



ORIGINAL PAPER

Statelessness: Challenging the “Europeanness” in the Baltics

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Abstract

After the successful “return” back to Europe – the regaining of independence on Russia in the beginning of the 90s – Latvia and Estonia were both facing the dilemma of what to do with a large number of Russian (by ethnicity) people who decided to stay in these countries after the breakaway. According to some estimates, Russian minority formed about 29% of the total number of population in Estonia and about 33% of the population in Latvia. The Citizenship and Language Laws adopted in these countries in the middle of the 90s did not improve the legal status of non-citizens and Russia has been continuously demanding to stop discrimination against its minorities living in the Baltic States. At the same time, the Council of Europe had went a long way introducing the far-reaching human rights instruments and has been lately actively calling to protect stateless people claiming that “no one should be stateless in today’s Europe”. The on-going integration in the EU shows us that the domestic policies are becoming more and more shaped by decisions made at the level of main European institutions. Nevertheless, the question of whether this is happening to a sufficient extent in Estonia and Latvia remains open.

This paper, concentrating on the EU imperatives to sort out the problem of “statelessness” on its territory, presents a comparative analysis of Europeanization – in a sense of internalization of European values and policies – at the domestic level in Latvia and Estonia. Ultimately, this analysis aims to contribute to the existing studies of the challenges to the political identities of these countries. Moreover, this paper focuses on how despite the Europe’s general moving towards the better protection of the human rights, Latvia and Estonia’s treatment of non-citizens can indicate some signs of Euroscepticism there.

Keywords: *statelessness, citizenship policies, Europeanization, Estonia, Latvia, ethnic minorities*

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Introduction

Since its foundation, the European Union (EU) has gone a long way from being seen as purely economic unit to becoming one of the major global players that advocate democratic values and human rights. The emergence of a large number of independent post-Communist states in Central and Eastern Europe in the end of the 1990s brought not only shifts in the geopolitical situation in Europe but also changes to the EU’s internal organization. Each candidate state applied for the EU membership with its own agenda and special issues that needed to be resolved. The 1993 Copenhagen Criteria aimed at protecting the EU from having to resolve them after the candidate states will become its formal members. There were fears that such issues might significantly undermine the Union’s economic and political success. However, it is evident that even after decades of being EU members some states were not able to sort out some of their problems. Minority protection and access to citizenship are among the most topical problems of the European Union that has been lately raising a lot of concern among the European policy-makers and scholars. This paper presents a comparative analysis of Estonia and Latvia – the two countries with the highest numbers of the stateless people at the moment of the EU enlargement in 2004. The main question that this paper endeavours to answer is how the treatment of its stateless persons reflects the processes of Europeanization in the two Baltic States? Putting it differently, it seeks to understand the limits of the statelessness reduction in Estonia and Latvia and the degree of their *Europeanness* in the minority protection area.

The concept of Europeanization which is chosen as a theoretical approach for the purposes of this research belongs to a comparatively new wave in the European studies. It concentrates on the analysis of the influence of the domestic policies of the member states on the Union and vice versa. One of the first definitions of Europeanization was presented in 1994 by Robert Ladrech who defined it as “an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” (Ladrech, 1994: 69-88). Since then, scholars were trying to better understand how the internal policies of member states are being changed due to various EU regulations (Sedelmeier, 2001; Featherstone and Radaelli, 2003; Bulmer and Lequesne, 2005; Heritier et al., 2001). Perhaps one of the most all-encompassing characterizations of this concept was offered by Johan P. Olsen in his article *The Many Faces of Europeanization*. He elaborates five main usages of the term Europeanization: a) as changes in external political boundaries; b) as the development of the European-level institutions; c) as domestic impacts of European-level institutions; d) as exporting forms of political organization and governance that are typical and distinct for Europe beyond the European territory; d) as a political project of Europe’s unification (Olsen, 2002: 921-52). This paper focuses on the third concept – the domestic impact of European-level Institutions – which, according to Olsen, explains how the domestic institutions deal with the pressures coming from the European level. What is more, Olsen stresses that “European values and policy paradigms are also to some (varying) degree internalized at the domestic level, shaping discourses and identities” (Olsen, 2002: 935). Therefore, there is a shift in the studies of Europeanization as of necessary changes of the institutions to the more sophisticated idea emphasizing shared interests, beliefs and values.

In the existing literature it is common to use the concept of Europeanization for the in-depth study of how Latvia and Estonia put their policies in accordance with the

Copenhagen Criteria that in the end allowed them to enter the European Union in 2004. However, there is a gap in literature that examines how European values and norm are being internalized in the Member States after the countries became members of the European Union. What is interesting to look at, in this case, is how the new member states adopt and internalize European core values and norms themselves – without any pressure coming from above – thus, showing that “being European” has some special meaning to them indeed. This paper proceeds as follows. First, it sheds light on the issues of statelessness on the EU current agenda. Secondly, it looks at the historic aspects of the Baltic States’ membership in the European Union. The third part presents an in-depth comparative study of the positions of stateless persons in Estonia and Latvia focusing on whether we could observe some improvement in the situation of these persons since 2004. Ultimately, this paper draws some conclusions about the prospects and limits of Europeanisation in Estonia and Latvia in regards to the spread of specific European values and norms.

Europe vs. Statelessness

The idea that the right to citizenship is one of the basic rights of a person is not new and the notions about the prohibition against the arbitrary deprivation of nationality were part of the Universal Declaration of Human Rights (UDHR, Article 15, 1948). The right for nationality is accentuated in a number of international human rights treaties such as Convention on the Rights of the Child (CRC, Article 7, 1989), International Covenant on Civil and Political Rights (ICCPR, Article 24, 1966), Convention on the Reduction of Statelessness (CRS, Article 1, 1954) (Latvia signed and ratified all 3 conventions; Estonia signed and ratified CRC and ICCPR but never signed the Convention on the Reduction of Statelessness). In Europe everybody’s “right to a state” is promoted in a Council of Europe Convention on Nationality (CECN, Article 4, 1997) and the guidance for the improving of the protection of children against statelessness is postulated in the Recommendation on the Nationality of Children (CM/Rec, 2009). Although Europe had gone a long way introducing the far-reaching human rights instruments, in practice, these rights are not covering everyone yet. Recently, the calls for the protection of the stateless people are becoming more and more evident. In June 2008 the Council of Europe’s High Commissioner for Human Rights, Thomas Hammarberg, proclaimed that “the persistence of *legal ghosts* in today’s Europe is unacceptable” and that “no one should be stateless in today’s Europe” (CommDH/Speech, 2010). On 19th of September, 2012 the Delegation of the European Union to the United Nations proclaimed that “the EU Member States which have not yet done so pledge to address the issue of statelessness by ratifying the 1954 UN Convention relating to the Status of Stateless Persons and by considering the ratification of the 1961 UN Convention on the Reduction of Statelessness” (EU, 2012). According to the European Network on Statelessness (ENS) – a civil society alliance that was established with the goal to combat the issue of statelessness in Europe – there are still around 600.000 stateless persons in Europe whose rights should be protected (ENS, 2014). On 14th of October, 2013, ENS officially launched a pan-European campaign with the two main goals. First of all, it is calling for all European Union states that are not signatories of the 1954 Statelessness Convention to do so by the end of 2014. Secondly, it points to the fact that some European states still have to commit to introduce a functioning statelessness determination procedure by the end of 2016 (ENS Newsletter, 2013).

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It is evident that concept of “rights” became a key aspect of all the activities of the EU. Secondly, it is arguable that with the introduction of the Lisbon Treaty Europe is moving towards further integration and the domestic policies are becoming more and more shaped by decisions made at the level of main European institutions. Therefore, the concept of Europeanization – ability of policies made at the EU level to affect the domestic policies of the member states – seems useful. Baltic States have put a lot of effort in stressing their “Europeanness” and expressed their happiness for being “back in Europe”. However, the way Latvia and Estonia doing in regards to the human rights of their non-citizens in practice is questionable. In order to avoid any sort of speculations on the issue, a fully-detailed analysis is required.

Per aspera ad...Europa?

Former Baltic Soviet republics were the first ones to declare independence on Kremlin in the beginning of the 90s. Since then, Estonia, Latvia and Lithuania needed to redefine their “self” in the post-Soviet realities. The shared general feeling was that finally, after decades of occupations, the three countries no longer wanted to be regarded as Russia’s “near abroad” and were finally safely on their “European” track where they belong. Having been directly admitted to the United Nations and the Conference on Security and Cooperation in Europe (CSCE, now OSCE), the three Baltic countries started to seek membership in the majority of western and international structures. Lithuania and Estonia became members of the Council of Europe in May 1993 and were joined by Latvia in February 1995. The Western European Union (WEU) granted Baltic countries status of Associate partners in June 1994 and the European Union (EU) signed the free trade agreements and European Agreements with them on 12th of June, 1995. Later in 1995 all three countries sent official applications to become members of the European Union, thus officially acknowledging their aspirations to become part of the West.

In order to fulfil the Copenhagen criteria the three countries had to deal with a numerous issues – from liberalizing their markets to introducing environmental standards and changing their justice systems. Nevertheless, the biggest and the most sensitive area of the European concern throughout the accession negotiations was, without any doubt, the minority *problematique* in the Baltics. The whole region experienced dramatic changes in its ethnic composition during the Soviet era. From the three Baltic States, only Lithuania was able to formally tackle the citizenship problem quite fast, granting automatic citizenship to all persons who had been citizens in 1940 and their descendants. It was supplemented by a state treaty with Russia according to which Russian citizens who came to Lithuania between the passage of the Citizenship Law (3rd of November, 1989) and the signing of the treaty could also claim citizenship as the pre-1989 residents (Lane, 2004: 288). Citizenship policies developed by Lithuania’s Baltic “sisters”, however, were much more nuanced and controversial. Russian officials even compared those policies to an “ethnic cleansing” and threatened that there would be “consequences ... beyond conjecture” in case the laws would not be revised (Merkushev, 1993). The following two chapters focus on the analysis of the development of the citizenship policies in Estonia and Latvia and the assessment of the current state of the stateless persons’ protection there.

Latvia: “non-citizens”

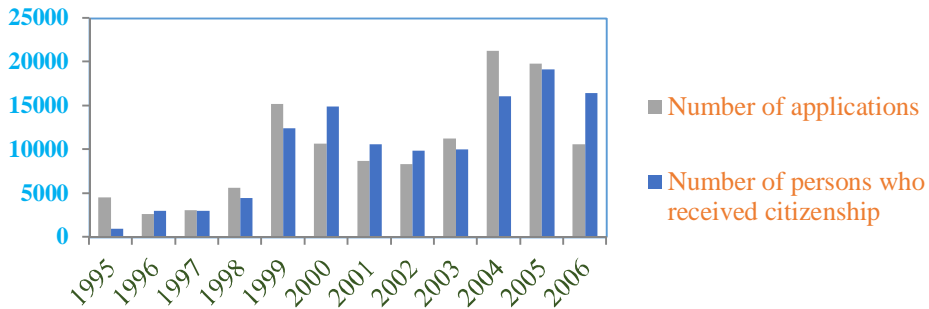
Having regained its independence, Latvia granted automatic citizenship only to those persons that were Latvian residents prior to the incorporation of their country into the Soviet Union. As for the rest of its residents, Latvia followed the so-called “right to blood” principle which is also known as *jus sanguinis*. This principle establishes that the citizenship is granted to those persons whose parents (at least one of them) are citizens of the state (Citizenship Law of Latvia, 1994, Article 2). This means that all children that were born in Latvia but whose parents are either stateless or Russian citizens are not entitled to the Latvian citizenship. For this vast group of residents the special status of “non-citizens” was created and it was assumed that these persons can become Latvian residents through the process of *naturalization*. According to that procedure, a person should prove their knowledge of Latvian language and history in order to obtain citizenship (Citizenship Law, 1994, Chapter 2). Since its creation, the special status of “non-citizens” has been subject to heated and continuous debates. Some see it as a “trick” played by the Latvia’s officials in order to avoid the statelessness reducing provisions. Article 1 of the Convention on the Status of Stateless Persons gives definition of a *de iure* stateless person as a person “who is not considered as a national by any State under the operation of its law” (CSP, 1954, Article 1). Therefore, technically, there is no difference between the status of “non-citizens” in Latvia and “stateless persons” according to the 1954 Convention. Latvian officials, however, stress that it is necessary to separate these two groups given the strong difference in the rights that the persons of these groups possess. Before looking closely at what are these rights that these “non-citizens” hold, let us have a look at why and how has the “non-citizens” category been created in the first place.

Decision to go for *jus sanguinis* and not the *jus solis* principle – when the citizenship is determined by the place of birth – can be explained by Latvian fears that the latter would undermine the state-building process in the post-Soviet Latvia. The ethno-linguistic picture of the country had radically changed over the years of the Kremlin rule. Firstly, due to mass immigration from other Soviet republics the number of Russian-speaking minority in the country rose from 33% in the 1940s to 48% by the end of the 1980s (Galbreath, 2003: 37). Latvians became almost a minority group in the eight largest cities. Secondly, Latvian language was restricted (if not legally then in practice) since Russian was approved as one of the official languages and was clearly favoured by the Soviet leaders who actively promoted the social homogeneity of the society. Dominance of the Russian language in administration and economy during the Communist period made it hard for the Latvian officials to reassert it in the public sphere and challenge its status of the minority language. The solution was found in the downgrading of the status of Russian language to an “unofficial language” (State Language Law, Article 5, 1999). It also required all institutions and enterprises of the state to improve their knowledge of the official language “to the extent necessary for the performance of their professional and employment duties” (State Language Law, Article 6, 1999). Both the 1994 Citizenship Law and the 1999 State Language Law raised concerns in the European Union in the pre-accession years. In the Agenda 2000 Commission Opinion the European Commission reported numerous loopholes in the Latvian legislation in terms of the human rights protection and advised further promotion of social integration (European Commission, 2005). In the end, despite only few minor corrections to the existing framework, Latvia was granted membership in the European Union with an unofficial promise to make

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further steps in order to simplify and promote naturalization processes. At first, the EU membership indeed seems to have had a positive effect on the naturalization process. As one can see, from Table 1, both the numbers of naturalization applications and of granted citizenships increased significantly in the years of 2003-2006. If in 2000 about 24.4% of the Latvian population were non-citizens, by 2006 this number decreased to 18.2% (Office of Citizenship and Migration Affairs).

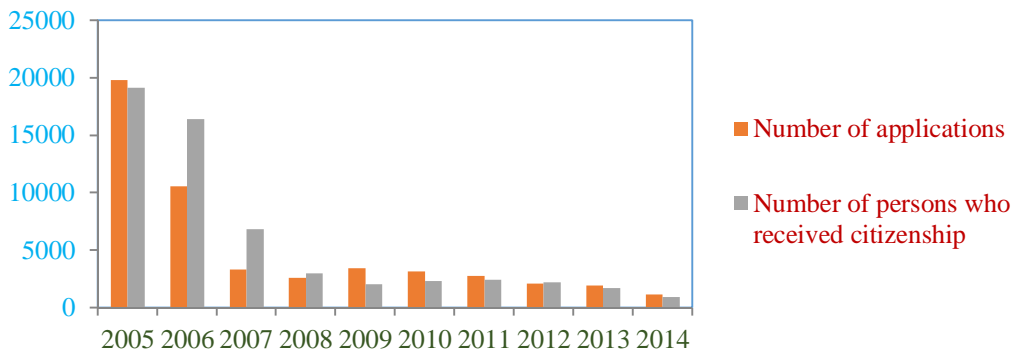
Table 1. Naturalization process in Latvia in 1995 – 2006



Source: Naturalization statistics, The Office of Citizenship and Migration Affairs. Retrieved from: <http://www.pmlp.gov.lv/en/home/statistics/naturalization.html>

Nevertheless, this positive effect was only temporary and since 2007 we can observe sharp decline in these numbers (Table 2). This decline can be explained by the new regulation passed by the European Council on 30th of December, 2006 that provided significant amendments to the visa rules regarding the enjoyment of the fundamental right to freedom of movement (2006/961/EC). This regulation entered in force in January 2007 and gave non-citizens right to travel across the EU. Positive effects of this regulation have its limits since it only gave the right to travel but not to work in any state of the EU. Moreover, travelling to the United Kingdom and Ireland would still require obtaining a separate visa since these countries did not accept the amendments to the regulation.

Table 2. Naturalization process in Latvia in 2005 – 2014



Source: Naturalization statistics, The Office of Citizenship and Migration Affairs. Retrieved from: <http://www.pmlp.gov.lv/en/home/statistics/naturalization.html>

Position of non-citizens in Latvia despite its minor improvements continues to be alarming when it comes to their rights. According to Latvian Constitution, only Latvian or EU citizens that permanently reside in the country have access to political rights (Constitution of the Republic of Latvia, 1922, Chapter 2). As an outcome they cannot vote or be elected neither in the municipal nor at the national elections. The same goes for their right to vote in the European elections leaving them with restricted options of how to influence public policies. Moreover, non-citizens are discriminated in the labour market as they cannot hold certain positions in governmental institutions and civil service and often in other spheres due to their lack of knowledge of Latvian language.

Some improvement can be observed in the legislation concerning the non-citizen's children. According to the regulations established by 1999 Citizenship Law amendments, recognition of a child who was born in Latvia to non-citizen parents is only possible under specific circumstances. Firstly, if a child is under 15 and the conditions of residence are satisfied, his parents can submit application demanding the full recognition of their child as a citizen (Citizenship Law, 1999, Section 3). Secondly, between the ages of 15 and 18, the child can her/himself submit the application if he can demonstrate his/her fluency in the Latvian language. These provisions were regarded to be highly discriminative and the Commissioner for Human Rights, Nils Muižnieks, was urging Latvian government to target stateless children more vigorously since the problem is being transmitted over generations (Human Rights Europe, 2013). In 2013 new Citizenship Law amendments established that all children born after 21st of August, 1991 will be granted citizenship during the registration of birth of a child if at least one of the parents expresses its consent (Citizenship Law, 2013). This legislation significantly increased number of naturalization of new-born non-citizen's children but have not changed much in the naturalization of children who were already born as non-citizens (Djackova, 2014). Both UNHCR and the OSCE High Commissioner on National Minorities urge Latvia to grant automatic citizenship and to apply this provision to all non-citizens' children born after 21st of August, 1991. These proposals, however, were rejected by the parliament.

Resentment towards the integration of non-citizens into the Latvian community was also visible when *Saeima* refused to accept the amendments of the Directive 2003/109 of the European Commission. Its Article 4 notes that "Member States shall grant long-term resident status to third-country nationals who have resided legally and continuously within its territory for five years immediately prior to the submission of the relevant application" (Directive 2003/109/EC, 2003). This formulation clearly reinforces the idea that non-citizens are entitled to the automatic status of long-term resident of the European Union. The Law on the Status of Long Term Resident in the Republic of Latvia adopted on 22nd of June, 2006 although agreed that non-citizens have a right to claim this status, had not, however, made it mandatory and never granted this status to persons automatically (SLTRRL, 2006, Sections 2-3). The provisions of this law require proof of sufficient knowledge of Latvian language as well as the proof of solvency in order to obtain the status. This law was even returned to the Latvian Parliament by the then President Vaira Vīķe-Freiberga for revision but the *Saeima* did not agree to amend it.

There are numerous reasons behind low rates of naturalization and the unwillingness of parents to apply for the citizenship for their children. Firstly, some people do not have enough information about the naturalization process and fear its difficulty. Secondly, remaining non-citizens simplifies travelling to Russia and other CIS (Commonwealth of Independent States) countries. Thirdly, some people think that they

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will not be able to pass the Latvian language and history exams. Last but not least, some people believe that citizenship must be granted automatically and consider the process of naturalization humiliating (Rozenberga, 2014). Although technically non-citizens are excluded from the policy-making, in practice they are quite visible and actively influence the political development in Latvia. Minority polemics divides the community and plays an important role during the elections. At the same time even the main party that represents interests of the Russian minority and the Russian language in Latvia, left-wing, Harmony Centre, expresses concerns about the low dynamics of naturalization. Nils Ušakovs, the leader of the Harmony Centre and the mayor of Riga, in one of the interviews had expressed that “it is better to apply for citizenship than sit and complain” (DELFI, 2012). This position mirrors the attitudes of a large number of Latvians that believe that only non-citizens themselves are to blame for the persistence of Latvia’s problems with statelessness.

All the factors that are stated above are disturbing as they show that the problem with the statelessness in Latvia is twofold. On the one hand, the government is still unwilling to broaden the scope of the non-citizens’ rights, to simplify their naturalization procedures that would promote their participation in the state affairs. This unwillingness springs from the fear of the political changes that such participation might unleash. On the other hand, lack of motivation of the non-citizens to apply for citizenship leads to the further increase of disconnection between the three different communities in Latvia: the ethnic Latvians, the naturalised Russian-speakers (who now have an opportunity to vote and, therefore, being politically active) and the non-citizens.

Estonia: “residents with undetermined citizenship”

Estonia shares a lot of similarities with Latvia in the minority *problematique*. First of all, it also experienced significant demographic changes during its Soviet period and turned from the 90% ethnically Estonian country into the 62% Estonian one with the proportion of the Russian-speakers reaching 30.3 % in 1989 (Budryte, 2005: 92). Secondly, like Latvia, Estonia chose the “restoration” model of development and did not grant citizenship to all those who resided on its territories after the breakaway from the Soviet Union but re-established the Citizenship law from 1938. This law granted citizenship only to those persons (and their descendants) who had been Estonian citizens before 1940 (Citizenship Law, 1995, Article 5). That left roughly 450.000 people without citizenship. Thirdly, as in Latvia, such decision was also influenced by the negative attitudes towards the Russian-speaking population that was considered as a threat to the preservation of the Estonian language and the whole state-building process. According to Pettai and Hallik, “...for average Estonians the idea of recreating a citizenry had great appeal, since it was an opportunity to repudiate publicly the legitimacy of the Soviet Union as well as gain a psychological boost of confidence as a free nation” (Pettai and Hallik 2002: 510–511).

Estonia introduced its own label – “residents with undetermined citizenship” – that included all Estonian residents who were not eligible to the Estonian citizenship after the restoration of independence in 1992. These persons did not form a separate category as in Latvia but are considered “aliens” in the same way as third-country nationals. These *de facto* stateless persons have to acquire citizenship either by birth (if at least one of the parents of the child holds Estonian citizenship at the time of birth of the child) or through naturalisation process. Citizenship Act that entered in force on 1st of April, 1995 set up

that a person applying for Estonian citizenship is required to: a) pass the Estonian language test; b) have knowledge of the Estonian Constitution and Citizenship Act; c) be at least 15 years old; d) have lived in Estonia with a residence permit at least five years permanently; e) provide a proof of solvency and of registered residence in Estonia; f) show loyalty to the state of Estonia taking the required Oath (Citizenship Act, 1995, Article 6).

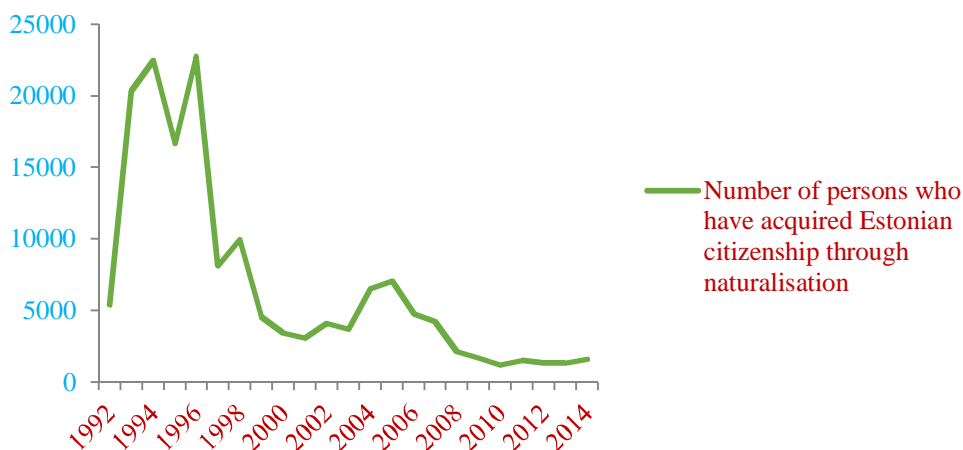
In the very emergence of newly independent, democratic Estonia, most Russian speakers were excluded from the policy-making. Firstly, they were not granted right to vote in neither the constitutional referendum nor in the general elections of 1992. Secondly, there were no ethnic Russians elected in the first *Riigikogu* (the Estonian parliament). Nevertheless, despite this initial exclusion of Russian speakers, the Estonian Constitution of 1992 granted specific political rights to all permanent residents: “[...] in elections to local government councils, persons who reside permanently in the territory of the local government councils, persons who reside permanently in the territory of the local government and have attained eighteen years of age have the right to vote, under conditions prescribed by law”(Constitution of Estonia, 1992, Article 156). The right of Estonian residents with undetermined citizenship to vote in the local elections is one of the major differences between the minority politics in Estonia and Latvia (where such right for “non-citizens” is not guaranteed). At the same time, political rights of stateless persons in Estonia are significantly restricted – they cannot join the political parties or run for the elections. Moreover, these persons cannot vote in national elections or the elections to the European Parliament and it is difficult for them to get a job in the civil service (Local Government Council Election Act, 1996).

Looking at the numbers of persons who have acquired Estonian citizenship through naturalization since 1992 (Table 3), we can register the following dynamics. In the first years of independence, numbers of positive decisions on citizenship applications were soaring reaching 22.773 in 1996 (Estonia, 2015). Nevertheless, after the new naturalization requirements of the 1995 Citizenship Act came into force, numbers of the granted citizenship dropped sharply. This decrease can be explained by the highly complicated and discriminatory conditions for naturalization and language requirements set in these amendments. Realizing the necessity to adjust its citizenship policies in order to enter the European Union, Estonia had introduced several amendments granting specific concessions to its stateless population. For example, the 1998 amendments of the 1995 Citizenship Law allowed children of stateless individuals to attain citizenship. Moreover, the language requirements were simplified.

The international community urged and helped Estonia to work out better ways to resolve the problem of statelessness and established special governmental agency – Bureau of the Minister of Population Affairs – together with a special foundation for the integration of non-Estonians (Järve and Poleshchuk, 2013). As an outcome, we can observe positive naturalization dynamics in the first years of the new millennium up until the accession of Estonia into the European Union in 2004. Since then this trend has been fading out and reached its lowest point in 2010 when only 1184 persons gained citizenship through naturalization procedure. As of 1st of February, 2015, 84.3% of Estonia’s population held Estonian citizenship, 9.4% were citizens of other countries, and 6.3% were of undetermined citizenship (Estonia, 2014).

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Table 3. Number of persons who have acquired Estonian citizenship through naturalisation



Source: Official portal of Estonia (2015)

It is clear that similarly to Latvia, the actual changes in the Estonian regulations because of the EU conditionality requirements were not sufficient and were not able to eliminate the problem of statelessness and lift integration in the country. In fact, new restrictive citizenship measures we introduced by the 2007 amendments of the Language Law that gave “language inspectorates extended powers, including the right to recommend dismissal of employees with insufficient language proficiency” (Sasse, 2008: 850-851). These amendments worsened the positions of the persons with undetermined citizenship in the labour market, making it hard to ensure the stable source of income, provision of which is a necessary requirement of the naturalization procedure.

The downward trend in naturalization in Estonia since 2004 has similar reasons to those that we have registered in Latvia. They include rigid requirements in force that the government is not willing to lift as they no longer have it as a necessary requirement of their EU membership, insufficient knowledge of procedures, advantages of sticking to their “alien passports” that facilitate travelling to the CIS countries, rejection of the very principle of naturalization process which is both costly and humiliating. In Estonia’s case, however, questions of alienation and social exclusion of Russian-speakers is, arguably, much more vivid than in Latvia. According to some estimates, 30 % of the Russian-speaking population subjectively feel social exclusion and this number is even higher among people with undetermined citizenship (40%) (Fangen, Fossan, Mohn, 2012: 94). People with undetermined citizenship represent the lowest-income section in Estonia and are mostly marginalized in the socio-economic terms (Fangen, Fossan, Mohn, 2012: 94). Despite the overstressed and overemphasized rights to vote at the local elections, these persons are mostly under-represented in politics. Firstly, it is due to the already mentioned fact that they cannot join political parties or run for elections. Secondly, as some estimates show, around 74% of Russian-speakers respondents said that they are not interested in Estonian politics (Fangen, Fossan, Mohn, 2012: 94-105). Parties that claim to represent Russian-speakers in the Estonian Parliament (such as the Centre Party) have been constantly part on the side of the opposition to the ruling coalition.

Another factor that plays an important role in the statelessness *problematique* in Estonia is the state of the recent Russo-Estonian political relations. These relations remained cold since the dissolution of the Soviet Union and have been getting extremely frosty over the last decade especially in the light of such events as the 2007 Bronze Soldier Crisis, the 2008 Russo-Georgian war and the recent crisis in Ukraine. These events only strengthened the disaccord between the two groups of community bolstering fears of the possibility of the ethnic conflict in Estonia. Media had played an extremely important role since the majority of non-Estonians regularly watch and follow Russian channels of information whose coverage and assessment of the on-going events are very often antipodal to that of Estonian media.

Although the naturalization dynamics in Estonia has been quite problematic, it would be incorrect to claim that government has not been trying to change its citizenship policies at all. One of the most significant changes came on 21st of January, 2015 when the Estonian parliament passed a law proposal amending the Citizenship Act of Estonia. According to this act, Estonian citizenship by naturalization is guaranteed to all children born in Estonia to parents with undetermined citizenship automatically at birth. Also, the Estonian language requirements for applicants of the Estonian citizenship for elderly were simplified (UNHCR, 2014). Although this can be seen as a major improvement in the position of non-Estonians, the motivations behind these changes are unclear. They might stem from Europeanization of Estonia and realisation that it is high time for the country to grant the full spectrum of rights to its stateless members in order to promote stability and the gradual transition to the "inclusive" and not "exclusive" character of the Estonian political process. However, the necessity of such "inclusion" might also have its roots in the fears of the Estonian government to become the "next Crimea". Recent calls made by the Conservative Party (EKRE) to pass the bill that will denounce the rights to vote in the local elections granted to non-citizens can only raise sceptical doubts of whether Estonian officials are becoming true "Europeans" in the sense of the minority protection (Höbemägi, 2015).

Conclusion

Question of the necessity to combat statelessness in Europe had come to the forefront on the European agenda in the recent years. Although so far there are no instruments held by the European institutions to "enforce" citizenship regulations on its member-states, it has been proclaimed internationally that the European Union will do what it takes to make sure all their members who have not done it so far will ratify the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness. However, signing or ratifying the necessary regulations and conventions cannot be seen as a cure to the existing problem. This paper elaborated the concept of Europeanization stressing the importance of the transfer of norms and values, which in this case refers to minority protection and the importance of citizenship.

The analysis of the situation with the stateless persons in Estonia and Latvia revealed some crucial issues. Firstly, in order to live up to the objective criteria of the union, these two countries have invented new special terms for persons who remained at their territories since the restoration of their independence in the late 1900s – "non-citizens" and "persons with undetermined nationality". These persons (*de facto* stateless since they obtain no citizenship of any other country) do not have same access to human

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rights as their “compatriots”. Despite the continuous demands from Russia and criticism from the UNHCR, European Union accepted Estonia and Latvia as its members in 2004. In doing so there was a hope that the rising numbers of naturalized persons is a sign that in the following years the minority issue in the Baltic will be finally tackled. However, after more than 10 years of EU membership, both Estonia and Latvia have alarming numbers of stateless persons.

Having analyzed and compared some of the major aspects of the citizenship policies in Estonia and Latvia, it is possible to come to several conclusions. Firstly, positive effects of the EU membership negotiations have faded out after 2004. Since 2005 we observe the downward trend in the numbers of naturalized persons. Secondly, the positions of the stateless person vary significantly in the two Baltic neighbours. If “persons with undetermined citizenship” in Estonia do obtain some political rights as the right to vote in the municipal and local elections, in Latvia “non-citizens” have no political rights at all. In both countries non-citizens have denied access to some of the job opportunities, but in Estonia the discrimination that they are facing is bigger. Both “non-citizens” and “persons with undetermined citizenship” have special passports that reduce their mobility around Europe.

Thirdly, the cases of the two countries seem to be different when analyzing the reasons behind the low naturalization rates. In case of Estonia there is strong evidence supporting the claim that the Russophone minority seems to be highly marginalized in the society and faces serious discrimination. Latvian situation is different as a lot of experts believe that the blame for the high numbers of non-citizens should be put on the non-citizens themselves. Some non-citizens simply decide not to apply for citizenship preserving their statelessness benefits. Russia’s factor in the minority issue is especially visible in Estonia where escalations in the bilateral relations will always bring further separation between the societies.

Although, there are some changes in the citizenship legislation in both countries that better reflect European values and norms, it would be impossible to view them as signs of Europeanization in Estonia and Latvia. The drivers behind these changes especially in the light of events in Ukraine are unclear and require further investigation.

To conclude, much more needs to be done in Estonian and Latvian legislation in order to guarantee social and political protection of stateless persons. The change that is even more urgent, however, is that of perceptions. Only this way can these societies move from the simple coexistence towards creation of new, internally stable European states where there is no room for the ghosts of the past.

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