

Minority languages, major opportunities?

Language policy and minority rights in the EU:

Lessons from Finland and Estonia

Author: Gerda Bles

Contact address: gerdables@hotmail.com

Paper submitted for the course 'Inclusion and exclusion: challenges of a new Europe'
Dubrovnik, April 2008

1. Introduction

Since the end of the last century, minority rights have been put on the European agenda in several ways. In the 1990s, the Organization for Security and Cooperation in Europe (OSCE) published three documents recommending specific policy measures regarding different aspects of minority rights. In the same decade, two European agreements on the protection of minorities and minority languages of the Council of Europe were activated (Toggenburg 2004). The first treaty, the European Charter for Regional or Minority Languages, focuses especially on language rights and language preservation (Council of Europe, 1992). The second, the Framework Convention for the Protection of National Minorities, describes the general rights of people belonging to a national minority and the measures that national governments should (not) take to protect these rights. This document includes several paragraphs on language rights for national minorities as well (Council of Europe, 1995).

Given that over 40 European states signed and ratified the Framework Convention, and over 30 signed and ratified the Charter for Minority Languages, the language rights of national minorities seem to be rather well protected. However, experts agree that several of the states that ratified the Framework Convention do not sufficiently provide for linguistic rights for their national minorities (Grin, 2000). To find out more in detail what the reality of language rights protection looks like, this paper investigates the minority language policy of two member states of the European Union: Finland and Estonia. Finland has ratified the Charter for Minority Languages, while Estonia has not. Both countries did ratify the Framework Convention, requiring them to observe the language rights of their national minorities. Still, there is a big difference in the way these two countries deal with their linguistic minorities. The Swedish-speaking minority in Finland has been called the best-protected minority in Europe (European Commission, 1999: §3). Estonia on the other hand has been criticized for its non-inclusive policy towards the large Russian-speaking minority in the country (Van Elsuwege, 2004: 1). Furthermore, there is much tension between the Estonian majority and the Russian minority, because of the history of Soviet occupation, when Estonians were seen as a minority and Russians were part of the majority (Mercator, 2008a). In this paper, I will compare the language policies of Finland and Estonia in order to answer the following question.

What do the language policies of Finland towards the Swedish-speaking minority and of Estonia towards the Russian-speaking minority look like and what are the implications of these different policies for the ability of members of these minorities to shape their own life?

To answer this question, I will first give an outline of the existing literature on the relation between minority language policy and minority rights. Then I go into the specific cases of Finland and Estonia, describing the history of the position of the respective minorities in both countries, the specific language policies they have in place and the effects these policies have on the exercise (protection) of minority rights. Furthermore, I will address the question to what extent the Finnish case can serve as an example for Estonian language policy. To conclude, I will answer my main question and give my opinion on the importance of the promotion of language rights by European institutions.

2. Minority rights and language rights: assumptions and definitions

The concept of minority rights has become more popular in the international human rights discourse during the second half of the last century. In 1966, the United Nations adopted the International Covenant on Civil and Political Rights, which included a paragraph stating that ethnic, religious and linguistic minorities should be able to express their culture, exercise their religion and use their own language. The resolution was extended with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1992 (Vorster, 2000: 492). As described above, several European institutions have adopted treaties on minority rights as well. Two different kinds of arguments have been used to promote minority rights. The first argument has to do with conflict prevention: it is believed that states that observe minority rights are more stable internally and that protecting minority rights within states contributes to peaceful relations between states (United Nations, 1992; Council of Europe, 1995). The second argument has to do with human rights: minorities are more likely to be disadvantaged by the practices of the dominant culture, which can harm the ability to live an autonomous life. As self-determination is a universal human right, minority rights can be seen as a precondition for protecting this right in the case of minority groups (Keller, 1998: 39). In this paper, I will focus on the second line of reasoning to assess the language policies of Finland and Estonia.

So what are minority rights exactly? Minority rights are a specific kind of human rights, which in turn are 'basic moral guarantees that people in all countries and cultures allegedly have simply because they are people' (Nickel, 1992: 561-2, in Fagan, 2006). Consequently, minority rights can be defined as basic moral guarantees that people belonging to minorities in all countries and cultures have. The question what a minority is is not to be answered easily. Most international agreements on minority rights avoid giving a specific definition for the term, because it is very difficult to arrive at a definition all the participating nations agree on (Aukerman, 2000: 1025) and that is able to cover all kinds of minorities (Malloy, 2005: 19). Although it is not possible to give a universal definition of a minority, the UN High Commissioner of Human Rights does give the most commonly used description for a minority: 'a non-dominant group of individuals who share certain national, ethnic, religious or linguistic characteristics which are different from those of the majority population' (UNHCR, 2008). Minority rights can then be described as moral guarantees that people belonging to a non-dominant group of individuals, sharing characteristics different from those of the majority population, have.

As mentioned earlier, the linguistic characteristics of some minority groups are different from those of the majority. Minorities that speak a different language than the national language, have a clear disadvantage compared to members of the national majority. Lagerspetz (1998: 182-183) gives five reasons why people's ability to use their own native language is connected to their opportunities to shape their own life. Firstly, language is a necessary means of communicating in everyday life. People who cannot speak the language of the people they encounter every day, will encounter more difficulties in their daily lives. This is why people who can use their own native language in everyday life, have an advantage compared to those who cannot. A second reason why language is important to people's opportunities is that to know what your duties and your rights are, you need to understand the language used by the bureaucracies governing the place you live. Thirdly, for most jobs and positions it is necessary to master the local language. Consequently, people who don't speak the local language have less opportunities in this area. Fourth, being able to take part in cultural activities and having access to

entertainment and education all depend on being able to speak the language of the society you live in. The last reason why shaping your own life requires the ability to speak your own language is that taking part in democratic debate is the only way become a full participant in a democratic society.

Because being able to use a language you master is necessary for shaping your own life, which is a universal human right, it is important to protect the rights of minorities to use their own language in the different contexts mentioned above: everyday life, bureaucracy and courts, work life, culture, entertainment and education, and politics (Lagerspetz, 1998: 184). To do this, national governments need to have language policies in place that make it possible for linguistic minorities to use their own language. However, what these policies should look like and what the consequences of different kinds of measures are is not very clear yet (Grin, 2000: 8). Looking at specific cases of language policy may be helpful in evaluating how different policies influence the ability of minority group members to shape their own lives. Therefore, in the next section, I will describe the cases of two EU member states: Finland and Estonia.

3. The cases: minority languages in Finland and Estonia

As I already mentioned in the introduction, Finland and Estonia are very different when it comes to their language policy towards their linguistic minorities. In this section I will describe both cases separately, describing the historical background of the presence of the Swedish- and Russian- speaking minorities in Finland and Estonia respectively, the language policies of both countries and the results of those policies in terms of opportunities for the minority groups, relying on the Euromosaic studies of the European Commission as my main source. I will conclude the section by answering the question whether the Finnish case can serve as an example for Estonian language policy.

3.1 The Swedish-speaking minority in Finland

History

Swedish-speaking people have been living in Finland since the Middle Ages, when Swedish farmers came to Finland to colonize the area. For over six centuries, Finland was a part of the Swedish kingdom and there was a lot of contact between both countries. Many Swedes moved to Finland for trade, administration and military defense (Mercator, 2008b). During this period, Swedish was the official language in public life. In 1809, the Russians took over Finland from Sweden and Finland was part of the Russian Empire until 1917. Starting around 1850, the increasing nationalism of the Finnish population led to a rise of the importance of the Finnish language. The result was that by 1900 the Finnish language had become equally important as Swedish in business, culture and administration (Anckar, 2000: 500).

After Finland's independence in 1917, the Finnish constitution declared that Finland was a bilingual country, with Finnish and Swedish (spoken by 11% of the population) being the official national languages. From that time on, Swedish and Finnish have an equal status in Finland. This is realized by different language policies, making it possible for both Finnish-speaking and Swedish-speaking people to use their own language in private and public life. The relations between the two language groups are good, especially since the Second World War, when they fought against the Soviet Union together (Anckar, 2000: 500).

Language policy

As mentioned above, the linguistic rights of the Swedish-speaking minority, which makes up 6% of the Finnish population today and mainly lives in four different areas along the coast, are constitutionally established. The use of the languages is governed by the Language Law (European Commission, 1999: §2.3), which was last updated in 2004 and is aimed at making sure that Swedish-speaking people can use their native language in all areas of life (Alvarez, 2005).

The use of Swedish in everyday life is made possible in several ways. Firstly, from the fifth grade in primary school, children are obligated to learn the second national language of the country: Swedish-speaking children have to learn Finnish and Finnish-speaking children have to learn Swedish. To graduate from high school, students have to pass tests in both national languages (Anckar, 2000: 500). This makes it easier for Swedes to use their native language in everyday life, because members of the Finnish majority know Swedish as well. Secondly, as from 2004, Swedish speakers in bilingual communities (where at least 8% of the population or 3000 people speak Swedish) are to be served in Swedish in all kinds of social services, including healthcare. Social service agencies in these communities are also obliged to translate all documents and brochures into Swedish (Alvarez, 2005).

In local bureaucracy, civil servants are required to speak Swedish to Swedish-speaking people in all bilingual communities. However, in practice not all local civil servants are proficient enough in Finnish. Because Finnish and Swedish have the same constitutional status, the language that is spoken in court can be either Finnish or Swedish, depending on what is needed (European Commission, 1999: §2.2). All laws are available both in Finnish and in Swedish (European Commission, 1999: §2.3).

In work life, Swedish is required for many jobs, especially in bilingual areas and for international jobs and civil servants. In practice however, Finnish is the language most frequently used at work. This is even the case in most Swedish-speaking regions (European Commission, 1999: §2.6).

The Swedish-speaking community is very culturally active. There are several Swedish theatres and in Swedish-speaking regions many Swedish books (either translated from Finnish and printed by Finnish publishers or written and printed in Sweden) are available. As in most western European Countries, Anglo-American music is most popular. There is not much Swedish-speaking pop music, but it is supported with public finance. As mentioned above, Swedish language education is very widespread in Finland. Finnish citizens have the right to receive education in their mother tongue, which can be Finnish, Swedish or Sámi. Every municipality, bilingual or not, is obliged to provide for education in the minority language if 18 pupils ask for it. As for higher education, the first university of Finland is Swedish-speaking. Out of a total of 21 universities, 2 are Swedish speaking, 7 are bilingual and 12 are Finnish speaking (European Commission, 1999: §2.1).

Firstly, the availability of several Swedish-language newspapers and two weekly political papers in Swedish enhance the political participation of the Swedish-speaking community. Secondly, 16 of the 200 members of the Finnish Parliament elected in 2003 were Swedish speakers. The Swedish speakers have their own political party and some of the other political parties are bilingual. It is not unusual to have Swedish-speaking ministers in the government (Jungner, 2004).

Opportunities for Swedish-speaking people

As I have shown above, the Swedish language is very well protected in Finland. Swedish-speaking people are able to use their language in most areas of public and private life. The benefits of these possibilities are observable in the social position of the Swedish-speaking minority. Their position is equal to the position of Finnish speakers in many respects, such as socioeconomic status, education and use of health services. In some respects, Swedish speakers even do better than their Finnish compatriots: on average, Swedish speakers are older when they retire because of disability and live longer than Finnish (Hyypä and Mäki, 2003: 772). This can be explained by the fact that Swedish speakers have a higher stock of 'social capital': they are more actively involved in voluntary associations (Hyypä and Mäki, 2003: 777).

The strong social position of the Swedish-speaking minority can be seen as an indicator that the Finnish language policy towards the Swedish language has paid off. However, it should be noted that the Swedish have always been part of the elite and the ruling class in Finland (Alvarez, 2005). Thus, the Finnish language policy is not the only explaining factor of the well being of the Swedish speakers. The situation could even be looked at the other way around: because of their powerful position, Swedish were able to obtain such a high level of protection of their language rights. In any case, we can conclude that the Finnish language policy does not harm the opportunities for Swedish people to shape their own life.

3.2 The Russian-speaking minority in Estonia

History

The presence of Russians in Estonia dates back to the Middle Ages. In 1030, a Russian prince founded the first Russian town, Tartu, at the Tarbatu stronghold. After the split of the Russian church in 1666, many of the so-called 'old believers' escaped to the borders of the Russian empire and settled partly in Estonia (European Commission, 2004: §1.2). After having been occupied by the Germans, the Danes and the Swedes, the Estonian territories became part of Russia in 1721. As Estonian nationalism gained ground during the 19th century, a big russification campaign was launched in 1885, imposing Russian as the only state language in education and administration (Syllaste, 1995: 120). However, the Estonian nationalist movement kept growing and declared independence in 1918. After the two-year War of Independence, the Tartu Peace Treaty was signed in 1920. This marked the beginning of a sovereign Estonia (Syllaste, 1995: 121).

The independence of Estonia did not last long. When the Second World War was about to begin, Germany and the Soviet Union agreed that Estonia would become a part of the Soviet Union. In 1939, the first Soviet troops arrived and a new Soviet government was established. In 1941, Germany declared war to Russia and defeated the Russian army in Estonia, keeping the country occupied until the defeat of the Germans by the allied forces. After that, Estonia was annexed by the Soviet Union again. Many Estonians were deported and Russians laborers were – some voluntarily, some involuntarily – brought to Estonia, resulting in a big change in the composition of the Estonian population. By the 1980s the Estonian majority had shrunk to less than 70 percent of the entire population (Syllaste, 1995: 122). In the second half of the 1980s, changes in Soviet Union politics opened new possibilities for Estonians to gain independence. Estonia started to move to independence, which was granted in 1991 (Syllaste, 1995: 123).

As mentioned above, the number of Estonians in Estonia decreased to less than 70 percent of the Estonian population during the Soviet occupation. In 1991, the other 30 percent of the population consisted of Russians. In newly founded Estonia, the Russians who had come to Estonia during the Soviet era were seen as 'illegal immigrants' and therefore did not obtain Estonian citizenship. The fear of 'extinction' of Estonian, contributed to the formulation of strict language laws, in which Estonian was declared the state language and anyone wanting to acquire Estonian citizenship was required to pass an Estonian language exam. As tensions between Russians and Estonians grew, not in the least because of the interference of Russia, the international community intervened and started to pressure Estonia to treat the Russian-speaking minority differently (Van Elsuwege, 2004: 5-8).

During the pre-accession period of Estonia to the European Union, the European Commission reported on the situation of Russians in Estonia as well as in Latvia. It is remarkable that the Commission was much more critical regarding Latvia than regarding Estonia, whereas both countries had similar problems with large groups of Russian 'non-citizens'. Van Elsuwege (2004: 11) notes that although the positions of these groups have improved because of EU admission requirements, the flexible position of the European Commission towards the restrictive language policies of Estonia is questionable. The Commission's focus on integration of the Russian-speaking minority into Estonian society through language training has been criticized, because assimilation may not be in the interest of the Russian speakers (Van Elsuwege, 2004: 12).

Language policy

In 2000, about 25% of the Estonian population reported Russian ethnicity. Most Russian speakers live in the city of Tallinn and in the region of Ida-Virumaa, in the North-East of Estonia. Just over half of the Russian minority has obtained legal citizenship, which requires passing an Estonian language test (European Commission, 2004: §1.2). The Estonian language policy is governed by the Language Act. According to this act, Estonian is the only official language of government. Russian does not have an official legal status (European Commission, 2004: §1.3). As mentioned above, the Estonian language policy towards the Russian minority is mainly aimed at integration of the Russian speakers into Estonian society.

In their everyday lives, Russians can speak Russian to other members of the Russian minorities. In some regions, the Russian minority makes up more than 90% of the population, which makes it easy for them to use their own language. However, the official language of public services is Estonian, which implies for example that all place names, street signs and public announcements have to be written in Estonian, even in the areas where Russians are in the majority. This is a disadvantage for Russian speakers, in particular older Russians, who do not master the Estonian language (European Commission, 2004: §2.4).

In bureaucracy, the official language is Estonian as well. This means that civil servants are required to be proficient in Estonian. Since 1996, non-citizens (who have not passed the language test attached to the citizenship exam) cannot be employed in government services. In practice, oral communication in public administration in Russian-speaking regions is in Russian, whereas written administration is carried out in Estonian. Two Russian-speaking municipalities have called on the legal right to use the local minority language in administration, but they have been rejected up until now. In court, Russian does not have a special legal status and is treated as any other foreign language. If a

hearing is in Estonian, people who can't speak Estonian have the right to an interpreting service. In the case of all parties being Russian speaking, the judge decides in which language the hearing is held. In practice, court procedures are often in Russian in Russian-speaking areas (European Commission, 2004: §2.2).

In work life, there is a large difference between public and private jobs. Estonian speakers dominate public administration, because civil servants are required to be able to use Estonian. In business, there are no official rules regarding work language. Therefore, Russian is the language most widely used in enterprises in Russian-speaking areas (European Commission, 2004: §2.6).

The Russians in Estonia have a rich cultural life, which encompasses publication of Russian books, the presence of several traditional and modern Russian-speaking music groups and a range of Russian-speaking theatre groups (European Commission, 2004: §2.4). In education, local government authorities decide which language of instruction is used in primary education: Estonian or Russian. In either case, Estonian is obligatory from the first year of primary education. In upper secondary education, Estonian is the only official language of instruction. However, the government has not been able yet to implement the integration of Russian-speaking secondary schools – into the Estonian education system. Furthermore, it has proven to be difficult to provide for good education in the Estonian language in Russian secondary schools. As a consequence, many secondary schools still use Russian as the language of instruction. The language of instruction at Estonian state universities is Estonian as well. Russian speakers can enroll in these universities, but on average, it takes them a year longer to complete a university education (European Commission, 2004: §2.1).

The political participation of the Russian-speaking minority is hampered in several ways. First of all, legal citizenship, including the right to vote, can only be obtained by passing an Estonian language exam. As mentioned above, the quality of Estonian education for the Russian minority is not very high, which decreases the chances of Russian speakers to become a full member of Estonian democracy. Secondly, Estonian is the official language of all public administration, including local governments in Russian-speaking areas. This makes it more difficult for Russian speakers to become active in local politics.

Opportunities for Russian-speaking people

The Estonian language policy does not make it possible for Russian speakers to use their native language in every area of life. In public services, education and politics, Russian speakers are forced to use Estonian, even in areas where the majority of the inhabitants speak Russian. There are not many data available on the effects these policies have on the ability of Russian speakers to shape their own lives. Statistics do show that Russians are not as well represented on the Estonian labor market as Estonians. The unemployment rate among (Russian) non-citizens is higher than the unemployment of Estonians. Furthermore, Russian speakers have a lower average income than Estonians. However, there is an important distinction between Russian speakers with Estonian citizenship and Russian speakers without citizenship. The first group even has a higher average income than Estonians, due to the fact that they are relatively young and well educated. Non-citizens experience most of the disadvantages. For them, not being able to speak the Estonian language and pass the citizenship exam seems to create social disadvantages. In the last years the differences between Estonians and Russians have become smaller (Eurofound, 2006).

As was the case for the Swedish minority in Finland, the question of causality can be posed here as well. Is it the Estonian language test that obstructs the ability of Russians to participate in social life, or is it their socioeconomic background, that coincides with fewer chances on the labor market and the inability or lack of willingness to take the Estonian citizenship exam? Further research is needed to answer this question.

3.3 Can Estonia learn from Finland?

As was described in the previous sections, the Swedish-speaking population in Finland is much better protected than the Russian-speaking population in Estonia, which results in better opportunities for the Swedish in Finland to shape their own lives. Therefore, it could be argued that in order to protect the right of Russian speakers to live an autonomous life, Estonia should take the Finnish language policy as an example for improvements in the Estonian policy. However, the question is whether it is possible to 'translate' the Finnish policy to the Estonian context, because there are many differences between Finland and Estonia and the historical backgrounds of their minorities.

The most important difference between Estonia and Finland is that the presence of the Russian minority in Estonia is seen as 'illegitimate', while the Swedish minority in Finland is not. This has to do with the history of these minorities in both countries. Most Russian speakers came to Estonia during the Soviet occupation, which was regarded illegitimate. Therefore, the Estonians do not believe Russian speakers have any historic 'right' to live in Estonia, let alone to receive any special treatment. This position becomes even more understandable when we take into account that during the Soviet period, Estonians were the minority and the Russian language and Soviet culture were imposed on them. It makes sense that after independence, Estonia has not been very eager to make their former 'oppressors' feel at home by granting them the right to keep speaking their own language. Although Finland was 'occupied' by Sweden for over five centuries as well, there was no such thing as a 'swedification' policy. Furthermore, in between the Swedish rule and Finnish independence, Finland was occupied by Russia. This explains why the Finnish were more open to the idea of granting language rights to their Swedish minority.

Given these differences, it would not be realistic to argue that Estonia should follow the example of Finland and declare Russian the second state language next to Estonian. However, some of the policies that Finland has in place could be interesting for Estonia as well, because they would not only improve the position of the Russian speaking community, but they would not harm the preservation and dissemination of Estonian language and culture either.

Firstly, some elements of the education system in Finland could be implemented in Estonia. People in Finland have the right to be educated either in Finnish or in Swedish, but they are obliged to study the other language as well. A similar system could be implemented in Estonia. This would mean that Russian speakers do get secondary education in their own native language, but that they learn Estonian too. Because Russian is still the language of instruction in many schools in Russian-speaking areas, it would not be difficult to implement this measure. Abandoning the wish to change the language of instruction in all Russian-speaking secondary schools, which has proved to be difficult because of a lack of teachers proficient enough in Estonian in those areas (European Commission, 2004: §2.1), the Estonian government could put more effort into incorporating Estonian as a separate subject in Russian-speaking schools. Focusing on

providing high quality teaching of the Estonian language to Russian speakers could be a more efficient way to improve their ability to speak Estonian than trying to change the language of instruction in the entire Russian school system. Furthermore, it would probably take much less time to implement these measures. Forcing Estonian pupils to learn Russian as well, just like Finnish are obliged to learn Swedish may be a bridge too far. But offering Russian as a voluntary school subject could be a way to improve understanding between Russians and Estonians.

A second element of the language policy of Finland Estonia could 'borrow', is the concept of bilingual communities. In Finland, municipalities where at least 8% or 3000 inhabitants are Swedish-speaking (and the other way around, where at least 8% or 3000 people are Finnish speakers) are bilingual, which means that both language groups have a right to be served in their native language by public administration and public services personnel. It can be imagined that the same concept could be implemented in Estonia. As in the case of education, simply replicating the policy of Finland may not be acceptable for many Estonians, but the 'bilingual community' could be implemented in Estonia with different conditions attached. For example, communities could be called bilingual if at least 50% of the population is Russian-speaking. In these communities, civil servants would still be required to know Estonian (just like civil servants in Finnish communities where the majority speaks Swedish), but it would become possible for Russian speakers to use their own language in communication with civil servants and local government. This way, the possibilities for Russian speakers to shape their own lives would improve, without harming the rights of Estonians to use Estonian in their communications with public services.

4. Conclusion

In this paper, I have tried to find an answer to the following question.

What do the language policies of Finland towards the Swedish-speaking minority and of Estonia towards the Russian-speaking minority look like and what are the implications of these different policies for the ability of members of these minorities to shape their own life?

As I described in this paper, Finland has an extensive language policy, enabling the Swedish-speaking minority to use their native language in private life as well as in education, culture, public services, work and politics. The language policy of Estonia on the other hand is aimed more at restoring Estonian as the official state language than at providing Russian speakers with the opportunity to use their own language in public sphere. Looking at the social positions of the minorities in both countries, we could argue that the Finnish policy has been beneficial to Swedish speakers, who do just as well as Finnish speakers in most respects and even better than Finnish in some respect, whereas the result of the Estonian policy has been that Russian speakers, especially those who are no citizens of Estonia, are not as well represented in the Estonian labor market as Estonians. However, it is not entirely clear whether it is the language policies that are causing these differences, because the Swedish speakers in Finland have always been a powerful and resourceful group and the Russian speakers with higher socio-economic status even to better than Estonians on the labor market. Still, we can conclude that the policy of Finland has not impeded Swedish speakers to live an autonomous life, while Estonia has put some barriers in the way of Russian speakers pursuing to shape their own life. The Estonian language exam that must be passed to obtain citizenship is the

most concrete of these barriers, as it makes it more difficult for Russian speakers to give voice their interests in the form of a vote in government elections.

So what can European institutions learn from these findings? First of all, it is important to promote the protection of language rights for national minorities, because it looks as if language rights are a precondition for members of linguistic minorities to shape their own lives. As this is a universal human right, European institutions, including the EU, should look at the language policies of their member states critically and stimulate them to implement measures to improve the position of linguistic minorities. Nevertheless, as I have also shown, it is not possible to transfer policies from one country to another: we should look at the social and historical context of the position of minorities in different countries to determine what we can reasonably ask of different (potential) member states. This does not mean, however, that language policies have to be entirely reinvented for every situation. It is possible to look at countries that do well in protecting their linguistic minorities and use elements of their language policies in other countries. In my paper I have made some suggestions on how this could be done in the case of Estonia. Taking up these suggestions would still not make the Russian speakers as 'pampered' (Alvarez, 2005) as the Swedish in Finland. But it would lead to improvements in their situation and no human rights advocate can object to that.

5. References

- Alvarez, L. (2005), 'In Finland, a battle of the tongues. Law about Swedish grates on majority.' In: *International Herald Tribune*
<http://www.ihf.com/articles/2005/12/25/news/finland.php?page=1> (Viewed on May 12, 2008)
- Anckar, O. (2000), 'University education in a bilingual country: the case of Finland.' In: *Higher education in Europe*, 15-4, p. 499-506
- Aukerman, M.J. (2000), 'Definitions and justifications: minority and indigenous rights in a Central/East European context.' In: *Human rights quarterly*, 22, p. 1011-1050
- Council of Europe (1992), 'European charter for regional or minority languages.'
<http://conventions.coe.int/treaty/en/Treaties/Html/148.htm> (Viewed on May 11, 2008)
- Council of Europe (1995), 'Framework convention for the protection of national minorities and explanatory report.'
http://www.coe.int/T/E/human_rights/minorities/ (Viewed on May 11, 2008)
- Dahmann, K. (2007), 'German-speaking Belgians: Europe's best-protected minority?' In: *Deutsche Welle*. <http://www.dw-world.de/dw/article/0,2144,2581709,00.html> (Viewed on May 11, 2008)
- Eurofound (2006), 'Trends in labour market participation, income and job satisfaction among non-nationals.'
<http://www.eurofound.europa.eu/ewco/2006/07/EE06070191.htm> (Viewed on May 12, 2008)
- European Commission (1999), 'The Euromosaic study: Swedish in Finland.'
http://ec.europa.eu/education/policies/lang/languages/langmin/euromosaic/fi2_en.html (Viewed on May 12, 2008)
- European Commission (2004), 'The Euromosaic study: Russian in Estonia.'
http://ec.europa.eu/education/policies/lang/languages/langmin/euromosaic/et1_en.html (Viewed on May 12, 2008)
- Fagan, A. (2006), 'Human rights'. In: *The internet encyclopedia of philosophy*
<http://www.iep.utm.edu/h/hum-rts.htm> (Viewed on May 11, 2008)

- Grin, F. (2000), 'Evaluating policy measures for minority languages in Europe: towards effective, cost-effective and democratic implementation.' Flensburg: European Centre for Minority Issues
- Hyppä, M.T. and J. Mäki (2003), 'Social participation and health in a community rich in stock of social capital.' In: *Health education research: theory and practice*, 18-6, p. 770-779
- Jungner, A. (2004), 'Swedish in Finland'. In: *Virtual Finland*. <http://virtual.finland.fi/netcomm/news/showarticle.asp?intNWSAID=26218> (Viewed on May 12, 2008)
- Keller, P. (1998), 'Re-thinking ethnic and cultural rights in Europe.' In: *Oxford journal of legal studies*, 18-1, p. 29-59
- Kymlicka, W. (2001), *Politics in the vernacular: nationalism, multiculturalism, and citizenship*. Oxford: Oxford University Press
- Lagerspetz, K. (1998), 'On language rights.' In: *Ethical theory and moral practice*, 1, p. 181-199
- Malloy, T.H. (2005), *National minority rights in Europe*. Oxford: Oxford University Press
- Mercator (2008a), 'Minority languages in the Baltics: a delicate matter.' <http://www.mercator-research.eu/minority-languages/eu-minorities> (Viewed on May 11, 2008)
- Mercator (2008b), 'EU minorities: Finland.' <http://www.mercator-research.eu/minority-languages/eu-minorities/finland> (Viewed on May 12, 2008)
- Nickel, J. (1987), *Making sense of human rights: philosophical reflections on the Universal Declaration of Human Rights*. Berkeley: University of California Press
- Syllaste, K. (1995), 'Conquest and survival: an outline of Estonian history.' In: *World affairs*, 157-3, p. 119-124
- Toggenburg, G.N. (2004), 'Minority protection in a supranational context: limits and opportunities.' In: Toggenburg, G.N. (ed.), *Minority protection and the enlarged European Union: the way forward*. Budapest: OSI/LGI
- United Nations (1992), 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' <http://www2.ohchr.org/english/law/minorities.htm> (Viewed on May 11, 2008)
- UNHCR (2008), 'Fact sheet no. 18 (rev. 1), Minority rights.' <http://www.unhcr.ch/html/menu6/2/fs18.htm> (Viewed on May 11, 2008)
- Van Elsuwege, P. (2004), 'Russian-speaking minorities in Estonia and Latvia: problems of integration at the threshold of the European Union.' Flensburg: European Centre for Minority Issues. www.ecmi.de/download/working_paper_20.pdf (Downloaded on May 11, 2008)
- Vorster, J.M. (2000), 'The rights of minorities in a constitutional state.' In: *Ecumenical review*, 52-5, p. 490-503