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OSCE

High Commissioner
on National Minorities

The Hague
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Mr Siim Kallas
Minister for Foreign Affairs of Estonia
Rävala 9
Tallinn EE 0100
Estonia

Dear Mr Minister,

During various talks I had in Tallinn on November 30 and December 1, I got several indications that your Government is actively seeking to find solutions for a number of problems with which a large group of residents of your country are confronted as a consequence of the fact that they do not possess the citizenship of Estonia. I welcome this approach, because it is my firm conviction that the solution of these questions would considerably contribute to harmonious inter ethnic relations in your country.

On a number of these problems I should like to make a number of recommendations. They relate in the first place to the new law on citizenship which came into force on April 1 of this year. According to this law, applicants for citizenship will, apart from undergoing a language test, also have to pass an examination on the Constitution of Estonia. Other States have formulated similar requirements for those applying for citizenship. Moreover it can be argued that it is, in principle, desirable that persons who want to enjoy the benefits of citizenship also show their willingness to integrate by acquiring a certain knowledge of the official language of the State and of the principles of the State structure. However, much depends on the implementation of such a principle. In this connection I analysed the regulations concerning the implementation of the new Estonian law on citizenship. I have noted that, even though there are a number of easy questions amongst those which can be asked during these examinations, there is also a considerable number which even persons with a university education might find difficult to answer. Moreover, applicants have to use the Estonian language in answering the questions. I therefore make a plea for making the examination concerning the Constitution considerably easier.

As far as the Estonian language test is concerned, I have noted that knowledge of 2500 words is required. Here, too, I express the hope that the test will be made easier. In this respect I may mention that according to many linguists the knowledge of 800 words of a language is sufficient to conduct a simple conversation.

In virtually every State, citizenship, with some exceptions, is a requirement for persons wanting to join the civil service. In Estonia, this principle has been laid down in the Law on the Public Service of 25 January 1995, which has not yet entered into force. I express the hope that the decision of the Government regarding the entry into force of this law will take into account that, especially in the North-East of the country, where a considerable percentage of the population does not have Estonian citizenship, the immediate introduction of the law could cause disruption of some branches of the civil service, and that, on the other hand, inter alia because of the time involved in preparing for the languages test and the examination on the Constitution, it will take non-citizens much time to acquire citizenship. Therefore, a further delay on the Public Service would in my view be desirable.

Finally, I should like to comment on the problems facing those non-citizens of Estonia who want to travel to other States. The temporary travel documents currently used have the disadvantage that they are only valid for one journey. A better solution could in my view be achieved if alien passports could not only be issued in rare cases, as is the practice in Estonia at present, but could be provided to all those who are currently not citizens of a foreign State. There are no reasons to assume that other States with which Estonia has not yet an agreement regarding alien passports, would refuse to conclude such agreements provided that Estonia guarantees that those travelling with these passports have the right to return to Estonia. The introduction on a larger scale of alien passports can also help to avoid a situation in which an increasing number of non-citizens of Estonia are applying for Russian citizenship in order to solve their travel problems, notwithstanding the fact that they intend to continue to live in Estonia.

These were the comments, Mr Minister, I want to submit to you. I felt encouraged to make them because your Government is itself seeking ways to promote the integration of non-citizens in Estonian society. I am looking forward with great interest to your reply.

Yours sincerely

[signature]

Max van der Stoep

**Minister of Foreign Affairs
Republic of Estonia**

Dear Mr. High Commissioner

February 7, 1996
Nr.6/10680

Allow me first to thank you for your letter of 11 December, 1995, which conveyed to me very valuable comments and observations. Please let me also express my regret over the delay in my response.

Since a number of legislative acts concerning issues you raised in your letter were under consideration in Parliament and by the Government, I thought it wise to wait their outcome before responding.

I am pleased to inform you that the Estonian Government decided to considerably enlarge the categories of people eligible to receive an alien's passport. People who possess permanent registration in the former Estonian Soviet Socialist Republic have a right to a residence permit, while those who do not have a valid passport or a similar document may apply for an alien's passport. I would like to take this opportunity to ask for your active support in encouraging those OSCE member states which still have not recognised the alien's passport to do so as soon as possible.

The amendment to the Law on Public Service provides a postponement of the deadline from which civil servants who are not Estonian citizens cannot be employed by the State. This additional year should be enough for those people to pass required procedures for naturalisation.

In your letter you also touched upon the citizenship examination concerning the Constitution and the Estonian language which you have found to be far too difficult.

In regard to the Estonian language test, I'm afraid you have been provided with out-of-date information. Indeed, the governmental regulation concerning levels of professional language proficiency, adopted in 1992, set standards based on the required knowledge of a fixed number of words. Until the adoption of the new Law on Citizenship this regulation was also basis for naturalisation tests.

Since April 1st, 1995 the language tests are conducted strictly according to the standards set forth in paragraph 8 of the new Law. This paragraph was worked out by linguists who

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included experts from leading universities throughout Western Europe. While the previous regulation represented a rather mechanical approach to the knowledge of a language, the very idea of the Estonian language test within the new Citizenship Law is completely different. It expects an individual to be prepared to comprehend a

spoken or written message and to be able to pass it on to other individuals. It places priority on the content of the other message, while the art of expression is a matter of considerably lesser importance.

The Estonian Language Department works in close co-operation with various international experts to develop examination texts along the lines of widely recognised standards. In the beginning of January a seminar was held under the auspices of the Council of Europe. The seminar, entitled Expert Advice Concerning Current Materials and Procedures for Testing and Certification, was lead by Mr. Dave Allen, an expert of UCLES at Cambridge University. He will soon submit an official report to the Council of Europe. I believe that the closer co-operation between OSCE and the Council of Europe would only strengthen the fruits born.

As far as the examination on the Constitution is concerned, I have also noted the opinion, most often expressed in the Russian press, that some of the questions are difficult to answer for a person lacking a university degree. I believe that these requirements are, in reality, not so severe. Candidates are provided with texts of the Constitution and the Citizenship Law during exams. Presuming that a person's language ability enables him/her to understand the question, locating the correct passage should not reasonably be above the reach of any literate individual. I have been informed that the percentage of those who pass these exams is very high, and, according to activity report no 93 of the OSCE Mission in Estonia, ... passing both language and legal exam is possible for everybody with some preparation. However, there have been proposals to exempt elderly people from the legal exam. I find this worthy of further consideration.

I hope, Mr. High Commissioner, that you have found my reply satisfactory, for it indicates that all of the suggestions you proposed in your last letter have already been implemented. Allow me to assure you of the highest appreciation I attach to our correspondence.

Yours sincerely,
[signature]
Siim Kallas