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Minority Rights in the Baltics

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Nationalistic feelings are widespread in all post-communist countries. In the Baltic states, historical factors make the problem particularly acute. Annexation in 1940 by the USSR and drastic changes in the demographic situation caused by a large-scale immigration after the World War II cause fears of "ethnic extinction" among the titular groups and thus strengthen nationalistic emotions. Not surprisingly, political, legislative and administrative measures taken in the course of this "ethno-national self-defence" are often questioned for being discriminatory towards ethnic and linguistic minorities.

Despite a very shaky ethnic balance (62% ethnic Estonians in Estonia, 52% ethnic Latvians in Latvia and 80% ethnic Lithuanians in Lithuania when independence was restored, the overwhelming majority of non-balts are Russian-speakers), the Baltic states managed to avoid violent inter-ethnic clashes. However, legitimization of ethnic domination through citizenship, language policies, cadre politics, etc. creates long-term obstacles to the development of inclusive democracy.

Three major aspects can be singled out. First, deeply rooted and historically predetermined stereotypes of the Baltic nations: Ethnic Estonians, Latvians and Lithuanians are striving to develop nation-building started in 1918 and violently terminated in 1940 by Soviet annexation. In this view, treatment of Russian-speakers as equal co-citizens is perceived as a threat. Second, the role of the political elites in the Baltic states: "Recirculated" members of the former Communist elites — where, in accordance with the Soviet system of "ethnic hierarchy", the titular groups made up a majority -- constitute a considerable share also in the current ruling groups .

Emphasis on the ethnic factor allows them to justify their "communist past" - sticking to ethnic values is the issue of power. The third aspect is related to the reactions and attitudes on the part of "the new minorities". "In spite of the growth of a culture of minority rights in society as a whole, there is virtually no minority rights-based political culture within the minorities themselves". Indeed, claims of the "post-communist minorities" are rarely expressed in terms of non-discrimination or a modern approach to minority rights.

The citizenship issue is the key to understanding the peculiarity of the minority problem in the Baltics. This solution was based on the so called concept of legal continuity, i.e. that independence of the Baltic states was restored, not established anew — and so was the entity of citizens. Latvia and Estonia were the only post-Soviet states which did not adopt the "zero option" after the restoration of independence in 1990: only those individuals who were citizens of these states before annexation in 1940 and their descendants were recognized as "initial" citizens of the reestablished states.

The problem of citizenship provoked lively debates among international human rights experts. The opinions of the authorities differed significantly . The "restored citizenship" approach has never been officially deemed contrary to human rights principles. However, international organizations have been urging Estonia and Latvia to resolve the problem of resident non-citizens by granting them citizenship in a non-discriminatory way and as soon as possible.

In Estonia, the status of those Baltic residents who were not granted initial citizenship was defined by the Law on Aliens adopted in the summer of 1993: resident non-citizens were declared aliens who had to apply for residence permits in order to stay in Estonia. Complaints about bureaucratic abuses connected with the cumbersome procedures of obtaining the residence permits were frequent. The right to freedom of movement for non-citizens appeared restricted because of the considerable delay with issuing internationally recognized travel documents.

In Latvia, prior to the adoption of the corresponding law, the Parliament decided it was necessary to compile the Registry of Residents. Systematic administrative violations were perpetrated by officials in the Department of Citizenship and Immigration. Any person who was denied entry into this registry, often contrary to the law, was barred from legal employment, social benefits, marriage registration, etc . Adopted in April 1995, a law "on the status of former citizens of the USSR..." legalized the continued abode of non-citizens in the country. Also in Latvia, issuing of the so called 'non-citizens' passports which were to provide freedom of movement, was substantially delayed.

The issue of the non-discrimination against non-citizens in the field of social and economic rights remains of particular importance. A number of laws, regulations, and administrative decisions were adopted both in Estonia and Latvia. They limited property rights, the right to work in certain professions, the right to receive social benefits, the right of self-defence, freedom of conscience, and a number of other rights to non-citizens.

Language policies were also controversial. Baltic legislatures tend to increase limitations on usage of other languages, and requirements of mandatory knowledge of the state language. New Estonian and Latvian language law drafts discussed in national parliaments in 1996-1999, were evaluated as problematic from the point of view of human rights standards by the OSCE High Commissioner on National Minorities as well as experts from the Council of Europe and the European Union:

The draft Latvian State Language Law presents a host of problematic provisions, in particular in so far as it provides for the regulation of the use of languages 'in all enterprises (companies), institutions, civil institutions and organizations (including private cultural and religious organizations)'...In addition to the no doubt violative nature of the proposed regulation of the substantive use of language, the draft law proposes a regime of regulation, monitoring and enforcement which would no doubt interfere with other internationally protected human rights, in particular the right to privacy and freedom of association. The Draft Latvian State Language Law proposes a regime of regulation which in large measure contradicts internationally protected fundamental human rights, in particular with regard to freedom of expression, freedom of association, freedom of religion, the right to privacy, freedom from discrimination, and the rights of persons belonging to minorities .

Language regulations currently in force are already controversial. Estonian and Latvian language legislation provides that the unified rules of using languages be applied also in areas which are inhabited by predominantly minority populations. Usage of minority languages in public information along with the state language is allowed only in some specified cases (eg, safety and security information). In order to be registered by the Electoral Commission, candidates to both the national parliament and municipal councils must present evidence of their perfect proficiency in the state language. To be hired for most jobs, it is necessary to prove a certain level of fluency in the state language; detailed lists of professions and corresponding levels of the language requirements are established by departmental regulations. Minorities claim that these demands are often excessive. According to the regulations adopted by the Latvian Government in October 1996, a person who has lost his/her job must present a language proficiency certificate to be registered as unemployed, even if his/her former job did not require language

proficiency. No unemployment benefits are available to those persons who fail to meet this requirement. The regulations were evaluated as discriminatory by several experts of the OSCE and the Council of Europe, and were finally revoked in the spring of 1998.

Gradual "nativization" through the school system is a matter of major concern for many people belonging to minorities. Both in Latvia and Estonia, the laws relating to education stipulate that after a transitional period of five years, only secondary schools with the state language of instruction will be financed from the state and municipal budgets. In addition, only private schools with the state language of instruction, and not minority schools, are eligible for budgetary subsidies. As to primary education, there is a definite trend to introduce mandatory teaching of an increasing number of subjects in the state language in minority schools. Bilingual education is merely seen as a transitional stage on the way to complete elimination of state-funded education in minority languages. In fact, training of teachers for minority schools has already been abolished.

Unlike Lithuania and Estonia, Latvia retained the Soviet practice of mandatory ascription of ethnic origin in personal IDs. In addition, the ethnicity of inhabitants of Latvia, including newborn babies, is recorded in the Registry of Residents. A special law, adopted in 1994, established the procedure by which the ethnicity records can be changed (i.e. by "blood" only and not according to self-identification).

Groups which are included in the Registry are very under-represented among the new political elites of the Baltic states . This is particularly true with respect to the ethnic composition of the elected bodies (parliaments and municipal governments) This can be explained by the relatively low level of ethnic mobilization of the Russian speakers in the Baltics compared with the titular groups. The picture is even gloomier in the state bureaucracy and public administration; this reflects, rather, the cadre policies implemented and encouraged by the central government.

Effective and fair integration of minorities is the major challenge which the Baltic states face. All three Baltic states declared integration a priority in the development of their societies, and special national programs are being developed to this end. It remains to be seen, however, how successful these declared efforts to build a society based on tolerance, participation, and non-ethnically based solidarity, will be.

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1. On recirculation and expulsion processes in formation of the Baltic elites, see Anton Steen. "Cleavage Structures, Elite Configurations and Democracy in Post Communist Countries - the Case of the Baltic States". In: A.Steen (ed.): Ethnicity and Politics in Estonia, Latvia and Lithuania. University of Oslo, Research Report 02/97, pp.1-22
2. Panayote Elias Dimitras. "The Minority Rights Paradox". War Report, 1998, No.58, pp.64-66
3. For detailed overview of differing expert evaluations of Estonia's and Latvia's citizenship legislation, see: Hanne-Margret Birckenbach. Preventive Diplomacy through Fact-Finding: How International Organizations Review the Conflict over Citizenship in Estonia and Latvia. Hamburg: Lit verlag, 1997, 424 p.
4. Helsinki Watch report "Violations by the Latvian Department of Citizenship and Immigration". 1993, vol.5, issue 19.
5. Office of the OSCE HCNM. Opinion on the compatibility of the draft Latvian State Language Law with international standards. 22 September 1997.
6. See eg Anton Steen. Recirculation and expulsion: The new elites in the Baltic states. University of Oslo, department of political science, working paper 09/1994, p.12.
7. Pal Kolsto and Boris Tsilevich. Patterns of nation-building and political integration in a bifurcated postcommunist state: Ethnic aspects of parliamentary elections in Latvia. East European Politics and Societies, 1997, Vol.11, No.2, pp.366-391.