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**Effectiveness of the international security regime. The case study of the OSCE involvement in Estonia.**

**Introduction**

International regimes create a coordinated framework of international cooperation between states to deal with specific problems. These problems usually have an international dimension when an issue is significant enough to cause international concern and draw the attention of the international community. Regimes, although being international in the context of their creation, are not separated from domestic politics of the member-states engaged in cooperation within an international regime. Regimes, while dealing with the issues they were set up for, inevitably spill into the political and social system of a particular state. A degree of “spilling into” depends on the strength and in turn on the effectiveness of a regime. Analysis of the effectiveness of a regime can have several research angles, starting from the problems of a states’ compliance and implementation of the regime rules, ending with the issue of solving the problem the regime was initially set up to deal with. Moreover, a regime can be effective even though the problem, which the regime wanted to tackle may not have been eradicated. In this context, Young, while addressing environmental regimes noticed that the effectiveness of a regime may dependent not so much on its capabilities of solving a problem but rather on the successful management or containment of it<sup>[1]</sup>.

However, finding out that the regime actually matters, because the state complies or because the problem which the regime was dealing with, was effectively managed or even eliminated, is only one way to examine much more difficult issue of how, exactly, a regime becomes successful. What factors can explain an international regime’s effectiveness? What makes some regimes succeed and others fail?

Young, while making the comment that “there is nothing to be gained from perpetuating the debate between neoinstitutionalists and neorealists, [since] regimes do matter in international society” opened the debate about the “factors that make institutions more or less effective”<sup>[2]</sup>. Young proposed specific tools to evaluate the sources of a regime’s effectiveness. While analyzing the environmental international regimes he proposed five determinants<sup>[3]</sup> used to examine the success of these regimes: 1) broader setting, 2) regimes attributes, 3) institutional linkages, 4) social practices, and finally 5) problem structure.

In this paper I will use these five determinants to evaluate the effectiveness of the OSCE as a security regime, based on its work and commitments in Estonia. A peculiarity of this

study is that I will implement Young's determinants to evaluate a more complex regime in terms of political sensitivity and national interest: a security regime. In this way I will prove that the factors, which Young distinguished merely to assess the effectiveness of international environmental regimes, can be successfully applied to different types of international regimes, regardless of their nature. Additionally I will expand some points and will include another determinant, which is connected with the formal internalization of a regime into a domestic political system. In general, the research on effectiveness of the international security regime, can hopefully contribute to the better understanding of the reasons why regimes, regardless of their purposes and objectives, can be less or more effective in performing their functions.

While dealing with the issue of the effectiveness of the security regime I will also account for the quite unusual power and influence enjoyed by the OSCE organs within the Estonian state. In connection with this issue, the paper will show that the OSCE regime, in conducting its duties, has moved away from its functions of being merely an observer or a mediator, significantly influencing the legislative and executive process of a sovereign state. Surprisingly enough, the OSCE regime became a force, which Estonian domestic politics not only had to take into account but also had to yield to.

The organization of the paper will be as follows. First, I will present the security regime, namely the OSCE. Then the reasons for the growth of the ethnic tensions in Estonia will be examined. Subsequently I will show the OSCE involvement in Estonia and the extent of this engagement in Estonian politics. I will underline the considerable influence that the international regime exercises on the political organs of a sovereign state. Finally I will analyze the reasons for the OSCE's successful engagement and its significant influence on Estonian politics using the specific tools provided by Young.

### **OSCE as a regional security regime**

The Organization (earlier till 1994 the Conference) of Security and Cooperation in Europe<sup>[4]</sup> is an example of a regional security regime. In general security regimes operate in the sphere of "high politics"<sup>[5]</sup>, involving the very interest of a state: its existence and military security, combined with a high probability of military conflicts within a country that can subsequently spread over its borders and include other states. What a regime should do in such situations is to contain the problem, and to prevent a situation from deteriorating. A quick reaction based on an early warning system is essential tool to preserve peace. Then, other tension reducing measures should follow, based on monitoring measures and if necessary active political involvement.

At the end of the 80s, the OSCE (that time CSCE) had been transformed in order to be able to address security problems in the manner described above. Thus, after the end of the cold war the OSCE changed its main working agenda and broadened the scope of its responsibilities, extending them beyond merely a concern over the political, social and economic rights. Today, the OSCE is charged with a three-dimensional task, which includes the areas of human rights, economic development and cooperation, arms control in Europe as well as an early warning and conflict prevention system.

## **Beginning of ethnic tensions in Estonia**

The events, which led to the OSCE active participation in the Baltic state, were connected with ethnic tensions. In Estonia, there are about one hundred different ethnic groups. The biggest ethnic minority are Russians, who in 1989 constituted around 30% of the Estonian population, slightly dropping to 28%, according to 1998 statistics<sup>[6]</sup>, due to naturalization and emigration. After the break-up of the Soviet Union, the policy of the Estonian state, which had just regained its independence, was designed to strengthen the “Estonian-core”. In 1991 the Estonian parliament reintroduced the law on citizenship dating back to 1938. According to this law, the Estonian citizenship was promptly restored to the prewar citizens and their present descendents. Others, who settled down in Estonia after the Soviet army invaded this country in 1940 and did not have at least one Estonian ascendant, were denied automatic citizenship and had to go through a long and difficult procedure of naturalization. One of the requirements of naturalization was the knowledge of the Estonian language. However, at least “one quarter of the Russians living in Estonia [could] not speak Estonian”<sup>[7]</sup>. Due to the 1992 law on citizenship over 30% of the Estonian population, the majority of it Russians, found itself belonging to a group of stateless people, having non-citizen status in Estonia since the old Soviet passports were also no longer valid.

The ethnic tension was further exacerbated by the so called psycho-political factor, connected with a qualification of the issue. The Russian ethnic minority was considered by the Estonian authority to constitute a national security problem. Any move made by the Russian minority either to demand autonomy, not to mention secession, was seen as a serious threat to the existence of the Estonian state.

## **Consequences of the policy of exclusion**

In 1992 the new constitution was adopted and new parliamentary elections took place in Estonia. In each of these political events the Russian minority could not participate, being deprived of passive and active rights to vote. Thus, in the new parliament (Riigikogu) no ethnic Russian representatives were elected<sup>[8]</sup>.

The non-citizen status of the Russian minority resulted not only in its exclusion from political life (although in the regions, dominated by the Russian minorities, the local authorities were controlled by their representatives, e.g. in the North-East Narva region<sup>[9]</sup>) but it also contributed to the worsening economic situation of this ethnic group since it was more difficult for its members to receive state financial benefits and find employment.

Increasing tensions inside Estonia effected very quickly Estonian relations with Russia, which had (and still have) geopolitical reasons to be politically involved in this region. Considering also the fact that the issue of the Russian troops withdrawal from the Baltic republic had not been set yet, the potentiality of crisis was high. Thus, the difficult domestic situation had negative impact on bilateral relations between the countries. Additionally, similar tensions were present in another Baltic state: Latvia. The situation, if not controlled, could have quickly jeopardized regional stability and undermined international security. The Estonian ethnic problems could have been easily

internationalized, involving not only Russia but also European powers and subsequently the United States.

### **The OSCE involvement**

The Baltic states were admitted to the OSCE in September 1991, and after the ethnic tension appeared to be on the increase in 1992, the OSCE became actively involved in Estonia, first by sending short term diplomatic missions and finally establishing a permanent mission. Generally, there were two OSCE structures, which were directly involved in carrying out the tasks of early warning and defusing tensions and ethnic conflicts (conflict prevention) in Estonia, namely OSCE High Commissioner on National Minorities (HCNM) and the OSCE Long-term Mission to Estonia, which was established in 1992.

However, the issue of deployment of the permanent OSCE mission was not accepted easily by Estonia, which only two years earlier had become fully independent. A young state was unwilling to limit (regardless of the extent of this limitation) sovereignty after being subjugated to Soviet dominance for so many years. The international presence and monitoring was for many Estonian nationalists regarded as an violation of Estonian sovereignty. Even the Estonian foreign minister made the following comment: “Estonia became one of these regions [of OSCE attention] for reasons unconnected to its own actions, and quite honestly, we were in no way thrilled to see this imposed upon us”[\[10\]](#).

Despite the Estonian open reluctance to accept the OSCE presence in the country, the government agreed (which was a condition for the OSCE involvement) for the deployment of the OSCE Mission, supported by the work of the HCNM. A political umbrella of an international regime seemed to be more important for Estonia in preserving its integrity[\[11\]](#) and at the same time in balancing its asymmetrical (in terms of power) relations with Russia, then the concern over restraining in a short-term its sovereignty and independence.

Disaffection with the deployment of the OSCE office in Estonia could suggest that the Estonian government would be unyielding and not easily influenced by the OSCE Mission and HCNM recommendations. However, despite the Estonian government’s lack of enthusiasm for the OSCE involvement, the Mission and the HCNM were exceptionally successful in influencing the state’s legislation and the laws related to the ethnic minorities in Estonia.

### **Easing tension in the Narva region in 1993: the international security regime in action**

After the adoption of the Law on Aliens in 1993 by the Estonian Parliament, the ethnic Russian minority felt threatened by the possibility of being expelled. The Law on Aliens stated that non-citizens would have to apply for residence and work permits along with travel documents. Those, who did not apply or had their applications rejected could face expulsion from Estonia, being considered to be staying illegally on its territory[\[12\]](#).

In response to this law, the Russians living in Narva and Sillamae prepared for local referendums, which would decide the issue of autonomy. Meanwhile the Russian government escalated its campaign against Estonia. “Coincidentally, natural gas deliveries from Russia were cut off to all Baltic states but in case of Estonia [it was] linked to Estonia’s domestic politics”[\[13\]](#).

The Estonian government asked the OSCE for assistance. The HCNM, Max van der Stoel, negotiated a compromise. It was agreed that the Estonian authorities although not recognizing referendums, would not prevent them from taking place and that the Russian minority representatives would respect future ruling of the Estonian National Court on referendums (it was widely known that the Court would rule the referendums as being unconstitutional). The HCMN also vigorously intervened to deal with the direct cause of the 1993 tension: the Law on Aliens. The HCMN asked President Lent Meri to veto the bill[\[14\]](#). The President agreed and refused to sign the bill, thus “humiliating his own prime minister”[\[15\]](#). Subsequently the parliament clarified the bill, accommodating presidential amendments, or more precisely the HCMN recommendations[\[16\]](#).

In this way the legislative process and its outcomes were determined not by the Estonian constitutional bodies but by successful persuasion of an international institution, the HCMN, which is democratically unaccountable to the Estonian population.

### **The power to have things done: other examples of the OSCE influence on domestic politics**

Another case of the HCNM involvement in the Estonian legislative process was related to the issue of stateless children. The HCNM argued that the children of the persons, who have non-citizen status should be automatically granted Estonian citizenship. High Commissioner Van der Stoel in his argumentation referred to different international instruments: international conventions and declaration,[\[17\]](#). The government sent the amending bill, which included HCNM recommendations to the parliament. However, the parliament did not rush with this issue. It took the members of parliament (MPs) almost a year to decide on the amendments. What finally changed the minds of the MPs was a meeting with the representatives of the HCNM, who were invited to the Constitutional Committee of the Parliament. After this meeting MPs agreed not to bloc the bill, which was finally adopted in the form the government and the HCNM wanted[\[18\]](#).

The influence of the HCNM on the legislative outcomes of the Estonian state institutions can also be traced in analyzing legislation on the extension of categories of people eligible for alien’s passports[\[19\]](#) or the 1996 Presidential veto to the Estonian Law on Local Elections, which was later on amended by the Estonian parliament accommodating criticism (“recommendations”) of the HCNM and the Russian minorities[\[20\]](#).

### **Overall success**

It is true that the HCNM and the OSCE Mission to Estonia were not always successful in influencing the Estonian government or parliament. However, in general, the OSCE was more than effective in fulfilling its goals in Estonia. In the critical summer of 1993 the

OSCE did prevent the escalation of tensions and probably the outbreak of ethnic violence, which could easily escalate within the Estonian state and extend beyond its boundaries, destabilizing the situation in the region. At the same time, after effective usage of the preventive diplomacy, the OSCE started dealing with the much less violence-inflaming events but equally politicized and controversial matters of the Estonian legislation on language and citizenship. This time the OSCE proved to be not only a skillful negotiator between the belligerent parties but also a very effectual player (next to the President and the Parliament) on the Estonian legislative scene.

## **The sources of the effectiveness of the OSCE regime in Estonia**

### **1) Broader setting**

A concept of the broader setting, introduced by Young, is understood as both, international and domestic arenas, which have a significant impact on the operation of a regime[21]. The success of the OSCE regime in Estonia was partially determined by the generally positive attitude of various actors operating on the international plain. Russia accepted the OSCE presence in Estonia and regarded it as the effective means of protecting Russian minorities in this country. Russia could not politically afford herself to intervene in Estonia. Its relations with the West were her priority, particularly in economic terms. Yeltsin embarked on market reforms and desperately needed IMF funds and other financial deals, e.g. Russian debts restructuring by the European countries. Moreover, due to economic problems, there was a tendency to eliminate the Russian military presence in the Central European countries and the Baltic states by withdrawing troops and instead influence this region politically and economically (e.g. by cutting off the access to gas), rather than militarily. Estonians changed their negative position towards the deployment of the OSCE Mission in their country to counterbalance the unequal power-relations with Russia. The Estonian government realized that it would lose less by OSCE involvement rather than by dealing with Russia on a purely bilateral basis. The OSCE started serving as a liaison between the Estonian government and the Russian counterpart on the issues of the Russian ethnic minorities in Estonia and partly on the matters of withdrawal of Russian troops. Additionally the US involvement in preserving stability in the Baltic region has also to be acknowledged. It was suggested that the US pressured the Estonian government to allow the CSCE to establish its mission in Estonia[22]. The importance of international support for the OSCE Mission and HCNM involvement is undeniable. It was also clearly visible that the mandate of the HCNM to negotiate the 1993 crisis in Estonia was considerably enhanced by the political support of the OSCE member-states, which was given to Van der Stoel[23].

A favorable international climate played its important role in the OSCE success in Estonia, which underlines the extent of the OSCE regime dependence on its member states and on overall geopolitical strategies of the state-actors, in this particular case: Russia.

### **2) The OSCE working strategies as a regime attribute**

Young's concept of the regime attributes, which includes "a capacity to respond flexibly

and to evolve”[\[24\]](#) refers directly to the procedures and decision-making mechanisms within a regime, which can influence its effectiveness. I would like to broaden the meaning of the regime attributes by including specific strategies, which are employed by the members of a regime in order to carry out the regime’s tasks. I included the strategies under the regime attributes heading, because these strategies are part of the policy implementing capacity of a regime.

The OSCE, in general, is careful in trying to avoid any clash with the sovereign and democratically elected government and the public, which could see the OSCE institution, not as a monitoring organization but rather as a dictating what-and-how-to-do-things regime. In order to escape such accusations, the OSCE mission in Estonia pursued the strategy of “active conformation”[\[25\]](#), which meant that the open as well as behind-the-door diplomacies were carried out simultaneously in order to exercise more effective influence on the Estonian government. Overall, the OSCE preferred to use less publicity while doing its job in Estonia. This approach can go to extreme. For example, the OSCE Mission office in Tallinn does not display even a flag or a nameplate outside of its headquarters[\[26\]](#). The OSCE withdrawal from the public eyes was done to avoid criticism of interference in the internal affairs of a sovereign state. However, there is always a danger that too much clandestine diplomacy can increase uncertainty and a lack of transparency over what the OSCE actually does in the country.

Apart from limiting its public presence, the OSCE works hard to bring the Estonian government on its side, e.g. by publishing reports, read by international community, which presents the Estonian government policies in a favorable light. The OSCE Mission in Estonia tries to avoid giving “any pretexts to the Estonian government to complain”. Priority is given to satisfying the Estonian interest in a polished image in Europe”[\[27\]](#).

### **3) Institutional linkage: the OSCE and other international regimes in Estonia**

Institutional linkages refer to the situation in which more than one international regime is involved. Interactions between the international regimes can “clearly make a difference in terms of the effectiveness of the individual regime”[\[28\]](#). Involvement of the Council of Europe and the perspectives of joining the European Union and NATO have a considerable impact on the Estonian government and its concessions to the demands of the OSCE representatives. Moreover the exchange of information between the regimes can increase coordination and finally can lead to a successful implementation of the objectives of the international regimes. “The European Union ... used [HCNM] recommendations to Estonia...as benchmarks both in its discussions with [this state], including [its application] for EU membership”[\[29\]](#). In this way the OSCE activities were strengthened by the presence of another very powerful regime, which took on its agenda the findings and the data provided by the OCSE Mission and the HCNM.

### **4) The OSCE work in Estonia: social practice, learning process and NGOs**

Young notices that a successful regime effects positively the growth of interconnections and relations between various actors, which have interest in the realization of the goals and objectives, pursued by the international regime. A “complex web of interactive

relationships [is created where a] variety of actors with no formal roles in the regime emerge as players”[30]. The OSCE in Estonia is involved in advising and supporting not only the government but also NGOs, whose work contributes to the OSCE aims of defusing tensions between Estonians and ethnic Russians. NGOs can play an even bigger role by being more critical of the Estonian government than the OSCE, which cannot be too hawkish and has to balance its criticism with diplomatic language. In this way, the NGOs can be a useful supplement to the OSCE mission goals in exposing human rights violations and bringing Estonian authorities in line with the provisions on international human rights. Thus, the OSCE regime is strengthened by the “watchdog” functions performed by the NGOs, whose aims are not contradictory to OSCE objectives. However, it needs to be acknowledged that it is difficult to estimate to what extent it was the OSCE security regime, which “awakened” the civil society, since other international regimes as well as democratic reforms in Estonia contributed significantly to the increase in the citizens’ participation.

Another issue, which is also difficult to evaluate without having concrete empirical evidences, is related to the process of learning (which I included as a supplement to the Young’s notion of social practice), initiated, strengthened and carried out by the existence of a regime. The OSCE regime, propagating specific norms and values, has considerable influence on people, particularly with whom it deals directly. The OSCE regime provides a basis for educating the political establishment and also society, however, it remains unknown to what extent the OSCE participates in the process of learning. There are simply too many international regimes: European Union, the Council of Europe, which influence Estonian society and politicians, which is combined with the increasing role of the NGOs. The difficulty in assessing the OSCE impact on the process of learning does not mean, however, that this factor should be ignored.

##### **5) The structure of a problem and the type of regime**

The nature of a problem, which a regime has to solve, can considerably influence the effectiveness of a regime. In this context Young focuses on types of problems, elaborates on the impact of the number of parties involved, and transparency of the situation[31]. In our specific study of the effectiveness of the OSCE regime in Estonia, it is useful to notice that the kind of problem a regime deals with depends on the type of regime. Security regimes, on one hand, can easily trace the violations of certain norms and rules (since a violation usually involves an infringement of someone’s rights. And that in turn generates protests by a victim). However, the real difficulties emerge when the problem needs to be solved; when a regime has to stop the violations of certain rules. Often, due to securitizing certain matters, meaning elevating them to problems of national security, where prestige, national interest, and national pride, combined with a high level of emotions (since human hatred and physical violence are common in such situations) are often involved, a security regime faces a daunting task. That would explain why in some circumstances the OSCE fails, e.g. Kosovo. In the case of Estonia, the problem the security regime had to deal with was also considered to belong to national security issues. However, the major difference between the Yugoslav and Estonian cases seemed to lay in the willingness of the Estonian government to accept the OSCE influence, hence a regime institutionalization within a domestic structure.



## **6) Internalization of the OSCE regime within the domestic political structure**

It is important to evaluate the position of the OSCE representatives within the institutional structure of the Estonian government. That would reveal the extent of the formal power enjoyed by the OSCE in its relation with the political establishment. Institutionalization of the OSCE representatives in the higher echelons of the Estonian state is crucial for the OSCE and provides it with access to the Estonian policy-makers. Also “the OSCE’s closeness to selected institutions of the Estonian state”<sup>[32]</sup> increases the importance of the OSCE Mission in Estonia, which increase its prestige and its role in the negotiations with the Estonian parliament and the government. The “institutional closeness” refers directly to the OSCE representatives seating in the Roundtable on National Minorities at the Presidential office, the Constitutional Committee of the Parliament and last but not least the Government Commission on Military Pensioners. Using this institutional arrangement, the OSCE is in a position not only to control, monitor or observe but actively participate in the creation of national norms and regulations related to the fields of the ethnic minorities and former Russian soldiers.

### **Conclusion**

The study on the effectiveness of international regimes is, as Young says an “ongoing work” and we are right now in the process of creating the tools to evaluate international regimes’ impact. In my paper, based on the case study of Estonia’s ethnic tensions and the OSCE involvement in this country, I used Young’s determinants of the effectiveness of a regime, in order to evaluate the success of the international security regime in one of the Baltic states. I showed that the five determinants, being in some points slightly modified, could be successfully used for the evaluation not only of international environmental regimes (as originally they were designed for) but also other types of regimes, e.g. international security regimes. While conducting my analysis I underlined the importance of the internalization of the regime institutions within the domestic politics of a particular state. Certainly, the access to the President and to the MPs, sitting in the Constitutional Committee of the Parliament, were valuable factors, which gave the OSCE representatives a possibility to talk directly and on a regular basis to the most important policy-makers in the country.

By analyzing the involvement of the OSCE in Estonia, the paper showed the effectiveness of the CSCE security regime in managing the issue of ethnic tension within the state. I concluded that the security regime was very influential in having a significant impact not only on defusing tensions and a possibility of ethnic conflict but also on determining the outcomes of the legislative process of a sovereign state. The OSCE regime was not so much successful in terms of solving or eliminating the problem, because it still exists, but the OSCE was effective in managing and containing the problem within limits, which prevented the existing tensions from spilling over.

The effectiveness of the security regime was due to the external (international) and internal (domestic) factors, independent of the regime itself. However, these external and internal factors cannot fully explain the extent of the OSCE influence on and involvement in the domestic matters of the independent state, particularly in the area of high politics (national

security), which is so jealously guarded by every country. Thus, the OSCE has proved that it can be an independent international actor and a significant force in its own right, operating within the borders of a sovereign entity. The sources of the OSCE effective influence on the Estonian government were connected with considerable political autonomy and a high degree of political trust enjoyed by the OCSE Mission and the HCNM Van der Stoel (whose mandate was extended 3 times during almost 10 years of his service as the HCNM) as well as the specific strategies of work employed by the OSCE institutions in Estonia.

The analysis done in this paper has also its limitations. The determinants of the effectiveness of a regime need to be tested not only on the examples, where the international security regime was successful in the implementation of its objectives, but also in situations where failure occurred. That would allow for a broader examination of the Young's determinants. At the same time, it could also contribute to the expansion of the factors, which determine the failure or success of a regime. Certainly, there is a need to proceed further with the research, which would provide better explanatory tools to the question of why some international regimes are more and others less successful in their missions.

## FOOTNOTES

[1] "Although there is a natural tendency to think in terms of problem solving in evaluating the performance of regimes, the idea of process management deserves greater attention in future analyses of institutional effectiveness", Oran Young, *Governance in World Affairs*, Cornell University Press, (London 1999a):13.

[2] Oran Young, *The Effectiveness of International Environmental Regimes*, MIT Press, (USA 1999b): 254.

[3] Young (1999a): 117-124.

[4] In the paper I will use the acronym OSCE, despite the fact that I will refer to the events before 1994, when the CSCE was officially transformed into the OSCE (at the Budapest summit). In my opinion, this change merely confirmed the reforms, which already effected the organization. Institutionalization of the CSCE was implemented earlier. During the Paris meeting in 1990 the member-states decided to create a permanent organizational structure by establishing a secretariat in Prague, a Center for Conflict Prevention in Vienna and an Office for Democratic Institutions and Human Rights in Warsaw. Thus, the CSCE was changed into an organization a few years before its formal name was adjusted to reflect institutional reality.

[5] In the interdependent world, a division on high and low politics may not be so accurate. For example, today's environmental problems are global and involve a lot of controversy and various national interests. A recent environment summit in Hague, which ended in failure, due to the American opposition to reduce carbon emissions, is a good illustration of this controversy. The scale of the environmental problems and their consequences, suggest that environmental issues may be easily classified as (non-military) security problem.

[6] See: Statistical Office of Estonia, *Statistical Yearbook of Estonia*, Tallinn, 1997, p.55 and Jarve, P., Wellman, Ch., *Minorities and Majorities in Estonia: Problems of integration and the threshold of the EU*, *European Centre for Minority Issues* (ECMI), 2, May 1998:4.

[7] *Ibid.*,7.

[8] Norgaad, O., *The Baltic States after Independence*, Brookfield, (USA 1996):198.

[9] Norgaad, (1996):208.

[10] Zaagman, R., Conflict prevention in the Baltic States: the OSCE High Commissioner on National Minorities in Estonia, Latvia and Lithuania, *European Centre for Minority Issues* (ECMI), 1, 1999: 46.

[11] The OSCE as well as its member-states are generally unwilling to implement “territorial solutions” to the ethnic problems by accepting territorial autonomy, “let alone secession”. Other forms of sharing decision-making power are more acceptable for the OSCE such as different types of decentralization and implementation of a subsidiarity principle. Zaagman, (1999):16.

[12] Norgaard,(1996):199-200.

[13] Zaagman, (1999): 27.

[14] The HCMN recommendations were also backed up by the opinion of experts from the Council of Europe, *Ibid.*, 28.

[15] Laitin, D.,D., The Russian-speaking nationality in Estonia: two quasi-constitutional elections, Special Reports from Estonia, Russia, Hungary and the ex-Yugoslavia, *Constitutional Watch*, Fall 1993/Winter 1994:25.

[16] Zaagman,(1999):44.

[17] The Higher Commissioner referring to the situation of the stateless children, invoked provisions of the International Covenant on Civil and Political Rights, Convention on the Right of the Child and Universal Declaration of Human Rights, in order to strengthen his argumentation with the Estonian government, see the Letter of the High Commissioner to the Minister for Foreign Affairs of the Republic of Estonia, 6 April 1993, and Zaagman,(1999):42, footnote 118

[18] *Ibid.*,43.

[19] *Ibid.*,44.

[20] Estonia, *Constitutional Watch*, Spring/Summer 1996: 9.

[21] Young (1999a): 123.

[22] Birckenbach, H., Half full or half empty? The OSCE Mission to Estonia and its balance sheet 1993-1999, *European Centre for Minority Issue* (ECMI), February 2000: 7.

[23] Zaagmaan,(1999): 27.

[24] Young (1999a):119.

[25] Zaagman,(1999):20.

[26] *Ibid.*, 22.

[27] *Ibid.*,28.

[28] Young (1999a):121.

[29] Zaagman,(1999):13.

[30] Young, (1999b):120.

[31] Young, (1999a):118-119.

[32] Birckenbach, (2000): 32.

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