

Reflections on the Language Policy in Estonia: Minority and Regional Languages

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Dear colleagues,

I am grateful for the occasion to speak at this conference. First, may I briefly outline the subject of my paper.

1. This year, the Republic of Estonia celebrates its 90th birthday. This is a good reason to look into our history.
2. The topic of this conference refers us to national minorities / minority nationalities, and to regional and minority languages. I will touch upon them, too.
3. The popular idea of the Estonians becoming a European nation, put forward by the Young Estonia literary group in their first album of, sounds: *Be Estonians but remain Europeans!* (Young Estonia Editorial Board 1905: 17). I would comment on the European dimension because the access to major European institutions and organisations required from an applicant country to accept some common European principles and values. Indeed, we will always be required to share them. In this connection I will analyse the recently published Council of Europe's (COE) review of the Estonia's language policy (2008).
4. I will also touch upon the Language Law. What for? One of the fathers of Estonian legislation, lawyer and statesman Prof. Jüri Uluots said that justice and laws, above all the constitution, extend the existence of a nation and its people. An individual is weak and powerless, but in organised way, assisted by laws, a nation can make great achievements (Uluots 1938/2004: 377). In implementing the law it is important to see that it does not only formally function but penetrates into people's concepts, convictions and thinking (Uluots 1938/2004: 377).

The purpose of the State established by the Estonians, as laid down in the Preamble of the Constitution of the Republic of Estonia (1992), is to “guarantee the preservation of the Estonian nation, its language and culture throughout the ages”. Estonian was proclaimed the official state language already in the first Estonian Constitution (1920); Article 6 of the current Estonian Constitution (1992) as well establishes Estonian as the (only) official state language, while the use of other languages in the

territory of Estonia has been regulated by a language law (1934, 1989, 1995). The 90th anniversary of the Republic of Estonia is a good time to compare its language laws of 1934 and 1995.¹ I will briefly dwell on common points and dissimilarities in the two laws with regard to minority languages. The Estonia's situation in domestic and foreign policy has changed notably through decades. Language issues regulated by law then and now have some similarities as well as differences.

The official state language in the Republic of Estonia is Estonian

Both 1934 and 1995 language laws establish that Estonian is the (only) official state language. It was particularly remarkable that this was proclaimed in the first period of independence when giving the Estonian language new functional areas of application and raising it from the status of a minority language to that of the national language still lied ahead (Rannut 1999: 102). During the 1930s Estonian was developed almost in all domains, including higher education and sciences. Throughout the 1920s and the 1930s there were nearly hundred terminology commissions designing the Estonian word stock for many spheres (Language Education Policy Profile for Estonia).

The most important common part of the two language laws (1934, 1995) is therefore the provision that Estonian is the only official state language of the country. The conditions and the scope of use of foreign and minority languages at state institutions and local governments, as well as the use of minority languages at cultural self-governments of minorities are regulated in both laws, however in a slightly different manner. This difference in regulation is due, above all, to the changed situation in language policy in Estonia and in Europe at large. To start with, we must recall history.

The population of Estonia in the period of first independence and today

According to the 1934 census, Estonia in her 1945 borders² had 1 126 413 residents, of them 992 520 Estonians (88,1%) and 133 893 people of other nationalities (11,9%). The total of 51 nationalities were represented in Estonia, but there were only seven ethnic groups over one thousand strong: Russians (92656), Baltic Germans (16346), Swedes (7641), Latvians (5435), Jews (4434), Poles (1608) and Finns (1088). Estonia practiced the principle of equality of nationalities.

¹ In case of the 1995 Language Law I will discuss its last, acting version (revised in 2007).

² After the World War II, the territory of Estonia was cut by approx. 2000 square kilometres in favor of Russia.

The Second World War inflicted great losses on Estonia. The Molotov-Ribbentrop Pact (of 23 August 1939) had divided the Eastern Europe into spheres of influence, leaving the Republic of Estonia to the mercy of the Soviet Union. When the pact was concluded, Hitler called on Germans residing in the Baltic states to resettle to Germany. The organised departure of Baltic Germans from Estonia was started. After the occupation and annexation of Estonia by the Soviet Union (1940) all ethnic groups were hit by repressions. This was followed by the German occupation (1941–1944) in which Estonian Jews and Romas perished and local Swedes living by the sea left Estonia. In 1944, in anticipation of a new Soviet occupation, a great number of Estonians fled to the West (The White Book (2005); Reports of the Estonian International Commission for the Investigation of Crimes Against Humanity (2005); Estonia 1940–1945 (2006)). The Russian Old Believers community settled on the coast of the Lake Peipsi has partially survived (The Book of Estonia's Nationalities 1999).

The population of Estonia shrunk from approximately 1 054 000 in 1940 to roughly 949 000 by December 1941, and to roughly 854 000 by the beginning of 1945. In the World War II Estonia lost her independence as well as around 200 000 people or one-fifth of her population. Destroyed was also the cultural autonomy that had been smoothly functioning in Estonia.

After the war the Soviet Union started massive colonisation of Estonia. In her north-eastern part, construction of highly manpower-consuming heavy industry was started. In 1944–1990 Estonia was not allowed to develop her own migration policy. The sharp change in the ethnic composition of Estonia's population is related to the organised massive inflow of Russian speakers from other areas of the USSR, mostly from Russia but also from Ukraine, Belarus, Central Asia and Transcaucasia. The total number of foreign migrants through Estonia during that period reached 1,4 million.

The figures of the 2000 census showed that the Estonia's population of 1 370 052 now had 142 nationalities, including 930 219 Estonians (67,9%) and 351 178 Russians³ (25,6%). Other largest ethnic groups were 29 012 Ukrainians (2,1%), 17 241

³ The Russian ethnic group consists of two subgroups differing from each other demographically and in their social behaviour: the historically established Russian minority estimated to be around 37 500, and the Russians relocated to Estonia after World War II and numbering over 300 000, according to the 2000 census (Katus, Puur, Sakkeus 2000: 54).

Belarussians (1,3%), 11 837 Finns (0,9%), etc. The number of languages spoken as mother tongue was 109, which was less than the number of ethnic groups: many nationalities have lost command of their mother tongue. This discrepancy between the numeric strength and the number of language speakers in ethnic groups indicates that they had undergone a language shift. First languages (mother tongues) spoken in Estonia divided as follows: Estonian – 921 817 (67,3%), Russian – 406 755 (29,7%), Ukrainian – 12 299 (0,9%), Belarussian – 5 197 (0,4%), Finnish – 4 932 (0,3%), etc. A comparison of these figures with the census data shows that in all ethnic groups, including Estonians, the number of first/mother language speakers is smaller than the total number of the ethnic group. The only exception is the Russian language whose speakers outnumber ethnic Russians both in absolute and relative terms. For 97% of Estonian residents the first/mother language is either Estonian or Russian. The combined number of speakers of all the remaining 107 languages is just about 3%. The great majority of people who had no command of their mother language had lost it already prior to their arrival to Estonia and switched to the Russian language. The exceptions are Swedes and Finns: a significant part of them speak Estonian as first language. Among other nationalities the number of mother tongue speakers is very small (save for Estonians and Russians) and thus the multitude of native languages is not particularly noticeable in everyday life (Language Education Policy Profile for Estonia).

Foreign policy influences on the 1995 Language Law

The language policy of Estonia, including amendments to its 1995 Language Law,⁴ has been influenced, among other things, by national priorities of the restored Estonian state that was aspired to join the NATO and the EU.⁵ The Language Law

⁴ The 1995 Language Law has been amended by now at least 17 times (16 times by a law, and one time by a decision of the Supreme Court). This can be viewed as a sign of rapid changes undergone by Estonia and reflected in the language legislation. The last amendment was made by the Language Law Amendment Act (Draft Law 1077 SE and 902 SE), passed by the Estonian parliament on 8 February 2007. This amendment defined the competence of the Language Inspectorate, changed the procedure of setting requirements for language command, specified the procedure of evaluation of language command, established the procedure and the competence of a language examination institution for revocation of a professional language category certificate or a language certificate, set out more precisely the use at local governments of minority languages, and amended §2 of the Language Law to extend state support for the use and development of Estonian to the sign language and the signed code for Estonian as well. It was also permitted to add a regional writing or a foreign language translation to Estonian texts in the public “signboards, guide boards, announcements, notifications, advertisements, etc.”, provided that the Estonian text is leading and is not worse readable.

⁵ Estonia became a UN member on 17 September 1991, a member to the Council of Europe on 14

amendments passed by the parliament on 14 June 2000 and on 21 November 2001 are a good example. The first of them was caused by apprehension that language requirements might hamper free movement of goods. An administration bill was submitted jointly by the Ministry of Foreign Affairs and the Office of the Minister for Population and Ethnic Affairs, instead of the Ministry of Education who is responsible for linguistic issues. A provision was added to the Language Law establishing that the use of the Estonian language by commercial organisations, non-for-profit institutions and foundations, as well as by their employees and sole proprietors, shall be regulated only when justified by the public interest, which in the context of this law means public safety, public order, public administration, public health, consumer protection and occupational safety. The provision establishes that the requirement to the command and use of the Estonian language should be well-founded and proportional to the objective, and that the nature of the rights it restricts should not be distorted (Tomusk 2000, Tomusk 2001). In the second case (2001) a requirement was obliterated that representatives at legislative bodies should have a necessary command of the official language; this move was explained by the necessity to close the OSCE mission in Estonia whose functioning was seen as the chief obstacle to the country's access to the EU and NATO (Tomusk 2002: 107). The amendment was made notwithstanding the language policy being an area of EU member states' competence, unlike the EU common policies (Tender 2008 a).

Differences in the 1934 and 1995 language laws⁶

The difference in language policy situations can be observed in how the accents were put in the two language laws. In the first period of independence, when no direct jeopardy to the Estonian language and people was perceptible, the language law concentrated largely on regulation of the use of minority languages. By contrast, the 1995 Language Law not only does regulate the use of foreign, including minority languages, but also contains requirements to the command and use of Estonian (to applicants for citizenship, public officers, and employees professionally communicating with people) and stipulates the assessment of language proficiency at the Estonian language exam, the procedures of assignment to language examination and revocation of language level certificates, stipulates language inspection, etc.

Some differences in the two laws deserve special attention.

May 1993, a NATO member on 27 March 2004, and a member of the European Union on 1 May 2004.

⁶ See my article on this subject in *Õiguskeel* (Tender 2008 b).

1. In the 1934 Language Law the terms ‘foreign language’ (1934: ‘alien language’) and ‘minority language’ were used as the terms of the same level.⁷ In the 1995 Language Law this is no more so: under this law any other languages, except Estonian and the Estonian signed language, are foreign languages and a minority language is a subtype of foreign language.⁸

2. In the 1934 Language Law minority nationalities and languages were named specifically as *German*, *Russian* and *Swedish*. In the 1995 Language Law, languages are no more specified (i.e., by name). One reason for the absence of a list of minority nationalities⁹ and languages in the 1995 Language Law is the above-mentioned catastrophic effect of the World War II on the Estonian historical national minorities. Another possible reason is the ambiguous status of the Russian language in Estonia as a foreign language with a considerable number of speakers. Russian is spoken as the first/mother language by 95% of non-Estonians of various ethnic origin who reside in Estonia, including the numerically small historical Russian minority. The opportunities for using the Russian language, as well as its actual everyday application in various spheres, are incomparably wider than those of whatever other foreign language. Along with Estonian, Russian is an official language of instruction at comprehensive and vocational schools of the public education system, etc. (Language Education Policy Profile for Estonia).

3. Under the 1934 Language Law, those citizens of German, Russian and Swedish minorities who had no command of Estonian, to facilitate management of their affairs, could address central public institutions in writing in their language on issues in the institution’s competence, and were answered in writing in Estonian (Language Law 1934, Chapter 2, §5). In the 1934 Language Law the regulation of the use of

⁷ See Language Law 1934, Chapter 2 “The use of alien languages and languages of national minorities at offices of state institutions and local governments”.

⁸ See Language Law 1995, §2. Foreign language: “(2) A language of a national minority is a foreign language traditionally used in Estonia by Estonian citizens of a national minority as their mother language.”

⁹ The issue of national minorities / minority nationalities and their accurate definition has been a disputable issue in Estonia as well as internationally. The present day definition of a national minority in Estonia is established by the Law on Cultural Autonomy for National Minorities (1993, §1), wherein regarded as a national minority are Estonian citizens (an ethnic group consisting of Estonian citizens) who: reside in the territory of Estonia; maintain longstanding, firm and lasting ties with Estonia; are distinct from Estonians in their ethnic background, culture, religion or language; and are motivated by a concern to preserve together their cultural traditions, religion or language which constitute the basis of their common identity.

minorities languages was treated in length. In the 1995 Language Law the use of foreign languages at state institutions and local governments is treated as well, and this is done in a much more thorough way (Language Law 1995, Chapter 2 – The Use of Foreign Languages At State Institutions and Local Governments, §8. Management of affairs in foreign language):

(1) If an application, petition or other document in a foreign language is submitted to a state institution or a local government, the institution shall have the right to demand that the submitter supplies an Estonian translation of the document, except for cases stated in §10 of this Law.

(2) If a state institution or a local government did not immediately ask for an Estonian translation of the application, petition or other document, it shall be considered accepted in the foreign language by the institution.

(3) In cases established by the law, a state institution or a local government may demand a notarial translation. If the required translation has not been supplied, a state institution or a local government may either return the document or make its translation at the submitter's consent and expense.

(4) In verbal communication with officials and workers of a state institution or a local government, as well as at a notary's, bailiff's or certified translator's office, persons who have no command of Estonian may use a foreign language that the said officials or workers can speak, by mutual consent. If no consent is reached, communication shall be conducted through an interpreter with the costs covered by the person who has no command of the Estonian languages, if not otherwise provided by the law.

**Excerpts from *The Language Education Policy Profile*
submitted to the Council of Europe (2008)**

2.2.3. *Varieties of Estonian*

Estonian legislation does not include a concept of *regional language*. Nevertheless, this topic has been discussed on several occasions, most recently in 2004 when, based on an order issued by the Government of the Republic, a committee of specialists¹⁰ was established with the task of determining the legal status of the South Estonian language (Võro, which has traditionally been considered a dialect of Estonian). Unfortunately the committee was not able to achieve consensus. Estonian legislation (the Language Act and the Development Strategy of the Estonian Language 2004–

¹⁰ Government of the Republic Regulation No. 27-k of 15.01.2004; the commission was chaired by Minister of Culture Urmas Paet.

2010) defines dialects and the language varieties that arise from them as *special regional varieties of Estonian*.

The language policy of the newly independent Estonia has been somewhat controversial regarding the issue of special regional varieties of Estonian. The special varieties of the Estonian language and multi-identity have been favoured as a cultural value, one of the sources for the development of standard Estonian and a medium of local Estonian identity. The state grants financial support to the activities of the Võro Institute and the Estonian Bureau of Lesser Used Languages (EstBLUL)¹¹ and it administers such national programmes as “South Estonian language and culture (2005–2009)” and “Setomaa national culture programme (2006–2009)”¹². Special regional varieties have been taught in general education schools (especially in the south of Estonia) and high schools and on summer courses; readers have been published and media publications produced in regional varieties, as well as special issues of magazines; radio and TV programmes have received support; support has also been granted for the writing and directing of plays in regional varieties, the publication of fiction and the organisation of poetry and home dialect days; and the Place Names Act has stipulated the use of the regional varieties of place names. However, attempts to promote regional varieties, especially those designed to attribute the status of regional language to some varieties, have been rejected. Dismissive attitudes have been justified by the relatively limited possibilities in terms of both human resources and finances¹³ and sometimes even by the possible threat of separatism.

The *Implementation of the Development Strategy of the Estonian Language* (2006) highlights the problems in this area: legislation does not stipulate the use of regional varieties of Estonian in local public administration. There are also problems teaching regional varieties of the language since the national curriculum does not

¹¹ The Võro Institute was founded in 1995 by the Government of the Republic. Currently under the jurisdiction of the Ministry of Culture, the institute is financed from the national budget and additionally supported by foundations and through programmes (see: <http://www.wi.ee/>). The Estonian Bureau of Lesser Used Languages (EstBLUL, in Estonian *Eesti Regionaal- ja Väheuskeelte Liit, ERVL*), a non-for-profit organisation founded in 2004, is member to the European Bureau for Lesser Used Languages (EBLUL). Members of the EstBLUL are associations of language communities (Yiddish, Roma, Swedish, German, Finnish, Tatar ja Russian languages; Seto and Võro languages) who are legal persons (see: <http://www.estblul.ee/EST/index.shtml>).

¹² See the cultural heritage programmes of the Ministry of Culture (<http://www.kul.ee/index.php?path=0x294x1035x873>).

¹³ For example, it has been stressed that Estonia could not provide financial support for two languages in the status of standard languages.

promote it sufficiently, and there is no way to grant additional qualifications to teachers of regional varieties.

2.2.4. Legal status of foreign languages, including languages of national minorities

The Language Act (§2(1)) stipulates that any language other than Estonian and Estonian sign language *is a foreign language* and also that *a language of a national minority* is a foreign language which Estonian citizens who belong to a national minority have historically used as their mother tongue in Estonia (§2(2)).

Russian is the foreign language with the largest number of speakers in Estonia. As a mother tongue/first language it is used by 95% of the (non-Estonian) representatives of the various nationalities represented in Estonia, including the small historical Russian minority (see chapter 2.2.5). The possibilities to use Russian and the extent to which it is actually used in everyday spheres are much wider than any other foreign language. In the national educational system Russian is an official language of instruction in addition to Estonian in both general education and vocational schools (see Chapter 3), among others.

2.2.5. The right to use national minority languages

Definition of national minority. The Law on Cultural Autonomy for National Minorities (1993, §1) provides a modern definition of a national minority – national minorities are citizens of Estonia (ethnic groups consisting of Estonian citizens) who reside on the territory of Estonia; who maintain longstanding, firm and lasting ties with Estonia; who are distinct from Estonians on the basis of their ethnic, cultural, religious, or linguistic characteristics; and who are motivated by a concern to preserve their cultural traditions, religion or language, which constitute the basis of their common identity.

The people who form national minorities have the right to establish and support national cultural and educational establishments and religious congregations. The Law on Cultural Autonomy (§2(2)) stipulates that national minority cultural autonomy may be established by persons belonging to German, Russian, Swedish and Jewish minorities and persons belonging to national minorities with 3000 or more representatives. The law also refers to “historically established national minorities” of whom only the Russian minority remains. The Russian ethnic group consists of two subgroups differing from each other demographically as well as in their social behaviour: one is the historically established Russian minority, estimated to be around 37 500 (Katus, Puur, Sakkeus 2000: 54), and the other is made up of Russians

relocated to Estonia after World War II and numbering over 300 000 according to the 2000 census.

The prerequisite for the establishment of a culturally autonomous body is the existence of a nationality list. The first national minority in the newly independent Estonia to confirm their nationality list with the Ministry of Culture in June 2001 were the Ingrian Finns. In 2006 the Government of the Republic approved the membership of the general committee for the elections of a cultural council of the Swedish national minority.

The main outlets for the cultural interests of national minorities and national minorities are national culture societies and art groups in the form of non-profit organisations. The majority of these societies are concentrated in seven unions and associations of national culture societies (see Annex 4). There are also national culture societies who operate outside of associations and unions.

The Constitution (§51(2)) stipulates that in localities in which at least half of the permanent residents belong to a national minority everyone has the right to receive responses from state agencies, local governments and their officials in the language of the national minority and the localities, and where the language of the majority of the residents is not Estonian, local governments may, to the extent and pursuant to procedure provided by law, use the language of the majority of the permanent residents of the locality as an internal working language. This provision is specified by the Local Government Organisation Act (§41(3)), pursuant to which the use of foreign languages in local governments, including languages of national minorities, shall be provided for in the Language Act. This leads to a restriction whereby authorisation issued under the Language Act (§11) on the proposal of a local government council to use the language of the national minority constituting the majority of the permanent residents of the local government as the internal working language of the local government is only valid until the expiry of the term of office of the local government council. To date, no local governments have been authorised by the Government of the Republic to use the language of a national minority as their internal working language. The city governments of Narva and Sillamäe have twice addressed the government with this wish, but since belonging to a national minority is connected to citizenship and the proportion of Estonian citizens in these towns is less than 50%, the government has put off dealing with the request.

Ethnic groups are not concentrated in different local governments: their numbers in some are quite small. The proportion of people who speak their national language as their mother tongue in the case of ethnic groups other than Estonians and Russians is less than 50%. Thus the number of people who speak a language other than Estonian or Russian is so small in every local government that there is no real need or

chance to use a language other than Estonian or Russian as the internal working language. Moreover, the government has not received applications from national minorities with few members regarding the use another language as the language of public administration.

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