

Today's Latvia: Non-citizens Lack Clear "Rules Of The Game"

By Boris Tsilevich

The situation of non-citizens in Latvia and alleged violations of their human rights has become the most controversial and painful question both within the state and in Latvia's international relations.

As a rule, the international community perceives the problem of Latvia's non-citizens as a temporary one that will be resolved quite soon - that is why most attention is usually paid to naturalization procedures. However, even a superficial analysis of the recently adopted citizenship law and of the practical situation in Latvia clearly reveals that only a small portion of non-citizens have a real chance to be naturalized in the foreseeable future.

The problem of the present legal status of those who are not recognized as Latvian citizens, their rights and responsibilities, is the most urgent and painful issue in the current political and social life of Latvia.

The status and rights of Latvia's non-citizens are often compared with those of immigrants in Western countries. This comparison is obviously not relevant. Unlike immigrants, who are completely aware of all the rules of the game in advance, Latvia's non-citizens have never left "their" country for another one; they simply moved within the then-existing state, in full accordance with the laws *de facto* valid at that time. More than half of them were born in Latvia.

A legal gap

All residents of Latvia participated in 1990's parliamentary elections. Thus, members of Parliament who were elected in 1990 deprived a part of their electors of political rights, and at the same time kept their mandates for a half year more.

However, after Latvia's adoption of its declaration of independence, all residents of Latvia still enjoyed equal legal status until October 15, 1991, when the resolution *On Restoration of Latvian Citizenship and Basic Principles of Naturalization* was adopted. The legal status of those for whom this resolution was passed was still in no way determined until April 1995. And still today, the law which determines non-citizens' status, though it formally took effect in late April, doesn't function at all. In particular, resident non-citizens are still forced to receive the so-called "return guarantee" to travel abroad, although this rather expensive and very cumbersome procedure clearly contradicts the non-citizens' law, which guarantees complete freedom of movement across Latvian borders for these persons. The right to fam-

ily reunification is routinely denied as well. The tragic incident in Daugavpils, when the Tatar, Ravil Yagudin, burned himself to death, was just such a case.

In practice, the legal gap concerning non-citizens was followed by the adoption of a series of various laws, decrees, regulations and instructions which established differences between citizens' and non-citizens' rights. These discrepancies do not concern merely political rights, but embrace property and economic rights, social guarantees and benefits, employment, business and housing opportunities, political freedoms, the right to self-defense, guarantees against violations of privacy, and others. The list of distinctions of this kind includes over 60 points at the moment.

Arbitrary officials

The legislative vacuum entailed widespread and unrestricted bureaucratic arbitrariness which was frequently pointed out by many international missions visiting Latvia.

State and municipal officials still routinely violate even those rights of non-citizens which are directly guaranteed by Latvian legislation. The clearest example is the activity of the citizenship and immigration department. In particular, tens of thousands of persons eligible for inclusion in the Register of Residents are illegally refused registration. This makes many non-citizens "legally non-existent." They have no basic rights; particularly, they cannot be employed legally, do not receive social benefits, etc. Several thousand court decisions have declared refusal of registration illegal, and these decisions are implemented, as a rule - to a considerable extent due to activities of the OSCE Permanent Mission to Latvia.

But even relatively democratic legal regulations are drastically distorted in practice. Usually people do not deal with the constitution nor laws, they deal with particular state officials who implement these laws. Such systematic violations of Latvian laws would be obviously impossible without silent consent of the highest authorities.

Thus, today, almost five years after the declaration of independence was adopted, non-citizens lack clear "rules of the game." Those non-citizens who were activists in the Popular Front, who supported the liberation movement from the very beginning, who were on the barricades in "Bloody January" of 1991, now feel disappointed and betrayed. Non-citizens do not feel the state will play fairly with them - rather, just the opposite. Many believe the state deliberately strives to make their life in Latvia as unbearable as possible to encour-

age so-called "voluntary repatriation."

Many thousands of present stateless persons were born and have spent their lives in Latvia. They are not only Russians, Ukrainians, Jews - they are Latvia's Russians, Latvia's Ukrainians, Latvia's Jews. And they have no other homeland but Latvia. Still, they are consistently and persistently alienated and squeezed out from Latvia.

After the citizenship law was adopted, hundreds of thousands of people realized they have no real chance to receive citizenship in the foreseeable future. At the same time, pressure on these people constantly increases. Under these terms, the number of individuals wishing to apply for Russian citizenship is to be expected to grow. Non-citizens will hastily apply for Russian citizenship, not because of Russian "patriotism," but because this is the sole opportunity to receive any citizenship.

When the number of Russian citizens in Latvia is counted in hundreds of thousands, the imperialist and chauvinist forces in Russia will then receive an excellent pretext for intervening in the situation in Latvia. While at present, Russia's claims to protect "ethnic compatriots" abroad can in no way be justified from a legal viewpoint, every state has a legitimate right to take care of its citizens wherever they reside. Thus, mass application for Russian citizenship, forced by restrictiveness and delayed adoption of Latvia's naturalization law, represents the greatest menace to Latvia's future.

Compromise

What can be done in the present circumstances? The Latvia League of Stateless Persons believes that decisions should contain compromise. We do realize that it is very important for ethnic Latvians to keep control over political decision making.

Non-citizens, in their turn, are anxious, first of all, about their social, employment and economic rights. If differences in "nonpolitical" rights between citizens and non-citizens are reduced to a reasonable minimum, and non-citizens' vital rights are firmly guaranteed in practice, they will easily put up with the lack of voting rights. What is going on today, however, is just the reverse: only citizenship provides the individual financial stability and security; it is an economic category.

We still hope that pragmatic considerations, based upon respect for all of Latvia's residents' rights and dignity, will prevail over "nationalistic romanticism."

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