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Professor Lubomyr Luciuk, Editor  
Distinguished Speakers Series in Political Geography  
Royal Military College of Canada

## *Ethnic Conflict in the Baltic States: the Case of Latvia*

The Baltic republics have not witnessed any of the communal violence that has erupted in some other Soviet successor states. However, since the attainment of independence, the climate of inter-ethnic relations in the region has taken a turn for the worse. This trend is particularly clear in Estonia and Latvia, where the unresolved issue of statelessness remains the single most serious obstacle to democratic development. Politically explosive, it has brought about a deep polarization of society along ethnic lines.

While the dynamics of ethnic conflict are similar in Estonia and Latvia, Lithuania followed a different pattern. It was only marginally affected by the massive immigration of Russian labor that caused dramatic ethnodemographic change and generated fears of "national extinction" in Latvia and Estonia. Having adopted an inclusive citizenship law while still a Soviet republic, Lithuania has managed to improve its relations with both Russia and the Russian community at home. The low intensity conflict with the republic's Polish minority was not related to the issue of citizenship.

On the other hand, "affirmative action" for the titular nations and undoing the ethnodemographic consequences of Soviet rule became the highest political priority for Estonia and Latvia as they proceeded to build uninational states in a binational environment. About a million non-Balts were politically disenfranchised in the process. The curtailment of their political rights was followed by the introduction and expansion of an elaborate network of regulations, laws and decrees pertaining to all spheres of life. Their combined effect is to undermine the position of non-Balts economically, socially and psychologically. Unlike Lithuania, Latvia and Estonia also seek to alter the current demographic structure of society by inducing the emigration of Slavs.

The crucial assumption underlying Baltic policy toward non-Balts is that the republics are restored rather than newly-established states. Illegally annexed in 1940, the Baltic republics continued to exist *de jure*, as did other legal components of their statehood. Following the legal continuity principle,

Lithuania, Latvia and Estonia automatically restored Baltic citizenship to all their prewar citizens and their descendants. Seen from the restored state perspective, all those who settled in the region after 1940 (as well as their Baltic-born offspring) are illegal immigrants whose status needs to be redefined in a new political environment. Some of these "aliens," "foreigners," or "illegals" are expected to return to the country they came from.

While the legal continuity principle eventually developed into a full-scale political doctrine,<sup>(1)</sup> its practical interpretations vary from one Baltic state to another. This is best illustrated by the degree of restrictiveness of the citizenship policy, which reflects differences in the ethnic structure of individual republics. Predictably, the policy is the most liberal in Lithuania where the manageable share of minorities (20 per cent) remained stable during the Soviet period. Estonia and Latvia, on the other hand, became the only two Soviet successor states to reject the "zero option," that is, the extension of citizenship to all permanent residents at the moment of the passage of the law.

In Estonia, where the natives made up 61.5 per cent of the republics population in 1989, conditions for naturalization are relatively easy to meet. The residence requirement is set at 2+1, that is, two years of residence in independent Estonia plus one year for application processing. Another condition stipulated by the Citizenship Law is command of Estonian, a language particularly difficult for Slavs to master.<sup>(2)</sup> The latter requirement progress so far has been unimpressive. As of February 1994, two years after the passage of the Citizenship Law, 16,324 non-citizens had acquired Estonian citizenship, 12,329 of whom were ethnic Estonians.<sup>(3)</sup>

Their fragile native majority status (52 per cent) led Latvians to adopt, after several years of foot-dragging, the regions most exclusive citizenship legislation. In this context the restored state principle acquired, in addition to its legal ramifications, a profoundly political meaning, providing Latvian nationalists with a powerful instrument to control the nation-building process. This study focuses on Latvia's treatment of the region's largest population of stateless persons, an overwhelming majority of whom are Russians and linguistically Russified Eastern Slavs (**See table 2**). The status of non-citizens is analyzed here from the point of view of the obstacle to democratic development it represents, and its potential for generating a violent conflict.

Contemporary Latvian politics cannot be properly understood without reference to the demographic and linguistic legacy of Soviet rule. The brutality involved in the annexation of the Baltic states by the USSR left lasting scars on the collective memory of the Baits. A dramatic transformation of the region's ethnodemographic structure followed the loss of independence. Latvia suffered heavy population losses as a result of war, deportations, and demographic depression. In absolute numbers Latvians have yet to reach their prewar population levels.<sup>(4)</sup> The postwar years also brought about a massive influx of Russian labor which continued well into the 1980s, dramatically changing Latvia's ethnic structure. Whereas Latvians accounted for 77 per cent of the republic's population in 1935, they made up 52 per cent at the time the last Soviet census was conducted in 1989 (See table 1).

Postwar census data reveal a modest but steady growth of all Baltic ethnic groups throughout the Soviet period. Between 1959 and 1989, the titular nationalities increased by 107 percent in Estonia, 108 per cent in Latvia and 136 per cent in Lithuania. This growth rate, however, was far outpaced by that of non-Baits. Estonia's Slavic population increased twice as fast as the native population, while the growth indexes for Latvian and Lithuanian Slavs were 172 and 162 per cent respectively.<sup>(5)</sup>

**Table 1** <sup>(6)</sup>

	1935	1959	1979	1989	1993
Latvians	<b>77,0</b>	62,0	53,7	52,0	53,5
Russians	8,8	26,6	32,8	34,0	33,5
Ukrainians	0,1	1,4	2,7	3 5	3,2
Poles	2,5	2,9	2,5	2,3	2,2
Others	10,2	4,2	3,8	3,7	3,4

The declining proportion of the native population generated fears among many Latvians that they would eventually become a minority in their ancestral homeland. The Baltic region was not alone in experiencing heavy immigration during the Soviet period. The Russian immigrant presence has been challenged throughout the USSR by nationalist movements exploiting, among other factors, fears of "national extinction." In Latvia and Estonia, as a result of particularly rapid ethnodemographic change, these fears acquired a special intensity. Latvian responses to the influx of newcomers were, on the whole, more moderate than in Lithuania and Estonia. Of the three nations, Latvians had the longest tradition of coexistence and the strongest sense of cultural compatibility with the Russians. The choice of Riga as a Baltic military headquarters made resistance to mass immigration particularly difficult. Banned from public articulation prior to *perestroika*, the accumulated resentment of immigrant presence expressed itself in the centrality of migration in Baltic politics in the 1990s.

The tendency for the share of Baits to fall was arrested in the post-communist period. In late 1993 Latvians represented 53.8 per cent of the population, due mostly to an exodus of non-Baits that was expected to continue in the foreseeable future. Latvian demographers have calculated that, at the present emigration rates, Latvians would make up 58.5 per cent of the population by the year 2000.<sup>(7)</sup> This trend, however, did not make the theme of the imminent ethnic extinction of Latvians a less prominent element of political discourse.<sup>(8)</sup>

Immigration has been a central catalyst of the Baltic independence movements. From the beginning of the Baltic revival, all of the Baltic Popular Fronts sought to control and reduce it. These attempts produced tangible results in 1989 when emigration exceeded immigration for the first time since 1945. Although Russians constitute a large majority of those leaving the region, their overall interest in emigrating to Russia appears limited. This reluctance is due, among other factors, to a sense of attachment to Latvia (fully 56 per cent of Latvian Russians were born in the republic)<sup>(9)</sup> and perceptions that their living standard and economic prospects are better than those of their co-nationals in Russia. Chaotic conditions in Russia, including acute housing shortages and a strong anti-immigrant backlash, have additionally discouraged those contemplating resettlement. In the second half of 1993, of 690,461 registered non-citizens, approximately 90 per cent wanted to acquire Latvian citizenship.<sup>(10)</sup> By March 1994 only 25,000 non-Latvians held Russian citizenship, considerably fewer than their Estonian counterparts.<sup>(11)</sup>

The "peaceful" emigration of non-citizens (or select categories of them) is the stated objective of many political groups in Latvia. Their agendas typically define the desirable ratio of Baits to non-Baits to be achieved in that fashion. For example, the political platform of the National Independence Movement (LNNK), Latvia's main opposition party, sets the acceptable share of non-Baits at 25 per cent.

"Repatriation," the term officially used in reference to the emigration of former Soviet citizens of non-Baltic ethnic background, assumes Russia's responsibility for their absorption. Latvia supports the selective emigration of non-citizens by encouraging and sponsoring their Voluntary" emigration and by seeking Western funding for the initiative. Although the Latvian authorities avoid taking a clear stand on "repatriation," occasional statements from state officials seem to substantiate the widespread perception of state policy as aimed at "squeezing out" non-citizens. Ex-Prime Minister Birkavs was not alone in suggesting that Latvia's citizenship problem could be solved by combining "a very cautious" naturalization, "voluntary re-emigration," and "free departure to third countries."<sup>(12)</sup> Keeping in mind that "caution" refers to severe restrictions on naturalization meant to "improve" the ethnic balance, most non-citizens would still face a choice between statelessness and exodus.

Settling in the Baltic states, Russians tended to form compact and self-contained urban enclaves. Their social and often physical isolation and uneven spatial distribution discouraged integration with the Baits. A minority in the countryside, city centers and some towns, Baltic Russians predominate in the suburbs of the national capitals and in other urban agglomerations, as well as in some highly industrialized regions. In 1989, Latvians made up only 36.5 per cent of the population of Riga and 13 per cent per cent in Daugavpils. Despite ghettoization and participation in a largely separate communications network, Russians have failed to develop strong community ties and a viable political infrastructure. The Latvian authorities seem well aware of the advantages which fragmentation, leaderlessness, apathy and a diluted sense of national identity of the Russian population offer in preventing minority mobilization. The same characteristics may also explain the absence of violent responses to pressure from the Baits. Not surprisingly, responses to Latvia's drive for independence varied widely among Latvian Russians. While most remained passive, a vocal, pro-communist minority with ties to conservative groups in Moscow, led

## Ethnic Conflict in the Baltic States: the Case of Latvia

the anti-independence movement. On the other hand, a significant fraction of the community supported Latvia's political aspirations. <sup>(13)</sup>

Widely resented as "colonizers," "occupiers," and "fifth columnists," Baltic Russians view themselves as victims rather than beneficiaries of the Soviet system. Many are unable to comprehend why the Baits should view them as privileged exploiters, since their income and living standards are on the average lower than those of the Baits themselves. <sup>(14)</sup> Many Russians feel a closer cultural affinity with Latvians, rooted in a common European heritage, than with many other nations of the former USSR. Baits, on the other hand, tend to treat Russians condescendingly as carriers of an inferior "Asian" rather than "European" cultural tradition. Yet exclusion from Baltic society does not necessarily foster pro-Moscow attitudes among Baltic Russians, who are disappointed by what they see as an exploitation of their plight by Russian politicians for the latter's own political ends. Their feelings of deep malaise are enhanced by the trauma caused by the loss of imperial status.

Immigration and Soviet cultural policies also transformed the linguistic environment, favoring the use of Russian and increasingly restricting the use of Latvian to the private sphere. To correct the imbalance, the 1989 Language Law established Latvian as the republic's sole state language, although it guaranteed Russian, the mother tongue of more than 45 per cent of Latvia's residents, the status of a "language of inter-ethnic communication" for public use. However, the amendments introduced in 1992 not only reduced Russian to the position of an ordinary foreign language but also limited the use of Russian to situations involving public safety, activities of cultural societies, international conferences and the like. <sup>(15)</sup> Soon after penalties for violations of the Language Law were established. <sup>(16)</sup> The Language Law also introduced mandatory state-wide language examinations for employees in both the private and public sectors. At the same time, Latvia's Labor Code was amended to enable employers to fire employees who failed the test for "professional incompetence." <sup>(17)</sup> The process of gradual elimination of languages other than Latvian from higher education, the stated objective of the Law on Education, is already under way for schools with Russian as a language of instruction. <sup>(18)</sup>

According to the 1989 Soviet census, 21 per cent of Latvian Russians knew Latvian, placing Latvia's Russians behind their Lithuanian counterparts (33.5 per cent) but ahead of the Russian community

in Estonia (14 per cent). As a result of the new incentives to learn the language, Russian proficiency in Latvian has been on the rise for the last few years. However, despite some progress, most Russians cannot yet compete with Latvians for the growing number of jobs requiring Latvian language skills. <sup>(19)</sup>

A pattern of an ethnic division of labor took shape in the Baltics during the Soviet period. Most Russians are blue collar workers while the more intellectual professions and agriculture remain firmly in Baltic hands. Russians match John Armstrong's definition of a "proletarian Diaspora" more closely than their co-nationals in any other successor state, sharing with the diasporas formed by migrant workers from developing countries such features as a poor command of the titular language, the absence of significant elites, and a predominance in low-paid sectors of the economy. <sup>(20)</sup> The concentration of Russians in heavy industry, a sector suffering from severe economic depression, makes them particularly vulnerable to recession.

In the post-independence years the process of the indigenization of Latvia's national elites that advanced considerably in the last decades of Soviet rule came close to completion. The very low proportion of non-Balts in positions of high authority clearly indicates that Latvians have realized their objective of becoming "masters in their own house." Probably the only sector where Russians still prevail is in the new world of market-oriented business. <sup>(21)</sup> While, as Nils Muiznieks observed, the current economic opportunity structure is the product of the Soviet system (e.g. traditional predominance of non-Balts in the managerial stratum), post-Soviet conditions also force non-Balts, rapidly losing ground in the state sector, to find a niche in the market economy. However, this pattern in the ethnic division of labor is in the process of changing as government policy makes it increasingly difficult for non-citizens to improve their socio-economic position. <sup>(22)</sup>

After independence, Russian political representation in the republic's power structures was quickly reduced to less than symbolic levels. In 1990 all residents of Latvia, including the Soviet military personnel, participated in elections to the Supreme Council of the Latvian SSR. A significant number of non-Latvians contributed to the landslide victory won by the Latvian Popular Front whose program included, in addition to restoration of independence, a "zero option" on citizenship. Paradoxically, this legislature disenfranchised a large part of its electorate. The formal restoration of the independent Republic of

## **Ethnic Conflict in the Baltic States: the Case of Latvia**

Latvia and its 1922 Constitution excluded non-citizens from participating in the 1993 parliamentary elections. Unlike in Estonia, non-citizens in Latvia are not entitled to participate in municipal elections, regardless of how long they have resided in the country. As a result, in most cities half (or less) of their residents could participate in elections of local officials, an exclusion that helps explain the strong showing of radical nationalists in the municipal elections of May 1994. Even Latvian citizens of Russian background are severely underrepresented. For example, only four out of sixty seats on Riga City Council were occupied by ethnic Russians in a city where Russians make up almost two thirds of the population. Ethnic Russians held 6 seats in the 100-seat parliament. <sup>(23)</sup>

While the 1922 Constitution was restored by the Supreme Council, the prewar Citizenship Law was not. Despite a heated debate both in and outside and parliament, the contentious issue of citizenship was shelved by the legislature until the fall of 1991. At that time radical nationalists insisted that the Supreme Council, "elected under the conditions of occupation," had a mandate to restore citizenship to prewar Latvian citizens and their descendants, but no brief to expand the body of citizens by passing a naturalization law. More moderate parliamentarians demanded that the citizenship issue be resolved by means of a referendum. After prolonged discussions a resolution reestablishing Latvian citizenship was passed by the Supreme Council on 15 October 1991. Although it set the basic requirements for naturalization, the process could not be initiated in the absence of a Citizenship Law.

Elected by prewar citizens only, the new parliament did not adopt the first draft of the Citizenship Law until November 1993. The residence and language requirements for those wishing to seek Latvian citizenship were defined, as were the categories of residents (such as former military personnel) ineligible for naturalization. Most importantly, the draft established the principle of yearly naturalization quotas, which were to be calculated in compliance with the need to "ensure development of Latvia as a mono-community nation state." Yet neither the notion of a "mono-community nation state" nor any quantitative criteria of defining it were outlined in the draft. Several key problems (such as the procedures for the naturalization process, the order of submission and consideration of applications, and the time allowed for their consideration) were left to the discretion of the executive.

Successive versions of the draft bear the marks of half-hearted efforts to balance the conflicting demands of the Council of Europe, CSCE and other international organizations, alarmed by allegations of human rights violations in Latvia <sup>(24)</sup> with those of radical nationalists. In the final version, passed by the parliament in June 1994, to be eligible for naturalization a candidate should have resided in Latvia for 5 years after May 1990, demonstrate a degree of fluency in Latvian far exceeding the conversational level, be familiar with the provisions of the Constitution and the Constitutional Law, know the national anthem and the history of Latvia, have a legal source of income, take a loyalty oath and renounce his/her previous citizenship(s). As well the candidate could not fall into any of the numerous categories declared ineligible for citizenship.

The law divided all non-citizens into three categories. The first, comprising ethnic Latvians and Livs, graduates of schools with Latvian as a language of instruction, and spouses of citizens, could submit their applications as soon as the law takes effect. The second group — persons born in Latvia — could start applying for citizenship between 1996 and 1999, depending on their age. The third group, persons born outside Latvia, were permitted to apply after 2000. However, the annual number of naturalizations could not exceed 0.1 per cent of the total number of citizens. Thus the quota principle applied only to persons born outside Latvia.

However, under international pressure, some additional changes were made just before the adoption of the law. The quota principle was replaced by an extension of the "time table" for the submission of applications to persons born outside Latvia who, depending on the date of their arrival, could start applying between 2001 and 2003. The time for application processing, undefined in previous drafts, was limited to one year. On the other hand, many crucial recommendations of Western experts were ignored by Latvian law-makers, such as granting mandatory citizenship to individuals meeting all requirements, exemption of the elderly from language tests, basing naturalization on the actual time of residence in Latvia, as well as granting automatic citizenship to babies born in Latvia to stateless parents after the passage of the law. With a number of basic procedures (e.g. tests, exams, composition of citizenship courts) yet to be defined, the actual submission of applications could begin in 1995. <sup>(25)</sup>

## Ethnic Conflict in the Baltic States: the Case of Latvia

Although Latvian legislation does not directly link citizenship rights with ethnic origin (except for the preferential treatment given to ethnic Latvians and Livs), ethnic Latvians constitute an absolute majority of the citizens while most non-citizens are Russian-speakers. In this way the theoretically purely legal issue of citizenship became an "ethnic" one in public perceptions. According to the Register of Residents, there were 1,729,740 citizens in Latvia and 714,980 registered non-citizens in late 1993. Not including some 150,000 unregistered residents, the republic's national composition in 1993 is shown in **Table 2**. Ethnic Latvians constituted 78.5 per cent of the citizenry and, according to some expert evaluations, 82% of the voters in the 1993 parliamentary elections.

**Table 2** <sup>(26)</sup>

<b>Nationality</b>	<b>Citizens</b>	<b>%</b>	<b>Non-citizens</b>	<b>Total</b>
Latvians	1,351,894	98.4%	21,555	1,373,449
Russians	277,352	39.1%	432,600	709,952
Belorussians	20,405	20.1%	81,243	101,648
Poles	38,429	61.6%	23,798	62,045
Ukrainians	3,914	6.3%	58,025	61,939
Lithuanians	7,041	21.5%	25,675	32,716
Jews	6,631	45.4%	7,985	14,606
Gypsies	6,104	90.2%	665	6,769
Others	2,917	15.1%	11,902	15,729

Unlike Lithuania and Estonia, Latvia has yet to pass laws determining the legal status, rights and obligations of non-citizens. As of October 1994, about 800,000 person who had been living in the republic for many years (about half of them born in Latvia) had no legal status at all. This legislative vacuum leaves the door open to bureaucratic abuse or the sort which have been reported by several human rights delegations monitoring the situation in Latvia. <sup>(27)</sup> Meanwhile, numerous restrictions on the economic, property and social rights of non-citizens have been introduced through an array of laws, decrees and regulations adopted by the Latvian authorities at all legislative levels. Discrepancies between the "non-political" rights of citizens and non-citizens can be found in the sphere of employment opportunities (in both the state and private sectors), property ownership, private enterprise, social benefits, freedom of movement, the right to self-defense and so on.

A complete list of these distinctions and their legal sources would show that non-citizens cannot serve as judges, notaries, policemen, members of a jury, customs officers, land surveyors, armed guards, firemen, lecturers or researchers at the Latvian Medical Academy, members of a crew on commercial aircraft or private detectives. Non-citizens have no right to own land and natural resources, purchase housing from state and municipal authorities, transport mail or passengers by air, register a religious community or seek compensation as victims of repression by the Nazi and communist regimes. Their old age benefits (the so-called social pensions) are 10 per cent lower than those of citizens. The most potentially explosive, however, are restrictions on non-citizens' participation in the privatization process. Based on the general principle "one privatization voucher for each year spent in Latvia," the regulations give citizens the right to receive 15 additional vouchers. Non-citizens born outside Latvia receive 5 vouchers less than those Latvian-born. Likewise, only citizens receive 15 additional vouchers for each baby born between 1992 and 1996.

In addition to the legal disadvantages suffered by non-citizens, the indefinite nature of their legal status entails many practical difficulties. For example, while Estonia's non-citizens receive special travel documents to travel abroad, the question of travel documents remains unresolved in Latvia. As of autumn 1994, non-citizens who possessed old Soviet passports could renew them through reregistration with the Ministry of Interior. However, no new documents were issued to individuals whose Soviet

passports have expired or who never obtained one. This limits their freedom to travel abroad to Russia and to some of the other members of the Commonwealth of Independent States.

The climate of inter-ethnic relations is shaped not only by the letter and spirit of the law, but also by the way in which it is implemented. The process of registration of residents of Latvia offers a good example of distortions of legal regulations occurring at the local level. Adopted in 1991, the Law on Registration of Residents makes registration of all persons residing in the republic mandatory unless they belong to the Russian armed forces, reside in military garrisons or are "foreigners under special legal protection."

In reality, the scope of the categories refused registration by the Department of Citizenship and Immigration (DCI) is much wider and arbitrary refusals have acquired a massive character. Refusals are often based on the fact that applicants are living in dormitories or houses once built for the military, or that they are employed in military industries, hospitals and kindergartens. Based on internal instructions classified as "confidential," the grounds for rejection are not explained to the applicants. Often they contradict other existing pieces of legislation. Moreover, the DCI has refused consistently to execute court verdicts invalidating its decisions. As of July 1994 only 188 out of 2,121 court decisions supported the decision of the DCI. <sup>(28)</sup> The individuals refused registration, numbering many thousands, and overwhelmingly Russian, have been reduced to a legal non-existence, as they neither qualify for social assistance nor can be legally employed.

### *Conclusions*

Numerous legal changes aimed at consolidating the dominant position of Latvians are the main reason for the escalation of ethnic tensions that followed the acquisition of independence by Latvia. After curtailing the political rights of non-citizens, justified by the Baits as correcting the injustices of the past, Latvia has introduced and keeps expanding a large network of regulations whose combined effect is to limit the economic opportunities, social benefits, residence rights, freedom of movement and self-confidence of non-citizens. The stratum of non-citizens affected by these measures is expanding. As in

any cumulative process, time is the crucial factor and it is working clearly against non-citizens. Tainted with psychological abuse, this pressure increases the likelihood of spontaneous outbreaks of violence.

Applying pressure on non-citizens is consistent with Latvia's efforts to dismantle the demographic legacy of Soviet rule. Inducing the "repatriation" of non-Latvians would help in achieving this objective. Another strategy, a restrictive naturalization policy, is probably an even more effective way to gain the time necessary to consolidate the gains of the titular nation, and entrench a socio-political environment undercutting the upward mobility of non-Balts. In gaining political recognition, reaching most of its international objectives and retaining an image relatively untarnished by allegations of human rights abuses, Latvia has been greatly assisted by Western non-recognition of the Ribbentrop-Molotov pact. It has also skillfully exploited Western fears of Russia's resurgent imperial ambitions, as well as international confusion as to how to respond to the Baltic doctrine of legal restorationism. After the withdrawal of Russian troops, the question of Latvia's admission to the Council of Europe may have been the last opportunity for the international community to persuade the republic to ease pressures on non-citizens.

A prominent observer of the Baltic political scene wrote in 1994: "My instinct both as a journalist and historian has told me that, to go by the past, Baltic policies toward the Baltic Russians will, sooner or later, lead to an explosion."<sup>(29)</sup> Indeed, if the current level of pressure on non-citizens persists in Latvia, spontaneous outbreaks of communal violence cannot be excluded. As of late 1994, however, the republic has been remarkably successful in preventing minority mobilization and in disarming Western criticism of its domestic policy with symbolic gestures and lip service paid to the integration of non-citizens. As neither stronger Western pressure nor full-scale confrontation with Moscow over the treatment of Russians appear likely in the foreseeable future, there are no indications that Latvia will discontinue its efforts to transform itself into a more ethnically homogeneous nation-state.

Footnotes

- (1) For the discussion of this process, greatly facilitated by Western non-recognition of the Ribbentrop-Molotov pact, see Vello Pettai, "Contemporary International Influences on Post-Soviet Nationalism: The Cases of Estonia and Latvia," paper presented at the AAASS 25th National Convention, Honolulu, 19-21 November 1993.
- (2) For the text of the law, see *Citizenship and Language Laws in the Newly Independent States of Europe*, Copenhagen 1993. For comments on the special degree of difficulty Slavs experience learning Estonian, which unlike Latvian and Lithuanian is not an Indo-European language, see Anatol Lieven, *The Baltic Revolution*, New Haven and London, 1994. The share of Russians who speak Estonian has been consistently lower than that of Russians who speak Latvian and Lithuanian.
- (3) *Estonia. A Statistical Profile*, Tallinn, 1994, page 39.
- (4) In fact, demographic forecasts do not look encouraging for Latvia. With the intensifying outflow of Slavs and a birthrate too low to sustain the current population levels, Latvian society is rapidly aging. Since the 1989 census Latvia's population diminished from 2,666,567 to about 2,548,000 in mid-1994.
- (5) Peteris Zvidrinsh, "Changes of the Ethnic Structure in Latvia, Lithuania and Estonia," *Humanities and Social Sciences: Latvia*, 1 (1993).
- (6) *Etnosituacija Latvija. Fakti un komentari*, Riga, 1994.
- (7) Zvidrinsh, *ibid.*, Dzintra Bungs, "Recent Demographic Changes in Latvia," *RFE/RL Research Report*, 17 December 1993.
- (8) Nils Muiznieks, "Ethnic Politics in Post-Soviet Latvia," unpublished paper.

- (9) Juris Dreifelds, "Immigration and Ethnicity in Latvia," *Journal of Soviet Nationalities*, 1 (4) 1991.
- (10) *SM Segodnja*, 13 October 1993, page 6.
- (11) Data provided by the embassy of the Russian Federation in Latvia.
- (12) *SM Segodnja*, 30 December 1993.
- (13) According to *Diena* (5 March 1991) 33 per cent of Latvian Russians cast their ballots for independence in the 1991 referendum.
- (14) Anatol Lieven, *ibid.*
- (15) *Diena*, 11 December 1992.
- (16) "Resolution on the Language Law, March 31, 1992" and "Language Law of March 31, 1992," in *Citizenship and Language Laws...*, *ibid.*
- (17) *Diena*, 24 July 1992.
- (18) *Etnosituacija Latvija*, *ibid.*
- (19) Nils Muiznieks, *ibid.*
- (20) John Armstrong, "Mobilized and Proletarian Diasporas," *The American Political Science Review*, vol. 70, 1976.
- (21) Non-citizens are estimated to own 80 per cent of private business in Latvia, but there is no hard data to confirm or challenge this view. See *RFE/RL Research Report*, 24 April 1994, *Diena* 4 February 1993 and *Panorama Latvii*, 17 November 1993.

(22) Nils Muznieks, *ibid.*

(23) *Latvijas Vestnesis*, 27 June 1993.

(24) Recommendations of the CSCE High Commissioner on National Minorities, *Human Rights Law Journal*, vol. 14, nos. 5-6, 1993; letter of CSCE High Commissioner on National Minorities to the Latvian Minister of Foreign Affairs of 10 December 1993, No. 1463/93/L; *Comments on the Draft Citizenship Law of the Republic of Latvia*, Council of Europe, 24 January 1994.

(25) Law on Citizenship, Riga, 11 August 1994.

(26) *Diena*, 1 November 1993; *Latvijas Jaunatne*, 11 November 1994.

(27) See, for example, "Violations by the Latvian Department of Citizenship and Immigration," *Helsinki Watch*, vol. 5, no. 19, October 1993; interview with the former Minister of State for Human Rights, Olafs Bruveris, *SM Segodnija*, 19 October 1994.

(28) *Diena*, 14 July 1994.

(29) Anatol Lieven, *ibid.*

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## **APPENDIX TO ETHNIC CONFLICT IN THE BALTIC STATES: THE CASE OF LATVIA**

## *Appendix to Ethnic Conflict in the Baltic States: The Case of Latvia*

### *Different rights of citizens and non-citizens*

Before October 15, 1991 all residents of Latvia enjoyed equal legal status. On October 15, 1991 Latvian Parliament passed a Resolution on the Renewal of Rights of the Citizens of the Republic of Latvia and Fundamental Principles of Naturalization which divided the residents of Latvia into two major categories: citizens (approximately two thirds), and non-citizens (approximately one third). The criterion for citizenship was whether a person or the person's parents were Latvian citizens in 1940. The difference in their formal political status increasingly led to the differentiation in the Latvian residents' social, property, employment and other "non-political" rights. The list below shows differences already introduced by the Latvian laws as well as differences proposed by the draft laws.

#### *1. Employment*

Jobs reserved for Latvian citizens only:

##### *(a) Public Sector*

State Office (Senior Public Service)	The Law on the Rights and Responsibilities of Citizens and People, Art. 8, (10.12.1991)
Some categories of Civil Service	The Law on Civil Service, Art. 6.1, (21.04.1994)
Customs Officers	The Customs Code of the Republic of Latvia, Art. 8, (25.09.1991)
National Militia Service	The Law on National Militia of the Republic of Latvia, Art. 5.1,(19.05.1994)
Land Surveyors	The Regulation of the State Land Service on the Licensing of Land Surveyors, para. 7, (21.07.1993)
Afforestation Inspectors	The Regulation of the State Land Service on the Licensing of Afforestation Inspectors, para. 6.1, (06.07.1993)
Firemen	Amendments to the Law on Fire Safety, (08.09.1994)
Police Service	Amendments to the Law on the Police, rule 19, point 1.5, adopted by the Cabinet of Ministers of the Republic of Latvia, (11.01.1994)

Appendix to Ethnic Conflict in the Baltic States: the Case of Latvia

Judges and Jurors	The Law on the Judicial Powers, Arts. 51.1 and 56 (15.12.1992); the Law on the Economic Court of the Republic of Latvia, Art. 4.2, (27.11.1991)
Public Prosecutors	The Law on the Office of Public Prosecutor, Art. 33.1 (19.05.1994)
State Security Officers	The Law on the State Security Service, Art. 18.1,(19.05.1994)
Diplomatic and Consular Service	The Law on the Diplomatic and Consular Service, Art. 2, (11.05.1993)
Lecturers and Researchers Medical Academy	Statutes of the Latvian Medical Academy, Art. 5.3, approved by a Resolution of the Supreme Council of the Republic of Latvia (23.2.1993). [1]
<i>(b) Private Sector</i>	
Barristers and Assistant Barristers	The Law on the Bar, Arts. 14.1 and 83, (27.04.1993).
Notaries and Assistant Notaries	The Law on the Renewal of the 1937 Law on Notaries and its amendments, Art. 9.1, 147.1 (01.06.1993)
Private Detectives	The Law on Detective Activities, Art. 25.3, (16.12.1993); Changes to the Rules on Detective Activities and Licensing of Detectives in the Republic of Latvia, Order no. 74 of the Ministry of the Interior of the Republic of Latvia, (28.03.1994)
Armed Private Security Guards	Temporary regulations on Purchase, Possession and Use of Firearms and Special Means of Self-Defense, instruction of the Ministry of the Interior, adopted in December 1993.
Crew of Commercial Latvian Airlines.	Law on Aviation, Art. 35,(23.02.1993)

## Appendix to Ethnic Conflict in the Baltic States: the Case of Latvia

Crew on Latvian Ships	The Sea Code, Rule no. 168, protocol no. 41, para. 6 (16.08.1994) [2]
Agents Lessees of Municipal Dwelling in Riga's Vidzemes district.	Resolution 818 of the Municipal Council of Riga's Vidzemes District,(28.09.1993)
Head of a Pharmacy or a Veterinary Pharmacy	The Law on Pharmaceutical Practice, Arts. 61 and 65, (27.04.1993)
 <i>2. Property Rights</i>	
Only citizens have the right to:	
own land and natural resources	Law on the Rights and Responsibilities of Citizens and People, Art. 9, (10.12.1991)
inherit parcels of land in the cities	Amendments to the Law on Land Reform in the Cities of the Republic of Latvia, Art. 4, (31.03.1994)
acquire possessor title to land if the land was not owned by them before 22.7.1940.	Amendments to Law on Land Reform in the Cities of the Republic of Latvia, Art. 12.1 and 12.2 (31.03.1994).
purchase housing from the state and municipalities	The Law on the State and Municipal Assistance in Solving the Problem of Housing, Art. 3 (11.05.1993)
purchase a privatized "cooperative" apartment	The Law on Privatization of Cooperative Apartments, Art. 7 (04.12.1991) [3].
purchase an apartment that was returned to its prewar owner, in a private transaction	The Laws on Restitution of Houses to Lawful Owners and the Law on Denationalization of Housing in the Republic of Latvia (30.10.1991). [4]
receive 15 additional privatization vouchers (non-citizens are not entitled to any additional vouchers)	The Law On Privatization Vouchers, Art. 4 p.2.4 (04.11.1992) [5].

## Appendix to Ethnic Conflict in the Baltic States: the Case of Latvia

receive 15 additional privatization vouchers for each child born between 31.12.1992 and 31.12.1996

Clarification of the Government of the Republic of Latvia on the interpretation of the Law on Privatization Vouchers, Art. 4, point 2 (04.11.1992)

to transfer the right to use state and municipally-owned land to their heirs

Amendments to the Law on the Land Reform in the Cities of the Republic of Latvia, point. 4 (31.03.1994)

### *3. Private Enterprise*

Only citizens:

(and registered non-citizens who have resided in Latvia for at least 21 years) may establish joint stock companies

The Law on Joint-Stock Companies, Art. 10.1, para. 1, (18.05.1993)

may form the majority on the Board of Directors of a commercial bank

Resolution of the Board of the Bank of Latvia no. 10/7, (16.09.1993)

may be licensed to transport commercial cargo, mail and passengers by air

The Law on Aviation, Art. 78 and 79.(23.02.1993)

fluent in Latvian may be licensed to carry on any activity removed related to the production and sales of pharmaceuticals, including veterinary drugs.

The Law on Pharmaceutical Practice, Arts. 61 and 65 (27.4.1993)

may manage any enterprise retaining services of armed private security guards

Temporary Regulations on Purchase, Possession and Use of Firearms and Special Means of Self-Defense, instruction of the Ministry of the Interior in December 1993.

(and registered non-citizens who have resided in Latvia for at least 16 years) may participate in the privatization of publicly-owned small business establishments.

The Law on Privatization of Small Business, Art. 1 (05.11.1991)

Appendix to Ethnic Conflict in the Baltic States: the Case of Latvia

may own the majority of shares in companies entitled to acquire possessor title to land in the cities

Amendments to the Law on Land Reform in the Cities of the Republic of Latvia, (24.11.1994)

*4. Social Rights*

Regulations concerning rent and tenancy agreements are of vital importance to the day-to-day existence of residents of Latvia. In the absence of a real housing market, restricted access to state-controlled housing means no access to housing at all.

Only citizens:

are entitled to an allotment of land for individual housing construction and low interest construction loans.

The Law on the Assistance of the State and Local Authorities in Solving Housing Problems, Art. 3 (11.05.1993)

are eligible for state and municipal aid if they have lived for more than 40 years in apartments without modern facilities (running water, hot water, central heating) or live in 'communal' apartments (shared by several families).

On the Rules on Registration of Persons (Families) to Receive State or Local Authorities' Assistance, Nr. 17, (23.11.1993) [6]

have the right to receive a loan to purchase a new apartment in Riga, as a form of compensation to victims of political repression, or if they have large families.

Resolution 160 of Riga City Council, on Allotment of Loans for Purchase of Apartments," section 1, General Provisions, (04.06.1993)

have the right to a full social assistance to senior citizens who are not entitled to pensions

Law on Interim Rules of State-Paid Social Security Benefits, Art. 5, para. 2, (27.10.1993)

are entitled to state or municipally allotted housing in several districts

E.g., Resolution of Jurmala City Council: Session 20, Convocation 15, (12.03.1992) [7]

are entitled to state or municipally allotted housing when company run hostels are liquidated.

E.g., Resolution no. 82 of Board of Latgales District Council of Riga, (25.02.1993)

Appendix to Ethnic Conflict in the Baltic States: the Case Latvia

may benefit from lower rents and utility charges	E.g.. Resolution no. 82 of City Council of Salaspils, Session 16, Convocation 20, (09.02.1993) [8]
are entitled to renew tenancy agreements in several districts	E.g.. Resolution no. 783 of Vidzemes District of the city of Riga. (21.09.1933) [9].
<i>5. Other Rights and Freedoms</i>	
Only citizens:	
may possess firearms	The Law on the Rights and Responsibilities of Citizens and People, Art. 11 (10.12.1991), and Law on Firearms and Special Means of Self-Defense, Art. 3.4, (23.02.1993)
have the right to freely choose the place of residence	The Law on the Rights and Responsibilities of Citizens and People, Art. 10.29(10.12.1991)
are guaranteed the right to freely re-enter Latvia from a trip abroad	The Law on the Rights and Responsibilities of Citizens and People, Art. 10.28(10.12.1991)
can participate in local elections	The Law on Local Elections (13.01.1994)
can benefit from an amnesty declared in March 1994 for a number of categories of convicts.	The Law on Amnesty, point 5.4 (24.03.1994)
may formally propose that certain wooded areas be placed under special protection.	The Law on Disposal and Use of Forests, Art. 19(24.03.1994)
have the right to register a religious organization	The draft Law on Religious Organizations, Art. 8.1,(02.06.1994)
can be granted the status of a victim of political repression under the Nazi and communist regimes	The draft Law on Granting the Status of Victims of Political Repression under the Communist and Nazi Regimes, Art. 5. April 1994

Appendix to Ethnic Conflict in the Baltic States: the Case of Latvia

have the right to seek compensation for the repression suffered under Nazi and communist rule after Latvia's loss of independence

The draft Law on Granting the Status of Victims of Political Repression under the Nazi and Communist Regimes, Transitional Rules, para. 3, April 1994.

are entitled to have their privacy, in the context of a criminal investigation, invaded (e.g. wiretaps, search of dwelling) only with the consent of a high-ranking police official and after a prosecutor had been informed.

The Law on Search and Seizure, Art. 23.2 (16.12.1993)

*6. Travel and Work Abroad/Foreign Assistance*

Certain countries and, as applicable, international organizations, make it possible for citizens only:

to enter these countries without a visa

e.g., Bilateral Agreements with Hungary, the Czech Republic and Great Britain. [10]

to find employment

e.g., Intergovernmental agreement with Germany, concluded on June 2, 1992

to qualify for grants, assistance, and scholarships to study abroad provided by foreign countries and international organizations

e.g. NATO

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Notes

[ 1 ] Exception is made for the temporarily employed and specifically invited highly-qualified foreign experts.

[2] The Sea Code authorizes the Naval Department of the Ministry of Communication to introduce citizenship requirement for crew members.

[3] The Law permits citizens and certain categories of non-citizens to obtain ownership of a privatized cooperative apartment but is silent in respect of further disposition of the apartment. However, a number of municipalities (e.g. Vidzemes and Ziemeļu in Riga) restrict the right to purchase an apartment to citizens only.

[4] these laws do not define any norms concerning the sale and purchase of apartments in these houses. In practice, however, local authorities such as in Ziemeļu and Vidzemes districts of Riga, restrict purchase of apartments to citizens only.

[5] According to the Law, the base number of vouchers to which every registered resident is entitled equals the number of years of residence in Latvia. Non-citizens born outside Latvia receive 5 vouchers less than non-citizens with the same number of years of residence but born in Latvia.

[6] e.g. allotment of housing

[7] The resolution was suspended by the local state prosecutor but in practice remains in force after some minor amendments. A number of other district authorities adopted similar provisions.

[8] A number of local authorities have adopted similar regulations.

[9] That means that a non-citizen family can lose the tenancy right in case of an exchange of apartments, death of the lessee, or change of a lessor. Loss of tenancy right may render the family homeless.

[10] In the case of Great Britain, although there is a British embassy in Latvia, non-citizens have to go to Moscow to obtain a British visa.

*Rights of Registered and Non-Registered Residents of Latvia*

Adopted in 1991, the Law on Registration of Residents makes it mandatory for all residents of Latvia, citizens and non-citizens alike, to request registration with the Registration Office. Those who are registered (citizens are registered automatically) have their names entered in the Register of Residents, are assigned a personal code and receive a square stamp in their passports. Those non-citizens who are refused registration, often without justification [1], receive a round stamp which, in fact, places them outside the legal system. There is no legislation applying specifically to this category of non-citizens, called "roundstamper." However, their status is implicitly defined by laws that grant several basic rights only to citizens and non-citizens who have been registered. In 1994 "roundstamper" numbered about 100,000.

*1. Identification Documents*

The round stamp has the effect of invalidating the passport which is tantamount to stripping its bearer of legally recognized identity documents. This has a direct negative effect on a number of circumstances where presentation of identification documents is "necessary to conclude certain transactions, e.g.:"

- 1) change the place of residence
- 2) receive money sent by a money order
- 3) establish an enterprise
- 4) exchange apartments

Resolution of the Supreme Council of the Republic of Latvia on the Amendments to the 25.08. 1992 Resolution of the Supreme Council on the Implementation of the Law on Identification Documents and Registration of Residents (22.12.1992), Resolution of the Supreme Council of the Republic of Latvia on the Restoration of Rights of Citizens and Basic Terms of Naturalization, Art. 3. (15.11.1991)

*2. The Right to Work*

In April 1993, "roundstamper" lost their right to legal employment because employers are allowed to hire only citizens and registered non-citizens

The Law on Amendments to the Labor Code of the Republic of Latvia, Art. 2 (06.04.1993)

## Appendix to Ethnic Conflict in the Baltic States: the Case of Latvia

Employers must dismiss workers who do not have their taxation booklets and taxation cards (which are issued only to citizens and registered non-citizens)	The Law on Income Tax, Art. 5, (11.05.1993); and Regulation on the Issuing of Taxation Booklets and Taxation Cards made by the Cabinet of Ministers of the Republic of Latvia, Protocol 28, Sect. 3, Art. 20 (30.12.1993)
"Roundstamper" do not qualify for unemployment benefits	Amendment to the Law On Employment, Art 6 (16.12.1993)
In some cases "roundstamper" are not allowed to take the state language examination (which is a condition for eligibility for many jobs).	E.g, Resolution of the District Council of Kurzemes on the Requirements on the Registration of Residents in the Kurzemes District (07.01.1993)
 <i>3. Social Rights</i>  	
"Roundstamper" are not entitled to:	
receive child allowance	Resolution 38 of the Council of Ministers on State Assistance to Families with Children (21.01.1993)
benefit from the state or municipally-financed medical aid	Health Regulation no. 177 made by the Cabinet of Ministers (30.08.1994)
receive privatization vouchers	Clarifications to Records in the Declaration, Rule no. 178 of the Council Ministers, 08.04,1993, Art. 1.
receive a baby bonus	Rule no. 55 on Social Benefits for Childbirth, Protocol 13, Section 21, made by the Cabinet of Ministers, Art. 3, (01.03.1994)
rent apartments left by emigrants when tenancy rights are sold on auction	The Law on Compensation Payments to Departing Persons Who Vacate an Apartment, Art. 4 (08.06.1994)

*4. Other Rights and Freedoms*

"Roundstamper:"

are required to receive a Latvian return visa to re-enter Latvia from a travel abroad

Resolution 90 of the Council of Ministers on the Issuing of Entry Visas to Persons who Cross the Border of the Republic of Latvia, Art. 54 (09.02.1993) [2]

have no right to register a marriage in Latvia

The Law on Acts of Civic State, Art 25.1 (21.10.1993)

can not legally change their first and last names and their ethnic origin record.

The Law on Change of First, Last Name and Ethnic Origin Records, Art. 10 (15.06.1994)

are not eligible for naturalization even if they meet all the criteria

The Law on Citizenship, Art. 12, (22.07.1994)

Compiled by Latvia Committee for Human Rights in September 1994. Translated by Alexander Ruchkovsky, edited by Mark Pankowski.

**Notes**

[1 ] The Department of Citizenship and Immigration that oversees the registration process, is known to pursue its own registration policy, in many instances sabotaging Latvia's official policy and legislation and resisting the execution of court orders invalidating its decisions.

[2] The cost of a return visa is \$ 5.