had inadvertently used the term “liberation” (instead of “occupation”) without putting it into quotation marks (Lahelma 1999: 33). It took months before relations with the Government were back on track. Also, after the Mission had reported on the bureaucratic handling of the Estonian laws on foreigners during 1993 and 1994, and pointed to protracted procedures for issuing residence permits for non-citizens, the Estonian government complained directly to the CiO. As a result, the then HoM, Timo Lahelma from Finland, was replaced by Richard Samuels from the United Kingdom, and tensions between the Estonian government and the Mission calmed down. It is presumed that an arrangement was made at that time between the Mission and the Estonian and Russian governments on the distribution of reports, and that the Estonian government won a controlling function. Since then, the Estonian government sees the reports before they are communicated to the institutions mentioned above.¹⁸ Whether this practice

¹⁸ This is not the case with the reports of the OSCE Representative, which are officially submitted neither to the Estonian nor to the Russian government, but only to the CiO. The fact that both

made sense was not clear, even to Mission members, and it subsequently changed, in late 1998, after the HoM Detlof von Berg left.

The nature of the Activity Reports has also changed since that time. Whereas they used to contain substantial information on inter-Estonian disputes and on international expectations towards the country, they have now turned into reports on undisputed issues only. The different nature of the reports concurs with their changed function within the strategy of preventive diplomacy. Thus, the activity reports, which were originally meant to inform the international community substantially and objectively on the development of tensions, today hardly indicate that any tensions worthy of international attention exist in Estonia. The preparation of reports is ruled instead by the following guidelines: they should not contain anything which has the potential to nourish tensions between Estonia and Russia and which could be used by one to strengthen its arguments against the other. Above all, they should not give any pretexts to the Estonian government to complain. Priority is given to satisfying the Estonian interest in a polished image in Europe. The reports are meant to contribute to opening a channel for Estonia to be perceived as a country that is prepared for joining Europe because of generous concessions towards non-citizens. Reports are further intended to inform about projects, to motivate sponsors to continue their support as well as to contribute to finding emulating actors. Finally, reports must clearly show that the Mission is not twiddling its thumbs. Although these reports are nearly unanimously judged to be of little substance by persons familiar with their contents, they are perceived as an opportunity to attract attention from abroad to Estonian affairs. Estonian politicians also appreciate the reports as examples of how tensions can be resolved by a change of language and how even a small state can defend itself against heavy attacks from a superpower like Russia.

The change in the nature and function of the activity reports may have contributed to increased acceptance of the Mission's presence in Estonia. It may also have helped to protect it against arguments questioning the usefulness of this instrument and motivated the Estonian government to follow international expectations—at least in a few

governments know about the contents on an informal basis is not seen as a problem, because governments do not refer to unofficial information to make them the issue of disputes.

instances. But this approach bears a price. It is a loss from the perspective of the quality of international information on the conflict. Representatives of human rights groups qualify the Activity Reports—as far as they have access to them—as misleading or irrelevant. Some Mission members even find that reporting is neither objective nor neutral and that it has become a weak instrument.

2. Serving international actors as a “clearing house”

The mandate defines the role of a Mission as a “*clearing house* for information, technical assistance and advice.” Whatever the term “clearing house” really means, one of its functions is to serve the OSCE and other international actors involved in Estonian affairs, and to dissipate doubts on how to act. Thus, the Mission is given a co-ordinating capacity as part of a good governance regime for Estonia. The Mission contributes to the balance of different interests of OSCE member states and makes sure that their actions do not run against the general aim of conflict prevention. This co-ordinating capacity has become increasingly important since the early nineties when international presence in Estonia, beginning with foreign embassies, international organisations and projects, has multiplied and channelled political and financial resources into Estonia. At least five dimensions of these co-ordinating functions may be distinguished.

- i. *The Mission primarily lives up to the expectations of OSCE member states.* One diplomat has explained this duty as follows: membership in the OSCE costs states a lot. Thus, the Mission cannot serve Estonia’s interests only but must meet the interests of all these states who expect to get in return an equivalent of OSCE membership costs. The second HoM, Timo Lahelma, wrote that the Mission’s work is valuable for OSCE states in the formulation of their foreign policy with respect to the Baltic region (Lahelma 1994: 99). Russian diplomats explained that the Mission is appreciated for three reasons: firstly, it demonstrates that Estonia must not only consider West European interests but also keep in mind Russian interests; secondly, it bridges the communication gap between the Estonian government and the Russian Embassy in Tallinn; and, thirdly, it also creates space for Russian diplomats to somehow distance themselves from rhetoric and propaganda at the centre in Moscow which tends to withhold relevant information.

- ii. Furthermore, *the Mission is an instrument of the OSCE's primary goal of ensuring stability within the all-European region for a good price*. According to Mission members, this is achieved in the case of Estonia as long the Organisation is not confronted with severe disputes on Estonian affairs. In this sense, the Mission has been outstandingly successful. According to observers, the Mission reports submitted to the OSCE in Vienna are given the nod after a few statements reeled off in a stereotypical pattern: a representative of the USA demands increased emphasis on human rights, then a representative of a West European state recalls the need to understand the Estonian position and the Estonian search for security; then the Russian representative steps in and claims more attention for the situation of the Russian-speaking minority; finally, the Estonian representative states that Estonia has fulfilled all of its international expectations regarding Russian-speakers and that all problems have already been resolved. After this ritual, the debate on the report is over and the Mission can resume its work.
- iii. Together with other OSCE institutions, the Mission is an instrument for containing disputes that appear on the international scene, and for demanding that problems are solved where they have their roots, i.e. on the domestic level. Communication with the office of the HCNM is intensive. Conversely, the Mission also benefits from his activities and his recommendations which “provide guidelines for the work of the Mission (Lahelma, 1999: 26).” Telephone calls between the two offices are made nearly every day in order to fathom which issues are to be raised, by whom, how and when. One can hardly imagine how the office of the HCNM Max van der Stoel could have prepared those qualified statements which earned him high recognition even among human rights groups if he had not had access to the Mission's detailed insight into law-making and legal policy in Estonia.
- iv. Communication between the Mission and ODIHR is comparatively under-developed. One reason for this is that consensus-making on the role of ODIHR and the “Human Dimension” within the OSCE security concept has remained poor in practice (Bloed 1997: 51-52). For whatever reasons, the Mission shies away from ODIHR implementation meetings, which might interfere with the Mission's plans.

Nonetheless, it cannot entirely escape from these debates; thus, in coordination with the office of the HCNM, it prepares for the eventuality that a question is raised on why Estonia has still not met international requirements to create an ombudsman institution or in case an NGO asks the Mission for an opinion on a human rights question (for example, regarding the treatment of Roma in Estonia). Official communication with the CBSS “Commissioner on Democratic Institutions and Human Rights, including the Rights of Persons Belonging to Minorities”¹⁹ and with the UNDP office in Tallinn also seems to be under-developed. In both cases, contacts are not free from rivalry and depend to a high degree on personal contacts, preferences and the national origin of the seconded diplomats.

- v. The Mission further seeks to use the self-interest of other international actors, and particularly of Estonia’s Nordic neighbours, in order to mobilise financial resources for certain projects for the benefit of the Russian-speaking population, such as printing and issuing of aliens’ passports, financing of English language courses for Russian-speakers as well as certain socio-political NGO projects (see below). At the same time, the Mission must seek to give its search for foreign financing a broad basis in order to balance the impact of money-spending programmes of the EU or other institutions in which Estonia has a veto, as is the case in the CoE. The Mission was repeatedly able, for instance, to convince the International Organisation for Migration (IOM) to finance projects supporting the integration of non-citizens who had been politically excluded by Estonian funding institutions and who had not obtained financial support from the CoE for the same reasons.
- vi. Finally, the Mission contributes to binding international actors to the OSCE’s approach to conflict prevention. The OSCE was successful in linking the EU’s view on Estonian affairs to the OSCE approach. The European Commission, which used to be rather indifferent to democracy and minority issues, was motivated to consider EU enlargement policy not solely according to economic criteria. Without the Mission’s various activities, including information for members of the European

¹⁹ One of the advantages of the Commissioner is that he is explicitly entitled by his mandate to act on individual cases. Thus, mission members have helped forward complicated cases to his office.

Parliament, the EU Commission would hardly have connected its decision to accept Estonia as a candidate to the insistence that Estonia intensify its efforts to integrate the Russian-speaking minority. The fact that the EU recognised minority-related problems in Estonia in the first place is linked to the OSCE as well. On the one hand, EU expectations concerning an Estonian integration policy is very much influenced by West European problems and competes with OSCE standards to some extent. Project support from the EU for democratisation and civil society is comparatively poor. With respect to the human dimension, the priority of the EU for Estonia is instead dominated by projects related to promoting Estonian language skills (Raik 1998: 85-91). Here, too, lies the priority of the Estonian government's Integration Strategy, which is accused of aiming at assimilation and which, on the quiet, is valued by experts inside and outside the Mission as "unrealistic" and "a waste of international money" (Järve and Wellmann 1999: 11-16 and 28-31). At the same time, Estonian politicians play off the EU's approach (as well as the rather similar approach of the UNDP which is mostly financed by the Nordic States²⁰) against the approach of the OSCE. They also use the involvement of the EU as an additional reason for closing down the Mission in Tallinn, which is said to be superfluous because the EU (or the UNDP) could better meet the Estonian need for integration. A core activity of the Mission in the foreseeable future will still be to motivate the EU and the Nordic States to be really serious about domestic developments in Estonia and the social situation of the Russian-speaking minority.

3. Advising Estonian state institutions

What is outstanding is the OSCE's closeness to selected institutions of the Estonian state, namely the Roundtable on National Minorities at the Presidential office, the

²⁰ The UNDP/Nordic Support to the Estonian State Integration Programme, 1998-2001, is USD 1,350,000; Sweden, Denmark, Norway and Finland alone pay 980,000 USD. Co-operation between the Mission and the UNDP in Estonia is not close and one gets the impression that, as much as the UNDP is blind regarding policy of power, then the OSCE is equally blind with respect to development policy. (In 1998, however, the diplomats started to work more intensively on the economy, the energy sector, regional development and social consequences in areas with high concentration of Russian-speakers.)

Roundtable of National Organisations in Ida-Virumaa County, the Constitutional Committee of the Parliament, and the Government Commission on Military Pensioners. In co-operating with these institutions, the Mission finds the opportunity to feed politicians with relevant information drawn from its own experience in the country as well as from various reports written by domestic experts together with foreign institutes and financed by foreign donors. This includes information on recent developments in international law and the meaning of “sovereignty” at the end of the twentieth century, as well as statistics on demographic and social development—all in all information which most Estonian politicians dislike and neglect. The Mission’s collaboration with these institutions grants it a wealth of information on the internal Estonian debate. But it also confers upon the Mission responsibilities beyond what is usually expected in the case of an international organisation with a monitoring or consultative role.

The Mission has not confined itself to observing the issuing of residence permits to non-citizens and the examinations in the Estonian language, history and culture which are decreed as preconditions for naturalisation; it has also played more active roles. During the preliminary campaign for local elections in October 1993, the Mission advertised in Estonian- and Russian-language newspapers an appeal to non-citizens to register according to the Estonian law on foreigners. This would guarantee their right to vote in the local elections. As registration of some 400,000 persons (nearly one third of the inhabitants) was—intentionally or not—placing a strain on bureaucracy, the Mission organised additional forces from the Nordic countries and financial support from other sources to enable the Estonian Citizenship and Migration Board to cope with the job. Paradoxically, the Mission thereby supported both increased participation of non-citizens in local affairs and, at the same time, the reinforcement of structural discriminations against this group. Because Estonian law grants only voting rights but not eligibility for office to non-citizens, there was a lack of candidates who could mobilise Russian-speaking non-citizen voters. The Estonian State therefore decided on short notice to selectively grant citizenship to certain moderate Russian-speaking non-citizens who were expected to run as candidates in the elections. The Mission, together with several Tallinn-based embassies of OSCE states, participated in the search for such candidates, again as an observer. The then HoM Timo Lahelma commented on this: “One may,

admittedly, have misgivings about how well such a selection of candidates conforms to normal democratic practices.” He however added that the “policy adopted by the government proved successful in the extraordinary circumstances which prevailed in which the legitimacy of the local elections was called into question. There is no doubt that the new municipal councils elected last autumn for the most part reflect the ethnic structure of the communities (Lahelma 1994: 90).”

The *Presidential Roundtable on National Minorities* emerged in the course of discussions between members of the “Representative Assembly of Non-citizens” and members of the Estonian government. It was strongly encouraged by the US embassy together with the HCNM and the then HoM Timo Lahelma, and was finally established by President Meri in July 1993 at the height of the crisis on the Aliens Law. He stated in a communiqué on 25 June 1993 that the Roundtable will present the conclusions of the participants’ discussions with the President in written form. “Depending on the nature of each problem, the President of the Republic will forward them for examination to the Council of Europe, the CSCE, the Riigikogu, or for settlement by the pertinent state bodies (Lahelma 1999: 30).” Earlier, the statutes of the Roundtable had been composed by three persons: a representative of the Russian-speakers, a representative from the “Estonian Union on National Minorities” and Timo Lahelma. Later, the Mission acted as a permanent observer and legal adviser. It also made suggestions on how to improve the working structures of this “standing conference” consisting of 17 members appointed by the President. Until March 1995, when six Russian-speaking Estonian citizens were finally elected to Parliament, the Roundtable was the only political institution for the Russian-speaking community to express its needs. However, it lost political weight continuously because it could influence neither the government nor Parliament, nor the President. In 1997, Timo Lahelma (then already HoM out of office) confessed:

“The round-table has, beyond doubt, proven its usefulness as an instrument of institutionalised dialogue. Nevertheless, I would have wished that the recommendations of the round-table would have gained more prominence in the media and in the public debate. Also, while recognising the legal difficulties involved, I would also have expected a greater willingness on the part of Parliament to come to grips with the problems pointed out by a unanimous round-table.

Admittedly, since the russophones are now represented in Parliament, the significance of the round-table initiatives in the legislative work has diminished (Lahelma 1999: 31).”

During nine months no meeting could be arranged due to the fact that the chair of the President’s plenipotentiary was left vacant. At the end of 1997 the Roundtable was restructured. It continued to dialogue on forthcoming amendments and their effects on the situation of minorities, without again gaining much attention. Instead, the institution, which had always been regarded by the Estonian political class as an imposed body, was increasingly used to pretend internationally that the Estonian state was prepared for institutionalised dialogue with the Russian-speaking minority. In February 1999, four prominent representatives of Russian-speakers withdrew their participation, declaring: “[...] we cannot comply with the fact that the Roundtable is no longer a forum for a dialogue, but it has become a decorative body of ‘collective approval’ [...] we do not consider it possible for us to be members of the Roundtable any more. Nevertheless, we will take an active part in all real processes of democratic development of Estonian State and society.”²¹ The Roundtable ceased to exist temporarily—and so did the Mission’s role in it.²²

The Roundtable of National Minority Organisations in Ida-Virumaa has been working continuously. It was initiated by the Mission, which again took on the role of observer. The focus of this Roundtable is on projects contributing to the multicultural development of the county through information, education, professional training, cultural development and inter-ethnic communication. Fifteen organisations are involved, representing the Russian, Belorussian, Tatar, Finnish, Estonian, German, Polish and Jewish communities. Although most of them are Russian-speakers, they do not want to be considered part of the Russian minority or even be dominated by a “Russian” view. Eleven out of fifteen representatives are female. The Mission is rather appreciated for its services towards this body. It has helped, for instance, to prepare a multicultural calendar in the languages of

²¹ Statement of members of the Estonian Roundtable, MINELRES: 25 February 1999.

²² After the 1999 national elections, the President nominated a new person to run the institution; a special meeting of the Roundtable took place with the presence of the President and the new Minister for Inter-ethnic Affairs. The group discussed the demands of the “dissidents” and postponed a definite decision on the future of the Roundtable until after the local elections in October 1999.

the respective communities as well as in Estonian and in Russian. Further, a homepage was established on the Internet to allow young people to participate in intercultural dialogue as well as to establish contact with people abroad.

The experience of all international organisations working in Estonia has been that it is easier to push the Government towards making concessions than *members of Parliament* who, apart from a small Russian faction, nearly unanimously defend ethnic Estonian autarchy and act as a barrier against the recognition of the Russian minority as an integral part of the Estonian society; some even wish that Russian-speakers would leave the country (Hallik 1998: 277). Already in 1993, the first HoM Klaus Törnudd reported on the failure of the Mission to sufficiently influence parliamentary work in Estonia;²³ his statement remains valid. Whereas the Mission initially commented directly on Estonian legislation—comments which were rejected by MPs as a violation of their sovereignty—the Mission changed its strategy. Diplomats now meet MPs in person and explain international expectations to them directly. Further, it has received a parliamentary invitation to participate in the drafting of the bill on elections and in the work of the *Committee on the Constitution* in order to help create the preconditions for Estonian EU membership—presently hindered by the Estonian Constitution. The Mission may attend all the meetings and make recommendations. MPs appreciate these contacts because the diplomats bring along relevant international documents, arrange for Estonian interpretation and assist the MPs in their preparations for official journeys abroad to attend meetings of the OSCE Parliamentary Assembly (PA). As regards non-citizens, the parliamentarians' interests are rather limited. Most of them have learned to accept the fact that the Mission is useful even when they do not follow its advice because they are at least better informed about international reactions to Estonian decisions. They want to prevent international trouble over amended laws which fail to conform with international standards and lead the Estonian President to demand certain changes rather than merely signing the law—as has already been the case several times. Above all, parliamentarians want to prevent public discussions and unrest—and this particular objective concurs with the Mission's aims.

²³ CSCE Mission to Estonia, # 17, 1993: 3.

Finally, the OSCE has commissioned its Representative to the *Government Commission on Military Pensioners*, an institution which—in the Estonian perspective—is related to Estonian security policy. Until the end of 1998, the Commission dealt with about 20,000 applications for residence permits from former Soviet officers and their families.²⁴ Although the Representative is not entitled to vote; his opinion counts nevertheless. It is a moot point whether former officers of a state that has ceased to exist may in principle pose a threat to Estonia. Under the rule of law, proof can hardly be found that a person legally applying for a resident permit could really threaten Estonia's security because of his former responsibilities. Thus, the majority of applications will get a positive answer in the end. Applicants who succeeded in their first attempt to obtain a temporary residence permit must wait another year before they can apply for a permanent residence permit. About 3,000 applicants, however, only got a probationary, temporary residence permit and must be reviewed a second time. When an application is rejected, the candidate can take legal action. In the end, very few persons will be legally rejected. Thus, scrutiny of former Soviet officers is highly disputed, and so is the participation of the OSCE Representative. Indeed, he serves the implementation of a bilateral treaty between Estonia and Russia. The whole procedure is also meant to satisfy Estonian interests by delaying the full integration of the group into Estonian society as internationally required. The fact that the Government Commission was not able to complete its task within four years was due to several long-lasting interruptions of its work. Due to a change of government, the chair of the Committee was left vacant several times—in one case for three whole months. One can hardly imagine the results of such a body in Estonia without international supervision. Although the Government wanted to get rid of the Representative until the end of 1998, the office persisted. The Government Commission and OSCE participation in this body are appraised differently by persons directly concerned. Many of them find the OSCE responsible for a degrading and rather arbitrary procedure of political and social control and for the aggravation of the quality of life of Russian-speaking individuals.

²⁴ According to Lahelma (1999: 31), 11,000 military pensioners, together with their close relatives, amount to some 35,000 persons concerned.

4. Advice to individuals

Non-citizens still lack information and consultative services on their status, and the chance to insist on their rights. This concerns particularly the group of persons who were made “illegal”, i.e. any person who—for whatever reason²⁵—does not possess legal documentation such as an alien’s passport or a passport of another country. Nobody knows the size of this group. The official estimate is 43,000 persons (3 % of the population); other sources estimate that it is twice as large, with a minimum of 80,000 persons. International organisations had urged the Estonian government to establish an ombudsman institution, without much success. In 1998, the Mission was still substituting for such an office (see Chapter VI.2). The first HoM explained this duty as follows:

“In attempting to respond to the spontaneous visitors, the work of the Mission has resembled that of a legal assistance bureau, information office, consulate or ombudsman office. On many occasions, the Mission has been able to help individuals by getting in touch with the appropriate Estonian authorities. As a minimum, the office of the Mission served as safety vents, places to which people could turn with queries and complaints (Törnudd 1994: 77).”

The system of receiving visitors and handling cases was not planned in the beginning but resulted from the expectations of people. “Drop-in clients from the street” (Lahelma 1999, 23) believed that the OSCE—representing international opinion—could help them on an individual basis. Most of these visitors were women.²⁶ The Mission decided to hold regular office hours, trying to combine at least three different functions related to the interests of the people, of the Mission and of the Government.

- i. For many people these consulting hours are the only reliable source of information beyond rumours, Russian propaganda and incorrect information provided by

²⁵ Non-citizens become “illegal” when, for instance, mixed families divorce, when parents don’t care and miss the date for the registration of their children, when an application for a residence permit gets “lost” in the respective office, or when it is impossible to get personal documents (birth certificate, registration certificate) from the offices in Lithuania, Latvia or other states which had belonged to the Soviet Union.

²⁶ They are regarded as more active, more adaptable and more pragmatic than their husbands with regard to daily struggles for life as well as participation in local politics and NGOs. They seem to be more prepared to take responsibility for their families, and tend to drink much less than men do when faced with difficulties. Sometimes, however, they are sent by their husbands who want to

Estonian officials. About 80 percent of visitors seek advice on how to organise the documents needed in order to apply for residence permits, to reunify families, or to arrange visits by relatives in case of illness or death. They are then given advice on how to put together the necessary documentation which increases the chances of a successful application. CMB offices are actually supposed to do this, but often the officials themselves do not know the regulations.²⁷ People visiting a CMB office often do not get any answer or any instructions if they do not know exactly what to ask for, and even then they might get an incorrect answer.

Some persons coming to the Mission in need of legal advice are sent to one of the two NGOs authorised to provide such services. The Estonian Institute for Human Rights (EIHR) is “an independent nationalist group founded by the President” which, as recently as 1994, had accused the Mission of “acting as an indirect instrument of Russian imperialism (Lahelma 1994: 91).” Apparently, co-operation between the OSCE’s offices in Ida-Virumaa and the Narva office of EIHR, which provides people with legal aid free of charge, has been more intensive than with the Tallinn office of EIHR. The Legal Information Centre for Human Rights (LICHHR) is an original NGO, particularly involved in promoting the concerns of Russian-speaking inhabitants and with outstanding contacts to West European research institutes. LICHHR cannot offer services outside Tallinn but is considered as one of the few attempts in Estonia to develop competence in the understanding of human rights issues, whereas Estonian judges or the legal education system, for instance, have remained uninterested.

The Mission has helped many people to stay legally in the country, to understand what is happening and to deal with the changes. There are, however, visitors whom the Mission admittedly can not help and who are doomed to continue their life as “illegals”. Female Mission members expressed how much they had personally

escape from the humiliation of going to an office with a request, or who—in case they are still employed—cannot or do not want to spend time on these activities.

²⁷ Many people have problems with their applications due to the fact that CMB staff, before 1996, accepted applications from people who were not entitled to apply and who, since they were never informed that their applications would not be processed, wasted time and missed their chance to apply in Estonia.

suffered when they came across the hopeless situation of many people who had become prisoners of their political status and its social and economic consequences.

- ii. People seeking advice in turn contribute to the Mission's task of collecting information. They particularly serve it as a source of information on general trends and everyday problems of non-citizens and their treatment by the administration. This part of the Mission's activity was not shown officially in the Activity Reports, and in cases where concrete information was used in communications with international representations, the persons concerned were informed in advance.
- iii. Non-citizens have no trust in the Estonian political system and this is a challenge for the system itself. In the face of broken communication between Estonian officials and non-citizens, the Mission serves as a bridge, explaining the laws and procedures for registration and naturalisation, and motivating visitors to search for needed documents and to act according to the regulations. Thus, the diplomat's contacts with non-citizens contribute to imposing the Government's policy on non-citizens and to submitting them to Estonian rule. This is in the interest of the Estonian state.

Over time, these consulting activities have been revised and reduced. The number of visitors has also decreased for several reasons. One is that the office in Tallinn was made "invisible". In the beginning, it was located within the Estonian Ministry of Foreign Affairs and was visible to everybody because of the long lines in front of it. This was a core motive for the Estonian government to demand that the Mission move to another place. Today, the office in Tallinn is much more difficult to contact. Even if one knows the address, one gets irritated. No doorplate confirms that one has arrived at the right place. During 1998, the Tallinn office ended its regular office hours as some diplomats simply wanted to escape from these demanding drop-in-clients expecting the Mission to solve all their problems. Others no longer wished to comply with a mentality described as "Russian" or "apathetic". Today, visitors have to make an appointment first. This system gives much more influence to the Estonian secretary and the Deputy HoM who can decide to which diplomat a visitor is sent and whether he or she may be admitted at all. A tendency has developed to stop receiving ordinary people and to spend time only on persons with a more official background such as diplomats or politicians.

The system in the two offices in Ida-Virumaa is different but has also changed since 1998. The number of contacting persons had dropped to ten to thirty per week in late August 1998. One explanation, given by a mission member, is that peaks occur only around deadlines for applications (e.g. July 1995, July 1996, July-August 1998) The two offices continue to hold office hours on Wednesdays and Thursdays. Office hours in Narva were advertised. The actual practice regarding the number and duration of office hours and their announcement depends not on actual demand but rather on the diplomat who is responsible. After people had queued to be received and lost a week to get a comprehensive result, the system was made more efficient. A person keeps the office open for visitors every work day, giving them a form to fill in their names and their concerns. This information is forwarded to the responsible person in the Tallinn office who notes what additional information is needed in order to advise the visitor correctly and to prepare for this. One diplomat claimed that all papers and notes on advice which had been given are kept in files, as most of the visitors come back after some time with additional questions and expect the diplomats to remember their cases in every detail. The diplomat interviewed also made it clear that these files are internal documents with the sole purpose of meeting the high expectations of the clients.

Nevertheless, many people are afraid to contact the offices and have no trust in their confidentiality. The Mission has lost confidence among non-citizens because of its close relationship with the Estonian government and the impression that it could not or would not help directly in cases related to registered or unregistered “illegals”. Individuals who have contacted the Mission in order to get advice have even complained that staff members have tried to sound out their past or their political views. Actually, not every diplomat is the right person for this part of the OSCE job for various reasons.

5. Mediation in crisis situations

During 1993 and 1994, the Mission—together with the HCNM—acted as a direct mediator between the Estonian State and representatives of non-citizens in Estonia’s Northeast. Tensions increased with uncertainties around their legal status, when new laws related to naturalisation, language or elections were prepared. When the Estonian

Law on Aliens was amended in early 1993, many people felt that Russian-speaking non-citizens might even be threatened with expulsion. Whereas Estonian President Meri was persuaded by the HCNM, backed by experts from the CoE, to veto the law, representatives of the Russian minority were in turn persuaded by the HCNM, with the help of the Mission in Tallinn and its two offices in Narva and Jõhvi, to abstain from escalating action. When non-citizens announced strikes in the Northeast and prepared for a referendum on territorial autonomy in the cities of Narva and Sillamäe, the Estonian authorities were motivated to tolerate the referendum, and the representatives of the Russian community were motivated to assure that they would respect the territorial integrity of Estonia and a forthcoming decision by the National Court on whether the referendum was against the Estonian Constitution.²⁸ Escalation of the conflict into a self-reinforcing cycle was prevented when the referendum was given a symbolic character instead of a decision-making one.

A similar crisis appeared in 1994 when the Mission, together with the HCNM, learned during a meeting in Narva of a plan for a so-called civil disobedience campaign with the object of persuading non-citizens not to register for residence permits.

“If the campaign had been successfully organised, a complicated situation would have arisen. On the one hand, toleration of the campaign would have signified an inability on the part of the Government to implement the Law on Aliens. On the other hand, a situation in which those refusing to register would have faced the threat of expulsion from Estonia, could have led to a conflict with Russia. The Government was informed of the danger by the High Commissioner and the Mission, and the Narva Russian leaders were warned of the consequences if the plan would have been put into action (Lahelma 1999: 35).”

Since then, no comparable crisis has been reported but the Mission still gets involved in individual cases, for instance when a person is going to be expelled, before the incident becomes politicised. In order to help to manage these cases, at least one diplomat is always available. Diplomats try to limit the damage when they appear on the spot, and help calm emotions. The Mission does not officially report on these cases in its Activity Reports.

²⁸ Max van der Stoep, in Birckenbach (1997: 247-249).

6. Societal projects

The Mission aims to contribute to the emergence of civil society by advising and supporting NGOs. One can observe a pattern. The Mission brings together non-state as well as governmental and international actors, raises the interest of foreign embassies and motivates financiers to invest directly or indirectly in projects related to the conflict formation in Estonia and its transformation. This primarily concerns projects which aim at establishing co-operative structures at the Estonian-Russian border, acting against the root causes of a high incidence of crime, preventing consequences of the deprivation and helping members of the Russian-speaking minority to bear their specific problems. These small NGO projects all play a role in the Mission's overall attempt to make political institutions and society recognise the presence of a Russian-speaking minority in the country. Before the functions of the projects are explained more clearly, they are described in more detail.

Inside and outside the Mission, it is generally agreed that NGOs play an important role in conflict resolution activities; however, it is also agreed that the Mission's challenge is to establish and to maintain contacts with NGOs which hardly exist.

Efforts to support dialogue among *intellectuals* remained unsuccessful. The idea to bring together *journalists* working for Russian-language and Estonian-language newspapers has failed. Even seminars with outstanding experts from abroad were almost ignored by journalists working for Estonian-language newspapers. A new attempt was made in spring 1998. It, too, failed as journalists from the Estonian press showed no interest. The reason is not only their reluctance to meet Russians but also their obligations to different clients. Estonian readers are not expected to be interested in information on Russian-speakers. Correspondingly, journalists do not feel obliged to report on their life or even to co-operate with Russian-language newspapers. One attempt failed when the Estonian authorities persuaded the administering NGO to withdraw just before the event. The existing asymmetry regarding contacts abroad also works as a barrier against joint seminars. Journalists working for Estonian-language newspapers do not need the OSCE in order to make contacts with newspapers in Western Europe. The Mission was also not very successful in establishing better

contacts between Russian-speaking and Estonian-speaking *teachers* and in arranging common seminars on the education system. Efforts to motivate *researchers* from both communities to engage in dialogue on the situation of the country also failed. Even the authors of the Estonian government's Integration Strategy are hardly able to engage in dialogue with one another. In the light of these experiences, most diplomats are rather sceptical about whether, in today's Estonia, a class of intellectuals exists at all. Representatives of Russian-speakers confirm this view, pointing to the fact that most intellectuals have left the country and now work abroad.

a. Developing the NGO sector

In a country where civil society is underdeveloped, efforts are required to find the NGOs which already exist and to learn about their activities and needs. In order to establish contacts with Estonian state officials as well as foreign embassies, the Mission invited several representatives of international organisations and the states for a roundtable together with NGOs.²⁹ Here, they got the chance to present their work to the UNDP, the Nordic Council and to the EU as well as to the embassies of France, Finland, Denmark, Norway and Sweden.

In 1998, the Mission, with the help of the German Friedrich-Naumann-Stiftung, organised a series of training seminars in Tallinn, Narva and Jõhvi for individuals and NGOs active in minority issues wanting to gain additional qualifications in project management, team-work, networking as well as fundraising. Serious difficulties resulted due to language problems. Integrated Russian-Estonian seminars were held in German and translated into Estonian, which did not work very well. Other seminars were held separately in Estonian or Russian translated from the German. In Narva, seminars were held in German and translated into Russian, but Estonians were also welcome. One attempt failed due to a lack of participants.

²⁹ Participants were the Network of Non-Profit Associations/Foundations (NAFE); the Narva Trade Union Center (NTUC); the Lake Peipsi Project (LPP); The Twenty-First Century Fund (TFCP); the Civic Education Center (CEF); the Legal Information Center on Human Rights (LICHR); the Estonian Union of National Minorities (EUNM).

The diplomats further advise NGOs on how to write applications for projects and support them by writing recommendations to potential financiers. Additionally, the Mission encourages people who have proposed projects and seem capable of completing the task. To a certain degree, the Mission stimulated or initiated certain projects and lent its auspices. Projects cover three major issues: improvement of bilateral co-operation in the Estonian-Russian border region, language training, and, although less intensively, action against underlying reasons for crime in northeastern Estonia.

b. Supporting co-operation in the Estonian-Russian border region

The threat of secession of Northeast Estonia, which existed in the early nineties, has disappeared completely. The real danger now is the disastrous socio-economic situation. Together with the UNDP, two NGOs—one Estonian, the other Russian—running together the *Lake Peipsi Project (LPP)* (Transboundary Environmental Information Agency), as well as the Estonian town of Narva and the Russian town of Ivangorod, the OSCE organised a series of three conferences in 1997. The purpose of these conferences was to discuss visa and transit regimes, work and residence permits, procedures in case of disputes, and ideas of projects formulated by local actors on both sides of the border. The final conference, the *Narva Forum: Towards Sustainable Development in the Estonian-Russian Border Zone*, was held at Narva fortress on the Estonian side, and included an excursion to the Ivangorod fortress on the Russian side. The Forum brought together some 200 participants, including representatives from various levels of the Russian and Estonian governments, NGOs from both countries, and activists and experts from Estonia, Russia and other countries. Embassy representatives and international organisations also took part. The purpose was to discuss particular problems on both sides of the border and to develop recommendations to local and national governments on the need for further regional co-operation in the Estonian-Russian border area. Another aim was to promote communication and cooperation on relevant transborder issues among various levels of government, community representatives, NGOs and experts. A unique feature of the Narva Forum was that, in the working groups, NGOs worked side-by-side with Estonian and Russian government and administration officials. The conference mainly focused on issues such as the role of

self-governments and local communities, legal norms for transborder co-operation, relations between municipal, county governments and national governments when handling transborder issues as well as mechanisms for an increased role of community groups in promoting transborder co-operation. Among other issues, the following were discussed: obtaining work permits in the other country; family reunification; co-operation between local border community governments; simplified border crossing and visas; “illegals”; pensions; bus and water transport connections between border towns and localities in Russia and Estonia; the prevention and fight against crime in the border area; and sustainable development.

Apart from a small amount of money spent by the OSCE, this conference was first financed by the embassy of the Netherlands, later also by the embassies of the USA, Norway, and Britain as well as by the MacArthur Foundation and the Estonian Open Society Foundation (Soros). The Narva Forum became the starting point for many seminars and projects.

One of the results of this conference is the project *Community Development and Cross-Border Co-operation in the Estonian Border Area - Information Forums, Trainings and Consultations for Local Self-Governments and Community Leaders*, carried out by the LPP. Its purpose is to empower local authorities and municipal representatives to formulate common goals related to the protection of the environment and sustainable development in their region. This project is, again, financed by the MacArthur Foundation. It is advised by Danish partners with the support of the Danish Foreign Ministry. The OSCE has taken the role of an observer and remains in contact with all the actors.

Thus, the three conferences and the long-term project have helped create a continuous structure that allows the Mission to propose ideas for increased co-operation in the border zone. One example is the preparation for a regime to make regular border traffic easier, at least during the summer holidays. The involvement of the Mission is as follows: either the Mission itself or other actors develop an idea, for example to increase the staff at borders, to extend the period of validity of a visa or to handle an issue in a more flexible way. Before organising the talks, the Mission tries to foresee the reaction of the Estonian State. If it expects the Government to reject the proposal by pointing to

the Schengen treaty of the EU, the Mission seeks first to explore the Finnish experience when this country successfully negotiated with the EU on a similar visa regime for Karelia. The next step for the Mission is to propose a pilot project for a summer border regime that reflects the Finnish experience and also meets Estonian interests in demonstrating excellent European behaviour in order to qualify for EU membership.

c. Preventing crime

Northeast Estonia faces an extremely high crime rate. One third of Estonian alcoholics live in this region and 3,000 drug addicts are registered in Narva; 70 % of crime in this region is drug-related. Estonian politicians hide this problem or give it an ethnic bias, regarding it as a problem of “unkempt Russians”. In order to promote public dialogue as well as to increase awareness, facilitate community-building and bring the police closer to the public, the Mission organised several public meetings with the Police Prefect in Narva, upon the request of NGOs. The first was held in October 1997. Because it received much attention and positive reactions, a second meeting was organised in June 1998. The mere fact that the Police Prefect was ready to answer questions was considered as progress. As the interest in such meetings has been increasing, the Mission plans to organise more as long as NGOs and community workers are prepared to gradually take over responsibility for such activities.

The Mission strove for a similar development by supporting an NGO project aimed at establishing a rehabilitation centre for drug users, and proposed two diplomats as contact persons to the CoE. With the assistance of the transnational network ADRA, its Estonian branch and with funds from the CoE, the project aims to supply consultation services to those suffering from alcohol and drug abuse, including family members who may be in need of support; to provide hospital treatment and participation in a rehabilitation programme; as well as to support health education in state schools. Not all projects benefit from the Mission’s continuous support; it may be withdrawn if, for example, it finds out that the organisers have strayed from the original course.

In the same way, the Mission offered its services as a co-operating agency for a project on *Youth Integration in Narva* proposed by the Narva Youth Centre which opened in

1998 as part of the Department of Education of the Municipality of Narva and—following a recommendation from the Mission—was financed by the Nordic Council of Ministers. This project aims to provide young people with access to information technology, counselling and training services related to psychological, legal, social and employment issues as well as special courses for youth leaders and youth workers. The project is targeted at unemployed youth, street youth and handicapped young people. The Mission's application to the CoE explains:

“Lack of information, low self confidence and initiative, few experience of communication with Estonian-speaking young people, etc. have caused a tendency towards social exclusion, apathy and problems with seeing perspectives for the personal development in the Estonian society among minority youth. This situation is also considered one of the main reasons for the high level of crime and drug abuse among youth in the region. Without funding for activities directed towards the youth, there is a risk of ‘a lost generation’, which may lead to social problems if not in the near future, then in 15-20 years time.”

d. Accentuating the Estonian government's integration strategy

The Mission has been further involved in projects embedded in the Estonian government's official Integration Policy which puts hopes in the educational system and language training, and which is mostly financed with money from West European states. Usually, the goal is to motivate Russian-speakers to learn Estonian. The Mission participates as an observer in the *Estonian Language Training Programme* financed by the PHARE Programme and co-ordinated by the office of the UNDP in Tallinn. It also tries to introduce a different trend against the dominant strategy of assimilation. The more the Mission is involved in language training projects, the more the focus is on evening out certain taboo consequences of Estonian language politics; these projects also aim to break the self-reinforcing circle of impoverishment, ignorance, discrimination, disregard for and aggravation of social and political problems in Estonia.

Against this trend of making the Estonian language all-mighty, the Mission tries to keep bilingualism on the agenda and points to the fact that Russian speakers will learn the Estonian language, if at all, as a second language—an insight that would demand official recognition of the Russian language in Estonia. In order to build a consensus on

introducing methods for teaching Estonian as a second language, the Mission initiated and sponsored a seminar on *Integration through Education in Estonia* held in Tartu in May 1997, with a follow-up in April 1998. The organisers reported as a success that a relative consensus was reached among the participants (among them the Minister of Education, Members of Parliament, local representatives and academics as well as representatives of international organisations) that the aim of minority language education should be to achieve bilingualism in order to enable members of minorities to fully participate in society at large and to preserve their cultural identity. The fact that it took one year before the OSCE was able to report that an already existing and comparable Latvian programme was presented to the Estonian Ministry of Education highlights how difficult it is to overcome the rigidity of Estonian language policy.

Initiated by the Mission, organised by the Lake Peipsi Project (see above) and financed by the Norwegian embassy, a two-week *summer camp* brought together in Mustvee (Eastern Estonia), in July and August 1997, 100 Russian-speaking children from Narva. These children, aged 10-17, lived with Estonian-speaking families, enjoyed four hours of daily instruction in the Estonian language, culture, folk music and dance, and went on excursions with their teachers. This pilot project was followed by similar projects in Mustvee and in R pina (Southern Estonia) in summer 1998 with about 180 children, and including a “thank you programme” in the Russian-speaking parts of Ida-Virumaa. This follow-up was again financed by the Norwegian embassy and, additionally, by the British embassy. The Mission functioned as an observer. Officially, these projects aim to support the integration of Russian-speaking youth; however, the project is also worthwhile regardless of what the children really learn during the summer camp for several reasons: the projects belong to the very few initiatives which can demonstrate that the burden of integration is not only to be laid on Russians but on Estonians too—in this particular case on the Estonians serving as host families. The project also contributes to recognising the existence of a Russian-speaking youth which needs fun holidays like other children in order to cope with the difficult conditions in Estonia. The fact that even Estonian newspapers published short articles on the summer camps and the Russian children was evaluated by Estonian experts as major progress in inter-ethnic relations.

The Mission also supported an international summer camp organised by the Ahtme Juvenile Center in the 75 % Russian-speaking town of Kohtla-Järve in order to give 25 children from Estonia the opportunity to improve their English, and about 35 children from Finland, Sweden and the Netherlands to improve their Russian as well as to enjoy a common trip to Finland. Further, the Mission became involved in a project to provide Russian-speaking orphans Estonian language skills and computer training in order to enhance their chances of living in Estonia. Unfortunately, the Mission was not able to secure financial support for this project.

Surmounting language barriers is also the focus of seven projects under the general heading *Integration in Estonia - Spot Projects for Integration & Language Training 1998* for which the Mission, together with the OSCE Representative, applied to the CoE. Because of interventions by the Estonian representative in the CoE, this package failed in some parts, causing the Mission to shuttle between Strasbourg and Tallinn in order to defend the application at one place and to struggle for the commitment of the Estonian government at the other.

This was particularly the case with the project *Integration of Widows and Divorcees of Ex-Soviet Military Officers into the Estonian Society*. According to the troop withdrawal arrangement of 1994, former military bases in Estonia were abandoned but widows and divorcees were left behind with their children and found themselves in desolate, decaying towns, particularly in Ämari, Paldiski and Klooga. In April 1995, representatives of these women approached the OSCE Representative's office seeking advice and help. With the support of the IOM, the World Council of Churches and the Danish embassy, the office was able to organise six-week *Introductory Integration Courses* in co-operation with the Tallinn Employment Office. However, it became obvious that these women needed longer programmes more focused on their particular situation. After the office of the OSCE Representative advised the women to establish an NGO, the "Union of Widows and Divorcees of ex-Soviet military officers" surfaced. This group developed a project especially designed to prepare 50 women, aged 35-50, and 50 children, aged 12-18, in the space of nine months to take the Estonian language exam—a precondition for applying for Estonian citizenship.

The OSCE Mission fulfils a variety of functions within such projects. In the beginning, the office operates as a contact point. Diplomats then help to generate experiences within a pre-project; encourage the establishing of a new NGO; assist in the formulation of an application for an internationally financed project; offer their services as a co-operating agency, as an adviser, as an observer, as well as part of an evaluating team. Mission members lobby for the project in Estonia, including international representative offices, as well as internationally at ODIHR or at the IOM. In the particular case of the project on widows and divorcees, the HoM lobbied at the CoE. He also sought to obtain the agreement of the Estonian government—which, obviously, was the core problem.

As all efforts were apparently doomed to fail because of the Estonian veto and the CoE's unwillingness to accept the project despite the veto, the Mission took an exceptional step. Usually, Mission members shy away from the media; in this case, however, the Estonian assistant of the OSCE Representative was allowed to draw international attention by giving an interview to an English language weekly, *The Baltic Times*, which published an article on the situation of these women and their children (Cengel 1998, 1998a). Before this happened, a further project had been designed. This project was rather similar to the first one but picked up one objection of the Estonian government against the first project—that it was designed to serve Russians only and, consequently, was not in the interest of Estonians. Thus, the second project was given a broader design related to both Estonian and non-Estonian women, as indicated in the title: *Joint Integration Project for non-Estonian and Estonian Single Parent Women*.

The idea for such a project has its roots in the women's movement, which has developed in Estonia with the help of the Nordic Council and is rather influenced by the Nordic women's networking culture. A "Women Foundation" was established. This is an umbrella organisation of several Estonian-speaking and Russian-speaking women members, can serve as the executing agency³⁰ and can easily meet the demand for co-operation between Estonian and non-Estonian women. The application for the project outlines three objectives: (a) social integration of non-Estonian women in Estonia

³⁰ Other co-operation agencies: (a) Estonian Women's Association; (b) Union of Mothers of Handicapped Children; (c) Narva Women's Organisation and the OSCE Mission to Estonia.

through joint programs with Estonian women; (b) giving a chance to women in need (citizens and non-citizens) for a better social and economic position through language and computer training; (c) bringing together two ethnic groups, giving non-citizens a chance and a challenge to use the Estonian language they are currently learning.

The target group consists particularly of women in need, i.e. single women and mothers of disabled children and unemployed women, who cannot afford to spend money on training for a life in Estonia. 200 women from Tallinn, Narva and Kohtla-Järve and smaller places—of which 120 were non-Estonian and 80 Estonian—signed up to the idea of a common course. The eight-month program for the ethnically mixed groups of 15 women includes, beyond language and computer training, workshops on Estonian and Russian history, culture and traditions as well as workshops on several women's issues such as the rights of women and children.

The OSCE again helped with the preparation of the application, lobbied within the country and abroad, prepared for the role of a co-operation agency and involvement in the monitoring and evaluation of the project. Despite all this support, the project failed at the CoE because of Estonian objections. In the end, however, the OSCE in Estonia was able to find other financial sources, including again money from the IOM. The credit for getting this large project to run successfully goes very much to the OSCE Representative's assistant, Tiina Ilsen.

The Narva Regional Language Centre estimated in 1998 that, starting from zero knowledge of Estonian language, it takes approximately 300 hours (1.5 years) to reach the level required for citizenship. This would cost about 3,000 EEK (the average monthly income in 1998 was 1,801 EEK, the monthly unemployment benefit 300 EEK). One can see from these figures that cost is an insurmountable hurdle for most Russian-speakers. The Estonian authorities, however, still refuse to recognise this fact. Consequently, the Mission also supported projects aiming at improving language training for nurses, teachers and public administration personnel. The relevance of these particular occupational groups can hardly be denied by the Estonian government. The OSCE applied to the CoE for a project on specialised language training for nurses working with the hospital in Kohtla-Järve in Ida-Virumaa. Due to the Estonian language

laws, more than half of the 301 nurses need language training in order to be allowed to continue to work but cannot afford to pay for the courses because of their low salaries. The application to the CoE points to the official ideology which bans Russian-speakers from their jobs and emphasises that, by improving the language skills of nurses, patients from all ethnic backgrounds will benefit; it will also enhance the relations between different ethnic groups when they can find equal health care and can communicate in their mother tongue when this is of vital importance. Thus, Estonian language courses are seen as a means of confidence-building in society.

Because Estonian laws demand Estonian language skills as a precondition for naturalisation as well as for entrance to universities or for job applications, the country needs better-qualified teachers. In the face of the low interest of Estonian-speaking teachers in settling in the Russian-speaking town of Narva, Estonian language training in schools and kindergartens is mostly done by teachers whose mother tongue is also Russian and who are not trained to teach Estonian. Neither the Narva Municipality nor the teachers can pay the fees for additional language training. This is the background to the project *Language Training for Teachers in Narva*.

A similar background can be found in the case of the project aiming at *Education of Russian-Speaking Students of Estonia in Public Administration*. Fed by money from the EU PHARE Programme, the Tallinn Pedagogical University and the Tallinn Technical University, together with Manchester Metropolitan University and University College Galway (Ireland), developed a speciality in public administration. The Estonian State, however, gives grants only to students with Estonian citizenship. The study programme was then opened also for non-citizens, under the condition that they speak Estonian. Most of the students who have these skills, however, are not willing to look for a job in the Russian-speaking parts of the country. Consequently, it is increasingly difficult to find trained employees who can contribute to the modernisation of public administration in Northeast Estonia. Thus, the OSCE project proposed to fund a five-year education programme for Russian-speakers (including Estonian language training) who are ready to work for at least five years in Ida-Virumaa. The Mission's role in this project has been decisive. Diplomats discussed the project together with the academic initiators and representatives of public administration in Ida-Virumaa. They prepared letters of

support, recommendations and lobbied at the CoE. When the initiators from the Tallinn Pedagogical University and the Presidential Roundtable first contacted foreign embassies, they received friendly replies, but no money. It was not until the Mission gave a positive signal that the British and Norwegian governments were prepared to finance the first group of students. Then, the Soros Foundation gave money for 15 additional students. Finally, the CoE decided during summer 1998 to finance another six students for four years. The Mission, however, had applied for grants for 30 students for five years. There is much evidence that, even in this case, it was necessary to lobby the Estonian government not to object the project.

e. Summary of the functions of the NGO projects

In the overall strategy of the Mission, activities related to projects are given a minor role and it is not a coincidence that these grassroots activities are mostly women's work and are perceived in the Mission as such. The female staff members, however, plead for increased emphasis on this type of work. The statement given by Cathy Cosman, a US diplomat who had worked in the Mission in 1997-1998, supports this view:

“When I served on the OSCE Mission in Estonia, I observed that a primary—certainly not the sole—effort of the Mission was to act on a view of the Russian minority as a population whose rights had [to] be defended from the outside, rather than trying to help in the creation of domestic mechanisms and structures through which Estonians and Russians could settle their own differences as they saw fit in the long run. Perhaps the Mission view of the status of the Russian minority was correct in the early days of the re-established Estonian Republic, but by the time I got to Estonia that was no longer so much the case. Indeed, if one looks at the OSCE Mission mandate for Estonia, it emphasizes the need for the Mission to cooperate with the local NGO community, including trade unions, both among local Russians and Estonians. To my mind, the NGO community in Estonia has been quite weak, at least as far as the advocacy of the rights of not only ethnic minorities but also socially disadvantaged groups—which of course include Estonians (street children, people who live on former soviet military bases) as well. Therefore, while I had the opportunity to work on the Mission, I tried to encourage the Mission to work in the direction of serving as a forum through which Estonians and the ethnic minorities could discuss difficult issues, as well as organizing educational opportunities for NGOs in Russian-minority parts of Tallinn and in Narva.”³¹

³¹ Cathy Cosman, MINELRES 25 July 1999 (List archive: <http://www.riga.lv/minelres/archive.htm>).

In other words, the relevance of the Mission's involvement in projects is highly disputed amongst the members. Some diplomats regard them as a "sweetener", contributing to calming down emotions generated by the continued presence of the Mission and to demonstrating that some progress is occurring and that the Mission is not idle. Others regard the projects as one of the few possibilities for raising attention, at least indirectly, to the real problem: the danger that Estonia will experience regional and social fragmentation.

Looking at the projects described above, one can observe a common structure. The focus is on disadvantaged Russian-speaking groups, particularly women (widows, divorced and abandoned women, single parents, nurses), young people, students, drug users as well as groups like teachers, ranging at the lower end of the wage scale and who are directly threatened by the Estonian language laws. The primary orientation is towards Estonian language training according to the official demands of the language policy which wants Russians to speak Estonian and make Estonian society forget about Russian-speakers in the country which should become mono-lingual. The OSCE agrees that Russians should *learn* Estonian, but they should not forget Russian. All of the applications which were submitted to the CoE have at least Estonian, Russian and English as working languages. Projects follow a charitable approach of social welfare aiming at helping individuals cope better with a given political situation, without explicitly questioning its ethno-political background.

Nonetheless, the Mission's concept is not apolitical. Firstly, although language training is in line with the anti-Russian language policy of Estonia, it will enable persons belonging to the trained groups, in the long run, to achieve an integrated social position. This is not necessarily part of the aims of the current Estonian elite, although its members can hardly oppose it directly. Secondly, even after Russian-speakers have passed the language exam, they will continue to speak and think in Russian. Nothing can and should prevent them from doing so, and no-one can accuse them of breaking the law. Thirdly, that the needs of the Russian-speaking population and problems like drug-abuse, social dilapidation and impoverishment draw attention and are even reported on internationally—not via Activity Reports but via substantial applications for funding—is

not welcomed by the Estonian government. It is tolerated only because politicians do not want to risk a confrontation with the OSCE and must show a certain degree of flexibility when seeking support for EU membership, and because the projects are financed by “additional” foreign resources and do not cost Estonia any money.

When evaluating the contribution of these projects to problem-solving in Estonia, it is important to make several distinctions. Projects are of high relevance to those people who participate in them directly—mainly the respective NGOs as well as their clients. If one has in mind the extent of the problems deriving from the exclusion of the majority of Russian-speakers from political and social participation, then the benefits of the projects to society as a whole are marginal. Politically, the projects may contribute to the enrichment of official Estonian integration rhetoric with a few liberal ideas, and to the motivation of some politicians to abstain from nationalism. It appears rather doubtful whether the projects will support the recognition of Russian as one of the official languages in Estonia.

Last but not least, the projects count in a mostly symbolic sense and serve as a bargaining chip. In this respect, even projects which could not be realised are relevant for the general process. As important as their realisation is, so too is the process of negotiating them—when the Estonian government is asked to give its opinion, to recognise existing problems, and to agree that something needs to be done to solve them. Here is the most important role of the projects within the OSCE diplomacy which abides by the following philosophy: formulate a project, organise the means for realising it, and link the idea with the work of an NGO so that the OSCE can withdraw from direct involvement as soon as possible.

The experience, however, remains that, if the Mission does not launch such a process, such projects are rare or have little chances of survival after the first grant has ended. NGOs are as dependent as ever on international resources. One consequence is that projects financed with foreign money (for instance, by the EU in the education sector) will hardly change the exclusive Estonian political structure, but rather exist in parallel as

a second structure.³² This tendency is counteracted only if the Mission has been successful in linking its involvement in projects as much as possible with its other fields of activity (particularly the collection of information, reporting, co-ordination of international actors, advising state institutions as well as individuals). Otherwise, project-related activities seem to be a bottomless pit.

³² After the Estonian Language Law was again amended in summer 1999 and strong reservations had been made before by the OSCE, the Estonian Prime Minister Mart Laar announced for the first time the plan “to open a state financed Estonian language, Russian school in Narva which is for non-Estonians to learn the Estonian language.” (*BT* 8-14 July 1999).

VI. CLOSING DOWN OR TRANSFORMATION OF THE MISSION?

After more than six years of existence, one cannot avoid the question of how long the Mission will remain in the country. The mandate demands a decision on its prolongation every six months, without giving any criteria for making a decision on when it has become pointless. Although Estonia must agree to each prolongation, a political consensus is needed within the OSCE to decide upon the end of the Mission. The easiest way for Estonia to obtain such a decision would be a radical change of the Estonian policy in its approach towards Russian-speakers. The Estonian elite, however, is not prepared for such a change. The mandate does include the obligation to consider ways and means of transferring the Mission's responsibilities to institutions or organisations representing the local population. The Mission's activities, in fact, still appear to be a long-term matter. A projection of the different political interests at play gives the following picture.

1. State actors and their interests

The *Estonian State* never shared the view that citizenship and related problems represent a conflict of international relevance. On the contrary, related international discussions have been regarded as anti-Estonian propaganda and Estonian officials have often complained about international interference. Beyond the HCNM, it was particularly the Mission which came under Estonian fire. Since the beginning, the Mission has been regarded as a burden, laid by Russia on Estonia's small shoulders, limiting the State's sovereignty regarding the treatment of Russian-speakers in the country. Estonia hesitated upon several occasions to agree with the prolongation of the Mission's mandate. In the OSCE Permanent Council, Estonia has argued that the Mission has a stigmatising effect and that a peaceful society cannot be labelled as a potential crisis area. The mandates of the various OSCE missions should therefore be differentiated and the task of the missions further clarified. Similarly, the idea of devising 'exit strategies' has been brought up by Estonia (Lahelma 1999: 23). Because no Estonian government could actually escape the OSCE's decision to deploy the Mission in Tallinn, the State

came to terms with it, tried to influence its activities, and learned how to make the best use of it; criticism thereby became more moderate. The HCNM, whose emphasis on international standards and critical comments on Estonian policy towards the Russian-speaking minority are more clear than the Mission's statements, became the main target of complaint. Although the opinion still prevails that the Mission is a ballast to be shed as early as possible, a few but growing number of politicians approve of the continuation of the Mission. They point to its usefulness in protecting Estonia against Russia's accusations as well as to the fact that it reports on Estonian developments in a positive light and attracts some international attention to the small state which otherwise would have sunk into oblivion in the face of the turmoil in Russia and the world. In their view, the fact that a long-term Mission has been sent to this small country has contributed to the recognition of the Estonian nation. They also suggest, somehow cynically that, with time, Estonia will learn to see the Mission as less hostile, and will learn to use it according to its national interests. Estonian President Meri received the support of the Estonian government, including that of Prime Minister Mart Laar and Foreign Minister Toomas Hendrik Ilves, when he proposed in June 1999 to reorganise the Tallinn Mission into a research and training centre.³³

Member states of the EU, especially Denmark and Finland, have demonstrated their financial interest in closing down the Mission and promise that this will happen before long in the context of EU enlargement, thus flattering Estonian interests. Observers do not think it probable that, despite generous West European funding, Estonian language policy will put an end to social and political tensions. Thus, the EU will have to decide, sooner or later, how to tackle this crisis-prone EU candidate. It is rather doubtful that the EU, in the face of the international dimension of the conflict, is willing to do without the OSCE's competence in security issues. Nonetheless, the drive for the enlargement of the EU is the main chance for Estonia to get rid of the Mission.

It is also rather unlikely that the Russian State will agree to end the Mission in Tallinn as long as it cannot buy other advantages. The OSCE is aware that the violation of Russian interests represents a security risk for Estonia and may cause a backlash with respect to

³³ BT 17-30 June 1999.

OSCE activities in other crisis areas, i.e. Russia could in turn cease to tolerate the OSCE Assistance Group operating in Chechnya. In the view of one Mission member, the US is particularly interested in freeing bilateral dialogue with Russia from complaints on human rights violations in Estonia by referring to the Mission to Estonia when Russia brings up the issue.³⁴

2. The Views of the OSCE and of Mission members

Most Mission members hesitate to discuss the question of staying. They point to the fact that not they but the OSCE in Vienna will decide on their future. Their point of view conforms with the statement which expresses the official phrasing of the former Finnish HoM Lahelma and the Finnish legal expert Allan Rosas.

“The decision to terminate the activities of the Mission, however, should be taken on the basis of progress achieved in reducing tensions which negatively affect the different communities in Estonia, as well as the regional situation as a whole (Rosas and Lahelma 1997: 183).”

However, the diplomats left the meaning of this overriding consideration of “regional situation as a whole” unclear. In general, they use the phrasing according to which the Mission’s stay will be prolonged until Estonia becomes a member of the EU. Informally, many diplomats are of a different mind. Some say that the Mission has already fulfilled its duties, with a few exceptions to be solved within the short period until Estonia becomes an EU member state. Others point to the need for the OSCE to increase pressure in order to be able to stay in the face of the overwhelming impact of the EU and its economic priorities for Estonia. Others consider that the Mission is relevant to the all-European security policy in the foreseeable future. One reason is the Russian doctrine according to which it was the duty of the Russian army to protect “Russians in the near abroad”. Former HoM Lahelma reminds one of the extent to which the OSCE missions to Estonia and to Latvia are politically inter-linked (Lahelma 1999: 37).

³⁴ “There are clear indications that the Russian Federation would oppose any attempt to amend the mandate of the Mission, let alone to terminate its activities.” (Lahelma 1999: 23).

Additionally, some diplomats explain that the Mission will be further needed to prevent *domestic tensions in Estonia* for the foreseeable future. One reason is that Estonia is still not ready to establish an ombudsman institution, as demanded already in the report of the ODIHR fact-finding mission.³⁵ However, even an ombudsman institution could not satisfy the need for consultation of those people who have to live “illegally” in Estonia and cannot—for understandable reasons—provide those documents requested by the Estonian State from Lithuania, Latvia or other former Soviet countries, for the application for a legal status. The Mission is the only official institution which they can contact without giving a name or an address. For reasons of principle, the management of these problems cannot be transferred to Estonian institutions as long as the Estonian government is not prepared to give these persons a legal existence.

Mission members still feel the need to work on creating a *civil society*. The country still lacks people with ideas for civil society projects. The network of NGOs has remained sparse and dependent on foreign donors. The criteria for the projects of the governmental “Non-Estonian Integration Foundation” which could, in principle, provide support, remained unclear and dubious. Mission members are also aware of the fact that the development of democratic structures and institutions is far behind expectations and the positive image of Estonia held by West European actors.

A further socio-psychological question remains completely unsolved: how can Estonia ever surmount the *sense of guilt* resulting, day after day, from discriminatory policies against the Russian-speaking minority? It is a fundamental question for Estonia whether it can find a new approach in its minority policy without admitting that the State made a series of mistakes with respect to Russian-speakers when independence was regained. This, however, can only happen if Estonian politicians develop the feeling that such a confession would not be exploited as a weakness; consequently, it can hardly develop as a result of outside pressure.

³⁵ The mandate for the Estonian “legal chancellor” was possibly broadened in spring 1999 in order to play an ombudsman-like role. His duty has been to examine laws with regard to their conformity with the Constitution. In October, the Government endorsed a bill which entrusted him in addition with supervising the activity of public servants and defending people’s rights. It remained unclear who among the staff of the legal chancellor should fulfil the duty, how people can address this institution and where it is situated. Representatives of Russian-speakers call it “a decoration for international consumption.”

3. The perspectives of non-state actors

Most people in Estonia neither know nor care about the Mission. Estonians within the ruling political class mostly articulate discontent with the Mission, or declare that it is an unimportant office; a few admit that it has developed some usefulness. The representatives of the Russian-speaking minority pay more attention to the Mission without being of the same opinion. The closer the contacts with the Mission, the more the Mission is of direct use for a person, and the less one is interested in general political and human rights questions, the more the Mission is appreciated. One also comes across people who are contemptuous of those persons who petition diplomats rather than putting energy into a direct struggle for democratic developments in Estonia.

Many visitors who had been protected against arbitrary treatment with the help of the Mission expressed their gratitude by sending cakes, flowers or thank-you letters. One can find enthusiastic supporters of the Mission's work who are grateful for plenty of ideas, for good advice regarding the development of projects, for help in formulating applications, for making contacts, for support in preparation for a trip abroad and even for advice concerning a speech to be given in English at an international conference. They also appreciate the information and materials provided free of charge as well as the role of the Mission as a representative of European structures and as a bridge between Estonia and abroad. There is also much hope that the Mission will contribute to creating similar European structures in Estonia, to building democracy and to surmounting Estonian provincialism. If the Mission were to end, one is particularly afraid for the Estonian Northeast which would be totally cut off from international contact.

The most disputed issue, however, is whether the Mission really contributes to problem-solving in Estonia or whether it hinders even this. One group of interviewees appreciates that the Mission helps to calm Russian-speakers, but to expect it to influence law-making is too much to ask for. They also praise the Mission's vital contribution to

improving the relationship between the Estonian and Russian States as well as the Mission's pragmatic approach to softening Estonian politics towards Russian-speakers—an approach that is expected to improve the human rights situation in the long run. Short reports in Estonian newspapers on Russian-speaking children and summer camps are taken as an indicator that the Mission has found a way of talking about the “humanitarian problems” of the group and of avoiding the difficult term “human rights”. This would help—if not politicians at the top, then their employees—to understand that the living conditions of Russian-speakers are part of Estonia's national interests. The Mission is given credit for the fact that the international community knows about the Russian-speakers' experience and particular problems. What is also positively emphasised is that the Mission is available in crisis situations and has a disciplinary impact on the actors. Activity Reports are unanimously characterised as glossing things over; a few interviewees, however, found that the reports give more information to the international community than would the alternative, i.e. information provided solely by the Estonian government.

This positive response is contrasted by the voices commenting rather critically and even bitterly on the Mission. Discontent is expressed because the Mission does not try hard enough to achieve real changes in Estonian citizenship policy. Many persons believe that the EU, with its strong economically-founded interests, will pressure Estonia more intensively than the Mission whose members are sometimes accused of behaving as if they were part of the Estonian government. In reading the following paragraph, one should bear in mind that it tries to mirror the ideas, attitudes and feelings of outside actors, and that this necessarily will not concur with the aims and real work of the Mission and all of its members. Some of the complaints result from an extremely negative experience with one particular Mission member only, and this was transmitted to the institution itself.³⁶ Despite the fact that the Ministry of Foreign Affairs was

³⁶ Serious damage was caused, for instance, by the plotting of a former Deputy HoM who tried to influence the human rights NGO LICHR to act on a case which primarily concerned conflicts between criminal groups. After the NGO decided that this was beyond its mandate, the Deputy HoM seemed to ignore the NGO. Later, it turned out that he felt entitled to conduct inquiries into the practices of LICHR and communicated unsubstantiated rumours to an Embassy in Tallinn—the one financing the organisation. The Mission supported the protesting LICHR against the former Deputy

attacking the Mission continuously, a main complaint concerns what is called *the Mission's timidity or even obsequiousness towards the Estonian government, and particularly towards that particular Ministry*. One HoM was even prepared to sacrifice Mission members in order to satisfy this hated “ministry of propaganda” that uses the weak position of female Mission members in order to transform a diplomatic mistake—no matter how small—into submissiveness.³⁷ Mission members demonstrated that they were not at all interested in crucial information on real life in the country. The NGOs which could touch upon human rights during seminars were not invited to join the events. The Mission would try to prevent the slightest expression of criticism. Whereas during Soviet times only the government had expected everybody to praise the existing life, the same now was expected by respected international institutions. It is also negatively perceived that the Mission partly supported the Estonian ideology. Some diplomats made a distinction between a so-called “civilised”, West European, Estonian part of the population and Russians, which were expected to integrate. They would overlook asymmetries between the two sides and the fact that Russian-speakers, although unwelcome, were members of the Estonian society not in need of integration but acceptance. Because the OSCE Representative had accepted, in one case, that a former Soviet officer suffering from cancer be denied a residence permit, the OSCE shared the responsibility for the prevailing inhumanity in Estonia. A few of the interviewees got the impression that some diplomats shared the government's contempt for ordinary Russian-speakers because they were poor and behaved helplessly. Whereas persons holding a representative function were treated politely, this was not the case with respect to ordinary people whose mentality was not accepted and who became a target of re-education strategies. Social problems, such as the impoverishment of Russian-speakers and the emigration of intellectuals to Russia, were not taken seriously. Most former Mission members, when they left the country because of their replacement,

HoM; however, one can imagine that this added very much to the atmosphere of mistrust. Similar cases were also reported regarding other OSCE missions.

³⁷ Mission members tell the story differently, and every one of them has a personal view. Again, this paragraph deals with the way such incidents—which do occur and can neither be avoided nor be hidden from the public—are perceived.

themselves indicated that they were unable to understand how intellectuals could live in the country—however, they never reported their real impressions officially.

Sharp critique is expressed over the Mission's understanding of the *mandate*. The feeling is also that the Mission was in favour of de-politicisation of the conflict, and would not push for solving the problems but rather hide them the same way the government does. The Mission acted as a social worker at best, helping in one case or another without understanding the political nature of the problems. The Mission would ask for amendments of certain laws but wait for changes with time. By no means would the Mission try to facilitate people's struggle for their rights. Some interviewees could not understand why the Mission had never taken a stance against the discrimination against Russian-speakers, and they point to their impression that the international community would not have hesitated to do so in other cases. Because the human rights situation in Estonia was not as serious as was the case with South Africa during the Apartheid regime, it should have been easier to address problems and to solve them. The Mission shared the Estonian excuse that, because of Estonia's history, all aspects of social life needed particular reconsideration and that it would therefore neglect the universal nature of human rights which do not allow for "ethnic reservations". With the Mission in Tallinn, the OSCE pretended that Europe was concerned about the situation of the Russian minority; actually, however, it worried only about how to please the Estonian government. The mandate was neglected because co-operation with the people was substituted by co-operation with the government. The Mission would not help people change the situation but only try to make them accept the discriminatory rules of the government's game.

The Mission is also accused of lacking professionalism. A frequent change of diplomats and lack of training meant that their work would end just when they had become familiar with the problems. Sometimes, Mission members represented a risk to persons belonging to the Russian minority, either because of their naiveté or because of assumed contacts to secret services. Communication is accused of being one-sided. A representative of an NGO would play all the cards on the table without learning anything about the person contacted in the Mission. Instead of talking with each other as equals and informing each other about one's ideas, diplomats would hide themselves behind the

sending organisation. Possibilities for commenting frankly on the Mission's work and for discussing reservations did not exist. One HoM had asked NGO representatives to complain in writing—however, that would have meant denouncing a person without seeing the consequences. Concerns were not about this or that mistake of a diplomat, but about the general concept and about the HoM who was shirking his responsibilities for that mistake. Staff members are said to lack qualifications regarding the international human rights system, or pretend not to know the general trend nor details, for example, about the Council of Europe Framework Convention for the Protection of National Minorities, about relevant international human rights experts or about specialist literature. Intellectuals sneer at an office which even lacks a library. Especially the HoM would not communicate enough with the relevant NGOs. *Most interviewees could not understand the lack of transparency in the Mission's work.* Lack of transparency only helped the Estonian government to continue with its undemocratic policies and so the Mission itself is held responsible for this. Those interviewees who knew the mandate of the Mission also knew that the mandate does not demand that the Mission keep its distance from the public. For believers in democracy, it is not acceptable that individuals who are seeking advice are used as a source of information without being given access to the handling of this information. Every democratic institution should be obliged to present an annual report—as should an OSCE Mission. If the public gets more information about what the staff is really doing, their margin for manoeuvre could become wider and people could develop patience and understanding for the lengthiness of getting things done. The Estonian Ministry of Foreign Affairs is said to hold a monopoly on discussion. It uses the advice of foreign experts who—if approved—receive all information on domestic and foreign affairs including the Mission reports which are not available to local experts. Estonian academics who attend international conferences feel hurt when they must ask international experts for information on the policies conducted by their own country and are upset by the fact that scientific reflection on the OSCE, and even on the Mission to Estonia, is only possible from abroad. Instead of enabling a rational debate, rumours were circulating about single diplomats, their character, their love affairs or even secret service activities. This could easily be brought to an end by increasing transparency.

Despite such a sharp critique of the Mission's work, no single interviewee would like to see it withdrawn. Even those criticising it in strong terms accept the Mission as a glimmer of hope. All criticism is not meant as a call for an end of the Mission but as a plea for a different way of putting the existing mandate into practice.

4. Transformation of the approach - A wish list

Having in mind the entire spectrum of the Mission's activities, one will find that the Mission's specificity is to be of some use to a variety of actors to such an extent that no one could seriously want the Mission to end. In the international arena, no other source of information and co-ordination is more qualified and more economical. Its presence in case of a crisis and its mediating function—between international expectations towards Estonia, the power interests of the Estonian political class, the interests of persons belonging to the discriminated Russian minority, mostly interested in securing their personal life, and the interests of more politicised NGOs—is obviously a stabilising factor which is appreciated regardless of the actual state of tensions. In contrast to the common saying that offices tend to prolong their activities, even when they have become superfluous, in order to save jobs, one must admit that among the group of OSCE diplomats no personal interest developed in doing the extremely demanding job longer than necessary. The suggestion, however, that the Mission became somehow too useful for the actors in the conflict in order to be allowed to find real solutions to existing problems (Birckenbach 1998: 15-17), meets the agreement of Mission members or is at least regarded as definitely interesting.

Because of the dispute on the Mission's presence and the flexibility of the mandate, its work has changed and expanded in the past. The most visible indicators are the Mission's withdrawal from the public eye, its abandonment of self-portrayal, the reduction of transparency, a stronger backing for the Estonian government as well as involvement in NGO projects and increased work on regional development, environment, economy and energy issues—questions which are all linked to minority issues and the prospects for Ida-Virumaa. In the future, a transformation of the approach is more probable than a general closing down of the Mission.

All interviewees inside and outside the Mission were asked to name their wishes regarding such a transformation process; the results are presented here without further comments in order to raise awareness regarding the broad spectrum of ideas and expectations. The list refers to international values including social development, transparency, dialogue between politicians, researchers and other societal actors, Estonian-Russian relations, preventive diplomacy and the composition of the personnel.³⁸

a. International values including social development

The Mission is asked to urge Estonia to join all international conventions without reservations, in particular: *the UN Convention relating to the Status of Stateless Persons* (1954); *the UN Convention on the Nationality of Married Women* (1957); *the UNESCO Convention against Discrimination in Education* (1960); *the UN Convention on the Reduction of Statelessness* (1961); *the European Social Charter* (1961); *the European Convention on the Participation of Foreigners in Public Life at Local Level* (1992); *the Convention of the International Commission of Civil Status to Reduce the Number of Cases of Statelessness* (1973); *the European Charter for Regional or Minority Languages* (1992); *the European Convention on Nationality* (1997). The Mission is asked to state its commitment to generally accepted values. Instead of statements, it could organise seminars for politicians and NGOs on the Council of Europe's *Framework Convention for the Protection of National Minorities* and, thereby, demonstrate that the diplomats themselves are serious about it. This procedure is also proposed for conventions not yet signed by Estonia.

The Mission is expected to take up human rights issues, such as freedom of religion, independently of the fact that the Russian State shows little interest in the future of the Orthodox Church in Estonia. For believers, the Orthodox churches provide some of the few public spaces where a Russian speaker can still feel at home. It should not be left to Estonia nor Russia to decide which human rights are important.

The Mission is asked to act against the stereotype of Russians as an inferior people and to make it clear that not only the Estonian-speaking but also the Russian-speaking

³⁸ It is not the duty of this report to address the question of how this wish list could be realised in light of the complicated situation. That would be a great challenge for a seminar on this topic.

population suffered during the war and Soviet rule. An international organisation should not allow individuals to be negatively stereotyped by Estonian politicians seeking to cover up their own mistakes during their term in office. The Mission should explain that Russian-speakers are not inferior but poor, that the majority of them supported Estonian independence, that Russia is not really interested in them but is through with them since long, and this is why the international community must care about their fate. Furthermore, the Mission should make it clear that contempt for the Russian language and ignorance towards the Russian minority cause many unnecessary problems for Estonia itself.

The Mission is further required to pay more attention towards practical aspects of the implementation of laws and to give more emphasis to the social consequences of discriminatory legislation. Independently of the fact that the Russian minority is politically oppressed, the group has lost its social possibilities to articulate the needs of its members. The Mission was criticised for not dealing strongly enough with the real division in the country between the highly privileged (5-10%), the underprivileged (10-15%), and the remaining families (75-85%) separated from the others by a large income and consumption gap. Estonian experts who have studied the issue when contributing to the annual *UNDP Development Report* recognise the helplessness against this social factor and fear that it might cause insurmountable internal barriers in an environment where people expect the state to guarantee an egalitarian society. These experts wish that the international community would act more actively on the danger of deprivation leading to social alienation, exclusion and fragmentation.

b. Increased transparency

The Mission should no longer work like a secret service institution but rather like an exemplary organisation and explain the reason for its existence to the public. If it is really convinced about what it writes in the Activity Reports with respect to Estonian conformity with European behaviour, then its further prolongation is superfluous. The Mission should not only report to governments but also distribute reports informing the public about the Mission's view of the present situation, where problems lie, proposals

for improving the situation, and about the Mission's work: statistical data on visitors, results of seminars and other activities, understanding of the mandate, and co-operation with the government.

The Mission's image as a controlling institution should be replaced by an image of partnership. Its Reports could be published together with comments by Estonian politicians and provoke discussions in newspapers. The respective ministries could then report on their activities in order to find solutions to the problems. All this would serve to demonstrate that Estonia is not involved in a bloody inter-ethnic conflict but is prepared for democratic argument and civil debate.

The media in particular should receive official and regular information on the OSCE and the Missions' activities, starting with an improvement of the OSCE homepage. The Mission should establish its own homepage in English, Estonian and perhaps also in Russian, and use it to inform the public on its activities, to publish at least extracts of its reports, as well as press releases; these materials could be studied whether the media reports on them or not. It is further proposed to institutionalise an OSCE information centre. In a country where nearly no information on the OSCE is available, a Mission must enlighten people about the Organization with respect to its aims in all aspects including security and the human dimension.

c. Dialogue among politicians and civil society

The Mission is asked to enlarge its legal advice services for parliamentarians by raising awareness for the means of achieving social and political integration. For this purpose, the Mission should help to improve relations between parliamentary factions and political parties, and motivate the individualistic and reserved politicians to become more open to contacts with the factions.

The Mission should encourage the development of the Estonian academic elite and discussion of disputed issues in Estonia. One idea is for the Mission to arrange regular meetings of researchers and politicians to discuss Estonian foreign policy and other international issues. The best option would be to establish an "OSCE club".

The Mission should take initiatives more often; the HoM especially should visit overworked NGOs and underpaid intellectuals and discuss new initiatives with them instead of waiting for supplicants to knock at his door. The Mission should enhance the chances of developing NGOs with a particular interest in dialogue between Estonian- and Russian-speaking groups. This would better serve to prevent the formation of a Russian diaspora acting on behalf of the interests of the Russian State rather than organising formal Estonian language training.

d. Improving the Estonian-Russian Relationship

The Mission should help organise conferences in order to improve Estonian-Russian relations and to stimulate the creation of a Russian-Estonian inter-parliamentary commission which would meet in Moscow and Tallinn, alternately. The Mission could contribute to establishing direct contacts between Russian and Estonian officials in Tallinn. Until now, the Russian embassy has learned about Estonian decisions concerning the Russian minority only through the press or informal talks. Informing each other more officially would mean that both sides could better prepare their public statements and avoid imprudent rhetoric. Direct contacts should start with the foreign ministers rather than at the level of ambassadors and their staff. The public should be informed about meetings in which the OSCE acts as a neutral observer. Information should be given in order to calm both sides: Russian-speakers who might feel abandoned as well as Estonians who might fear that Russia will gain influence in Estonian affairs. The Mission should further intensify its involvement with respect to the Estonian-Russian border in order to improve the situation of the Seto people living in this area.

e. Preventive diplomacy

Diplomats propose in-depth research on the Mission's work as a precondition for the transfer of experiences. Other interviewees propose that the Mission endeavour to transfer its experiences. In particular, decentralisation of the office could serve as a

model for other OSCE Missions, for instance in Latvia. The CoE should elaborate a convention on conflict prevention which would enable the OSCE to accelerate its activities in cases like Yugoslavia or Northern Ireland. Such a convention could further raise awareness that the OSCE and preventive approaches deserve political support. The Mission in Tallinn should include young Estonians in its work and train them for similar work abroad, thereby surmounting the rule established by the OSCE which prevents the local population from working on OSCE tasks within their own country.

f. Composition and size of the Mission's staff

The Mission should increase its competence for discussing human rights issues. A disputed issue is the optimum size of the staff. Male diplomats think that any increase of personnel would send the wrong signal and indicate the increase of tensions in Estonia; more personnel would only expand the Mission's activities without relieving the strain. Female staff members, who are more intensively involved in managing NGO-related projects, would welcome a growth of personnel. They think that the current number of diplomats is insufficient in order to really encourage the development of civil society. Male diplomats share the opinion that these efforts are too small to make a real difference. However, they want other institutions to do the job. It was proposed that researchers from abroad help establish a scientific research institution on minority issues in Ida-Virumaa and—with the assistance of local actors—continuously provide information on the integration process and transfer experiences. It was also proposed that the HoM and his Deputy should be trained in management skills, including knowledge of the country and its languages. Both should also know how to function in a multicultural environment and how to foster the enthusiasm of the Mission members. All staff should be trained beforehand. Teamwork should be encouraged and sexism should disappear. There ought to be an even mix of men and women. In conformity with European demands for equality, a strong woman should be appointed as HoM and/or Deputy and it should be clear from the beginning of her term that she, as well as the other diplomats, will stay longer than six months. Female staff members wish that the OSCE would establish an OSCE Liaison Officer for gender issues, who would be in

continuous contact with the women and men serving in missions, and would discuss issues of equality, non-discrimination, sexual harassment and other work-related threats as well as promote gender-sensitivity training for all persons who are going to work at an OSCE mission.

VII. CONCLUSIONS

The Mission to Estonia is only one of several long-term missions established by the OSCE during the 1990s. Whereas a generalisation of the findings of this investigation does not seem appropriate as regards those missions deployed in Former Yugoslavia,³⁹ it might be more relevant with respect to the majority of long-term missions, for various reasons:

- i. They all run up against a *constellation of conflict* which is highly complex and which concerns all-European stability.
- ii. The *disputed issues* of citizenship, minorities and language are nearly the same for the OSCE Long-term Mission in Latvia. They also play a role in other areas where the OSCE has deployed a mission, although they have not gained the same priority at all these places.
- iii. As regards their *organisational aspects*, missions follow the same pattern. Most of the long-term missions are rather small in size and have a low budget. Mandates are short-term but periodically prolonged with the agreement of the host state, and are broad and flexible. They aim to affect political leaders as well as civil society. They try to function as a bridge between the local and the international, and they pursue a multilevel approach addressing bilateral and international actors, NGOs as well as political representatives.
- iv. All long-term missions focus primarily on *dialogue* rather than coercion. Although not all of them function without military personnel—as has been the case with the Mission to Estonia—they rather abstain from relying upon military means or other instruments of threat. The underlying philosophy is very much an outcome of the early 1990s when trust in international organisations and in the OSCE was in the upwind and optimism was strong as regards both surmounting the division between

East and West as well as the emergence of civil society in OSCE member states. Consequently, the missions were designed to act without stealing the conflict from the domestic parties by imposing a solution on them. Instead, the concept has been to empower the parties to achieve conflict transformation and to create space for human and minority rights through co-operation.

- v. The work of a mission *depends basically on a number of conditions which are difficult to influence by the Mission itself*: decisions in OSCE headquarters in Vienna, the relationship between Western states and Russia, acceptance by the host state, financial resources and qualification of the personnel. Much leeway is given to the respective HoM, who is not chosen by the Mission but seconded by an OSCE member state. He is at the top of the Mission hierarchy and decides how the mandate will be carried out and how much space will be given to the individual staff members. However, he himself and the staff are often replaced in order to counteract the individual preferences of a single HoM or the style and interests of the seconding country.
- vi. Many of the findings of this investigation related to problems with the composition of staff, training, hierarchy, and policy approach have already been referred to or intimated in various analyses of other missions (Troebst 1998).

For all these reasons, one may say that, although the Estonian case is particular, its investigation resulted into a deeper insight into the variety of roles of an OSCE Mission in preventive diplomacy. They may be summarised in seven points:

1. It has already been mentioned in the introduction that the Mission only represents one instrument of preventive diplomacy applied in the Estonian case. This investigation, however, found that *the Mission holds a key function* which is original and irreplaceable by other instruments in the overall process. In other words, one

³⁹ These missions may not be compared because of the extraordinary status of the Yugoslav wars within European politics and the attention they found as well as invested resources and other aspects.

cannot end a Mission like the one to Estonia and continue without major changes, be they in the activities of the HCNM, several West European institutions and international organisations, or be it the policy of certain states regarding Estonian affairs and also regarding Russian affairs.

2. Whereas one is used to discussing the strategy and instruments of preventive diplomacy with respect to their impact on domestic actors coming to grips with each other, this investigation showed that the Mission—although deployed directly in Estonia—is very much designed to prevent international actors (states as well as international organisations) from doing the wrong thing, i.e. from either closing their eyes and ignoring what is going on in potential crisis areas, or from becoming involved in escalating rhetoric and an ominous inner compulsion to act. When active at the Estonian domestic level, the Mission serves a function within international politics in Estonia as well as within regional security policy. Thus, *a Mission's role is multidimensional*. It is not a doctor for a specific client but more an advisor to the whole family.

3. Consequently, the success and failure of a Mission's work is not only a matter of its direct contribution to the integration of a divided society. One must also consider its contribution to the overall process. This might be characterised by the term “*good governance regime regarding a specific country with special emphasis on prevention of escalation of conflict.*” The challenge for a Mission is (a) *channelling disputes* and turning the need for problem-solving from the international floor back home (to Estonia); (b) *enabling the country to cope with this task*; and (c) *motivating international actors* (including Russia) to contribute to the first as well as to the second aim. Generally, one may say that the Mission to Estonia has been most successful with respect to the first aim, rather successful with respect to the third one, and less successful with respect to the second one. However, every judgement is dependent on the measurement. In light of the experiences of Former Yugoslavia, the Estonian case appears as a positive example. If one has in mind the need for democratic developments and a human rights orientation as a structural barrier

against the spread of violence, the question arises as to why progress is painfully slow, even in a case when international actors behave comparatively reasonably.

4. One dilemma is that countries such as Estonia cannot meet these democratic demands on their own and need international support. On the other hand, the experience is that domestic developments are rather resistant to influence from abroad. Looking at the work and achievements of the Mission, one finds that its *capacity to achieve certain changes within the domestic political structures (system of law, conflict-management and co-operation)* exists but is rather limited. The real success is of a different nature.
5. Apparently, one cannot impose democracy nor civil society. Even if the rule of law is established formally with the help of outside actors, this does not mean that domestic actors understand how it is supposed to work and that they actually trust in it. Democratisation and the emergence of civil society result from societal developments and emerge from multiple processes of interaction between many actors, including international ones. Here is a further role for OSCE missions. While pretending to influence the domestic situation, a Mission can *help to win time and to assure a minimum of relations between the groups and the conflicting parties and prevent them from being isolated both domestically and internationally*. For many people, this time-consuming approach is of no comfort because individuals simply lose their youth over it. However, even they will recognise that the political alternatives are definitely poor (Smith and Wilson 1997). Without the Mission's activities, all the other actors involved—including the HCNM and NGOs—as well as their related projects would be left with less power in the struggle for political change in countries like Estonia. Time, contacts to members of the elite in power, and their integration into international developments are essential factors regarding the transformation of conflicts such as this one.
6. The Mission to Estonia was able to build its contacts to the elite in power because it was well-embedded in an international governmental network of co-operation.

However, as regards networking with civil society actors, the Mission to Estonia has performed weakly for three reasons which also affect the work of other missions: approaching civil society is (a) not without risks; (b) beyond the traditional understanding of international politics; and (c) needs a societal basis, which is absent. In other words, *the Mission must master these societal risks, introduce certain changes in international relations and help to create the societal basis.*

(ad a) *Firstly*, the societal weakness of the Mission is caused by an understanding of preventive diplomacy that is very much bound to a traditional, pre-democratic hierarchical state diplomacy. The priority on security and stability, putting human needs and rights last, means that the work of missions possibly represents a rather repressive aspect of international conflict prevention. An indication of this finding is given at least by the actual lack of transparency and the diplomats' reservations regarding an open debate on their work. Every serious critique, however, must recognise that their worries about a politicised public debate are well-founded—at least in the context of a society that has neither a democratic tradition nor a common stock of reciprocal trust among the diverse societal groups.

(ad b) *Secondly*, the societal weakness of the Mission is caused by the fact that states still hesitate to lend strong support to the OSCE's approach to security. Compared with other international instruments such as deployment of military forces or sanctions, the "soft" approach of preventive diplomacy confronts politicians and diplomats with rather new experiences. The missions cannot play the card of sanctions or other warnings. Resources are limited to their diplomatic status and the mandate gives only certain guarantees that they can act at all. The results of their work are information and persuasion. The Mission's strongest international partner is the HCNM, an elder statesman. Even for comparatively small amounts of money to be invested in civil society projects, missions need outside support. All the time, the small staff is suspected of not acting efficiently and of wasting resources. In parallel, it is their duty, within the approach of silent diplomacy, when they have achieved certain progress, to hint at this, and to arrange for another person or

institution to get the credit. Mission members scarcely have a say on the composition of the team, and their training for coping with the situation on site is poor. In principle, they are confronted with incompatible expectations, i.e. to keep the situation calm and to achieve progress within the human dimension—i.e. to bring the Estonian State closer to human rights standards and, at the same time, to keep away from discussions on human rights. Thus, from a traditional point of view, the relevance of such an institution seems to be small and reminds one very much of the so-called “female roles”.

(ad c) The Estonian experience shows, *thirdly*, that whether a Mission is able or willing to include human needs and rights at the core of conflict issues is rather dependent on whether and how other actors address this crucial question. In general, European diplomats hesitate to deal with such issues because of the experience that their politicisation on the international arena tends to cause escalation rather than de-escalation. The strongest driving force could come from a non-violent human rights movement with close contacts to actors who could work as an ally, like ODIHR, as well as from OSCE officials and politicians from countries which are examples of “good practice” in human and minority rights, such as Norway or Finland. The expectation of the emergence of a strong human rights movement—society-based, creative and acting transnationally—had possibly motivated the authors of the mandates for OSCE missions in the early 1990s. This expectation, however, has been disappointed in recent years. The dominating human rights discourse today gives priority to the mobilisation of “intervention” in cases of genocide and other so-called gross human rights violations—a term which seems to indicate that human rights violations, if smaller, would be more tolerable. The idea of prevention of violent conflict, unfortunately, has not had much influence on these transnational discussions. As regards Estonia, a social movement that combines the issue of human rights with the issue of conflict prevention is hard to find, both on the domestic and on the international levels. Thus, one must admit that, whereas the Mission to Estonia has a political base with respect to security in the international

world, it lacks today the social basis for any consequent human rights oriented policy.

7. Despite its societal weakness, the concept of the OSCE long-term missions is not a hopeless case. Considering how it has developed in Estonia since the beginning, one finds that it has not at all functioned as the ideal “impregnable fortress” of some diplomats. Preventive diplomacy is a process and a mission’s role is *to serve as an instrument in this process, i.e. it must develop flexibility according to the actual development of the conflict and the aims, attitudes and behaviour of the actors*. The Mission has been through a number of changes. On the one hand, the Mission has improved its contacts with state officials. Increased acceptance by Estonian officials is rather due to flattery; contacts are more genuinely developed with the “soft” ministries (education, inter-ethnic relations) than with the “flag” ministries (particularly foreign affairs), and they bear a price: the Mission has had to withdraw from the public. On the other hand, it has also improved its activities with respect to the NGO sector by becoming involved in certain projects, especially since 1997. But the projects are obviously too small to really make a difference.

Criticisms made within the conflict resolution community, that the OSCE and its missions focus too much on state-actors and the demands for intensified attention to be paid to societal developments, are well founded. Stronger co-operation with NGOs alone, however, would not solve the dilemma as long as people working with NGOs are cut off from state institutions and have no influence on the relevant discourse. Also, the conflict resolution approach of problem-solving workshops as broadly proposed and successfully implemented with respect to the Israel-Palestine conflict will not really change the situation in Estonia because this approach relies very much on intellectuals, their professional work and on an academic community which is sparse in Estonia. Thus, the question is not “to make or not to make” a broader commitment to NGOs and societal life but *how to find an approach which is appropriate to the specific situation of the country*. For the Mission to Estonia, this would mean *searching for ways of strengthening the links between its involvement in society-based NGO projects and*

more government-based activities. The lack of embedding in civil society is difficult to overcome by charitable projects alone. But at least they give an idea of how it could work in Estonia and in other places.

Looking at arguments concerning the Mission's activities, one finds that they are not bi-polar but multi-polar, and that reservations against them are rather differentiated on the governmental as well as on the non-governmental side. The fact that the involvement of the Mission is broadly accepted gives reason to consider how a push for further transformation could occur. There is no hope at present that this will come from Estonia alone. Deep deceptions about the nationalistic turn of the struggle for independence, social rejections, fear of getting caught because of one's own affiliations with the past, wounded feelings and the offended pride of many people have emerged in Estonia. Society needs to discuss its moral standards. The members of the Estonian elite point at the younger generation without asking where young people are supposed to get their morality from if this does not figure in the general public debate. Without the insistence of international actors on enlarging the discussion on the human dimension of security by re-addressing the conflict over citizenship as a matter of human needs and rights, the OSCE process is undermined on its most dynamic side.

There is not much hope that a push for further transformation will come from the Mission. Considering the list of what was proposed in order to transform the Mission, one tends to react by saying that the Mission is not Santa Claus, and even he needs a reindeer to assist him. It could, however, take up some of these ideas and, for instance, contact NGOs and societal actors upon its own initiative, or increase the transparency of its work to the minimum of an annual public report. Another positive step would be to support NGO projects designed to spread knowledge on international values and to start discussions on the OSCE. The Mission will not hinder such initiatives. Other ideas will rely on whether both diplomats as well as a group of individuals seeking co-operation may be found to establish, for instance, an OSCE information centre at one of the universities or elsewhere.

The current deadlock represents a great challenge to the OSCE in Vienna, to the EU as well as to the foreign ministries of the member states. However, this is also a challenge

for those NGOs, including research groups, dealing with conflict resolution, human rights and security, and aiming at both contributing to a peaceful and democratic development with respect to Estonia and making the case a model to be improved and applied in other areas as well. The chances of making their activities matter are much better in Estonia than in most other places because the conflict is not ruled by military considerations. To keep these considerations out of the process continues to be the general and positive role of the Mission.

APPENDIX

List of Persons Interviewed

Interviews of at least one hour were carried out with the following persons:

1. Detlof VON BERG, Ambassador, Head of the OSCE Mission to Estonia;
2. Lt. Col. Christian BISTRUP, Deputy Head of the OSCE Mission to Estonia;
3. Neil BRENNAN, Second Secretary, OSCE Mission to Estonia
4. Aleksander DUSMAN, Main Expert on Inter-ethnic Relations of Ida-Virumaa County Government;
5. Dr. Marcus GALDIA, First Secretary, OSCE Mission to Estonia;
6. Klara HALLIK, Senior Researcher, Institute of International and Social Studies, Former Estonian Minister of Inter-ethnic Relations;
7. Merle HARUOJA, Project Manager, Secretary General of the Estonian Institute for Human Rights;
8. Sergei IVANOV, Member of the Estonian Parliament;
9. Tiina ILSÉN, Assistant at the Office of the OSCE Representative to the Estonian Commission on Military Pensioners;
10. Tiit KÄBIN, Member of the Estonian Parliament, Chairman of the Constitutional Committee;
11. Sari KANTOLA, First Secretary, OSCE Mission to Estonia;
12. Hedi KOLK, Secretary, OSCE Mission to Estonia;
13. Eve KUUSMANN, Centre for Democratic Studies, Tallinn Pedagogical University, Program Manager, and part time employee at the OSCE Mission as accountant;
14. Viktor LAHNBERG, journalist in Tallinn;
15. Petra LANTZ-DE BERNARDIS, UNDP Resident Representative and Co-ordinator;
16. Capt. (Fg Navy) ret. Uwe MAHRENHOLZ, OSCE Representative to the Estonian Government Commission on Residence Permits to Military Pensioners;
17. Peeter MILLER, Estonian Ministry of Foreign Affairs, Political Department Counsellor;
18. Bernd MÜTZELBURG, Ambassador of the Federal Republic of Germany in Estonia;
19. Vello PETTAI, Estonian President's Plenipotentiary at the Roundtable on Minorities, and lecturer at Tartu University;
20. Aleksandr SHEGEDIN, journalist (*Estoniya* newspaper), Tallinn;
21. Aleksei SEMJONOV, Director of the Legal Information Centre for Human Rights, Tallinn;
22. Larissa SEMJONOVA, Legal Information Centre for Human Rights, Tallinn;

23. Sergei STADNIKOW, Estonian Egyptologist who took Russian citizenship;
24. Dmitriy TSVETKOV, First Secretary, Embassy of the Russian Federation to the Republic of Estonia;
25. Peeter VARES, Professor, Deputy Director of the Institute of International and Social Studies, Tallinn;
26. Andra VEIDEMANN, Estonian Minister of Inter-ethnic Relations;
27. Raivo VETIK, Director of the Institute of International and Social Studies, Tallinn;
28. Anna WESTERHOLM, First Secretary, OSCE Mission to Estonia;
29. Kai Niels WILLADSEN, former Deputy Head of OSCE Mission to Estonia;

I was further able to talk to the members of a fact-finding mission to Estonia during their investigation at the Legal Information Centre for Human Rights, as well as to contact several people present at a reception at the OSCE Mission and at a reception of a women's network, organised by the Nordic Council. Among them were the following persons:

1. Carol BATCHELOR, United Nations High Commissioner for Refugees, Legal Officer, Standards and Legal Advice Section. Division of International Protection;
2. Walter BELLINGHAUSEN, Lieutenant-Commander, German Advisor to the Estonian navy;
3. Viive AASMA, Director of the Estonian Language Strategy Centre;
4. Ave HÄRSING, Estonian Language Strategy Centre;
5. Lars JÖNSSON, United Nations High Commissioner for Refugees, Senior Liaison Officer for the Baltic Countries;
6. Brian P. LARSON, Chargé d'affaires of the USA in Estonia;
7. Ene-Eha URBALA, Consultant, Estonian Institute For Human Rights, Ida-Virumaa Information Centre.

I further discussed the issue with a group of students from Estonia, Finland, Russia and Sweden who were participating in the International Youth Summer School "Strategies of the Baltic Sea Region" in Narva-Jõesuu.

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