Nationalities Papers (2020), 48: 2, 235–250
doi:10.1017/nps.2018.38

SPECIAL ISSUE ARTICLE

The "Quadratic Nexus" Revisited: Nation-Building in Estonia Through the Prism of National Cultural Autonomy

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Abstract

This article explores how the concept of minority national-cultural autonomy (NCA) has been defined and practiced in contemporary Estonia, combining data from interviews and previously unanalyzed archival sources to trace debates and policymaking processes back to 1988 and ascertain: why (and for whom) NCA was adopted; the functions ascribed to NCA institutions; and the effectiveness and legitimacy of the model in the eyes of different "noncore" ethnic communities. In so doing, the article uses NCA as a fresh lens for analyzing the more general politics of post-Soviet state and nation-building in the country, situating this case within the "Quadratic Nexus" framework. Estonia's NCA law is generally viewed as irrelevant to ongoing issues of diversity governance in the country. However, Finnish and Swedish minority autonomies have been established and, in recent years, there have been three applications to establish a Russian NCA. None have been approved, and yet some authors see them as evidence that NCA could (and should) have a role to play in bringing about a more meaningful accommodation of ethnic diversity. Having reviewed the evidence, however, the article concludes that this claim is misplaced.

Keywords: minority rights; autonomy; Europeanization; Estonia; Quadratic Nexus

Introduction

During the past 25 years, several states in post-communist Central and Eastern Europe have adopted institutional frameworks based on the concept of minority national-cultural autonomy (also known as nonterritorial autonomy, hereafter NCA). During the same period, the Organization for Cooperation and Security in Europe (OSCE) has cited NCA as a potentially promising means of promoting effective participation in public life by persons belonging to minorities and thereby building more integrated societies in the region (OSCE 1999; OSCE 2012). Further research is needed, however, on why and how the NCA model was adopted in different states, and on the intersection of domestic and international factors as well as (pre-)communist legacies and post-communist processes of Europeanization within this process. Moreover, there is considerable cross-case variation in how "autonomy" is defined, the functions that NCA institutions perform, and the broader political systems within which they operate, raising the question of the extent to which this arrangement actually conforms to the OSCE vision (Malloy 2015). It is also clear that minority actors across the region present diverse claims based on different circumstances, and that, in this respect, one has to be wary of "prescribing uniform solutions for diverse needs" (Purger 2012, 2).[1]

Addressing these questions of "what, why and for whom?" with regard to NCA offers a useful lens for analyzing the wider politics of post-communist state and nation-building in particular countries and the factors that determine whether these pursue exclusion, assimilation/integration,

or accommodation toward different noncore ethnic groups within the population (Mylonas 2013). The present article examines the case of NCA in contemporary Estonia, which it situates within the framework of a "Quadratic Nexus" linking the interaction of state, minority, and "external homeland" nationalisms first propounded by Rogers Brubaker (1996) with the field of international minority rights norms that has taken shape since the end of the Cold War (Smith 2002a). As well as analyzing the nature, implementation, and reception of Estonia's 1993 NCA law, the article uses interviews and archival sources to trace the process of the law's adoption right back to the late 1980s—a task never fully undertaken before now. It begins by briefly outlining current theoretical thinking around NCA, before introducing the Estonian case and the continuing debate on the role and relevance of NCA in a present-day context. Key aspects of this debate are then elucidated by using the Quadratic Nexus to revisit the process of adopting an NCA law during 1988–1993, informing conclusions which reflect more broadly on the state-building process.

National-Cultural Autonomy

First developed in late-Habsburg Austria by the Social Democrats Karl Renner and Otto Bauer, the concept of national-cultural autonomy today denotes a variety of organizational forms and practices found in ethno-culturally diverse polities across the world. In theoretical terms, it implies recognition that a given society is composed of different ethnic communities, each of which has the right to inter-generational reproduction of its particular collective identity. NCA allows each community the possibility to establish institutions geared to this end, with self-governing powers in relation to education and other spheres connected to the preservation of language and culture. These powers, however, are devolved not to a designated territorial sub-region ("ethnic homeland") but to a community of persons identifying with the relevant culture, regardless of where they reside within the state territory. This is done on the basis of individual citizens declaring identification with the culture in question and voluntarily enrolling to elect cultural self-governments with a state-wide remit (Renner 2005).

While Renner and Bauer's model was never fully implemented in its original setting, it did inform diversity governance in inter-war Estonia, whose 1925 minority law is routinely cited as one of the best-functioning historic examples of NCA (Coakley 1994). The NCA approach has attracted renewed interest over the past 25 years, from scholars of ethnic conflict regulation but also from key individuals and organizations involved in elaboration of the post-Cold War international minority rights regime (Kymlicka 2007; Buquicchio 2008). In both cases, NCA is portrayed as a potentially promising mechanism for boosting political stability and social cohesion within states, by enabling national minorities to participate fully and effectively in public life. NCA is seen as having particular merit because it grants these possibilities to minority communities while avoiding any explicit institutional linkage between ethnicity and territory (Roshwald 2007; Coakley 2016). State governments, it is reasoned, are invariably reluctant to countenance minority claims for territorial autonomy, since they see this as undermining their sovereignty as well as potentially threatening the integrity of the state. Other authors, though, reject the notion that minority claims can be entirely divorced from territory, noting that while NCA might work as a stand-alone solution for numerically small and scattered groups, it is more typically used as a complement to other, territorially-based arrangements (Kymlicka 2007; Purger 2012). Moreover, it is argued, forms of territorial autonomy have become increasingly commonplace within consolidated democracies over the past half century. Thus, rather than engaging in a fruitless quest to deterritorialize all minority identities, it would be better to focus on liberalizing and democratizing sub-state nationalisms and "[embedding] aspirations for self-government within a larger liberal-democratic constitutional framework" (Kymlicka 2007, 388).

Reflecting on the recent growth of scholarship in this area, however, Alexander Osipov (2010, 30) highlights a preponderance of normatively-based legal and political-philosophical approaches and a consequent "focus on *what could and should be done* rather than on analyzing and describing

https://doi.org/10.1017/nps.2018.38 Published online by Cambridge University Press

what, in fact, exists." Tove Malloy (2015, 3–5) similarly notes that while there are numerous arrangements across the world bearing the title of NCA, the use of the term is still beset by an absence of conceptual clarity. Malloy ascribes this to inadequate description of autonomy bodies' functionality, plus insufficient contextual knowledge of the broader institutional frames within which the bodies operate and the "hidden agendas" that sometimes lie behind NCA policies. Thus, when analyzing particular NCA arrangements, it is important to consider not only the powers held by the autonomy bodies themselves, but also the overall openness of the political system to minority participation. A further fundamental question relates to *how* "minority" is defined: for instance, does a polity recognize the claims of all minorities to existence? If so, does it provide equal entitlement to establish self-governing institutions? (Székely and Horváth 2014).

In assessing various NCA arrangements and their underlying political contexts, Malloy focuses on the extent to which these give minority communities "voice" in decision-making on issues relevant to the preservation of their identity. She thereby distinguishes between systems that confer "voice through institutions of self-governing," "quasi-voice" (delegation of certain public functions to minority institutions without giving them substantial powers of self-rule or self-management), or "nonvoice." In the latter instance, "autonomy" amounts to no more than symbolic recognition of particular minority communities, with no effective powers of self-governance or co-decision-making. Here, autonomy is typically deployed as a discursive device/co-optative mechanism within a system of hegemonic control by an ethno-national majority, rather than forming part of an accommodationist approach. How, then, should NCA in contemporary Estonia be situated within this framework?

NCA in Estonia: Symbolism or Substance?

Most general accounts of NCA make some reference to Estonia, due to the country's 1925 minority law. Unique in Europe at that time, the law allowed for the creation of minority cultural self-governments—public-legal bodies elected by voluntarily constituted "communities of persons," with powers to administer public and private schools and other minority cultural institutions, and funding from state and local government as well as additional taxes levied on enrolled members of the minority community (Laurits 2008; Smith 2016).

The attention given to this law, however, occludes the fact that NCA was only one facet of a liberal minority rights regime in an interwar state where minorities made up just 12% of the population. Thus, NCA was adopted by the small and territorially dispersed Baltic German and Jewish minorities, whereas the claims of the larger, more compactly settled Russian- and Swedish-speaking populations were addressed *territorially*, through a system of administrative decentralization allowing for dual public language use and native-language schooling in districts where minorities made up a substantial share of the local population. The plaudits given to the NCA law also overlook the nationalizing turn that occurred in Estonia following the onset of authoritarian rule in 1934. NCA was never abolished, but assumed a far more "symbolic" character (Smith and Hiden 2012).

German and Jewish NCA ended during 1939–1940, when the Nazi-Soviet Molotov-Ribbentrop Pact paved the way for Estonia's forcible incorporation into the USSR. This act was condemned as an illegal annexation by the international community, which insisted that Estonia remained a *de jure* independent state under Soviet occupation. From 1987, this legal continuity argument became the cornerstone of an Estonian national movement demanding the *restoration* of the pre-1940 Republic. Within this framework, the concept of minority NCA also reappeared in political discourse, prompting debates that eventually led to the adoption of legislation two years after Estonia finally re-attained fully sovereign statehood in 1991.

This contemporary NCA law, however, was introduced into a context wholly different from that of the inter-war period. The intervening decades of *de facto* Soviet rule had seen the share of "non-core" ethnic groups within Estonia's population grow to 39%, through centrally-directed

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movement of (mainly Russian-speaking) workers from other republics of the USSR. While Estonian retained official status as the "titular national" language within the Estonian Soviet Socialist Republic (ESSR), new settlers and their families were not required to learn it, since Russian also served as *de facto* official language across the entire USSR. By the 1980s, many Estonians perceived an economically failing Soviet system as synonymous with colonization and forced Russification, compounding a suppressed collective memory of historical injustice and repression during the 1940s.

This Soviet legacy posed many challenges for state and nation-building once the Estonian Republic was restored. The period 1991–1993 in particular saw the rise of a majority nationalism that securitized the large Russian-speaking share of the population as a threat both to state sovereignty and to the survival of Estonian language and culture. This discourse also invoked the principle of legal continuity, leading to a decision whereby only citizens of the pre-1940 republic and their descendants were given automatic entitlement to Estonian citizenship. The remaining 30% of the population (most of them Russian-speaking) were only entitled to obtain citizenship through a naturalization process requiring three (later five) years' permanent residence from 1990 and a knowledge of the Estonian language. In this way, most of Estonia's Russian-speaking residents were excluded from the political community in the immediate aftermath of independence, ensuring that ethnic Estonians would exercise dominance within state institutions for the 1990s and beyond.

At first sight, Estonia's 1993 NCA law thus appears anomalous within early state- and nation-building processes that were otherwise highly exclusionary toward "noncore" ethnic groups. I will argue, however, that the law was intended at least in part to justify these exclusionary practices in the eyes of an external audience, at a time when Estonia had just entered the Council of Europe (CoE) and was already seeking membership in the European Union (EU). In this context, a law offering autonomy to "national minorities" could be cited as proof that Estonia was reviving its historic tradition of tolerance in the area. At the same time, by limiting the definition of national minority to *citizens* possessing "long-term, sound and permanent ties with Estonia," this same law drew a clear line of distinction between "genuine" minorities with pre-1940 roots on the one hand, and Soviet-era settlers and their descendants ("noncitizens") on the other. The latter, it was argued, were immigrants, which, as in Western democracies, should be expected to naturalize on terms set by the majority. Talk of "restoring" cultural autonomy, moreover, overlooks important differences between the 1925 NCA law and the 1993 iteration, which does not define the legal status of autonomy bodies and gives them none of the powers and funding guarantees offered in the 1920s (Poleshchuk 2013).

Existing literature therefore mostly dismisses the 1993 law as "performative" (symbolic) rather than "instrumental" in character (Aidarov and Drechsler 2011). Although Estonia later took important steps to facilitate the naturalization and "integration" of noncitizens during its accession to the EU, NCA has long been regarded as having no real practical significance for the governance of ethno-cultural diversity. The debate, however, has not ended: "small, motivated" (Poleshchuk 2013, 160) Ingrian Finnish and Swedish minorities created autonomies in 2004 and 2007 and their leaders have called for NCA to be given greater substance; amidst a continued growth in the number of Russian-speakers with citizenship (and a contraction of state-funded Russian-language education), three separate applications for Russian NCA were submitted during 2006–2009.[2]

The fact that none of these Russian NCA applications were approved by the government highlights a continued securitization of minority issues—in particular, the fear of external influence from Russia. Mikko Lagerspetz (2014) has criticized this approach, suggesting that NCA could serve as a way of accommodating continued claims for expanded Russian minority rights, especially in education. Lagerspetz (2014, 465) argues that in 1993 Estonia adopted an NCA law "closely reminiscent" of its 1925 predecessor. In so doing it accrued goodwill both internationally and amongst its minorities. However, it has since failed to implement this law (2014, 457–458)—something Lagerspetz characterizes as the "erosion of a promise." If one takes—as Lagerspetz does—the 1993 NCA law as the main focus, then this claim seems overstated, for the problem lies

https://doi.org/10.1017/nps.2018.38 Published online by Cambridge University Press

not only in implementation, but in the law's limited provisions and its restrictive definition of "minority." Archival sources consulted for the present article, however, reveal the existence of an earlier, more substantial NCA draft from July 1991 that actually did replicate most features of the interwar legislation. In this sense, talk of a promise eroded carries more weight. Yet, the same sources highlight widespread skepticism toward NCA among Russians already in 1991, something which Lagespetz does not fully take into account and which has implications for his arguments regarding present-day applicability of the model.

The existence of the earlier NCA draft also raises the question of why it gave way to the much-diluted final law of October 1993, and how domestic and international factors interacted to produce this outcome. Exploring this process sheds new light not only on the specifics of state- and nation-building in Estonia, but also on the "diffuse and complex" (Waterbury 2010, 18) interaction of states, minorities, external homelands, and international organizations that Smith (2002a) calls the "Quadratic Nexus."

The Quadratic Nexus Revisited

In order to understand the dynamics of state- and nation-building in contemporary Estonia, it is important to look first at domestic factors—the interplay between the state-building nationalism of the Estonian majority and the countervailing claims of local minorities, as well as the interplay of competing elites operating *within* these two fields. In the case of Estonia, most attention has understandably been devoted to the relationship between the new national state and its large Russian-speaking population. At the same time, due attention must be paid to the "politics of ethnicity within the international arena" (Mylonas 2013, i)—the geostrategic situation of the state at the time nation-building debates are taking place. In the Estonian case, this obviously brings into focus external relations with first the USSR and later the Russian Federation, as sites for a "homeland nationalism" field forming the third node in Brubaker's original triadic nexus. Brubaker, however, overlooked a further "conceptual player" (Pettai 2006)—the global, European and Euro-Atlantic intergovernmental organizations (UN, OSCE, CoE, EU) shaping the international context within which the triadic nexus has operated. It is this consideration that prompted Smith (2002a) to add a "fourth field" to the nexus, comprising the international standards on minority rights that had begun to take shape since the start of the 1990s. In the course of that decade, the aforementioned intergovernmental organizations (IGOs) became important "domestic policy actors" within processes of post-communist state- and nation-building, providing incentives and disincentives for states to adapt to international standards in the field of minority protection. (Jurado 2003; Kelley 2004).

How, though, were concepts of "minority" and "minority rights" defined within this framework? The UN, OSCE, CoE, and EU are all inter-governmental organizations, and in this respect the governments that have debated this issue have never been able to agree on a single accepted definition that goes beyond general declaratory principles. Since the 1960s, international efforts to create a generic provision applicable to *all* ethno-cultural minorities have met with objections from "New World" countries established on the basis of large-scale immigration (and assimilation of immigrants). These have "insisted that immigrant groups do not count as 'ethnic, religious or linguistic minorities' and, hence, that the provision only applied to historic minorities in Old World countries created as a result of population transfers or the moving of international boundaries" (Kymlicka 2007, 45–46). A similar trend was apparent in Europe at the start of the 1990s, when Western states emphasized that the designation of "minority" could not be applied to immigrants (Burgess 1999).

Yet, even if one accepts this distinction, how should the rights of "historic" minorities be defined, and how does the concept of autonomy figure within this? In this respect, too, emerging international standards reflected the interplay of different actors with different agendas (Dembinska et al 2014, 356). The June 1990 Copenhagen Document of the OSCE was ambitious in scope, citing

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"the establishment of appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances" as "one of the possible means to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities."[3] This suggestion, however, has proved deeply controversial, with a line of division apparent between those actors who insist on "the collective right to some form of governance necessary to maintaining minority communities within their historic territories" (the "territorial principle") and those who "prioritize the territorial stability of existing states" (Dembinska et al 2014, 356). The former view has been upheld by states (most notably Hungary) with large external "kin" minorities, whereas states *hosting* large and concentrated minorities have insisted that minority rights can only be attached to individuals rather than communities. At the same time, many of the minorities in question were mobilized in support of collective rights to self-governance, activating a "rights vs. security" dilemma that was especially acute following the conflicts in the former Yugoslavia (Kymlicka 2007; Malloy 2015). As described later in this article, it was precisely this dilemma that sparked interest in NCA as a potential "middle way" between "banalization and balkanization" (Roshwald 2007).

The preceding discussion supports Smith's (2002a, 11) claim that international minority rights standards—like the three nodes of Brubaker's original triadic nexus—constitute "a variably configured and continuously contested political field" in which actors making up the state, minority, and external homeland fields have competed to advance their own particular political agendas. While the structure of the international system means that state actors have carried the most weight, the interventionist role of international organizations has also allowed minority nationalists to engage in "forum shopping" (Chandler 1999), as they seek to bring indirect pressure to bear on the state in which they reside. In sum, then, one can say that although norms guide states, "context and politics … determine the kind of minority regime that will be adopted" (Dembinska et al 2014, 359–360). In this respect, the line taken by international organizations on minority issues is influenced by the interplay between the geopolitical and security interests of different states and overall balance of power within the organization in question (Burgess 1999, 54).

The initial elaboration of the international minority rights regime overlapped with the re-emergence of the Baltic States onto the world stage and the formative period of state- and nation-building in each of these three countries during the early-mid 1990s (Hogan-Brun and Wright 2013, 253). This fact is highly significant, since a desire to "return to Europe" (or, more broadly, to the "Western World") had figured strongly in the discourse of the Baltic popular movements already from 1989. Upon the restoration of their independence in 1991, Estonia, Latvia, and Lithuania immediately acceded to membership in the United Nations and the OSCE. They also quickly set the goal of gaining membership in the CoE and EU, being "especially open" to influence from these latter organizations in the area of state and nation-building (Pettai and Kallas 2009). As noted above, however, all of the above-mentioned organizations were themselves undergoing a process of rapid internal change at that time, while the nature of the relationships between them (and their existing constituent members) was still far from clear. This made them a moving target for aspiring members, perhaps nowhere more so than in the still emerging and vaguely-defined field of minority rights. In what follows, I examine developments Estonia since 1988 within the quadratic nexus framework, exploring the shifting relationship between the (reemerging) state, its "core" and "noncore" ethnic groups, the USSR and Russia and the international organizations most active in the sphere of minority rights, and considering how the concept of cultural autonomy was understood and deployed instrumentally by different actors within this process.

The Quadratic Nexus in Action: Estonia and Autonomy Debates Since 1988

The domestic "axis" within the nexus—namely, the relationship between the fields of "nationalizing state" and "national minority" nationalism—first took shape in Estonia during April 1988–March 1990. This period saw mass mobilization of the titular nationality behind a new popular movement

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(the Popular Front of Estonia (PFE)) which co-opted reformist and nationally-minded elements within the ruling Communist Party of Estonia (CPE) behind a pro-independence agenda, before sweeping to power with a two-thirds majority in March 1990 elections to the Supreme Soviet (parliament) of the ESSR. Already prior to this, parliament had declared the sovereignty of the ESSR (November 1988) and asserted the primacy of its titular nationality through a January 1989 law making Estonian the sole official language. By inverting pre-existing ethnic and linguistic hierarchies within Soviet Estonia, these and other policies elicited an attempted counter-mobilization under the auspices of the Internationalist Movement of the ESSR (Intermovement), which appealed for external intervention by the federal government to curb the sovereignty movement and defend the interests of the "Russian-speaking part of the population."

In the face of this challenge, the Estonian nationalist field was shaped by competition between the PFE and a more radical challenger—the Citizens' Committee movement (later Citizens' Congress). Both movements were committed to re-establishing an independent nation-state with an Estonian ethno-cultural "core." Both also espoused the doctrine of legal continuity, which acquired tremendous mobilizing power during 1988–1990. They differed fundamentally, however, in their assessment of the geostrategic context and, by extension, their strategies for attaining independence and—in the longer term—nation-building.

Whereas the PFE and its allies were working through existing Soviet institutions to achieve an incremental devolution of power leading to eventual independence, the former dissident-led Citizens' Committees saw uncompromising adherence to the legal continuity principle as the only viable means of ending Soviet "occupation" and "colonization" and restoring an Estonian nation-state. Characterizing the large population of post-1940 Russian-speaking settlers and their descendants as a "civil garrison of the empire" whose votes would block any attempt to gain independence through Soviet structures, the movement set about registering pre-1940 citizens of Estonia and their descendants for elections to an alternative parliament, the Citizens' Congress, which it deemed the only body legitimately empowered to decide on Estonia's future. For the Congress, Estonia could not declare independence from the USSR, since it had never legally ceased to exist as a sovereign state. The issue was rather one of effecting an unconditional end to occupation through the withdrawal of Soviet troops and *de facto* restoration of diplomatic links with the outside world.

The Congress enjoyed undoubted moral authority amongst the Estonian population. Nevertheless, in the geopolitical conditions of 1988–1990 the PFE could—quite plausibly—characterize its rival's position as unrealistic. The Soviet government was not about to voluntarily relinquish its control over the Baltic states; moreover, as the case of Lithuania in March 1990 demonstrates, Western governments were not willing to risk wider destabilization within the USSR by extending *de facto* recognition to the newly-elected Baltic governments. Independence therefore depended on persuading the international community to exert pressure that would bring Soviet leader Mikhail Sergeyevich Gorbachev to the negotiating table. PFE and its allies also cited "the political reality that Russians [made] up 30% of the population."[4] Branding the Soviet-era settlers who constituted most of this group "occupants" with no right to a say in Estonia's future, PFE argued, would simply encourage them to follow Intermovement's lead and look outside Estonia to Moscow for defense of their interests.

Gorbachev was unwilling to authorize the forcible suppression of Estonia's (entirely peaceful) national movement, for to have done so would have destroyed his reformist credentials domestically while prejudicing hopes of financial support from the West. To a large extent, therefore, claims of systematic discrimination against Russian-speakers advanced by the Intermovement-Moscow axis were intended to undermine the credentials of the Baltic independence movements internationally, by exploiting "transborder concern with human rights" (Brubaker 1996). In this situation, PFE and its allies adopted a cautious and pragmatic line on the "nationalities question." Being themselves constrained by the legal continuity discourse, they deferred the question of citizenship until full independence was finally achieved. At the same time, they argued that any permanent resident of Estonia wishing to obtain citizenship should be allowed to do so without preconditions.

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The January 1989 Language Law adopted under PFE pressure also retained a provision for public use of Russian. This was followed in December 1989 by a "Law on National Rights of Citizens of the ESSR," declaring that "as a sovereign democratic state, the ESSR guarantees equal political, social and economic rights and freedoms to all of its citizens, regardless of nationality." "Alongside the development of Estonian language and culture," it would "create for national groups conditions for the free development of their language and culture, including education in Estonian, Russian or another language via state educational institutions or cultural associations."[5]

This approach undercut efforts by Intermovement and its allies in Moscow to mobilize a "minority field" in opposition to independence. In March 1990, with the support of around one-third of the Russian-speaking electorate, the PFE-led bloc obtained the two-thirds majority required to declare independence under the terms of the Soviet constitution. Instead, the new parliament declared an end to Soviet occupation and the start of a transitional period to full independence, to be achieved through negotiations with Moscow. The next 18 months witnessed a further growth in support for independence among local "Russian-speakers," as seen in a March 1991 referendum that delivered an overall 78% majority in favor, on an 89% turnout.

One crucial factor in this evolution was the parallel emergence of a sovereign Russian Republic (RSFSR) under the leadership of Boris Yeltsin, which declared a democratic, pro-Western orientation and supported Estonia's claim to sovereignty. In this way, Russia was able to eclipse the USSR as an imagined "external homeland" for Estonia's Russians. Keen to develop this axis in order to undermine Soviet power, Estonia's parliament assured Russia that it would guarantee local Russians' civil rights and grant them cultural autonomy (Lagerspetz 2014, 464). Later, in January 1991, an Estonian-Russian inter-state treaty was signed, containing clauses on future citizenship. Responding to concerns that the latter were excessively vague, Stanislav Stystovii of the Human Rights Committee of the RSFSR Supreme Soviet replied that "I do not think Estonia will be worse than any of the *European countries* about which no questions are asked regarding *minority populations*" (Virov 1991).

NCA Enters Political Debate

By the time Stystovii made this comment, "minority rights" was already becoming established on the European political agenda through discussions at the CSCE and Council of Europe. After the ESSR gave way to the sovereign Estonian Republic in March 1990, "minority" also displaced the Soviet term "nationality" within Estonian political discourse. In January 1991 a parliamentary Committee on Inter-Ethnic Relations established an expert academic working group to prepare new legislation "on the Political, Social and Cultural Rights of National Minorities," to allow for the realization of the citizen rights laid out in the December 1989 law adopted by the previous, Communist-led government.[6] Citing a "demand to unite the forces of the core nation and national minorities living in the Estonian Republic around deepening Estonia's political, economic and cultural development," the first draft of this legislation ("on cultural self-administration of minorities") was substantially based upon the 1925 minority law of the interwar Estonian Republic. For instance, the law endowed minority governments with tax-raising powers, while also providing for local authority schools (and existing funding) to be transferred to minority self-government control. The category of "minority," however, extended to Russians, Ukrainians, Belarussians, Karelian-Finns, Jews, Tatars, Latvians, Lithuanians, Poles, and any other group numbering over 3,000, as well as groups that were smaller but had enjoyed rights to NCA under the 1925 law.[7]

The NCA approach captured the aspirations voiced by cultural societies representing Estonia's smaller ethnic communities (including Swedes and Ingrian Finns). Formed already in 1988, these had made common cause with Estonian nationalism in rejecting the Russifying thrust of Soviet nationalities policy and had formed their own umbrella Nationalities Forum (renamed Union of National Minorities in April 1989) within the framework of PFE. Although representing a numerically small share of the overall population, these societies helped to rebut Soviet claims of a monolithic

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"Russian-speaking" community, subject to discrimination and opposed to Estonian independence. They did, however, establish their own "minority field" based on claims for cultural autonomy, which was discussed already at PFE's Founding Congress in October 1988 (Lagerspetz 2014, 464).

Yet, the group that prepared the 1991 law saw NCA as catering not just for these smaller minorities, but for all noncore ethnic groups, stating that it would assist the 475,000-strong "Slavic" population (Russians, Russified Ukrainians, and Belorussians) to adapt to life as a minority in a new Estonian-led state, by giving them a culturally autonomous space through which they could participate.[8] In this regard, the authors of the draft highlighted the reputation of the 1925 law, arguing that "a better mechanism for defense of national minorities [had] yet to be elaborated anywhere in the world," and that interwar Estonia had gone much further than neighboring countries in terms of minority protection.[9] The draft thus spoke to the key legitimating principles of legal continuity and restoration within the Estonian nationalist field, while also affirming Estonia's credentials within an emerging international minority rights field that already contained reference to principles of "autonomous administration." The draft also spoke to pre-existing conceptions of collective nationality rights in a democratizing Russia, where NCA had also been discussed within wider *perestroika* debates. In this regard, it is notable that the draft law was submitted to external scrutiny by both Western experts and the Institute of International Affairs in Moscow, after which reference was added to the European Convention on Human Rights (ECHR) and the CSCE Paris Declaration.

In Estonia itself, however, NCA received only a lukewarm reception within the Russian "minority field," thereby prompting further debate within Estonia's government. Initial feedback from Artur Kuznetsov, Estonia's Minister for Nationalities, for instance, questioned the claim that NCA had general applicability. Seeing insufficient evidence that smaller ethnic groups actually wanted formal public-legal autonomy (as opposed to their own NGOs), Kuznetsov also noted that the December 1989 law already envisaged a role for the Forum of Nationalities, while providing for the continued existence of state-administered Russian-language schools in areas where Russian-speakers made up a substantial share of the population. The new draft law, however, provided for such education only within the framework of NCA.[10] Indeed, the territorial paradigm adopted under the 1989 law seems to have been the most favored option among Russians at the time: pre-existing practices of the Soviet period meant that equal rights as a citizen (and taxpayer) were taken to imply that the state should directly provide education in one's mother tongue, rather than devolving this task to an autonomously organized community (Kekelidze 1992). In this regard, Aksel Kirch (a member of the expert academic group on NCA) argued in an August 2015 interview with the author that the principle of minority rights was at odds with a Soviet legacy which in theory provided for equality of all nationalities, but in practice prioritized the use of Russian.

The Geostrategic Shift of Fall 1991

The aforementioned debates meant that submission of the revised NCA draft to the government—originally scheduled for July 1991—only took place in late September. By this time, however, the failed Moscow coup against Gorbachev had suddenly and unexpectedly opened the way to international recognition of an independent Estonia. On August 20 the Citizens' Congress backed a resolution by the "official" parliament declaring the immediate restoration of the Estonian Republic and calling upon longer-established states to restore formal diplomatic relations severed in 1940. In return, the Congress obtained an equal share of seats in a future Constituent Assembly, a development which completely reconfigured power relationships within the Estonian nationalist field.

Subsequent unconditional recognition as a *restored* state also accorded Estonia a "privileged place in the West's geopolitical imagination as culturally and politically nearer to Western Europe than the other post-Soviet states" (Smith 1999, 514), opening up the prospect of accession to the EU and NATO on the same terms as Poland and Hungary. In conjunction with the simultaneous

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unraveling of the USSR, this completely fundamentally altered the geostrategic calculations around state- and nation-building and the political discourse on citizenship and "minority rights." In so far as the latter concept had hitherto been extended to cover Soviet-era settlers and their descendants, this was largely due to strategic calculations around citizenship—namely, the expectation that it would have to be made freely available to all residents in return for international recognition of independence.[11] The actual circumstances of recognition, however, provided external legitimation for the Congress argument that automatic entitlement to citizenship should be limited to pre-1940 citizens and their descendants. This was the course taken by parliament in October 1991, after many PFE members had defected to the Congress line on strict application of legal continuity. The terms of the subsequent February 1992 naturalization law meant that applicants could not receive citizenship in time to participate in new parliamentary elections scheduled for September 1992. With the electorate now 90% ethnically Estonian (65% in 1990), dominance for the "titular" nationality within political institutions was—in the immediate term, at least—assured.

This nationalizing turn in policy reflected the enhanced political influence of forces drawn from the Citizens' Congress, which were now able to frame the large Russian-speaking population as a threat to the goal of restoring an Estonian-led nation-state aligned politically and economically with the West. Securitization of minority issues was exacerbated by deteriorating relations with Russia, which, as the legal successor to the USSR, assumed the latter's international obligations, including responsibility for negotiating the withdrawal of former Soviet troops from Estonia. While the Russian government had previously agreed to this, it was not about to acquiesce to Estonia's policy of legal restorationism by being held accountable for the 1940 Soviet occupation of the Baltic States. Consistent with the line articulated by Stanislav Stystovii in January 1991, Russian representatives duly contested the international-legal validity of Estonia's citizenship policy through the multilateral fora of the United Nations and CSCE.

Yet the dispute with Estonia was but one facet of a wider shift in Russian state- and nation-building during 1992–1993: Boris Yeltsin's initial "Atlanticist" foreign policy course gave way to a "Statist" discourse asserting claims to a dominant role within the former Soviet space, while the civic "new Russian nationalism" of 1990–1991 was challenged by calls for a more assertive line of defense of Russian-speaking "Compatriots" abroad. The two strands converged at the CSCE summit in Helsinki in June 1992, where Russia argued that continued troop withdrawal from Estonia should be contingent on changes to recent citizenship legislation. Although unsuccessful, this and other interventions by Russia aroused concern within the key organizations (NATO and the EU) that Estonia was now seeking to join in order to obtain credible external guarantees for sovereignty of the restored state. While member governments of both organizations had subscribed to the legal continuity argument, they feared that its application in the sphere of citizenship might generate a backlash from the 30% of Estonia's residents excluded from political participation. In an international context where ethnopolitical issues were viewed primarily through the prism of security, this opened up the possibility that Russia (and/or ethnic Russians within Estonia) might successfully utilize the "fourth field" of minority rights to bring indirect pressure to bear upon Estonia.

In seeking to reconcile the internal and external dimensions of state restoration, Estonian actors could, however, exploit the ambiguity surrounding international minority rights "norms," by citing existing practices toward immigrants in Western democracies: thus, noncitizens willing and able to undergo naturalization on the terms set could, in time, become a member of the political community; moreover, these terms were generous compared to many states in the West. Estonian policymakers were, though, aware that international organizations would apply different standards when assessing applicant states from CEE than they would in the case of established democracies, and that Estonia would be expected to demonstrate "respect for and protection of minorities" in order to join the EU. A further precondition would be gaining membership in the CoE, which was already beginning to draft its own instruments and requirements concerning minority rights.[12]

Thus, while legislative progress was interrupted by processes of constitutional and institutional change during the first months of restored statehood, a law on national minorities remained a

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highly relevant concern. In this regard, NCA also remained part of political discourse: reference to the right of cultural autonomy for national minorities was included in Article 50 of Estonia's new constitution adopted in June 1992, and the adoption of legislation giving this effect was named as a priority by the new right-of-center coalition government formed in October 1992. This followed elections which, predictably, returned only one nonethnic Estonian MP (Ants-Enno Lõhmus, an ethnic Swede and Chairman of the Union of National Minorities) to the 101-seat parliament (Melvin 1995, 45) and resulted in a victory for nationalist political parties drawn from the former Citizens' Congress.

Meeting external requirements relating to minority rights nevertheless entailed a difficult balancing act for the new coalition, as parliamentary debates on the NCA law during June-October 1993 clearly show. While the government emphasized integration with the West, more uncompromising elements within its core nationalist parties opposed even granting naturalization rights to Soviet-era settlers, arguing that these were "occupants" whose "repatriation" should be actively encouraged. Those who did remain in Estonia should be viewed as akin to *Gastarbeiter* in Germany (Smith 1998). Should the naturalization option be widely exercised, this would increase the number of Russian-speakers holding citizenship and thereby able to claim rights commensurate to those of a "genuine" national minority. For some radical nationalist MPs, this was too high a price to pay for entry to European organizations, which were important only insofar as they remained committed to reversing Soviet occupation and restoring Estonians' position as "masters in the house." One speaker, for instance, claimed that talk of minority autonomy was "unethical" when ethnic Estonians made up only 61% of the total population, and risked sending a misleading signal.[13] Another argued that while under normal circumstances minorities enrich any state in which they live, Estonia was not yet a "normal" state.[14]

Estonia's entry to the CoE was actually confirmed on May 30, 1993, already prior to the start of parliamentary debates on NCA. However, even the limited commitments made by the government during this process proved highly controversial (Smith 2002b). Speakers in the NCA debates also cited a February 1993 Resolution by the Parliamentary Assembly of the Council of Europe (PACE) calling for an additional protocol on national minorities to be added to the (legally binding) ECHR. Controversially, this referred to the right to autonomy within regions where minorities lived compactly.

The presenters of the NCA bill nevertheless emphasized that a specific minority law was necessary in order to demonstrate Estonia's observance of "principles accepted by the democratic states of Europe,"[15] all the more so given Russia's accusations of systematic rights violations. One opposition MP, for instance, asked why the NCA law should even use the term "minority," when no state in the world had yet managed to define this effectively.[16] In response, one of the presenters cited considerations of "propaganda," given that the law "may come into the hands of foreigners who are not so familiar with our legislation."[17] The timing of the bill's introduction—in June 1993—is indeed noteworthy, coinciding with a fresh international controversy arising from two other laws adopted during the same month—a "Law on Aliens" requiring noncitizens to obtain new residence permits within a year, and an education law stipulating that state-funded Russian-language upper secondary schools should transfer to teaching entirely in Estonian by 2000.

Against this background, NCA was instrumentalized as a way of squaring the circle between internal and external requirements of state-building. Externally, the claim that minority NCA was being "restored" along with the Estonian Republic could be offered as proof of tolerance and state-of-the-art thinking. In this respect, one MP observed that the CSCE had highlighted NCA as an ideal "middle way" between assimilation and territorial autonomy.[18] As already noted, however, the bill placed before parliament only superficially resembled the original draft—closely modeled on the 1925 law—produced two years earlier: while retaining the complex procedures for electing cultural self-governments, it gave them none of the public powers or funding guarantees for institutions. More importantly, by defining "national minorities" as citizens with firm and longstanding ties to

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Estonia, the law limited the term to inter-war citizens and their descendants. While this category included perhaps one in every five Russian speaking residents, most were excluded.

This denial of minority status partly explains the reportedly negative attitude to the NCA law amongst Russian-speaking elites in Estonia. At that time, these lacked representatives in parliament who could have made their opinions known. However, the view was communicated via a Round Table of Nationalities established (following CSCE recommendations) in June 1993. A further objection, according to one presenter of the NCA bill, derived from the fact that autonomy was not based on the territorial principle.[19] Another presenter expanded on this point, stating that the law was intended for smaller minorities whose problems derived from their size. This did not apply in the case of the large Russian population, whose needs were already catered for in Estonia. NCA was therefore of no use to Russians.[20]

As seen already in 1988–1991, the NCA model was of greater interest to the smaller ethnic groups represented within the Union of National Minorities. Indeed, the Union's Chairman Lõhmus co-presented the NCA bill in parliament. Yet, even for smaller ethno-cultural communities, the law had limited relevance, for (with the exception of the Swedish minority) the citizen/non-citizen divide cut across all noncore ethnic groups. Under these circumstances, it was simpler and more practical to establish an NGO that could accommodate all members of a given community—all the more so given that autonomy bodies possessed few, if any, additional rights compared to NGOs.

In sum, then, the 1993 NCA Law can indeed be characterized as a symbolic piece of legislation intended to further codify the dominant position of the ethnic majority within the state. Revealing in this regard is the comment by the bill's co-presenter, Mart Nutt. Responding to a question on the PACE recommendation for an additional ECHR protocol on minorities—and the claim that, by using the term "minority" in the law, parliament risked "legislating Estonia into a 'multinational state'"—Nutt insisted that "if the additional protocol is ratified, all states will have to deal with this question. I'm sure that, in this regard, Estonia will be no more of a multinational state than France or Germany."[21] His point of reference for Estonia's future was therefore two states with large immigrant populations, but either no or few recognized "national minorities."

Implementation of the 1993 Law

Nutt's reading of the future was essentially correct, since Estonia's subsequent "Europeanization" has not challenged the project of building a unitary, one-society nation-state (Csergő and Regelmann 2017a, 2017b). The main external focus during the 1997–2004 EU accession process was on moving beyond the exclusionist discourses of the early 1990s, reducing the number of noncitizens and pushing the state toward a more pro-active strategy of integration. The favored model can be characterized as multicultural integration (Kymlicka and Norman 2000, 12) in that the EU insisted on amending the original education law to allow for continued bilingual Estonian-Russian tuition in state-funded upper secondary schools previously teaching only in Russian. While this approach blurs the distinction between "immigrant" and "national" minority, the norms of accommodation promoted by the EU and other international organizations have—despite initial OSCE and CoE interest in "collectively pursued minority rights" during the early 1990s—focused more on "individualist politics of non-discrimination" (Csergő and Regelmann 2017b, 2). This approach, in effect, has been the only common denominator upon which different states in the contested international minority rights field can agree.

Within this context, NCA has had very marginal significance in Estonia. Local Finnish and Swedish minority leaders clearly attached great importance even to the symbolic autonomy made available in 1993, and through concerted efforts were able to establish cultural self-governments. Both have since lobbied for further development of the NCA law, but by 2012 these efforts had run their course, amidst government concerns that a more substantive framework might prompt further calls to establish a Russian NCA.[22] Lagerspetz (2014) calls this view misguided, arguing

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that a Russian NCA would enhance state security by improving dialogue and helping to address continued contestations around historical memory and education reform. As argued in the present article, however, Lagerspetz's claim of a "promise eroded" on NCA—while perhaps applicable in the case of Finns and Swedes—appears less credible when it comes to the Russian-speaking population. For, even when a fuller NCA framework was on the table in 1991, interest amongst local Russians was limited.

Analysis of the late Soviet period points to growing Russian support for a sovereign Estonia during 1988–1991, when the pragmatic approach of PFE and cooperation with the pro-democracy movement in Russia offered the prospect of full citizenship and a status as "one of two constituent groups" (Poleshchuk 2015, 243) within a new, post-Soviet state. Given the Soviet legacy, most Russians in Estonia could not conceive of themselves as a minority, and there was an understanding that citizenship implied entitlement to publicly-funded education in and public use of the Russian language. The small part of the Russian population that was linked to pre-Soviet Estonia, meanwhile, could recall an experience of territorially-based minority provision appropriate to the needs of a compactly settled group. There was, therefore, no legacy of Russian NCA on which to draw.

What actually transpired after August 1991 was undoubtedly a source of disillusionment and alienation for those Russians who had supported independence only to be denied automatic rights to citizenship and participation within the new state. Yet, with most Russians having never previously considered themselves part of a national minority, mobilization along ethno-linguistic lines has been limited. Instead, Russians have sought to articulate their collective interests through support for the mainstream and cross-ethnic Centre Party, the main successor party to PFE. The right of all permanent residents to vote in local elections (regardless of citizenship) has brought the party to power in Tallinn and the north-eastern cities where Russians live compactly, providing a platform for defending inherited rights to Russian-language schooling. A continued growth in the number of Russian-speakers with Estonian citizenship, meanwhile, has bolstered the Centre's national standing, bringing it into the ruling coalition in November 2016.

The fact that four applications for Russian NCA have been submitted during the past 20 years shows that the autonomy discourse has been deployed instrumentally by parts of the Russian-speaking elite. Before the 2007 parliamentary elections, for instance, the (now defunct) Russian Party of Estonia portrayed NCA as a mechanism for preserving Russian-language schooling in the face of the impending switch to bilingual education at upper secondary level.[23] The proposal did not receive widespread backing, however; indeed, when an umbrella organization of Russian NGOs was consulted on the application, it withheld its support. Here, critics rightly pointed out that since autonomy bodies can establish only *private* schools, establishing NCA ran the risk of weakening the case for continued state-funded education in Russian, thereby diluting an existing provision and exacerbating Russian-speakers' marginalization (Semenov 2006).

Conclusion

This article has provided the first comprehensive analysis of the background to Estonia's NCA law, situating the debates of 1988–1993 and the subsequent practice of NCA within the quadratic nexus framework. In so doing, it illustrates how the NCA concept has been deployed instrumentally by elites operating within different ethnopolitical fields. It also shows how these fields (and the interaction between them) have been shaped by broader geostrategic understandings and an international minority rights discourse which (from 1988–2004, at least) provided a common frame of reference for all parties implicated in the process of Estonian state- and nation-building.

As regards the Estonian nationalist field, the geostrategic situation of 1988–1991 dictated an acceptance of Soviet legacies, through making citizenship freely available to all residents and providing substantive collective rights for a large *national minority* population within a revived Estonian-led state. In this respect, the 1925 law on NCA came into focus as a "usable past," consistent not only with legal continuity of statehood but also with contemporary Western (and

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Russian-government) thinking on the accommodation of ethnic diversity. The actual circumstances of Estonia's return to independence in autumn 1991, however, changed the geostrategic calculation (and the balance of domestic political forces) completely: unconditional recognition from the West on the basis of legal continuity (without active opposition from Russia or local Russians) gave sanction for a citizenship policy that excluded most of Estonia's "nontitular" population from the category of national minority and instead reclassified them as *immigrants*, to be integrated on terms set by the "titular" Estonian majority. The NCA concept remained relevant in this new setting, partly in response to the continued claims of smaller, non-Russian ethnic groups, but also because, in the early 1990s, collective minority rights were still perceived as salient to the discourse of international organizations. In this sense, however, the (much-diluted) law adopted in 1993 served an essentially symbolic and "performative" function.

In the still-fluid and uncertain geopolitical environment of the day, even symbolic deployment of NCA was unacceptable for more radical nationalists, who feared that this might leave the door open for renewed and more far-reaching demands on the state in future. In reality, however, collective rights have since slipped from the agenda of international organizations; by extension, NCA has barely featured in subsequent discussions of Estonia, where—in the absence of any significant ethnopolitical instability—external actors have seen little reason to question the integration paradigm sponsored by the EU from the mid-1990s onward.

Reflecting on the more general evolution of international thinking on minority rights since the early 1990s, Csergő and Regelmann (2017a) discern an underlying state-centric approach that views minority mobilization as threatening and disruptive and, accordingly, treats minorities as objects of (home- or "kin"-) state policy rather than political actors with their own agency. This same approach arguably shaped early-1990s thinking which prescribed NCA as a less destabilizing alternative to territorial autonomy claims, while giving little actual consideration to the perspectives of minority actors themselves. In this regard, the current article sheds new light on the hitherto neglected minority political field within the quadratic nexus and, in particular, on perspectives amongst Estonia's Russians. Adopting this approach gives grounds to question Lagerspetz's (2014) present-day advocacy of NCA as a means of accommodating Russian claims in Estonia, for it shows that, even in the very different political circumstances of early 1991, most local Russian actors were unwilling to trade pre-existing entitlements for a model that confirmed "minority" status and framed minority issues in terms of culture rather than participation and voice. The appeal of NCA has been even more limited since 1991, in a situation where Russian political actors have been "left … to their own devices," caught between a "highly centralized majoritarian democrac[y]" (Csergő and Regelmann 2017b, 215) and a putative "kin state" (Russia) that also seeks to control and instrumentalize them for its own geostrategic ends (Kallas 2016). Against this background, NCA has little to offer in terms of enhancing Russians' own agency within local politics.

Acknowledgments. The authors wishes to thank the two anonymous reviewers of this article for their helpful comments and suggestions.

Financial Support. This work was supported by the Economic and Social Research Council under grant number ES/L007126/1.

Disclosure. Author has nothing to disclose

Notes

1 Until 1994, OSCE was known as the Conference on Security and Cooperation in Europe (CSCE).
2 A separate, much earlier application was submitted already in 1996, before the necessary ordinances for setting up a national register had been drafted.
3 http://www.osce.org/odihr/elections/14304?download=true, 20. (Accessed March 30, 2017.)
4 "O proekte zakona Estonskoi Respubliki 'O politicheskikh, sotsial'nykh i kul'turnykh pravakh natsional'nykh menshinstv,' poriadke ego vyrabotki i vozmozhnykh na eto material'nykh

https://doi.org/10.1017/nps.2018.38 Published online by Cambridge University Press

zatratakh," Eesti Vabariigi Ülemnõukogu Rahvussuhete Komisjon, Dokumendid Eesti Vabariigi vähemusrahvuste kultuuriautonoomia seaduse väljatöötamise kohta, Eesti Rahvusarhiiv (ERA) R-3.13.356.

5 ERA.R-3.13.356, page 18.

6 'Zakon o kul'turnom samoupredlenii natsional'nykh men'shinstv," (ERA) R-3.13.356', page 44.

7 ERA.R-3.13.356, pages 1–8 and page 44.

8 In an interview with the author in August 2015, Aksel Kirch drew an analogy with Estonia's inter-war Baltic German community for which the 1925 law was seen as a way of facilitating a transition from a previously dominant imperial elite to national minority in an independent state.

9 ERA.R-3.13.356, page 34.

10 'Arvamus Eesti Vabariigi rahvusvähemuse kultuuriomavalitsuse seaduse eelnõu kohta," ERA.R-3.13.356, page 85.

11 This was the Russian government's interpretation of the January 1991 inter-state treaty with Estonia, which it used as the basis for recognizing Estonia's independence on August 24.

12 Estonia applied for CoE membership in October 1991.

13 VII Riigikogu Stenogramm, September 30, 1993: 219.

14 VII Riigikogu Stenogramm, September 30, 1993: 219.

15 VII Riigikogu Stenogramm, September 30, 1993: 217.

16 VII Riigikogu Stenogramm, September 30, 1993: 220.

17 VII Riigikogu Stenogramm, September 30, 1993: 215.

18 VII Riigikogu Stenogramm, October 26, 1993: 427.

19 VII Riigikogu Stenogramm, September 30, 1993: 221.

20 VII Riigikogu Stenogramm, September 30, 1993: 221. As regards the territorially-based provision for Russians, the 1992 constitution allows the government to approve public use of other languages alongside Estonian in municipalities where "national minorities" constitute over 50% of the population. However, the definition of national minority under the NCA law (which superseded the 1989 Law on National Rights of Citizens of the ESSR) rendered this criterion inapplicable to Tallinn and the largely Russophone cities of the north-east, where most residents were noncitizens.

21 VII Riigikogu Stenogramm, October 26, 1993: 424.

22 Interview with Kabanen 2012; interview with Kalm 2015.

23 Russkaya kulturnaya avtonomiya Estonii segodnya: istoriya, predposilki sozdaniya i perspecktivi razvitiya. http://www.venekultuuriautonoomia.ee. (Accessed January 8, 2012).

References

Aidarov, Aleksandr, and Wolfgang Drechsler. 2011. The Law and Economics of the Estonian Law on Cultural Autonomy for National Minorities and of Russian National Cultural Autonomy in Estonia. *Halduskultuur – Administrative Culture* 12 (1): 43–61.

Brubaker, Rogers. 1996. *Nationalism Reframed. Nationhood and the National Question in the New Europe*. Cambridge, UK: Cambridge University Press.

Burgess, Adam. 1999. "Critical Reflections on the Return of National Minority Rights Regulation to East-West European Affairs." In *Ethnicity and Democratisation in the New Europe*, edited by Karl Cordell, 49–60. London: Routledge.

Buquicchio, Gianni. 2008. 'Introductory Address'. In *Council of Europe Venice Commission. The Participation of Minorities in Public Life*. Strasbourg: Council of Europe.

Chandler, David. 1999. "OSCE and the Internationalisation of National Minority Rights." In *Ethnicity and Democratisation in the New Europe*, edited by Karl Cordell, 61–76. London: Routledge.

Coakley, John. 1994. "Approaches to the Resolution of Ethnic Conflict: The Strategy of Non-territorial Autonomy." *International Political Science Review* 15 (3): 297–314.

Coakley, John. 2016. "Conclusion: Patterns of Non-Territorial Autonomy." *Ethnopolitics* 15 (1): 166–185.

Csergő, Zsuzsa, and Ada Regelmann. 2017a. "Europeanization and Minority Political Action in Central and Eastern Europe." *Problems of Post-Communism* 64 (5): 215–218.

Csergő, Zsuzsa, and Ada Regelmann. 2017b. "Europeanization and Collective Rationality in Minority Voting: Lessons from Central and Eastern Europe." *Problems of Post-Communism* 64 (5): 291–310.

https://doi.org/10.1017/nps.2018.38 Published online by Cambridge University Press

Dembinska, Magdalena, László Máracz, and Márton Tonk. 2014. "Introduction to the Special Section: Minority Politics and the Territoriality Principle in Europe." *Nationalities Papers* 42 (3): 355–375.
Hogan-Brun, Gabrielle, and Sue Wright. 2013. "Language, Nation and Citizenship: Contrast, Conflict and Convergence in Estonia's Debate with the International Community." *Nationalities Papers* 41 (2): 240–258.
Jurado, Elena. 2003. "Complying with European Standards of Minority Education: Estonia's Relations with the European Union, OSCE and Council of Europe." *Journal of Baltic Studies* 34 (3): 399–431.
Kallas, Kristina. 2016. "Claiming the Diaspora: Russia's Compatriot Policy and Its Reception by Estonian-Russian Population." *Journal of Ethnopolitics and Minority Issues in Europe* 15 (3): 1–25.
Kekelidze, E. 1992. "Eto budet Estonskii Variant." Estoniya, September 18.
Kelley, Judith. 2004. *Ethnic Politics in Europe: The Power of Norms and Incentives*. Princeton, NJ: Princeton University Press.
Kymlicka, Will. 2007. "National Cultural Autonomy and International Minority Rights Norms." *Ethnopolitics* 6 (3): 379–393.
Kymlicka, Will, and Wayne Norman. 2000. *Citizenship in Diverse Societies*. Oxford, UK: Oxford University Press.
Lagerspetz, Mikko. 2014. "Cultural Autonomy of National Minorities in Estonia: The Erosion of a Promise." *Journal of Baltic Studies* 45 (3): 457–475.
Laurits, Kaido. 2008. *Saksa Kultuuromavalitsus EV 1925–1940*. Tallinn: Rahvusarhiiv.
Malloy, Tove H. 2015. "Introduction." In *Managing Diversity through Non-Territorial Autonomy: Assessing Advantages, Deficiencies and Risks*, edited by Tove H. Malloy, Alexander Osipov, and Balazs Vizi, 1–15. Oxford, UK: Oxford University Press.
Melvin, Neil. 1995. *Russians Beyond Russia*. London: RIIA.
Mylonas, Harris. 2013. *The Politics of Nation-Building: Making Co-Nationals, Refugees, and Minorities*. Cambridge, UK: Cambridge University Press.
OSCE (Organization for Security and Cooperation in Europe). 1999. The Lund Recommendations on the Effective Participation of National Minorities in Public Life.
OSCE (Organization for Security and Cooperation in Europe). 2012. The Ljubljana Guidelines on Integration of Diverse Societies.
Osipov, Alexander. 2010. "National Cultural Autonomy in Russia: A Case of Symbolic Law." *Review of Central and East European Law* 35: 27–57.
Pettai, Vello. 2006. "Explaining Ethnic Politics in the Baltic States: Reviewing the Triadic Nexus Model." *Journal of Baltic Studies* 37 (1): 124–136.
Pettai, Vello, and Kristina Kallas. 2009. "Estonia: Conditionality amidst a Legal Straightjacket." In *Minority Rights in Central and Eastern Europe*, edited by Bernd Rechel, 104–118. Abingdon, UK: Routledge.
Poleshchuk, Vadim. 2013. "Changes in the Concept of National Cultural Autonomy in Estonia." In *The Challenge of Non-Territorial Autonomy*, edited by Ephraim Nimni, Alexander Osipov, and David Smith, 149–162. Bern, Switzerland: Peter Lang.
Poleshchuk, Vadim. 2015. "Russian National Cultural Autonomy in Estonia." In *Managing Diversity through Non-Territorial Autonomy: Assessing Advantages, Deficiencies and Risks*, edited by Tove H. Malloy, Alexander Osipov and Balázs Vizi, 229–248. Oxford, UK: Oxford University Press.
Purger, Tibor. (2012). "Ethnic Self-Governance in Serbia: The First Two Years of the National Minority Councils." *South-East Europe International Relations Quarterly* 3 (2): 1–17.
Renner, Karl. 2005. "State and Nation." In *National Cultural Autonomy and Its Contemporary Critics*, edited by Ephraim Nimni 15–47. London: Routledge.
Roshwald, Aviel. 2007. "Between Balkanization and Banalization: Dilemmas of Ethno-Cultural Diversity." *Ethnopolitics* 6 (3): 365–378.
Semenov, Aleksei. 2006. "Komu zhe eto vygodno? [Whom Does It Benefit?]," Molodezh' Estonii, April 26.
Smith, David J. 1998. "Russia, Estonia and the Search for Stable Ethno-politics." *Journal of Baltic Studies* 29 (1) 1998: 3–18.
Smith David J. 2002a. "Framing the National Question in Central and Eastern Europe: A Quadratic Nexus?" *Global Review of Ethnopolitics* 2 (1): 3–16.
Smith, David J. 2002b. "Narva Region within the Estonian Republic. From Autonomism to Accommodation?" *Regional and Federal Studies* 12 (2): 89–110.
Smith, David J. 2016. "Estonia: A Model for Interwar Europe?" *Ethnopolitics* 15 (1): 89–104.
Smith, David J., and John Hiden. 2012. *Ethnic Diversity and the Nation State: National Cultural Autonomy Revisited*. Abingdon, UK: Routledge.
Smith, Graham. 1999. "Transnational Politics and the Politics of the Russian Diaspora." *Ethnic and Racial Studies* 22 (3): 500–523.
Székely, István Gergő, and István Horváth. 2014. "Diversity Recognition and Minority Representation in Central and Southeast Europe: A Comparative Analysis." *Nationalities Papers* 42 (3): 426–448.
Virov, A. 1991. "Rossiia i Estoniia: segodnia i zavtra." Sovetskaia Estoniia, February 27.
Waterbury, Myra A. 2010. Between State and Nation: Diaspora Politics and Kin-State Nationalism in Hungary. New York: Palgrave Macmillan.

Cite this article: Smith, D. 2020. The "Quadratic Nexus" Revisited: Nation-Building in Estonia Through the Prism of National Cultural Autonomy. *Nationalities Papers* 48: 235–250, doi:10.1017/nps.2018.38