

The Problem of Citizenship in Latvia¹

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1. Restored Citizenship

The problem of citizenship in Latvia and Estonia is unique among the new states of the former Soviet Union. To a large extent, this issue has defined the way that ethnic relations have developed in the region. After the restoration of independence, both countries were the only post-Soviet states not to adopt the citizenship "zero option" (i.e., granting citizenship to all permanent residents). Instead, only citizens of pre-Soviet Latvia (or Estonia) and their descendants were recognized as citizens of the restored states. This solution was based on a formal legal argument, often known as the legal continuity principle.

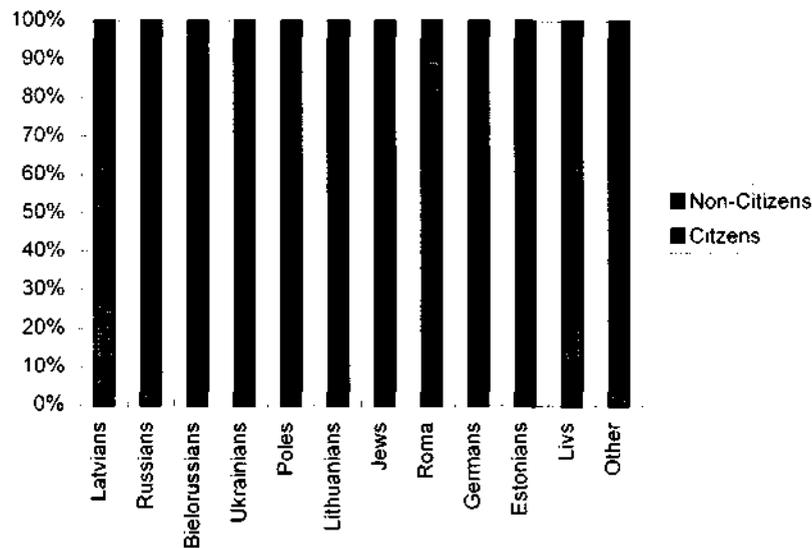
When the Soviet Union annexed Latvia in 1940, the Supreme Soviet annulled Latvian citizenship and immediately granted Soviet citizenship to all Latvian citizens. Many democratic states refused to recognize the legality of this annexation, although the nature of this non-recognition was more political than legal (for example, in the signing of the Helsinki document, there were practically no reservations about the provisions on the inviolability of borders in Europe. The USSR was admitted within its existing borders, which included the Baltics). During the 1990 elections to the Latvian Supreme Soviet, all inhabitants of Latvia, including Soviet military personnel, were allowed to participate. The Popular Front of Latvia won resoundingly at the polls. Although the PFL was a predominantly Latvian movement, it enjoyed the support of a significant number of non-Latvian voters. The PFL election program contained what for all practical purposes amounted to support of the "zero option" on citizenship.² This plank in the Front's platform was decisive in securing the support of many Russian-speaking voters. Many PFL leaders openly endorsed the zero option in their speeches and public statements. Andrejs Pantelejevs - who was elected to parliament and became the leader of the Latvian Way caucus in the 5th and 6th Saeima (parliament) - declared in March 1990: "I believe that anyone who regards himself as a patriot of Latvia may become a Latvian citizen. The definition

¹ The authors wish to express gratitude to Pal Kolsto for his invaluable editorial assistance.

² Para. 2.5 of the PFL pre-election program adopted in October 1989, see also *Atmoda*, February 12, 1990, and other pre-election materials.

Table 1
Share of Citizens within Main Ethnic Groups in Latvia (February 1996)

	Citizens	Non-Citizens
Latvians	98	2
Russians	38	62
Belarussians	19	81
Ukrainians	5	95
Poles	60	40
Lithuanians	22	78
Jews	45	55
Roma	90	10
Germans	26	74
Estonians	45	55
Livs	98	2
Other	12	88



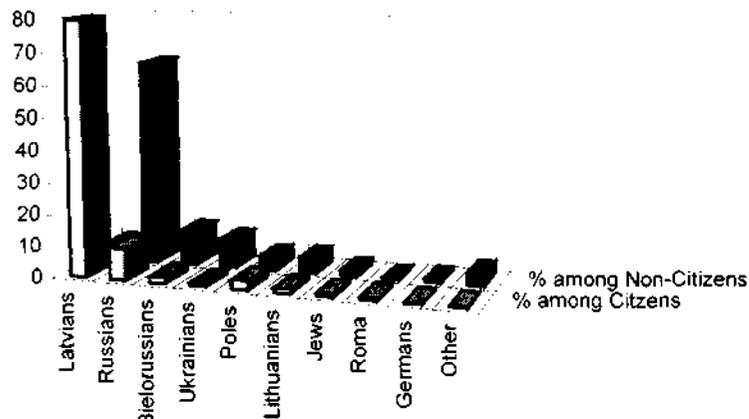
and the criteria for the acquisition of citizenship ought to be the personal, voluntary, and conscious expression of the will of each Latvian inhabitant."³ Later, Pantelejevs explained why the Popular Front retreated from this position: "I will say this very

³ *Atmoda*, March 16, 1990.

candidly and somewhat cynically. Theoretically, ethnic Latvians could have fought for their independence with arms in their hands. That would have led to bloody clashes. The alternative course, therefore, looked much more sensible: to penetrate the power structures that existed at the time with legal means. In order to do that we needed votes, and, as you know, at that time all inhabitants of Latvia had the right to vote. So, we fully consciously said that our goal was the so-called "zero option." Yes, this was a conscious lie in order to avoid human casualties."⁴ This "pragmatic" approach characterized the position of the new and relatively narrow political elite that was taking shape at the time.

Table 2
Ethnic Composition of Citizenry and Entiry of Non-Citizens (February 1996)

	% among Citizens	% among Non-Citizens
Latvians	80	5
Russians	10	65
Belarussians	2	11
Ukrainians	1	9
Poles	3	4.5
Lithuanians	15	5
Jews	1	2
Roma	1	0.5
Germans	0.5	1
Other	0.5	4



⁴ *Latvija - chja ona rodina?* Konspektivnij otchet konferencii, sostojavsheisia 29 aprelia 1 majsja 1994 goda v Institute Gete v Rige. Riga: *Vaga*, 1994, p. 105.

2. Perceptions of the Citizenship Issue Among Different Ethnic Groups

Among the ethnic Latvian population at large, the restrictive approach to the citizenship problem often had a distinctly ethnic foundation. More effectively than any other solution, this approach secured the goal of making the ethnic Latvians "masters on their own soil."⁵ Restrictive citizenship legislation would secure Latvian control over the levers of state machinery. Many people saw this control as necessary to prevent the eventual disappearance of the Latvian people.⁶ A number of political parties promoted the "scientifically proven" thesis that in order to secure the survival of the Latvian nation, ethnic Latvians had to make up no less than 75 per cent of Latvia's citizenry. This idea even appeared in several party platforms (specifically, those of the Movement for National Independence and the Latvian Farmers Union),⁷ all the way up to the 1993 parliamentary election campaign.

Soon after Latvia achieved independence, the idea of restricting access to citizenship gained popularity among ethnic Latvians. Certainly part of the reason for this turn was the active propaganda of nationalist organizations, but one should not exaggerate their importance. A 1991 survey conducted at the request of the Danish newspaper *Weekendavisen* showed that 41 per cent of all ethnic Latvians were in favor of a "harsh" approach to the citizenship question, while only 8 per cent supported the liberal "zero option."⁸ Another survey conducted in 1993 by Richard Rose and William Maley indicated that half of all ethnic Latvians were in favor of extending citizenship to citizens of prewar Latvians and their descendants only.⁹

⁵ See eg. *Atmoda*, September 25, 1990; *Atmoda*, October 2, 1990 and numerous other sources.

⁶ See eg. The resolution of the conference "Chances of Latvian Nation" held in 1990 - "Latvieshu nacijas izredzes" 1990g. 28 septembra konference, Riga. Zinatne. 1991. p. 192.

⁷ *Diena*. February 9, 1993.

⁸ Poulsen, J. J.. "Nationalism, Democracy and Ethnocracy in the Baltic Countries," in J. A. Dellebrant, O. Norgaard eds., *The Problems of Transition in the Baltic States*, Umeo, Umeo University Research Reports, 1994, No. 2, p. 26.

⁹ Rose, R. and Maley, W., *Nationalities in the Baltic States. A Survey Study*, University of , Studies in Public Policy, No. 222, 1994.

At the same time, the overwhelming majority of the ethnic Latvians conceded that post-1940 emigrants to Latvia ought to be allowed naturalization on specific, more or less stringent conditions. In a survey conducted in August 1993 by the Baltic Research Center,¹⁰ 39 per cent of Latvians interviewed thought that citizenship ought to be granted on a quota basis, so that the share of ethnic Latvians did not fall below 75 per cent of the citizenry. In the same group, 53 per cent believed that "citizenship ought to be open to all persons who have lived for a certain period of time in this country, who know the Latvian language, and are loyal towards the Latvian Republic." Only three per cent supported the zero option.¹¹

Non-Latvians' answers to the survey differed markedly from those of the Latvians. Among the three options outlined above, support was 3 per cent, 31 per cent, and 61 per cent of non-Latvians, respectively. The results showed that citizenship was an issue where the opinions of Russophones and ethnic Latvians were most clearly divided.

The Baltic Research Center survey also revealed something else; despite non-citizens' negative attitude toward the restrictive citizenship options, a large number of non-citizens intended to do everything required by law to obtain Latvian citizenship. As many as 67 per cent of non-citizens expressed this opinion in January 1993. By the following August, however, this percentage had dropped drastically, to 41 per cent. Clearly in January, many people had not grasped how complicated the naturalization procedure was going to become. By August, reality began to set in when the parliament began discussing the various draft laws on citizenship.

Many non-citizens began to realize that they could not fulfil the stringent criteria, nor did they even fall within the categories of people who could apply for citizenship in the foreseeable future. From January to August 1993, the percentage of non-citizens who intended to "stay on in Latvia without citizenship" rose from 7 per cent to 28 per cent. The numbers who planned to "move to another country," on the other hand, remained relatively constant (3 per cent in January, 4 per cent in August).

The changes in responses to the survey were most likely short-term changes, brought about by greater clarity about the probable naturalization procedures. Long-term tendencies, on the other hand, went in the other direction. In particular, research conducted between 1989 and 1994 by LASOPEC (Latvian Center for Social Studies, later called *Baltijas Datu Nams*, or *Baltic Data House*) showed that an increasing

¹⁰ With financial support from the Central European University and the Latvian Science Council.

¹¹ *Diena*, October 7, 1993.

number of non-citizens wanted to become Latvian citizens.¹² In 1990, approximately 40 per cent of non-Latvians wanted to receive Latvian citizenship; by 1994, this figure had risen to three quarters of the Russians and two thirds of non-Russian non-citizens. By then, only 10 per cent of non-Latvians either did not want to become Latvian citizens, or had not made up their minds.

After the adoption of the citizenship law in 1994 (see below), the majority of ethnic Latvians apparently regarded the issue as exhausted. For non-citizens, on the other hand, the problem had become even more acute. There is evidence of these divided attitudes in a December 1994 survey by the Institute of Market and Social Research *Latvijas fakti* (Latvian Facts).¹³

Non-citizens regarded the problem of citizenship as a question to which the Latvian parliament and government ought to give top priority (34.6 per cent of the non-citizens adhered to this view, while 32.5 per cent pointed to unemployment as the most important problem: 26.6 per cent chose the need to re-establish the local industry, and 24.8 per cent regarded crime prevention as the most urgent task of the legislature). Citizens of Latvia, on the other hand, did not list the problem of citizenship among the top ten important questions of contemporary Latvian society at all.

3. Citizenship and Human Rights. The Attitudes of the International Community

The citizenship problem in Latvia has provoked lively debates among international human rights experts. Since there was no precedent for legal state restoration after such a long period of foreign annexation, the opinions of the authorities differed significantly.¹⁴ In the early 1990s, many studies of this issue were published in Latvia and in the West. Some analysts defended the strictly restorationist concept of

¹² Zepa, Brigita, "Valsts statusa maina un pilsoniska apzina" (Change of the State's Status and Civil Consciousness), *LZA Vestis*, 1995, No. 7/8, pp. 31-44.

¹³ *Labrit*, January 11 1995.

¹⁴ For more detailed overview of differing expert evaluations of Latvia's citizenship legislation see Birckenbach, Hanne-Margret, *Preventive Diplomacy through Fact-Finding: How International Organizations Review the Conflict over Citizenship in Estonia and Latvia*, Hamburg, Lit Verlag, 1997.

citizenship,¹⁵ while others concluded that the principle of "restored citizenship" was incompatible with the norms of basic human rights instruments.¹⁶

A third group insisted that the Latvian citizenship principles could still accommodate internationally accepted human rights norms.¹⁷

Rogers Brubaker offered one of the most incisive analyses of this problem.¹⁸ Brubaker offered three models of initial citizenship: the new-state model, the restored-state model and a compromise model between features of the first two. "In the Baltics interwar statehood and non-recognition of Soviet annexation permit national radicals to propose a restored-state model of citizenship, while others argue that citizenship must be both restored (as the continuity thesis demands) and newly constructed (to conform with democratic norms of citizenship)." Thus, Brubaker considers the restrictive definition of initial citizenry to be well-grounded, although "they may be modified subsequently," for "citizenship issues are likely to take some time to sort out."

With few reservations, Brubaker's approach to the citizenship issue was accepted by most international organizations, and the principle of "restored citizenship" as such was ever more rarely being questioned from the point of view of human rights. Nevertheless, international organizations continued to monitor closely the creation and implementation of Latvia's citizenship laws. Particularly important in this respect was the OSCE Mission to Latvia, whose mandate, first and foremost, was to observe the citizenship situation.¹⁹

¹⁵ For example, Bojars, Juris. "The Citizenship and Human Rights Regulation in the Republic of Latvia." *The Finnish Yearbook of International Law*. vol. 3. 1992.

¹⁶ In particular, Eide, Asbjorn, *Human Rights Aspects of the Citizenship Issues in Estonia and Latvia*, European Bank for Reconstruction and Development. London, 1992.

¹⁷ For example, Fehervary, Andrash "Citizenship, Statelessness and Human Rights: Recent Developments in the Baltic States," *International Journal of Refugee Law*, vol. 5, 1993.

¹⁸ Brubaker, Rogers, "Citizenship Struggles in Soviet Successor States," *International Migration Review*, vol. XXVI, No. 2, 1992.

¹⁹ On the OSCE activities in Latvia see Lange, Falk, "The Baltic States and the OSCE," *Journal of Baltic Studies*, vol. XXV, No. 3. 1994; Tsilevich, Boris. *High Commissioner and Permanent Mission: The OSCE at Work in the Latvian (-Russian) Conflict on Citizenship and Human Rights*, Kiel, Christian-Albrechts-Universitat, PFK-texte Nr. 34, 1995.

As Velio Pettai has remarked,²⁰ the policy of non-recognition of the Soviet annexation of the Baltic states, which most Western countries adopted during the cold war, led them to the "'objectification' of ethnic nationalism through association with international law" by measures which "favored Estonia and Latvia over the capacities of European institutions rather than to reign them in." In particular, "the West's recognition of Estonia's (and Latvia's) occupation by the Soviet Union as well as of the countries" renewed citizenship law made recognition of the legitimacy of the limited participation elections also an inevitability".

Instead of pressuring the Baltic countries, the West chose to integrate them into European political structures, with the expectation that the "Baltic trauma" would eventually pass, and that the influence of ethno-nationalism in these countries would gradually diminish. Pettai maintained. "It remains to be seen whether too much has not already been conceded and whether such influence will prove effective before more serious tensions arise."

4. Adoption of the Citizenship Law

The adoption of the May 1990 Declaration of the Independence of Latvia amounted to a "dual power" situation, which continued up to the abortive coup-d'etat (August 1991) and the international recognition of the country's independence.²¹ The uncertainty was aggravated both by serious disagreements within the Latvian political elite then being formed, and by the ambiguous signals emanating from the international community. As a combined result, there were no legal acts passed on the citizenship issue for a long time after the formal restoration of independence.

On the crest of the January crisis in 1991, during which Soviet OMON units fought against police units loyal to Riga authorities, a bilateral treaty between the Republic of Latvia and the Russian Federation was hastily signed (on 13 January) and even more hastily ratified by the Latvian Supreme Council (on 15 January). One of the articles in this agreement stated that all persons who had been permanent residents of Latvia at the moment when Latvian independence had been restored (in May 1990) should be entitled the right to choose freely between Latvian and Russian citizen-

²⁰ Pettai, Vello, *Contemporary International Influences on Post-Soviet Nationalism: The Cases of Estonia and Latvia*. American Association for the Advancement of Slavic Studies 25th National Convention. Honolulu, November 1993.

²¹ In the period between May 1990 and August 1991 in Latvia, along with the police loyal to the government OMON which didn't obey Latvian leadership orders was functioning, two prosecutors' offices were working simultaneously (Latvian and Latvian SSR ones), etc.

ship. However, this agreement was never ratified by the Russian parliament and therefore did not enter legal force.

The Latvian Supreme Council returned to the question of citizenship legislation only when the August 1991 coup attempt in Moscow had collapsed, and the international community had recognized Latvian independence. The nationalist faction in the parliament claimed that since this organ had been elected by all the residents of Soviet Latvia, it did not have the right to decide on the question of citizenship. Rather, it only had the right to restore the citizenship rights of prewar citizens. A law on naturalization could, they maintained, be adopted only by a Saeima (i.e., a genuine parliament) elected exclusively by the "heritage" citizens. The Supreme Council acceded to this point of view. Thus, on 15 October 1991, it adopted a Resolution on the Restoration of the Body of Citizens and on the Main Principles of Naturalization.²² On the basis of this Resolution, a registry was compiled of persons and then-descendants who had held Latvian citizenship before 1940. Those who were included in this registry as citizens were allowed to participate in the parliamentary elections of 1993. Only in the fall of 1993 did the new parliament, the Saeima, begin to discuss the citizenship law anew.

The protracted and stormy Saeima debates on this issue focused primarily on the dilemma of "providing guarantees for the survival of the Latvian nation," on the one hand, and the need to conform with European standards, on the other.²³ In the upshot, the Saeima adopted a draft law on its first reading. The main peculiarity of this draft was that it introduced yearly quotas for naturalization, to be fixed annually by the Cabinet of Ministers and confirmed by the Saeima. These quotas, it was stated, should be "based upon the demographic and economic situation of the state, and must provide the development of Latvia as a national, one-community state."²⁴

The Council of Europe and the OSCE objected strongly to the quota principle.²⁵ The discussions in the Latvian parliament continued for some months, in the course

²² English text of the Resolution was published, in *Citizenship and Language Legislation in the Newly Independent States of Europe*. Seminar held in Copenhagen January 9-10, 1993. The Danish Center for Human Rights and The Danish Helsinki Committee. Copenhagen, 1993.

²³ Shorthand record of the plenary published in: *"Latvijas Vestnesis"*, December 2, 1993.

²⁴ *Latvijas Vestnesis*. November 30, 1993.

²⁵ The OSCE High Commissioner on National Minorities' letter to Latvian Minister of Foreign Affairs of December 10, 1993, Ref No. 1463/93/L, published in *SM-Segodnia* February 10, 1994; "Comments on the Draft Citizenship Law of the Republic of Latvia," Strasbourg, 24 January 1994, published in *SM-Segodnia*. February 24-26, 1994.

of which a number of basic principles in the draft law underwent essential changes. Finally, on 21 June, 1994, the Law on Citizenship was passed on a third reading. In its final version, the law contained certain clauses which ran against the recommendations of the European organizations (in particular, the quota system, although in this edition it was limited to fewer categories).

As a result of the parliament's handling of the citizenship issue, Latvia ran the risk of being denied membership in the Council of Europe. President Guntis Ulmanis therefore made use of his constitutional right to reject the law and returned it to the parliament for repeated examination. On 22 July, 1992, the Saeima debated the draft law once more and introduced some further amendments based on the recommendations of European experts. When this had been done, the president promulgated the law.

In the final version of the citizenship law, the quota system was replaced by a "naturalization time-table" (or the so called "windows system"). According to the timetable, only persons who belonged to certain privileged categories were allowed to apply for citizenship immediately after the law took legal force. Included were ethnic Latvians, Livs, spouses of citizens who had been married for at least ten years, persons who had had legal residence in Latvia before 1940, graduates from Latvian language schools, former citizens of Lithuania and Estonia, and several other minor groups.

The second category, which included individuals who were born in Latvia and were between 16 and 20 years of age, could begin to apply for citizenship on 1 January 1996. By 1 January 1997, Latvian-born individuals under 25 years of age could begin to apply. Persons who were born outside Latvia may begin to apply for citizenship in the year 2001 if they entered Latvia as minors, in year 2002, if they were 30 years or younger when they arrived. All others can apply after 2003.²⁶

In all categories, the applicants must fulfil the same criteria of naturalization: five years of residence in Latvia; a command of the Latvian language; familiarity with the fundamental aspects of the Latvian constitution, of the constitutional law, of the text of the national anthem and of the history of Latvia. They must also document that they have a legal source of income in Latvia, and renounce their previous citizenship (expatriate). Persons belonging to a number of categories may never apply for citizenship. The largest group among these were persons who had chosen Latvia as their country of permanent abode after being demobilized from the Soviet army. Some categories were eligible for naturalization on simplified terms (e.g., the law

²⁶ Latvian, English and Russian text of the law were first time published in *Latvijas Vestnesis*, August 11, 1994.

exempted from the language tests certain categories of disabled persons, as well as persons who had completed their schooling with Latvian as the language of instruction).

in March 1995, the parliament amended the Citizenship Law to extend citizenship by registration (i.e., without naturalization) to some categories of Latvia's residents. Included were women who had lost their citizenship, (according to the provision of the 1919 Citizenship Law) because of marriage with a foreigner; persons who had completed their full education in Latvian-language schools; and ethnic Latvians and the Livs, provided they registered before March 31, 1996.²⁷ For many ethnic Latvians who had resided in Russia during the interwar period, it was not easy to prove their Latvian descent. As a result, about 17,000 people failed to register as citizens before the deadline.²⁸ After protracted and strained discussions, the deadline was abolished by the Saeima in February 1997.²⁹

5. Naturalization

After the adoption of the citizenship law, the first few months were used to hire staff for the Naturalization Board, and to draw up and approve the necessary documents on the law's implementation. Accordingly, the actual naturalization process was not to start until 1 February 1995. It soon became clear that there was no stampede to become Latvian citizens: by the end of July 1996, the Cabinet of Ministers had granted citizenship rights to 2,459 persons only while 4,474 cases remained under examination in the various regional offices of the Board.³⁰ By 13 August 1996, another 619 had been naturalized.³¹ By January 31, 1997, the total number of naturalized persons reached 4,161 (of them 183 children under age).³²

²⁷ *Latvijas Vestnesis*, March 22, 1995.

²⁸ *National and Ethnic Groups in Latvia*. Information material, Ministry of Justice of the Republic of Latvia. Riga, 1996.

²⁹ *SM-Segodnia*, February 7, 1997; *Latvijas Vestnesis*, February 20, 1997.

³⁰ *Latvijas Vestnesis*, March 22, 1995; *National and Ethnic Groups in Latvia*, *ibid.*; *SM-Segodnia*, July 7, 1997, *Latvijas Vestnesis*, 20 February 1997; *Naturalizācijas process Latvijā. Galvenie radītāji*. Information paper issued by the Naturalization Board of the Republic of Latvia, August 13, 1996.

³¹ *Diena*, September 14, 1996.

³² *Naturalizācijas process Latvijā. Galvenie radītāji*. Information paper issued by the Naturalization Board of the Republic of Latvia, February 10, 1997.

As the Naturalization Board's Director E. Aldermane maintained, in the years 1995 and 1996, approximately 54,970 Russians residing in Latvia had the right to apply for naturalization, yet only 2,664 of them submitted applications, indeed. In the age group 16-20 years of persons born in Latvia (that is, those who could begin to apply in 1996) only 560 obtained Latvian citizenship through naturalization, out of a potential pool of more than 33,300 applicants.³³

The slow speed of naturalization came as a surprise to all those involved. All surveys (referred to above), as well as the Registry of Residents, had indicated that an absolute majority of non-citizens wanted Latvian citizenship. Latvian officials offered various explanations for the low number of applicants. One was the sharpened demands on knowledge of Latvian language, laws and history; another was the general passivity of non-citizens, combined with their poor grasp of the Latvian language; others blamed non-citizens' reluctance to serve in the Latvian army, their unwillingness to lose a chance to travel to Russia without a visa, et cetera.³⁴ Still, no serious research on this issue has been carried out so far.

Our impression is that the psychological factor has played a crucial role; many non-citizens consider the conditions for receiving citizenship as unjust and degrading. This perception is particularly acute for those non-citizens who believed in the Popular Front's pre-election promises and supported struggle for independence. They feel betrayed, and do not trust that the state would "play fair" and abide by its own rules.

6. Ethnic Aspects of Citizenship

To some extent, the low number of new citizens naturalized in recent years can be explained by the March 1995 and February 1997 amendments to the citizenship law (as mentioned above). These amendments gave ethnic Latvians and graduates from schools with Latvian as the language of instruction the right to become citizens by registration, and without any further tests.

The March 1995 amendments established a clear and direct link between ethnicity and Latvian citizenship. To be sure, the "ethnic dimension" of the citizenship legislation had been transparent before these amendments were adopted. Although the resolution adopted by the Supreme Council of the Latvian Republic in 1991 on the Restoration of the Body of Latvian Citizens did not contain any overtly ethnic crite-

³³ *Diena*, February 19, 1997,

³⁴ See, e.g., *Diena*, December 28, 1996,

ria, it nevertheless turned the vast majority of ethnic Latvians into citizens automatically, while categorizing the majority of Russian-speaking residents in Latvia as citizens of the USSR (When the Soviet Union collapsed shortly afterwards, the latter became de facto stateless persons). Table 1 shows the ethnic composition of the body of citizens and non-citizens in Latvia by February 1996.³⁵ Among the citizens, ethnic Latvians make up 78.5 per cent, while their share of the population at large was around 56 per cent. For the Russians, the figures are 16 per cent and 30 per cent, respectively.

By February 1996, 99 per cent of all ethnic Latvians in Latvia had acquired Latvian citizenship, while only 38 per cent of Russians, 19 per cent of Belarussians, and 6 per cent of the Ukrainians had done so (see Table 2). Among the so-called "historical minorities," such as Roma and Poles, the percentages of citizens were significantly higher.

7. Latvian Residents who are Citizens of Other States

Besides having the opportunity to apply for Latvian citizenship (in the near or distant future) most of Latvia's Russian-speaking non-citizens also have the option of acquiring the citizenship of another state. Every former Soviet citizen is eligible to become a citizen of Russia through registration. The Belarussian citizenship law is also very liberal. The Ukrainian citizenship law contains somewhat stricter limitations, but the current version of this law gives people of Ukrainian extraction the right to become Ukrainian citizens without physically moving to Ukraine.

There are no precise data available on the numbers of permanent residents of Latvia who have taken up citizenship of another state. From time to time, fragments of information surface in the media. For example, the following figures have been cited in the press, with reference to sources in the Russian embassy in Riga: By April 1993, 12,000 people are said to have received Russian citizenship through the Russian consular offices in Latvia.³⁶ By July 1993, the number was said to be 17,000,³⁷ and by June 1996, approximately 60,000.³⁸

³⁵ Diagrams on Fig. 37 and Fig. 38 built upon the data from *National and Ethnic Groups in Latvia. op. cit.*

³⁶ *SM-Segodnia*, April 27, 1993.

³⁷ *Diena*, July 8, 1993.

³⁸ *Diena*, June 14, 1996.

In February 1997, the newly appointed Russian ambassador to Latvia, Alexander Udaltsov, maintained that 65,000 Latvia residents had registered in the consulate as Russia's citizens, yet, "some of them could leave Latvia without notifying the embassy."³⁹

By the summer of 1994, around 20,000 persons had reportedly become Belarussian citizens.⁴⁰

The number of Estonian, Lithuanian, and Ukrainian citizens were estimated to be considerably lower. It is difficult to determine the veracity of these data, or to interpret them. As Russia's ambassador has mentioned, many people apply for Russian citizenship immediately before their departure for Russia, and the Russian consulates do not know how many of the "new" Russian citizens stay on in Latvia and how many leave.

The demographic yearbook of 1996 was the first source in official Latvian statistics to shed some light on this issue⁴¹. Referring to information taken from the Registry of residents, the compilers of the yearbook could ascertain that by the beginning of 1996, citizens of the Russian Federation made up 0.15 per cent of the total population of Latvia. In absolute figures, this amounted to 3,750 persons. 1,250 persons were citizens of Lithuania, and 500 were Ukrainian citizens. Another 0.04 per cent of the residents of Latvia (approximately 1000 individuals) were citizens of other countries.

These data, however, may hardly be regarded as complete or accurate. In any case, it seems clear that only a minuscule part of the non-citizens of Latvia have chosen to take citizenship in another country. In this respect, the Latvian situation contrasts sharply with the situation in Estonia. While the total number of Russophone non-citizens in Estonia is only about a half of what it is in Latvia, as many as 83,000 thousand persons had taken Russian citizenship by February 1996. Another thousand had taken Latvian citizenship, 750 had taken Lithuanian citizenship, and 400 had taken Ukrainian citizenship.⁴² By October 1996, the number of Russian citizens in

³⁹ *SM-Segodnia*, February 18, 1997; *Bizness & Baltija*, February 25, 1997.

⁴⁰ *Russkii putj*, July 2, 1994.

⁴¹ *Latvijas demografijas gada gramata* (Demographic Yearbook of Latvia) 1996. Riga: Latvijas Republikas Valsts Statistikas komiteja, 1996, p. 38.

⁴² *Estonia Today*. Information Division of the Press and Information Department, Ministry of Foreign Affairs. WWW <http://www.vm.ee>, February 21, 1996.

Estonia had reached 116,000.⁴³ Thus, the Russophone non-citizens of Estonia are considerably more likely to take citizenship in another state than are the non-citizens of Latvia.

8. The Status of Non-Citizens

Until April 1995, the legal status of Latvia's non-citizen permanent residents remained undefined. Prior to that time, a number of laws, regulations, and administrative decisions were adopted which limited the social and economic rights of non-citizens. Included were property rights, the right to work in certain professions, the right to receive social benefits, the right of self-defense, freedom of conscience, and a number of others.⁴⁴ Unlike in Estonia, in Latvia non-citizens can neither vote nor be elected to municipal offices.

The prolonged legal vacuum led to a situation in which radically-minded officials and local authorities could act arbitrarily. Officials in the Department of Citizenship and Immigration, the administrative body entrusted with compiling the Registry of Residents, systematically committed administrative violations in the course of its work. Persons who were denied entry into the registry were barred from legal employment, social benefits, marriage registration, etc. This situation attracted the attention of several international human rights organizations.⁴⁵

The radical nationalist parties continued their active campaign for "decolonization" of Latvia. According to their program, the non-citizens were to be regarded as "illegal immigrants" and "colonists."⁴⁶ In April 1995, however, the Saima adopted

⁴³ Figure mentioned by the member of the Parliament of Estonia Sergey Issakov in his presentation at the colloquium *Russian minorities in the Baltic states. National identity and civic loyalty*. Lubeck-Travemuinde, October 25-27, 1996.

⁴⁴ For more details on differences between citizens' and permanent resident non-citizens' rights see: Tsilevich, Boris and Ruchkovsky, Alexander, "Difference in Status and Rights between Citizens and Permanent Residents (Non-Citizens) in Latvia." *Promoting Human Rights and Civil Society. International Helsinki Federation for Human Rights Newsletters*, April 1994; Opalski, Magda, Tsilevich, Boris and Dutkiewicz, Piotr, *Ethnic Conflict in the Baltic States: the Case of Latvia*. Kingston, Ontario, Kashtan Press, 1994, appendix; Tsilevich, Boris, "Non-citizens and ownership in urban areas of Latvia," in *Zemes reforma Latvijas pilsetas, Zemes reformas vestnesis*. Riga, ES-PHARE Latvia, 1997.

⁴⁵ *Violations by the Latvian Department of Citizenship and Immigration*, Helsinki Watch, vol, 5, No. 19, 1993.

⁴⁶ *Diena*, January 8, 1993; , September 30, 1993 and other issues.

the law "On the Status of Former Citizens of the USSR who are not Citizens of Latvia or Another State."⁴⁷ This law legalized the continued abode of the non-citizens in the country, guaranteed their right to leave and re-enter Latvia freely, and granted them a (somewhat circumscribed) right of family reunion. It also confirmed the non-citizens' right to cultural autonomy. In effect, this law introduced a new legal status: the former citizens of the USSR are regarded neither as citizens of Latvia, nor as foreigners (i.e., they are not citizens of another state); yet, they are not treated as stateless persons, either.

While the adoption of this law greatly clarified the situation, its implementation was hampered by serious problems. By the fall of 1996, the "non-citizens" passports envisaged by the law had still not been issued. These passports would realize non-citizens' freedom of movement. After several postponements of the date, the Cabinet of Ministers finally adopted a decree according to which these passports would be issued, beginning April 10, 1997.⁴⁸ Until this time, and in apparent contradiction with the above-mentioned law, non-citizens were required to obtain and pay for re-entry permits for each trip they made abroad.⁴⁹

In addition, no amendments have been made in the laws regulating immigration procedures which could put flesh on the declared right of family reunion. Nevertheless, one must conclude that the legal situation has improved for non-citizens since the adoption of the law on the former USSR citizens.

9. Conclusions

Nationalistic sentiments exist within all the newly independent and post-Communist countries of Central and Eastern Europe. In Latvia, the problem is particularly sensitive, mainly owing to Latvians' fear of "ethnic extinction," and the mostly Slavic immigration after World War II. This factor has been widely exploited by the political forces that have arisen since the restoration of independence. Thus, it is not surprising that the emerging legal framework is directly or indirectly aimed at consolidating the dominant positions of ethnic Latvians. The citizenship legislation represents one of the most transparent revelations of this general trend.

On the other hand, there are other factors that are encouraging more liberal policies toward the non-titular population: The permanent (though rather "soft") pressure on

⁴⁷ Russian text of the law published in *SM-Segodnia*, May 4, 1995.

⁴⁸ *Diena*, January 28, 1997.

⁴⁹ See e.g. *Latvia Human Rights Practices 1996*, US Department of State, February 1997.

the part of European inter-governmental organizations; the liberal (for their time) traditions of prewar, independent Latvia; the low level of organization and lack of violent resistance on the part of Russian-speaking residents all facilitate a more liberal policy.

The main peculiarity of the Latvian situation is that the "politicization of ethnicity" is channelled here in a mostly legalistic way, often not explicitly connected with the ethnic factor. The legitimization of ethnic domination is based upon "the restored state" and "the restored citizenship" concepts, which generally enjoy support on the part of international community. The restrictive approach to the citizenship problem was the key aspect: as a result, the titular ethnic group, i.e., the Latvians, possess the "control package of shares" of political power. In turn, this allows them to implement favorable policies in other areas as well (such as language policy, education and so forth).

By directing its nationalistic feelings through legal channels, Latvia has managed to avoid not only violent inter-ethnic clashes but also any substantial deterioration of inter-ethnic relations on the everyday level. In this respect, data of the survey conducted in 1991-1992 in Latvia by request of Danish newspaper *Weekendavisen* are revealing. One of survey's task was to determine level of "personal" and "social" resentment Latvians felt toward Russians.

The proportion of Latvians who "accept a Russian as a neighbors but not as a co-citizen" appeared over three times that of "democratic nationalists," i.e., those who advocate equal rights for both Latvians and Russians but at the inter-personal level prefer to deal exclusively with the representatives of own ethnic group. In other words, Latvians' votes are three times more nationalistic than their behavior in inter-personal communications. (It is interesting to note that for Lithuanians, this proportion was exactly the opposite.⁵⁰)

On the other hand, such indirect legitimization of ethnic domination (through citizenship, language, and cadre politics etc.) creates long-term obstacles to the development of universal, inclusive democracy. It also eliminates incentives for seeking efficient forms of inter-ethnic dialogue.

Under these circumstances, the emerging post-Communist political regime in Latvia is becoming what several researchers call an "ethnic democracy,"⁵¹ - i.e., a combi-

⁵⁰ Poulsen, J. J., "Nationalism, Democracy and Ethnocracy in the Baltic Countries," *op. cit.*

⁵¹ Smith, Graham, Aasland, Aadne and Mole, Richard. *Statehood, Ethnic Relations and Citizenship*. In: G. Smith, ed.. *The Baltic States: The National Self-Determination of Estonia, Latvia and Lithuania*, McMillan, London 1994, p. 189; Pettai, Velio, *Emerging Ethnic Democracy in Estonia and Latvia: The Dynamics of Sovereign Nationalism and Minority Identi-*

nation of certain principles of general democracy with elements of ethnic favoritism, Graham Smith defines ethnic democracy as combination of three factors: acknowledgement (also through legislation) of basic individual rights; acknowledgment of some minority group rights; and unequal status among different ethnic groups.⁵²

It is possible that an ethnic democracy can evolve either towards "common" democracy, with gradual elimination of the elements of ethnic domination; on the other hand, it could also move toward greater segregation and the desire for a "purely" ethnocratic state framework. It remains to be seen which of these two scenarios will prevail in Latvia.

ties, 14th Conference of the Association for the Advancement of Baltic Studies, Chicago, June 8-11, 1994.

⁵² Smith, Graham, "The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia," *Nationalities Papers*, 1996, vol. 24, No. 2, p. 199.