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**EU Conditionality and the Russian-speaking Minority
in the Baltic States: Problems of Integration During
and Beyond EU Accession**

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Abstract

Since its inclusion in the Copenhagen criteria, the protection of minority rights has been an important political condition set by the European Union (EU) for candidate states. This thesis examines the effectiveness of EU conditionality on the Baltic States of Estonia, Latvia and Lithuania to change their ethnic policies and its affect on the Russian-speaking minority of the states. The main argument of this thesis is that the European accession process has promoted minority rights in the three Baltic states, following which the Russian-speaking minority in the Baltic States have been partially integrated. However, the domestic opposition and the potential threat from Russia hindered EU's efforts to influence outcomes of the domestic policies.

Keywords

European Union, Baltic states, conditionality, Copenhagen criteria, Latvia, Lithuania, Estonia, minority rights, Russia, Russian-speaking minority.

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Abstrakt

Od zavedení kodaňských kritérií byla ochrana práv menšin důležitou politickou podmínkou stanovenou Evropskou unií (EU) pro kandidátské země. Tato práce zkoumá efektivitu podmíněnosti EU v baltských státech (Estonska, Lotyšska a Litvy) na změnu své menšinové politiky a její vliv na rusky mluvící menšiny v těchto státech. Hlavním těžištěm této práce je, že při procesu začlenění do EU sice byly podporovány práva menšin v baltských zemích, po níž byla rusky mluvící menšina částečně integrována. Nicméně, domácí odpor a potenciální hrozba Ruska zabránily snahám EU ovlivňovat výsledky jejich domácí politiky.

Klíčová slova

Evropská unie, Baltské státy, podmíněnost, kodaňská kritéria, Lotyšsko, Litva, Estonsko, práva menšin, Rusko, rusky mluvící menšina.

Declaration of Authorship

1. The author hereby declares that he compiled this thesis independently, using only the listed resources and literature.
2. The author hereby declares that all the sources and literature used have been properly cited.
3. The author hereby declares that the thesis has not been used to obtain a different or the same degree.

Prague

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Zdůvodnění výběru tématu práce (5 řádek):

In expectations of European Union accession and to be regarded as valid candidate countries, the Baltic states needed to meet the Copenhagen criteria's minority policies. Given the EU's strong position and rather successful use of conditionality, it is surprising that the issue of the Russian-speaking minority residents in the Baltic States was not resolved prior to enlargement. It would be interesting to investigate and find out empirically the EU conditionality's influence introduced on the Baltic States concerning their respect for minority rights protection norms, and

how this long process appeared to have a limited effect on fulfilling the conditions and still has a significant number of problems in regards with the Russian-speaking minority group.

Předpokládaný cíl (5 řádek):

The thesis, in general, will aim to reveal and thus contribute to the related field by assessing the research problem and investigating how the EU conditionality has been applied to induce the Baltic States to comply with what an international actor demands to be done in order to achieve membership for the countries concerned.

Základní charakteristika tématu (10 řádek):

This research will investigate how Latvia, Estonia and Lithuania addressed Russian-speaking minority rights issues during and beyond their EU accession as well as comparative analysis of approaches to this particular minority group's problem between the Baltic States. The main goal of this thesis will be to find out how effective was EU conditionality in the Baltic countries in the area of ethnic minority rights taking into account domestic and foreign actors.

Předpokládaná struktura práce (10 řádek):

1. Introduction
2. Methodology
3. Literature Review
4. Theoretical Background
5. The Baltic States and their Russian-Speaking Minority in the Post-Soviet Era
6. The Current Russian-Speaking Minority Situation in the Baltic States: Changes after the EU Negotiations
7. Conclusion

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1. INTRODUCTION

As we know, Europe is the cradle of democracy, human rights and freedoms, equality of opportunity and protection against any discrimination. Latvia, Lithuania and Estonia joined the European Union (EU) by agreeing with the European principles, but this not provided these states rapid construction of civil society and consolidation of democratic principles. In expectations of European Union accession and to be regarded as legitimate candidate countries, the Baltic states needed to comply with the Copenhagen criteria's minority policies, which instructs that “individuals belonging to national minorities should have full recourse to human rights accorded to all individuals” (Tesser, 2003: 486). “EU conditionality” is an element of minority policies, which highlights “respect for and the furtherance of democratic rules, procedures and values” (Pridham, 2002: 956). ‘Political conditionality’ in its widest sense is a policy instrument which includes “the linking of development aid to demands concerning human rights and (liberal) democracy in recipient countries” (Sorensen, 1993: 2). Given the EU’s strong position and rather successful use of conditionality, it is surprising that the issue of the Russian-speaking minority residents in the Baltic States was not resolved prior to enlargement. It would be interesting to investigate and find out empirically the EU conditionality’s influence introduced on the Baltic States concerning their respect for minority rights protection norms, and how this long process appeared to have a limited effect on fulfilling the conditions and still has a significant number of problems in regards with the Russian-speaking minority group.

This research will investigate how Latvia, Estonia and Lithuania addressed Russian-speaking minority rights issues during and beyond their EU accession as well as comparative analysis of approaches to this particular minority group’s problem between the Baltic States. The main goal of this thesis will be to find out how effective was EU conditionality in the Baltic countries in the area of ethnic minority rights taking into account domestic and foreign actors. Therefore, I have formulated my research question as following: How effective was the EU's

attempt to bring the Baltic States' minority policy in line with the Copenhagen Criteria and how it affected the Russian-speaking minority? The thesis, in general, will aim to reveal and thus contribute to the related field by assessing the research problem and investigating how the EU conditionality has been applied to induce the Baltic States to comply with what an international actor demands to be done in order to achieve membership for the countries concerned.

According to the research aim the following hypotheses are given:

H1: Effectiveness of the EU conditionality has been limited in influencing to change the Baltic States' behavior on ethnic minority policy.

H2: Domestic opposition and the Baltic States fear from the potential Russian threat withheld developing ethnic minority policy.

For this research, the three Baltic States are particularly appropriate for comparison. Estonia and Latvia, states with large Russian-speaking minority groups, are compared with more ethnically similar Lithuania. Furthermore, analyzing international actors on the domestic level that have contrasting ethnic composition would make Baltic countries a good research project. In order to show special cases of ethnic accommodation in Lithuania, Latvia and Estonia, certain historical, structural and cultural features will be pointed out. Besides, this thesis will discover the balance between international and domestic actors that form the behavior and legal change towards Baltic States minorities.

This thesis is structured as follows. The thesis is divided into seven chapters and the first is an introductory chapter. The introductory part deals with the background information, the aim, relevant research questions and the objectives of the thesis.

The second chapter clarifies research methodology. Through the entire research method is served as a guideline. To address thesis's research problem qualitative research method and comparative case study approach will be used.

Chapter three will review the relevant literature which has been published on EU conditionality and Russian-speaking minority rights.

The fourth part deals with the theoretical framework. The theoretical framework of this research is stemmed from Kelley's (2006) 'administration by conditionality' theory. It explains how international limitations affect behavior of the state in relation to ethnic minority policies. The chapter highlights different courses of the ethnic minorities' rights and the roles of international institutions and various factors in shaping them.

The fifth chapter entirely deals with the Russian-speaking minority rights issue before the EU negotiations started. First section focuses on the ethnic composition of the Baltic States and situation of the Russian-speaking minority before the negotiations with the EU. Following this chapter, the thesis analyzes the issues of political competition, the domestic opposition and governance by conditionality's effectiveness. Lastly, I discuss that the situation of the Russian-speaking minority in the states has been determined not only by international organizations or domestic actors but also by neighboring Russia which poses potential threat for the national security of the Baltic States. Finally, in the conclusion part I will discuss the results of the research.

2. METHODOLOGY

Qualitative research strategy was used in order to examine the research questions of what are the abilities of the EU democratic promotion, its conditionality and the influence its member states. Qualitative research assists to examine “how and why a political institution, event, issue or process came about” (Marsh & Stocker 2008: 229). The conditionality process can be analyzed by qualitative research. Comparative politics is very difficult field and it is hard to statistically test it. Della Porta and Keating (2008: 286) state that “both qualitative and quantitative analysis may concentrate on various types of entities”. Lithuania, Latvia and Estonia are the three countries which I analyze in the paper. To investigate research questions which includes different levels of analysis I chose qualitative research method (Della Porta & Keating 2008: 248). The qualitative method’s employment in this research will be useful for analyzing the articles and scientific literature.

The Russian-speaking minority of the Baltic States will be studied from the comparative case study approach. After the analysis of differences, I will also roughly try to provide for these as it appears particularly interesting. I will try to provide possible explanations supposing the historical, socioeconomic and national differences.

The Baltic States provide a good analytical approach, since Baltic States population is diverse and countries are appropriate to analyze the EU conditionality process and its impact on their ethnic policies. Second, the Baltic States have almost identical history, culture, communist past and geopolitical position. All Baltic States were affected by the policies of the Soviet rule. Because of this, after the collapse of the USSR, countries had similar political approaches and objectives. However, while they shared the same history being part of the communist system, Lithuania in some cases had a less restricted strategy. Moreover, the ethnic composition of minorities is different in the Baltic States. To examine policy priorities of each country’s government in the Baltic States the comparative case study will be employed.

3. LITERATURE REVIEW

It is very important to choose the right material and have a different type of sources. Used materials in this study will determine and influence the research. As the main research sources I used the primary and the secondary sources. The primary sources regarding ethnic minority policy includes Constitutions of Lithuania, Latvia and Estonia, States' Laws on Language, Education and Citizenship, European Framework Convention for the Protection of National Minorities, etc. Additionally, the European Institutions official press releases are also used.

The secondary sources concern the EU conditionality on the national minority issues, ethnic relations in the Baltic States, etc. Significant contribution to the research was the works by Judit Kelley, Frank Scimmelfenning, Ulrich Sedelmeier, Antoon Steen, Milda Anna Vachudova, Jennie Schulze, Gwendolyn Sasse. The Lithuanian, Latvian or Estonian authors and official websites were also used as the case study covers the Baltic States.

In general, the topic of conditionality principle has been widely developed in the literature. First of all, the problem of the discrepancy between the interests of donor countries and states receiving assistance is being analyzed, which is reflected in the studies of such authors as Collier, Kilhak, Mosley, Karngan, Toye, Waller, Stokke, Crawford, Burnall. In general, they critically assess the effectiveness of political conditionality. Among the most important studies of the conditionality principle are also the works of Burnell, Gibbon, Sorensen, Andresassen, Swainhart and Nelson.

The number of works on the application of political conditionality within the European Union is relatively small. The bulk of research affects rather broad problems of democratization, and not the ability of the principle of conditionality to influence the reform of specific social and political structures.

One of the main problems in the study of the principle of conditionality, according to Sabina Zangger and Judith Kelly, is that the studies are mostly descriptive or concentrate on the analysis of individual cases. There are very few works carrying out a cross-regional comparative

analysis of the application of conditionality by the European Union. Among the authors dealing with the problem of applying conditionality in the EU's foreign policy it is necessary to mention such authors as Smith, Zielonka, Weber, Fierro, Vachudova, Grabbe, Schimmalfenmg, Hughes, Sasse and Gordon.

Kelley (2006) investigates external actors influencing over ethnic policy in the Baltic states, and argues that Brubaker's (1996) 'triangle model' linking the nationalizing state, the ethnic minority and the external national homeland as factors of limiting nationalizing policies, fails to consider the role of international organizations. The framework provided by Kelly examines all four distinct actors that have influenced the outcomes of the implemented laws at the domestic level and provides an argument that EU's conditionality can be undermined by certain factors.

Analyzing the effectiveness of conditionality, Stokke (1995) proposes the following criteria. First, "the nature of the political support of the government of the recipient country", i.e. the less popular is the existing political regime, the more effective external pressure will be. Second, "the ability of the recipient government to use external pressure to strengthen its own position". Third, "the dependence of the country on foreign aid." Fourth, "the nature and significance of bilateral relations." Stokke tries to demonstrate that the more a country (in our case - the EU) is important in the strategic and economic sense, the less persistent will be the requirements for the promotion of democracy in it. Fifth, the 'domino effect'. Stokke suggests that the imposition of sanctions by a major international player may lead to similar actions by other states. Sixthly, "the existence of coordinated efforts of donor countries."

Crowford (2005), in general, confirms the hypothesis of Stokke, but offers a number of additional conditions for the effective application of the conditionality principle. First, "the ability of the recipient government to fulfill formally political requirements." For example, Crowford pays attention to cases when an authoritarian regime can agree to hold elections, but

manipulates the electoral process. Secondly, “the clarity of the formulation of requirements.” Thirdly, “the degree of economic/strategic interest in a particular country.”

Similarly as Stokke, Crawford believes that the more the strategic interest of the donor country is, the less it tends to focus on democracy and human rights. Fourthly, “the political will of the donor country to seek to abide by the set conditions.”

Scimmelfenning and Sedelmeier put forward the following additional criteria. Like other authors, Scimmelfenning and Sedelmeier emphasize that the effectiveness of political conditionality is directly proportional to the clarity of formulation of requirements. Secondly, “high rate of granting rewards and its amount.” In fact, the faster a reward is given after the execution of external requirements, the more effective conditionality is used. Third, “a certainty of providing the reward in case that the requirements are met and applying the sanction in case of refusal to implement them.” Fourth, “a small number of ‘veto players’, i.e. the fewer opponents of the application conditionality, the more effective it is.”

Sasse (2005) develops the research of EU conditionality by covering the post-accession period, and by focusing on the politics of conditionality. In other article (Sasse 2008) she argues that cases of Latvia and Estonia show, deep EU involvement during the accession process did produce a rationalist momentum for legislative change, a perception of behavioral change has been seen after formal compliance.

Vachudova (2005) investigates the various political and economics courses of post-Soviet countries after 1989, and the impact on their domestic politics of the EU enlargement. She advocates the EU to continue using enlargement as an instrument to promote ethnic tolerance, liberal democracy and economic prosperity.

4. THEORETICAL FRAMEWORK

This chapter shows the theoretical model for the empirical study. This chapter points the hypothesis, introduced by Judith Kelley (2004) examining the connection between the domestic and international political behavior. I will explain the complicated relationship between domestic and international politics using the ‘administration by conditionality’ model. It explains how international limitations affect behavior of the state in relation to ethnic minority policies. Further, different factors are listed that will be employed to examine the research question. Subsequently, the hypothesis and the theoretical frameworks will be examined in the empirical analysis and at the end of the research conclusions will be drawn.

Domestic and international politics

The theoretical framework used in this research is found on the ideas of normative pressure and governance by conditionality and which might be employed to investigate the complicated relationship between international relations and domestic politics. It is essential to take the limitations between international and domestic levels into account when we analyze negotiations, governance on conditionality and its results. Study on normative pressure and conditionality increased in the research of international relations (Schimmelfennig 2004, Kelley 2004, Vachudova 2005, Putman 1988). Schimmelfennig and Sedelmeier claim that: “The ‘governance approach’ to the study of the European Union is usually applied to describe and analyze particular forms of policy-making within the EU.” Domestic politics affect international relations, while internal politics is usually intensified by international restrictions. Kelley’s approach identifies two types of tools used by the European institutions – conditionality and normative pressure. States deal with normative pressure which occurs as explained by Kelley (2006: 7) when “an institution advises a government on the direction a policy should take,

offering no reward other than the approbation of the institution.” She moves on to describe conditionality which “involves explicitly linking the change advocated to an incentive, a particular benefit provided by the institution” (Kelly 2006: 7). That is to say, together the membership incentive and normative pressure and can be stated as conditionality.

Kelley (2006) argues that there are mechanisms through which international institutions could impact state’s behavior and it is defined according to whether or not they depend on membership incentives: “First is straight membership conditionality, whereby institutions link admission directly to behavior; this is akin to the conventional use of conditionality and incentives. With this mechanism, states respond to incentives and sanctions imposed by international actors, thereby maximizing a constant set of preferences or interests. Several causal mechanisms can thus be at play” (Kelley 2006: 7).

In order to understand domestic politics, some scholars tend to study restitution of the power at the domestic level by different actors leading to certain outcomes. Furthermore, the role of a nation’s political system of representation, demographics and the ethnic groups’ relations within a country should be taken into account as those factors are important in the domestic policymaking. As Dobbels (Kelley 2006: 5) states “conditionality is a two-way process, in which the target state determines as much of its effectiveness as the external partner who sets the condition”.

The framework introduced by Kelly (2006: 4) is concentrated not only on the domestic politics, rather her theory includes a detailed research on the issue i.e. she looks at all three different actors influencing the results of the executed laws at the domestic level and makes an argument that certain factors can undermine EU’s conditionality. I have examined ethnic minority policy in Latvia, Estonia and Lithuania and assessed how international institutions would be able to influence governments to adopt certain legislation on ethnic minority. Kelley (2006: 3) states that European Union has been a significant organization in changing domestic policy, but there was not a huge study of the Baltic States ethnic policy.

Moreover, I will examine how international institutions can influence ethnic minorities policy on domestic level by investigating factors as an EU admission process and domestic opposition. According to Kelley's (2006: 32) theory it may cover different factors that can influence domestic policies outcomes and on the minority policies legislation. International pressure and domestic politics have a big impact on the choice of ethnic minority policies of the state. It is necessary to study domestic situation and how different factors direct to certain results if we want to understand domestic policy making. To influence domestic policy international institutions use different mechanisms. At the end, ethnic minority's homeland is a factor that can have influence on domestic policy priority.

Domestic opposition

Domestic actors can have a great influence on the policy priorities and have an extensive function on domestic and international level. At the domestic level, pressuring the government domestic actors try to acquire their interests to adopt appropriate policies, but the politicians use different methods to gain power building coalitions and changing in policy-making in their favor (Putman 1998: 434). It is essential to look closer at the domestic politics and review factors when analyzing normative pressure and conditionality on the domestic level because some actors would influence outcome of the policy.

Several scholars argue that impact of the domestic politics on policy priorities can have great influence and this may even prevent external pressure. Within domestic politics various factors, such as elites, veto players and domestic institutional structures can change the impact of policy priorities (Kelley 2006: 27). "Given rules have to be adopted and implemented by the government, the effectiveness of the conditionality when depends on the actors that dominates at the domestic level" (Schimmelfennig & Sedelmeier, 2004: 672).

In its policy of conditionality, the EU can offer resources and legitimization to some internal actors, limiting the ability of others to achieve their goals. The ability of the EU to mobilize domestic actors depends critically on the wishes, resources and interests of specific groups, as well as on the existence of cohesive pro-European identities around which these interests can be mobilized. When instead some groups in the domestic political system advocate change in a direction similar to that advocated by the EU, conditionality can strengthen these groups and/or reverse the direction of political change. When the EU's conditionality legitimizes the discourse of certain domestic players, the EU conditions are absorbed or adapted to the local situation and become part of the internal political dynamics (Kelley 2006: 49).

The impact of the EU's conditionality on the internal structure of opportunities, therefore, depends crucially on the value attached to the benefits of accession to the EU by different groups of society, and on the extent to which various domestic players are generally committed to the EU integration project.

The role of international institutions

International relations theory suggests several instruments through which states behavior and preferences can be influenced by international institutions. To achieve this, international actors tend to use conditionality and normative pressure. Conditionality and normative pressure are applied to investigate EU's impact on the Baltic States' Russian-speaking minorities.

Taking into account the continual enlargement of the EU and the accession of new states, first of all, we should mention the Copenhagen criteria established in 1992. In 1992, in Copenhagen, at the initiative of the then German Chancellor Helmut Kohl, a decision was made on the possibility of admission to the EU of new member countries if they correspond to a certain set of requirements called 'the Copenhagen criteria'. The Copenhagen criteria are a

political document, according to which a potential candidate country for EU membership is obliged (Council of Europe, 1993):

- to ensure the stability of institutions that guarantee democracy, human rights, the rule of law and the protection of national minorities;
- to have a functioning market economy;
- to introduce the EU norms into national legislations.

Within the EU, such institutions as the European Parliament and the European Commission have become involved in issues of protecting human rights and, in particular, persons belonging to national minorities.

The main document of the EU in the field of human rights at the moment is the Charter of Fundamental Rights of the European Union adopted in 2000. According to Article 21 of the Charter it prohibits all discrimination, in particular on grounds of gender, race, ethnic or social origin, belonging to a national minority and other grounds. Non-discrimination on any grounds is based on article 2 and article 7 of the Universal Declaration of Human Rights, article 26 of the International Covenant on Civil and Political Rights, article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The principle of non-discrimination is also enshrined in Articles 12 and 13 of the Treaty establishing the EU and is one of the main principles of the Union. Article 22 of the Charter proclaims cultural, religious and linguistic diversity. This article can be interpreted in such a way that the member states of the EU undertake to create all conditions for maintaining the cultural, linguistic and religious identity of national minorities. A similar provision is contained in article 5, paragraph 1, of the Framework Convention for the Protection of National Minorities.

As can be seen from the analysis of the Charter, it pays little attention to the legal status of national minorities and persons belonging to such minorities. This is due to the fact that, firstly, the Charter is a universal international act on human rights. It protects the rights and freedoms of the individual, and hence of persons belonging to national minorities. Secondly, it seems that the

EU will have to work out in the future a special international legal instrument on the protection of national minorities, which would settle the status of such minorities. Thirdly, the EU has not yet established a special body, such as, for example, the OSCE High Commissioner on National Minorities, which would deal with the problems of national minorities.

The main bodies of the Organization for Security and Co-operation in Europe (OSCE) dealing with human rights and freedoms are the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities (HCNM). The ODIHR also assists in monitoring the implementation of human dimension commitments. The post of the HCNM was established by the decision of the Helsinki meeting of 1992. Since 1992, Max van der Stoep was appointed as the High Commissioner on National Minorities, successor to whom later became Swedish diplomat Rolf Ekeus. In accordance with his mandate, the High Commissioner ensures the prevention of tense situations involving problems of national minorities that are potentially capable of escalating into conflict in the OSCE region. It should be noted that the authority of the High Commissioner presupposes the solution of mainly political problems and only partly legal ones (McMahon 2007: 71).

The OSCE High Commissioner on National Minorities is a unique international institution. Its uniqueness lies in the fact that so far no other international bodies dealing with the problems of national minorities have been created.

The Framework Convention for the Protection of National Minorities is currently the main international legal instrument for the protection of the rights of such minorities, both internationally and at the European level. Already in the first year of its existence (1949) the PACE recognized the importance of the problem of protecting the rights of national minorities. The decisive step towards the adoption of the Convention was made when the heads of state and governments of the member states of the Council of Europe held a high-level conference in Vienna in 1993 (Council of Europe 1993). At this meeting, they agreed that national minorities

formed in Europe as a result of historical upheavals should be protected and respected, which would contribute to the cause of peace and stability.

The development of the Convention from the very beginning was aimed at turning the political agreements reached within the framework of the Conference on Security and Cooperation in Europe into legally guaranteed commitments. Therefore, the Framework Convention is also open for signature by States that are not members of the Council of Europe. As the name 'framework convention' shows, it does not contain specifically formulated rights and freedoms. The principles proclaimed in the Framework cannot be applied directly and are implemented through national laws and the relevant policies of national governments.

The OSCE and Council of Europe standards made a big impact on policies of the European Union. The candidate countries had to fulfill important criteria for joining the organization. However, as Kelley (Kelley, 2004) states, the Council of Europe also had principle which needed to be met to become a member. The process of admission was quite short in practice and, at the same time, the rewards also relatively small. The standards applied by OSCE and Council of Europe had an important significance for joining Central and Eastern European countries to the EU. Subsequently, it would be interesting to analyze how these norms and standards were applied and brought changes at the domestic level.

External National Homeland

Another set of actors that influence state's ethnic minority policies are the homelands. This study primary examines the role of international institutions as domestic policy actors and pays attention to the issue of the relationship between the host state and the homeland of the minorities. In the previous chapter I have spelled out the variables that are expected to have an effected on the outcomes in the chosen case study. I argue that various institutional efforts are able to affect policy making at the domestic level. Furthermore, the concept of 'external national

homeland' addresses an important part of the overall ethnic policymaking and denotes a dynamic political stance.

'Homeland' is not perceived as a real homeland of the national minority, i.e. the one in which the representatives of the minority or their ancestors lived. A minority does not even necessarily perceive a foreign state or its territory as its homeland. The state becomes an external national homeland for its 'own' ethnic diaspora, when its political or cultural elites define their ethnic kin in other states as members of one and the same nation, claim that they somehow 'belong' to the state, and argue that they need to monitor their situation and protect their interests. This policy varies "from privileges in immigration and obtaining citizenship for ethnic diaspora, various attempts to influence the policies of other states with respect to their countrymen to irredentist claims to the territory of other states" (Brubaker, 1996).

Brubaker (1996) has presented the idea of 'external national homeland' as "a key component of post-communist ethnic relations" (Barrington 2006: 18). External national homeland is a third actor that may also exert a considerable actual influence over international and domestic actors. The homeland of the minorities is often concerned about the minorities in the host state. Often problems have been associated with many other outstanding border issues. However, it is a question for debate if the homeland country has a right to interfere in the host state's policy making on the issues related with national minorities. Thus, in the case of Lithuania, Latvian and Estonia, Russia is the external national homeland that supports Russian-speaking minority in the Baltic States and as well can have a power to put pressure on the central state to comply with some demands. As stated by Allon et al, "the intensity of the attachment to the homeland country is manifold and there could be deep connections between diasporas and homelands" (Allon et al 2010: 12).

Kelley moves on arguing that Baltic States have been concerned about their security since Russian officials on several occasions have stated that "Russia would protect Russia's co-national in the so called near abroad" (Kelley 2005: 166). Brubaker has contributed to the ethno

politics greatly by taking an external actor and examining ethnic relations in the post-communist states, but he fails to incorporate international actors. Kelley (2005: 167) argues that “‘external homeland’ explanation alone is not sufficient in examining the compliance in the area of ethnic minority policies,” but she favors van Houten’s (1998) statement that “extending theory by incorporating the role of other states and international organizations (including the interaction between homeland state and these external actors) is a promising direction for the future research.”

5. THE BALTIC STATES AND THEIR RUSSIAN-SPEAKING MINORITY IN THE POST-SOVIET ERA

5.1. Ethnic composition of the Baltic States

The new migration wave of people has started after the independence of the Baltic States from the Soviet Union. After the collapse of the USSR many Russian-speaking people who came to Lithuania, Latvia and Estonia returned to Russia. Others preferred to stay in the Baltic States as they lived there for a long time and held them as a place of permanent living. The Baltic States are multinational ethnic communities: in addition to the majority population there are Russians, Ukrainians, Belarusians and Poles. The share of Russians is different in three countries: if in Latvia and Estonia it is more than a quarter of the population in each of the countries, in Lithuania they are just over 1/20. Another feature is that in Latvia and Estonia the second ethnic group by the size is Russians, in Lithuania it is Poles.

According to Statistics Estonia on January 1, 2012, the permanent population of Estonia was 1,339,000 people, which is 14.5% less than according to the 1989 census. Current data shows the growth in the proportion of Estonians: from 61.5% in 1989 to 69% in 2012. At the same time, the share of Russians fell from 30.3% to 25.4%, Ukrainians - from 3.1% to 2%, Belarusians - from 1.8% to 1.1% and Finns - from 1.1% to 0.8% of the population. In absolute values for the period of 1989-2012 the number of Russians fell by 132,000 (or by 28.3%), Ukrainians - by 20,000 (or by 43%), Belarusians – 12,300 (or by 46%) (Table 1).

	1989	1995	2000	2012
Total (in the thousands)	1,566	1,491	1,370	1,340
Estonians	963	958	930	925
Russians	475	428	351	341
Ukrainians	48	40	29	27
Belarusians	28	23	17	15
Finns	17	15	12	10
Jews	5	3	2	2
Tatars	4	3	3	2
Latvians	3	3	2	2

Germans	3	2	2	2
Lithuanians	3	2	2	2
Poles	3	2	2	2
Other ethnicities	14	12	18	9

Table 1. Ethnic composition of Estonia (Statistics Estonia)

As the 2000 census shows, 29.7% of the country's population considers the Russian language to be native. The proportion of people who speak Russian is much higher - 72.2%. Among the urban population of Estonia, over 80% speak Russian and about 56% in rural areas, which correspond to the territorial features of the national composition of the country. As a result of the Estonian population census, Russian is a native language for 98.2% of Russians living in the country, 80.6% of Jews, 69.7% of Belarusians, 65.2% of Germans, 61% of Poles, 56.8% of Ukrainians, 50,2% Tatars, etc. (Statistics Estonia).

As the results of the sociological survey conducted in 2006 shows, the Russian-speaking population of Estonia retains the native language in the family. 88% of respondents communicate in Russian, 7% - in the majority language, the rest - in Russian and the majority language. The Russian language is also preserved among the younger generation - 97% of respondents answered that their children are fluent in Russian (Central Statistical Bureau of Latvia).

According to the results of the last population census of Latvia of 2016, the population of Latvia was 1,968,400 people, which is 26.2% less than in 1989. During this period, the proportion of Latvians increased from 52% to 61.7%, and the share of representatives of major national minorities decreased: Russians - from 34% to 25.6%, Belarusians - from 4.5% to 3.1%, Ukrainians - from 3.5% to 2.0% (Table 2).

	1989	1995	2000	2016
Total (in the thousands)	2,667	2,529	2,377	1,968
Latvians	1,388	1,385	1,370	1,216
Russians	905	830	703	504
Belarusians	120	102	97	66
Poles	60	56	59	46
Ukrainians	92	75	64	44
Lithuanians	35	33	33	24
Others	67	48	50	70

Table 2. Ethnic composition of Latvia (Central Statistical Bureau of Latvia)

Comparison of the results of the last two censuses of Latvia (1989 and 2016) indicates that over the past years there has been a significant reduction in the number of all ethnic groups. The reduction of the majority population occurs despite the fact that the authorities of the country pursue a favorable policy towards the Latvians coming from other countries. However, their arrival also does not cover the natural decline and migration outflow of the majority population to the EU countries. The largest decrease is observed among representatives of the Russian-speaking population. Thus, the number of Russians decreased by 401,000 people (or 40.1%), Belarusians - by 54,000 (or 45.2%) and Ukrainians - by 48,000 (or 52%).

As the census of 2000 showed, about 40% of Latvia's population considers Russian as their native language. In addition to Russians, 72.8% of Belarusians, 67.8% of Ukrainians, 79.1% of Jews, 51.1% of Poles, 56.8% of Germans, etc. considered Russian as native.

According to the 2000 census of the population of Latvia, 80% of the population speaks Russian. It is important to note that among the Latvians the level of knowledge of Russian is very high - 70%. Russian is spoken by 97.5% of Russians living in Latvia, 96.3% of Belarusians, 95.6% of Ukrainians, 95.0% of Tatars, 92.8% of Poles and 89.4% of Jews.

Results of the sociological survey conducted in 2006 shows the overwhelming majority of the Russian-speaking population of Latvia communicates in the family in their native language; this was stated by 97% of the respondents. Only 2% indicated that they communicate at home in two languages, less than 1% of respondents communicate in the Latvian language in the family.

According to Statistics Lithuania (Department of Statistics of Lithuania), the number of permanent residents of Lithuania as of January 1, 2012 was 3,199,800 people, which is 13% less than in 1989. Over the past period, the share of Lithuanians has increased from 79.6 to 83.7%. For the period of 1989-2012 the share of Russians fell from 9.4% to 5.3%, Poles - from 7% to 6.6%, Belarusians - from 1.7% to 1.3%. In the absolute values Russians were less by 173,000 people (or 50.3%), Poles - by 48,000 (or 18.4%), Belarusians - by 23,000 (or 36%). Since the

rate of reduction of the Polish population of Lithuania is lower than that of the Russian, in the early 2000s there was a historic change – the Poles became the second largest national group of Lithuania, and not Russians.

	1989	1995	2001	2012
Total (in the thousands)	3,675	3,718	3,484	3,200
Lithuania	2,924	3,022	2,907	2,680
Poles	258	259	235	211
Russians	344	311	220	171
Belarusians	63	56	43	40
Ukrainians	45	38	23	21
Jews	12	6	4	3
Others	14	26	40	63

Table 3. Ethnic composition of Lithuania (Department of Statistics of Lithuania)

According to the results of the 2001 census, almost 8% of the population of Lithuania considers Russian as their native language. In addition to 89.2% of Russians, 52.2% of Belarusians, 9.6% of Poles, and others named Russian as native.

As the 2001 census showed, over 60% of the Lithuanian population knows Russian. Russian language is known by a significant number of Lithuanians, as well as residents of other nationalities: Belarusians, Ukrainians, Jews, etc. Young people and children (in comparison with older age groups) are distinguished by a low level of knowledge of the Russian language.

Thus, the share of the Russian-speaking population differs in three countries: if in Latvia and Estonia it consists of about 1/3 of the population, in Lithuania - less than 1/10. This ratio largely explains the specifics of the policy pursued by the state structures of these countries regarding national minorities and ethnic groups.

In this regard, the main trend characterizing the dynamics of the national composition of the three Baltic States since independence has been the increase in the share of the majority population and the decrease in the share of the Russian-speaking population. Thus, the share of Lithuanians in Lithuania reached the greatest value in the history of population censuses, while the Russians became the third largest national group, although they were the second. For all three countries, the situation is typical when, according to census data, the share of the majority

nationality was higher than expected, while the share of the Russian-speaking people was lower. This indicates the gradual assimilation of Russians, when children from mixed families as a national prefer indicate the majority nationality.

Despite obvious changes in the ethnic structure, another trend is the ethno linguistic stability of the Russian language, which, despite all attempts by state structures, still functions as a language of interethnic communication. The Russian language, to some extent, is spoken by 80% of the population of Latvia, 60% of the population of Lithuania and 72.2% of the population of Estonia. In the course of population censuses, the Russian language was said to be native to Russians and the overwhelming majority of representatives of national minorities, as well as some of the majority population of the Baltic countries. The degree of prevalence of the Russian language allows us to say that the Russian language continues to be an instrument of interethnic communication not only in each of the countries, but also in the region as a whole.

An important aspect of this process is that the Russian-speaking population retains the native language in the family passing it on to the younger generation. At the same time, only a small part of the population of the Baltic states (both the majority nation and representatives of other ethnic groups) are bilingual, that is, they use both languages - for example, Latvian and Russian - in everyday life.

5.3. Situation of the Russian-speaking minority before the EU negotiations

The European Union has made several important attempts to improve the protection of minority rights in Central and Eastern Europe countries in the course of making preparations for EU accession of these countries. Previously, this problem in the European Union was not so acute. In other words, the EU began to think about regulation in this area of law only in connection with the forthcoming expansion to the East. It is understandable: as explained by Jan Klabbers, “no one wants to go to bed with bad guys” (Klabbers, 1999). That is why the 1993

Copenhagen criteria included the criterion of respect and protection of minorities from the very beginning - these criteria the Council of the European Union used to prepare the countries of Central and Eastern Europe for membership in the EU.

In preparation for the enlargement and formulation of policies towards minorities, the European Union faced a huge number of problems. It had neither the relevant experience, nor the authorities, nor the standards, nor a well-functioning mechanism for monitoring developments in this area. All these problems had to be solved quickly enough (which, I note, could not but affect the quality of the proposed solutions). Whatever it was, the European Union began to pursue a policy of “pre-conditions for membership”, i.e. linked the prospects of joining the EU with the implementation of certain reforms in the states that wanted to become members of the organization.

Initially, it was necessary to decide the question on what the powers of the EU bodies are based to deal with minority issues in the candidate countries. The issue was particularly sharp in the light of the fact that these bodies were not authorized to deal with such problems in the member states. However, the task of the European Commission is the preparation of candidate countries to comply with the basic principles on which the EU law is based. These principles include democracy, the rule of law and the protection of human rights. Proceeding from this, it would be illogical to argue that the analysis of the reform process in the candidate countries should concern only the areas of the relevant internal competence of the EU. Therefore, the European Commission has rightly concluded that it can assess compliance with the fundamental principles of the candidate countries, regardless of what is attributed to the competence of the European Union in the provisions of treaties relating to the delineation of powers of the European Union and member states.

Moreover, the candidate countries are not yet members of the EU, and therefore there is no question of limiting the competence. At the same time (in 1993) it was decided to include also

the protection of minorities in a number of mandatory criteria for assessing the readiness of candidate countries to join the European Union.

There is no need to look far for the international standards: “the European Commission relied on the opinions of the bodies of the OSCE and the Council of Europe” (Kymlicka, 2008: 11). Of course, such a borrowing of standards, coupled with a lack of internal competence, has created many problems: instead of marking the absolute minimum, OSCE standards, as Kymlicka showed, have been “misinterpreted by the candidate countries and the European Commission as ‘sufficient’” (Ibid). Moreover, the monitoring of reforms in the candidate countries has not been adequately linked to the steps towards European integration, which has in fact led to “the failure of the strategy of preconditions for membership as a principle of EU enlargement and, at times, to insufficient reforms in the candidate countries” (Kochenov, 2006: 311). Despite all these reservations, the truly enormous work was done both at the level of the European Union and in the candidate countries. This work eventually led to the inclusion of the principle of the protection of minorities in the text of the Treaty on the European Union (Article 2). For some twenty years the law and the policy of the EU in this sphere have been completely rebuilt. In addition, important reforms in this area have been carried out under the pressure of the European Union in the candidate countries and especially in Latvia, Lithuania and Estonia of interest to us.

By the mid-1990s, the EU had built an integrated system of “practical application of the principle of conditionality for membership” and therefore could have “a direct impact on the candidate countries” (Kochenov, 2005: 1). The potential success of the EU enlargement policy ensured the obvious desire of a number of countries to join the EU. Moreover, following the recommendations of the European Commission was elevated to the level of commitments addressed to the candidate countries turning purely political Copenhagen criteria into binding legal instruments. In case of refusal to implement reforms, the assistance intended for the

candidate countries could be reduced. In the end, even the very entry into the European Union could be postponed, and for an indefinite period.

In fact, the European Union was not excessively strict with the candidate countries. There were no ‘deviations’ from the intended path: once the candidate country was recognized by the European Commission corresponding the Copenhagen criteria, negotiations would start followed by the accession itself. In the documents on the Copenhagen criteria, especially in the opinions of the European Commission on accession applications, in the periodic and annual Commission reports and other types of legal documents, it was directly stated that the policy of a number of candidate countries in the field of ethnic policy (citizenship, language, anti-discrimination) is also subject to evaluation, as are issues directly related to transferring the provisions of the *acquis communautaire* into national legislation. The ethnic policy of the candidate countries played certain, albeit far from a key role in preparing the enlargement of the European Union. Particular attention was paid to “discrimination against Roma people in various countries, the denial of Czech citizenship after the dissolution of Czechoslovakia” (Kochenov, 2007: 124), the situation with Hungarian minorities in Romania and Slovakia, and finally the Russian-speaking minority in the Baltic States. Although the European Commission has officially proclaimed that identical criteria will be applied in the evaluation of reforms in all candidate countries, an analysis of legal documents makes it possible to convincingly prove that in practice two fundamentally opposite approaches were applied: “the idea of complete assimilation towards Russian speakers in the Baltic States and the idea of protecting the language, culture and identity of minorities in all other cases” (Kochenov, 2008: 1).

Such discrepancies cast a shadow on the policy of the EU and at the same time indicate a small interest of the delegations of the European Commission in Tallinn and Riga, as well as the weakness of organizations fighting for minority rights in the Baltic States. The latter clearly failed to convince the European Commission to take a more active part in the Russian-speaking minority situation in the Baltic countries. Having clarified the general context of preparations for

membership in the European Union, we will concentrate on Brussels' policy with regard to the protection of minorities in Lithuania, Latvia and Estonia.

Lithuania

The High Commissioner for the Protection of the National Minorities Max van der Stoel first came to the Baltic States in January 1993. He needed only one visit to Lithuania to make sure that there is no tension between ethnic minorities and the majority of the public in this country. The law on citizenship, adopted in 1989 in Lithuania, granted the right to citizenship to all those who worked and lived in the country at the time of the restoration of independence and for two years decided on the choice of citizenship (such a decision was called a “zero choice”); this law vested equal civil rights for all permanent residents of Lithuania. It should be emphasized that the absolute majority of Lithuanians, including ethnic minorities living in Lithuania, decided to become Lithuanian citizens: according to the 2011 census, 99.3% of residents have Lithuanian citizenship, which in part increases the opportunities for Russian-speaking population to integrate into Lithuanian society and their participation in the public life of the country (Duvold 2006: 123). The conditions for acquiring Lithuanian citizenship included the need to pass an examination on the knowledge of the Lithuanian language and 10 years of living in the republic. However, according to the Russian-Lithuanian Treaty of 1991, the right to obtain Lithuanian citizenship was granted to all ethnic Russians permanently residing in Lithuania without taking the Lithuanian language test. In 1991, 86.9% of the Lithuanian population acquired Lithuanian citizenship. At present, 99% of the population has citizenship of Lithuania (Duvold 2006: 124).

In Lithuania, the law on national minorities guaranteeing the right to study in their native language and other conditions for preserving the national identity of representatives of national minorities in Lithuania, was adopted back in 1989 and lasted for many years after the restoration of statehood, until 2010. After the termination of this law, the implementation of the state policy

in the field of national minorities is coordinated by the Ministry of Culture of Lithuania, and modern policies in the field of national minorities are governed only by subordinate legal acts (integration programs approved by the government's decision) (Duvold 2006: 124).

It should be noted that in Lithuania today there are no state radio and television stations with permanent broadcasts in Russian or another language of national minorities. The Law on National Minorities adopted in the period of the struggle against the Soviet regime, which hasn't changed so far, does not envisage the use of the language of national minorities in office work, for inscriptions and street names, and even in places of compact residence.

Pursuing the membership in the EU, in 1995 Lithuania signed the Framework Convention for the Protection of National Minorities, yet it only came into force in 2000 when membership negotiations with the EU commenced.

Latvia and Estonia

After the restoration of independence, Latvia and Estonia held a different approach than Lithuania in dealing with the Russian-speaking minority. Even though countries belong to the most successful forms of transition from communist system to democratic society, a huge number of people coming from other parts of the Soviet Union forced the authorities to impose quite restrictive citizenship laws (Duvold 2006: 158). According to Duvold, Latvia and Estonia have declared residents who came here during the Soviet period to be illegal immigrants, and that granting them with a citizenship would be the same as accepting the Soviet annexation (Duvold 2006: 158). While Lithuania decided to grant citizenship to all its inhabitants, Latvia and Estonia began implementing the policies towards Russian speakers denying 'Soviet period immigrants' citizenships, thereby seeking to avoid the prevalence of Russian speakers in the restored States and becoming officially independent. Saarikosi (1993) argues that one of the argument used at that time, or rather expression of fear, was that Russian-speaking minority could simply use its powers to seek alignments with Russia and that would slow down countries'

transition (Duvold 2006: 154). Unlike in Lithuania, Max van der Stoel came to Latvia and Estonia many times and always found some violations of human rights towards Russian speakers. All the documents of the European Commission which were relevant to the “Strategy 2000”, dedicated to the practical implementation of the Copenhagen criteria, paid special attention to the policy in the field of citizenship and language in the two Baltic States (European Commission, 1997). For example, the 1998 document welcomed the holding of a referendum in Latvia on the Citizenship Act and called the ‘regrettable’ the situation in Estonia, where the Citizenship Law did not allow stateless children to become citizens of the country (European Commission, 1998). This assessment changed in 1999, when amendments to the Estonian Citizenship Law allowed children of stateless parents to become Estonian citizens. The positive assessment of the amendments to the laws on citizenship adopted in Latvia and Estonia did not extend, however, to the general situation with the protection of minorities in these countries (European Commission, 1999).

To the surprise of a number of experts (Hughes, Sasse 2003) “the European Commission gave a generally positive assessment of the situation with the protection of minorities in Latvia and Estonia” already in the very first documents published in the context of applying the principle of conditionality for membership, which ultimately led to the beginning of negotiations. The question of the beginning of negotiations was resolved at a meeting of the European Council in Luxembourg. And this was done, according to Mark Maresco (2003: 18), “in an ‘amazing way’: in fact, without any explanation, negotiations with Estonia were proposed to start earlier than with Latvia”. Given the equally deplorable situation with minority rights in both countries, such a decision discredited both Latvia and the European Commission itself. Reports of the European Commission on the state of affairs in the two states at the time of application for membership (approved on July 15, 1997) allow us to assess the scale of the problem. According to the then assessment of the European Commission, “approximately 35% of Estonia’s population consists of minorities, including non-citizens. This 35 percent group

includes those 23 percent [of the population] who are not Estonian citizens (about 335,000 people, mostly of the Russian origin)” (European Commission 1997). In Latvia, “minorities, including non-citizens, make up about 44% of the population...” Latvians are a minority in seven of the country's eight largest cities. These 44% comprise those 28% of the population, i.e. about 685,000 people who do not have Latvian citizenship, and “most of this group, which consists of former citizens of the USSR, does not have any citizenship at all” (European Commission 1997). Thus, in assessing the policy on citizenship, the European Commission raised the issue of the status of more than a million people who made up a significant part of the population in the respective candidate countries.

After citing such facts and concluding that one of the two countries is ready to start negotiations, the European Commission seriously undermined the credibility of the very idea of conditionality for membership. Despite this, addressing the issue of the citizenship of minorities, which lies beyond the internal competence of the European Union, in itself has already been an important step towards the formation of a European approach to ethnic policy. Increased attention to the citizenship of minorities led, for the first time in the history of European law, to the fact that the European Commission has formed its own approach to the notion of a national minority, different from the vague generally accepted formulation of Francesco Capotorti, often used in international law practice (U.N. Economic and Social Council 1979).

Thanks to this, it is impossible to assert that all the efforts of the European Union were in vain. The European Commission began its analysis with the view that the protection of minority rights in the two Baltic states should be assessed based on the actual situation, i.e. “regardless of citizenship and differences in personal status associated with the lack of Latvian citizenship” (European Commission 1997). Almost identical remarks can be found in the opinion concerning the application of Estonia (European Commission 1997). Thus, since 1997 the European Commission has indicated to the candidate countries that the European Union gives preference to

facts. The step taken by the European Commission had not only great symbolic, but also practical significance.

Indeed, the candidate countries themselves did not consider their own Russian-speaking inhabitants as part of their minority population and therefore believed that the Copenhagen criteria for respecting and protecting the rights of minorities did not apply to these groups. Both Latvia and Estonia proceeded from the premise that their policy towards Russian speakers should not have influenced their applications for membership in the European Union: even earlier, most of the Russian-speaking population, thanks to the legislation adopted in the process of the collapse of the USSR, was not recognized as citizens of the countries of residence. The European Commission made an extremely important step making it clear that such expectations of Riga and Tallinn were not acceptable.

As an example of the position of the Baltic States towards the Russian-speaking minority, we can cite the definition of ‘national minority’ adopted by Estonia as part of the ratification of the Council of Europe’s (1995) Framework Convention for the Protection of National Minorities:

Estonia considers as national minorities Estonian citizens who:

- reside on the territory of Estonia;
- maintain longstanding, firm and lasting ties with Estonia;
- are distinct from Estonians on the basis of their ethnic, cultural, religious, or linguistic characteristics;
- are motivated by a concern to preserve together their cultural traditions, their religion or their language which constitute the basis of their common identity

The European Commission rejected this kind of citizenship-based approach as ‘irrelevant’ (European Commission, 1997). Thus, the European Union was given the opportunity to direct policies in the field of citizenship in the Baltic countries.

Moreover, the European Commission reserved the right to apply the Copenhagen criteria for the protection of minority rights to both citizens and foreigners and stateless persons residing in these countries. If the stateless persons in Estonia and Latvia were withdrawn from the procedure for assessing the fulfillment of the Copenhagen criteria by the European Commission, it would be extremely difficult for the European Union to exert any influence on the reform of local legislation on citizenship, language and combating discrimination. Thus, the European Commission had no choice but to ignore the Estonian understanding of the term 'national minority' taking into account the huge proportion of foreigners and stateless persons in both candidate countries.

6. THE CURRENT RUSSIAN-SPEAKING MINORITY SITUATION IN THE BALTIC STATES: CHANGES AFTER NEGOTIATIONS WITH THE EU

After the breakdown of the Soviet Union and the establishment of the new nation-states, the EU began to expand its legal base, assuming that all those countries, sooner or later, would seek membership of the EU. In 1993, the European Council formulated Copenhagen criteria for the candidate countries that want to apply for EU membership. The Copenhagen criteria were based on the condition that the countries that seek for the EU membership should fulfill political and economic criteria and adopt the *acquis communautaire*. Furthermore, it underlines that nations have to respect “the rule of law, human rights and protect the minorities” (European Council 1993). The Framework Convention for the Protection of National Minorities was signed in 1995 and came into force in 1998; it was first such document in the European Union on national minority rights. Before that, the documents of the United Nations and the Council of Europe were supported by the EU. In 2000 negotiations were started with the Baltic States and in 2004 Lithuania, Latvia and Estonia became an EU Member States. Despite the fact that during the process of negotiations the EU has accepted the Baltic States laws regarding minorities as suitable and affirmed that they do not violate their rights, Baltic States still have to adopt further political requirements. Since all the EU candidate countries had to fulfill Copenhagen criteria, the main ethnic minority rights were implemented before the start of negotiations with the EU. Under the Framework Convention for the Protection of National Minorities, the prospective EU member states are monitored by the Committee of Ministers of the Council of Europe and candidate countries have to collaborate and transfer any relevant information to the Secretary General on the implementation of the regulations of the Convention (Council of Europe 1995). However, Sasse (2011: 847) argues that “after the EU had formulated first Copenhagen criteria, it met the challenge of enforcement mechanisms in the member states”. The EU Commission’s annual Regular Report has assessed Latvia’s, Estonia’s and Lithuania’s progress and declared that the Baltic States laws on minorities meet standards. However, it was surprising that the

amount of Estonia's and Latvia's non-citizens during the post accession period was very high and "high numbers of the stateless Russian-speaking residents suggest that the effect of international pressure on forgoing deeper societal cohesion has been limited" (Sasse 2011: 848). Generally, it's not only the Russian-speaking minority who questions the limited effect of international pressure. Kelley (2006: 32) states that "if membership incentives are not used EU's employment of the conditionality and the persuasion does not give effect". Following, the law on education, language and citizenship will be analyzed in the following section. It will investigate involvement of international institutions and EU's impact on behavior and legislative change in the Baltic States. The EU's promotion of norms is in fact remains controversial; the EU does not have an exact definition of ethnic minorities and each member state left to decide on its own. High Commissioner of National Minorities (HCNM) issues recommendations regarding minorities but it does not possess much power. Therefore, HCNM cannot set solutions and HCNM expresses that they "have a will to open the door" (Osce.org). As there is no agreement on the minority issues concept and it is usually resolved at the domestic level it causes many arguments between the majority and minority population within the states. In comparison to other Baltic States the situation in Lithuania was more normal, because of the fact that Lithuania had lower Russian-speaking population than in Estonia and Latvia under the Soviet Union period. Gaining independence Latvia and Estonia have applied stricter legislative approach on citizenship law than the Lithuanian government. In this chapter we will focus on the Baltic States and its minority legislation issues and how domestic policy making was affected from the fear that they would be excluded from candidate countries negotiations with the EU. Moreover, the EU's conditionality concentrates on the domestic government's compliance with political priorities and it illustrates how the Baltic States followed the EU's guidelines. Stateless persons problems could not be neglected and the states had to provide the Russian-speaking minority the same rights as other citizens. Actually, not all of the international recommendations have been adopted and there have been different problems. Commitment to enforce the recommendations

appeared to be lacking both on international and domestic level. For instance, “there has been always a relevant problem on language and citizenship policies and they remained beyond the EU as a divisive issue too difficult to implement” (Sasse 2011: 853). The outcomes of domestic policies and the EU’s involvement in it have been analyzed in the following sections.

6.1. Political participation of the Russian-speaking minority

Despite the fact that most of the local Russian-speaking population was excluded from the decision-making process at the early stage of statehood formation in the early 1990s, more clearly in the case of Estonia and Latvia and less apparent in the case of Lithuania, the right to express its opinion by means of participation in local political processes has allowed it to participate actively in shaping policy. According to Kymlicka “the mutual recognition of civil and national minorities in the Baltic States was later made possible by corrections in initial social and political programs and recognition of the interests of the Russian-speaking population, as well as by liberalization of the political criteria for inclusion” (Kymlicka 2003).

Regarding the minority policies’ europeanization Tugdar (2013: 42) argues “that governments are in favor of adopting EU standards regarding national minorities if the government has a pro-minority orientation, but in the case of the government with nationalist orientation it is likely that governments would be in favor to postpone adaptation of minority protection”. In the discourse, the government is essential factor in minority policy preferences.

Lithuania electoral statistics demonstrates that there were shifts in the party coalition. Ex-communist Democratic Labour Party (DLP) won the first elections with the big victory. Lithuania’s Russian-speaking minority (largest minority group in Lithuania at that time) was granted with voting rights and some argue that Russian-speaking minority and farmers backed. Right-wing opposition won 1998 elections over DLP but they had similar approach on foreign policy (Berglund 2013: 124). Despite that the Lithuanian Russian Union was allowed to the

electorate and made an agreement with Electoral Action of Poles, most of the Russian-speaking minority votes for the mainstream parties. The small number of homogeneous settlements of the Russian-speaking minority, the differences in their social and economic interests, and their propensity to support left-wing political aspects can all serve as explanations why the Russian-speaking population supports the Lithuanian parties, or why the participation of the Russian-speaking population in the political life of the country is so limited.

The specificity of the ethnic composition of Lithuania and the relative passivity of the Russian-speaking population in the realization of their interests through parliamentary elections led to their voices being voiced by Lithuanian parties that pursued a certain social program rather than expressing the concerns of a particular ethnic group. Despite the tolerance of Lithuania's political community, the Russian-speaking minority tends to distance themselves from participating in political processes and does not actively participate in the adoption of exclusively political decisions (Berglund 2013: 128).

During the process of preparation for accession to the EU, it was possible to observe several options for the participation of Russian-speaking communities in this process: they sought to solve problems as representatives of local authorities; they supported parties that openly represented the interests of minorities or parties of minorities; or supported the parties of titular nationalities that represented the social interests of minorities (Berglund 2013: 129).

The first option was observed in Estonia, where the compactly residing Russian-speaking population of Northern and Eastern Estonia influenced the granting by the government of the right to non-Estonian residents to participate in the elections of government officials. At the regional level, these officials represented the interests of members of the community who did not have the right of political will at the level of state parliamentary elections. Thus, local governments could directly report the interests of the Russian-speaking population, for example, in Tallinn and Narva, and represent them in the city council throughout the post-Soviet period, thereby contributing to the process of policy formation at this level (Berglund 2013: 134).

Even though Russian-speaking minority states for one third of Estonia's population, since 2003 there were no Russian parties in the Estonian Parliament represented, because they could not reach national 5 per cent limit and Russian-speakers supported PCP, the most popular party of Estonia. Conservative Reform Party (RP) won the majority of the seats in 2005, 2007 and 2011 elections. Even though the Central Party is increasingly supported by the Russians-speaking minority the party was displaced by the RP.

Latvia's a center-right coalition won the 1993 election. 1998- 2000 years was marked by the collapse of the two governments. An important role in the party campaigns plays ethnicity. According to Vogt (2003) "Russian-speaking parties tend to lean to the 'left' while Latvian parties lean to the 'right'" (eds. Berglund et al 2013: 93). The Russian-speaking minority has a huge influence in Latvia and since 1993 Russian-speaking parties had seats in every parliament elections. Berglund (2013: 100) states that Russian-speaking parties "had been assisted by the donations from the wealthy Russian businessmen and bankers in order to compete with the Latvian parties." Furthermore, in 2009 for the first time as a mayor of Riga was elected Russian ethnic leader Nils Usakov.

In Latvia, where the parties of the Russian-speaking minority had a more direct impact on public policy due to the representation in the National Parliament. Despite the fact that several Russian-speaking parties were represented in the Parliament of Latvia throughout the entire independence period, special forms of political activity of the Russian-speaking population and Latvians began to play an important role in the discussion of the amendments to the Citizenship Act in 1998. In this way, with the efforts of four parties a coalition for Human Rights in the United Latvia (PCTVL) was formed in order to get a quarter of seats in the 2002 parliamentary elections. This allowed representing the interests of the Russian-speaking electorate and the interests of non-Latvians in the National Parliament more effectively.

6.2. Effectiveness the conditionality principle on national ethnic policies

Education law

During the occupation time in the Baltic States education law of the USSR was introduced. Latvia, Estonia and Lithuania's educational system preserved the state language as the language of instruction despite Soviet educational programs' politization. The most apparent examples of the international involvement contributing to change in minority policy in the Baltic States are Language and education laws. Some countries had a less limited approach in some cases; for example Laws on Education of Estonia and Lithuania in the comparison with Latvia were not so fixed concerning minorities. Latvia's approach on education law is an interesting concerning the implementation of law on the domestic level and the involvement of international institutions (Kelley 2006: 52). In Latvia there were school systems in Russian and Latvian in the 90's. The ideological and political regime change and the EU accession impacted the education system, also changing language use in the private and public sectors. In 1991 education for Latvians was secured by Supreme Council's adoption of the Education law, but it did not provide the minorities of education rights. There was a huge discussion on education law before the 1995 elections. Some politicians backed Education law of 1991, while the others supported just the amendments. The OSCE and the Council of Europe did not intervene in the domestic discussions on this matter and did not show much concern. Moreover, when in 1997 nationalist party took the power the debates increased and "purity of Latvian language' kind of nationalistic slogans started to appear" (Kelley 2004: 78). Adopted in 1998, education law declared that only Latvian should be the language of instruction in the public schools. The High Commissioner on National Minorities after 1998 tried to persuade policymakers to change the policy and gave some recommendations declaring that children have to study in their native language in primary school and the main language of study in the secondary school has to be the native language with additional subjects in state language. In 2004 the law was changed and amendment provided the

language of instruction in the school to be on minority language but with the exception that “acquisition of the content of studies in the official language should not be less than 3/5 of the total teaching hour load in the academic year” (Latvian Education Law 2004). Kelley (2006: 9) states that behavior change cannot be brought by the persuasion alone. The Education law case supports Kelley’s reasoning because elites did not change policy priorities and not paying attention to the recommendations of the HCNM. Lithuania and Estonia were less restrictive on the Education Law; however, they still remain controversial. The primary language in the public schools remained to be national language (Estonian Education Act 1992). In 2000 the Estonian government introduced state program “Integration in Estonian Society 2000-2007.” Preservation of the Estonian language was highlighted as important in the program. However, the attention of international institutions was brought by the rhetoric which was used in the program. For example, the role of education was emphasized: “the development of the young generation of non-Estonians into one actively speaking Estonian and loyal to Estonia yet as a part of society preserving its national culture is an important resource in economics and politics, but also in the expansion of the Estonian cultural domain and the increasing of the diversity of the culture” (Integration into Estonian Society 2000-2007). It was criticized by UN Committee and emphasized that the language and culture of minorities and the state should be balanced. Less nationalistic content was in the programs of “Estonian Integration Strategy 2008-2013” and “Estonian Integration strategy 2014-2020” and emphasized “that minorities can learn their mother tongue in order to maintain their culture and present their ethno-linguistic identity” (Estonian Integration strategy 2008-2013; Estonian Integration strategy 2014-2020). In 1991 Law on Education was adopted by Lithuania. It highlighted the respect for minorities and that “the state provides or supports pre-schools and schools or classes of general education in the native language” (Lithuanian Law on Education 1991). In 2009 the new Law on Education was adopted. Moreover, Lithuania’s some other legal acts direct matters concerning ethnic minorities’ education providing all citizens equal rights (Constitution of the Republic of

Lithuania, the law on Ethnic minorities of the Republic of Lithuania, the Law on Education of the Republic of Lithuania, etc.). At the international level, education related issues are also talked. According to the Framework Convention of National Minorities, Lithuania is needs to “provide adequate opportunities for teacher training and access to textbooks and facilitate contacts among students and teachers of different communities” (Council of Europe 2011: 70). Lithuania’s laws provide the national minorities to have the right to general education in their native language. European Commission claimed that it is not EU institutions responsibility to decide on educational system and teaching languages policies, but only member states have the right in this matter. Some argue that there is a discrimination of the minorities in Lithuanian Laws, while other say that their language preservation and right to education are well provided. In determining nationalism or multiculturalism overcomes in the country education plays a huge role. For instance, Latvia had stricter approach on the Education Law regarding minorities, while liberal approach was employed and Estonia and Lithuania. Nevertheless, new laws still have controversies among society and the politicians. Furthermore, this case of the Law on Education has showed that the EU did not pay a lot of attention to this issue even though the laws were criticized by the national minorities. If there is no support from other international institutions, external actors face with problems. For example, Latvia was not persuaded by the HCNM to make amendment on its Law on Education.

Language Law

Minorities have the right to use their languages, both oral and written, is generally accepted. Language is an essential component in maintaining own culture for many minorities. In the Baltic countries, it is fully permitted to the use minority language, although there are problems with political constrains, which sometimes creates conflicts. There are different ways how countries deal with this issue but it is accepted that minorities have the right to create their

own educational institutions with minority language, although states may demand some to change the curricula. It is true that in public schools education on minority language usually exists but this does not mean that there are no problems. For example, the Russian-speaking minority in the Baltic States extremely stood against policies of the government on minority language, which wanted the state language in the educational system to be strengthened. When international actors use not only persuasion but also membership incentives domestic reaction in case of language law is different. For example, the OSCE and the Council of Europe were successful to influence policy change in the Latvian language legislation employing the EU membership incentive as an instrument. The Council of Europe criticized Estonia and Latvia for minority rights issues. The change in language use and the education system was possible after new political regime and the EU accession of the countries. According to the government's law, "a requirement for many private and public work positions was the knowledge of the Latvian" (Kubicek 2004: 79). Since 1995 international actors criticized the language law in Latvia; however the recommendations were ignored by the country. Politicians with more liberal approaches could not overcome the parliament's ruling parties. At least three times the OSCE High Commissioner on National Minorities Max van der Stoep has visited Latvia. HCNM and the CE issued a report saying that there should be a revised law and advised that "ignoring the recommendations of European organizations concerning language and citizenship might lead Latvia to international isolation" (Kubicek 2004: 80). The politicians of the education and science committees were not able to change the law because of the big domestic opposition, even though there international organizations warned many times. Moreover, Latvian Parliament ignored international recommendations during the second reading of language law and passed the draft which would discriminate Russian-speaking minority and because of the language restrictions it would make employment difficult to get. This demonstrates that the Latvian parliament's decisions are strongly influenced by nationalism. Many EU officials criticized the law and other international organizations expressed the concern on this matter. Most importantly,

the language law was the main drawback for Latvia to start EU membership negotiations and the European Union made it clear (Kelley 2006: 78). Increased debates in the parliament meant that Latvia's "EU negotiations depend on government's stance of meeting or leaving requirements applied by the EU" (Kelley 2006: 79). In 1999, State Language law with the EU recommended amendments was approved by policy makers and employment restrictions were canceled: "both employees and the self-employed must know and use the state language to the extent necessary to perform their duties" (Latvian Language Law 1999). Despite this, the conditions were not met by the Russian-speaking minority well enough and to approve Russian language an official state language in 2012 they made a referendum. Latvian President Andris Berzins said that "referendum was 'absurd' as 75% of the population voted against the proposal" (BBC 2012). This event influenced the approach on the Russian language use and led to a long discussion on the minority issues.

Estonian law on language did not meet international standards according to the international institutions; for example Russian-speaking candidates had to pass a special language exam if they did not study in Estonian high school. However, in the 90s, in Latvia as well, the nationalist in the government strongly supported the language law and international efforts tried to impact the government. As in the case of Latvia, when international institutions used EU membership conditions as a strategic policy instrument, the Estonian government has changed its policy preferences. In the 1993 the use of Estonian language was made mandatory in many fields because the language law demanded that (e.g. private sectors, non-governmental organizations, etc.). However, international institutions overlooked the very controversial language law. After international institutions succeeded to work together and use conditionality and persuasion together, language law was liberalized by Estonia. The OSCE and the EU criticized language law of Estonia and "strongly recommended to make consistent language legislation during press conferences and official meetings" (Kelley 2006: 88). Consequently, in 2000, the Act of Recognition of Foreign Professional Qualifications was passed by the Estonian

Parliament abolishing the controversial requirements and declared that “the employees of the companies, non-profit associations and foundation and sole proprietors are required to be proficient in Estonian to the level which is necessary to perform their employment duties” (Estonian Language Law 1995). The Constitution mentions that everyone can choose either Estonian language or the ethnic minority language as a language of instruction but still minority language maintenance and state language promotion have many conflicting interests (Kaplan & Baldauf 2008: 55). Estonia like Latvia or Lithuania established the Language Inspectorate – an institution analyzing the Estonian language use in the public sectors in everyday work. Lately, teachers in the public schools started to be examined by the language Inspectorate and the Russian minority group protested against the government’s actions. The Baltic States accession to the EU has influenced behavior of the countries on democracy promotion and human rights. State Language Commission of Lithuania was established after the restoration of independence. Language standardization and the state language implementation issues were done by the Commission. The Law on the State Language was approved in 1995. It directed a fundamental use of state language and provisions of protection and control. Law declares that “heads, employees and officers of state and local government institutions, law enforcement services, social security and other public institutions providing services to the population must know the state language according to the language knowledge categories, established by the Government of the Republic of Lithuania” (Law on the State language, Lithuania 1995). Lithuania is largely a country with homogeneous population and the language law of Lithuania did not cause any debates on this issues. According to representatives of NGO and political scientists negotiating process should be discussed by both sides on a good will, but so far the Russian-speaking minority rights are not fully recognized by the Lithuanian government and the minority’s representatives are blamed for trying to discredit the country.

Election law

For any democratic society the right of active participation in public affairs and in economic, social and cultural life is one of the essential principles. The right to vote is one of the most important civil rights when minority voters would have a chance to be heard. The election law issues and its requirements for national and local candidates were almost similar in Latvia and Estonia. Lithuania on the law of election had a less restrictive approach. The election laws case demonstrates that international standards in policymaking are not included by the domestic policymakers (Kelley 2006: 76). According to Kelley (2006: 6) “in order to investigate cause-and-effect relationship it is not enough to show the examples of institutional engagement of international standards but it essential to show what outcomes come from the government when it choose not to comply with international standards”. The Latvian parliament (in 1994) and Estonian parliament (in 1993) passed the elections law not giving the right for national minorities (non-citizens) to participate in elections. The laws of the countries directed the same principle - candidates who studied in their own language had to prove that they are fluent in the state language. This requirement made it possible for many Russian-speaking populations to be left without the right to take part in national and even local elections (Kelley 2006: 96). The law did not violate international standards, but since Estonia and Latvia have many Russian-speaking populations the results were quite undemocratic. In the Latvian case international institutions completely ignored the election law issue and the parliament passed the Election Law in 1995 requiring participants to have a fluent knowledge of the Latvian language. Estonia also did not comply with recommendations and the international efforts to change its law on elections were ineffective (Kelley 2006: 97). The OSCE protested the Estonian law and called it as undemocratic. The HCNM recommended Estonian president to change the law on election since it was in disarray with European organizations’ treaties. However, international efforts to influence policymakers of Estonia were not successful and Kelley (2006: 98) states that “the Estonian government decided not to follow the HCNM recommendations because of not fearing

of the consequences”. Legislation of Latvia was also not changed by international institutions as they did not pay attention to the election law issues. Although later the proficiency in language requirements was canceled in Latvia (in 2001) and in Estonia (in 2002). Tugdar (2013: 42) says that “accession to the EU and NATO was the main reason why the parliament had chosen to change and pass election law with less controversial text, while the Russian-speaking minority’s acceptance and integration into the society was not as important”. Lithuania, on the other hand, in 1992 has passed the Law of the Republic of Lithuania on Elections, which did not violate international commitments or requirements. Moreover, it declares that “the direct or indirect Lithuanian citizens suffrage restrictions on the basis of origin, nationality, his or her sex, education, language, religion and occupation are prohibited” (Lithuanian Election law 1992). Simultaneous with the citizenship law changes on stateless people in Lithuania, the election law was not made strict by policymakers as it was in Latvia and Estonia. This case suggests an argument that to change the policy on the domestic level persuasion alone will not succeed.

Citizenship law

Above it was mentioned that Lithuania decided to grant citizenship to all its residents, while Latvia and Estonia denied citizenships to most of the Russian-speaking minority. Latvia and Estonia have been visited by international institutions and they received recommendations to make liberalizations on the citizenship law. EU recommendations on citizenship law were not met until 1998 in Latvia and 2000 in Estonia. A driving force that helped to change domestic policy on this issue was mainly aspiration to join the EU.

According to the Office of Citizenship and Immigration Affairs of Latvia, as of January 1, 2004, 481,352 people did not have citizenship (1,802,851 people have Latvian citizenship). At the same time, Latvian citizenship has 1,355,067 of Latvians and 327,293 of Russians. Stateless persons among Latvians make up 2,536 people, among Russians – 321,755 people. Despite the

changes made to the national legislation, the rate of naturalization remains extremely low and falls every year.

In 1994 the Law on Citizenship was adopted, and in 1995 the process of naturalization began. Despite the adoption of amendments to the Law on Citizenship in 1998 providing some measures to facilitate naturalization (registration of citizenship of children born after 1991 on the basis of their parents' application, lowering the fee, releasing persons over the age of 65 from the Latvian language test at registration of the Latvian citizenship), rates of naturalization remain low. Thus, if in 2000 Latvian citizenship was received by 15,000 people, in 2001-2002 the rate of admission to Latvian citizenship decreased to the level of 10,000 inhabitants per year. The main reasons for the decline in admission to Latvian citizenship are language requirements (especially for the adults), the need to give answers on history ("Soviet occupation") and restrictions on political grounds.

The Report of the CE and OSCE on Parliamentary Elections in the Republic of Latvia in 2002 draws attention to the problems of mass statelessness and to low rates of naturalization (600 people per month) of non-citizens who do not have voting rights either on national or municipal elections, which creates a serious deficit of democracy in this state. The first step towards overcoming it, according to the authors of the reports, could be the implementation of the OSCE and CE recommendations on granting these people electoral rights in municipal elections (Elsuwege 2007: 275).

Regarding the solution of the problem of statelessness, the OSCE High Commissioner on National Minorities, van der Stoel, recommended in 1993 the provision of citizenship without any additional conditions to children whose parents permanently reside in Latvia and are not citizens of Latvia or other state. The recommendation was implemented in part by amending the Law on citizenship of 1998. Also in 1997, van der Stoel recommended simplifying the examination of the state language knowledge when applying for citizenship. The recommendation was partially implemented by introducing the abovementioned amendment to

the Law on Citizenship. Persons who are older than 65 years are freed from written examination of the knowledge of the Latvian language. In addition, the High Commissioner recommended in 1997 to reduce the amount of the state fee paid for obtaining citizenship in the naturalization order equal to the minimum monthly salary (Elsuwege 2007: 236). Recommendation was followed by the Cabinet of Ministers of Latvia and in 1997 it made a decision to reduce the state fee.

In the Republic of Estonia about 140,000 people do not have the status of national minorities due to the fact that Estonia has not ratified the Council of Europe's Framework Convention for the Protection of National Minorities of 1995, but with the reservation that it applies the Convention only to its citizens (with a similar reservation, Latvia ratified this Convention) (Elsuwege 2007: 213). In this regard, the conclusion of the Council of Europe's Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities on Estonia's report of 2001 points out the restrictive nature of the ratification of the Convention, which extends the validity of this document only to citizens of Estonia and calls for a revision of this interpretation.

The legal basis of statelessness in the Republic of Estonia is the Law on Citizenship of 1995. The Estonian authorities continue to react negatively to the possibility of changing the legislative base in the field of citizenship. Thus, in accordance with paragraphs 3 to 4 of Article 6 of the Citizenship Act, a foreigner wishing to obtain Estonian citizenship must know the Estonian language in accordance with the requirements established by Article 8 of this Law and the Constitution of the Republic of Estonia and the Citizenship Act.

Thus, according to van der Stoel, the former HCNM, the rates of naturalization seem to be clearly insufficient and have an obvious tendency to slow down. During the EU negotiations naturalization process has increased while now this number is declining (Elsuwege 2007: 215).

Despite some forced moves made by the Estonian authorities under the pressure of international organizations, provisions mentioned by van der Stoel and the Commission of the

European Union remain actual that a significant impact on the rectification of the situation in this issue would be simplification of requirements for naturalization, especially for the elderly and disabled, including easing of the test on knowledge of the Estonian Constitution of 1992 and the Law on Citizenship of 1995. In June 2000, the disabled of the first and second groups were released from the implementation of the provisions of Article 6 of the Law on Citizenship. Thus, the slow progress of the naturalization process is one of the most significant moments that cause a significant concern of international institutions in terms of the minority situation in Estonia.

The cases show that the EU does not have proper mechanism in order to effect the situation in this country on this issue. There was little done to integrate the Russian-speaking minority despite symbolic efforts made by the governments Latvia and Estonia. The cases suggest that to change ethnic minority policies the governments sometimes lack a political will and the problems remain unsolved.

6.3. The relationship between the Baltic States and Russia

Situation of ethnic minorities in the state is determined not only by international organizations or government policies, but also by external homeland countries that has a huge influence in acquiring its interests of their co-national. This applies only to the external minorities whose country of origin is a neighbor country with the state where the minorities reside. In the case of an external homeland, the minority does not perceive their state of residence as their homeland. In fact, the group considers a region that is outside the borders of its country of residence or the state, as a true homeland. Although in some cases, the perception of an external homeland may give rise to separatist demands. This, as a rule, can lead the government of the external homeland to a decision to act on behalf of minority groups. If there is a basis for a complaint about discrimination against a minority, the external homeland can apply

diplomatic, economic, military pressure on the states where its minority is settled (Barrington, Herron, Silver, 2003).

Russia is the main country which is involved in minorities issue in the Baltic States. It is the main homeland state of the Russian-speaking minority in the Baltic States. The main problem in the Russian-Baltic States relations on the way to their constructive development is the question of what concerns the Russian and Russian-speaking population in the Baltic countries.

According to Muiznieks (2011: 4) “basically, Russia has been trying to act as a human rights organization in the Baltic States from the beginning of their independence. It attempts to provoke a conflict between the majority and the minority population and uses the ‘protection of their countrymen’ as an instrument to meddle in the domestic politics”. Russia is strategically interested in seeing foreign countrymen as full-fledged citizens of their states, preserving their ethnic and cultural identity. Therefore, the Russian side accentuates the attention of its Baltic partners on issues related to the preservation of the cultural and humanitarian environment of the Russian-speaking minority, namely, using the Russian language, education in their native language, access to Russian-language media. At the official level, such a policy was formalized in February 1997 with the adoption of the Russian Foreign Ministry’s “A Long-Term Line of Russia towards the Baltic States”.

Solving the problem of non-citizens is still considered one of the main foreign policy priorities of Russia in the Baltic countries. In bilateral relations between Russia and the Baltic states, the question of the situation of the Russian-speaking population is invariably on the agenda of political dialogue and negotiations at various levels. An effective solution to the most acute problems of the Russian-speaking population living in the Baltic States is an important condition for the formation of good neighborly relations and mutually beneficial cooperation between Russia and its Baltic neighbors.

An document aimed at supporting a significant part of the Russian-speaking population of the Baltic States was the Presidential Decree “On the procedure for entry into the Russian

Federation and departure from the Russian Federation of stateless persons who were citizens of the USSR and residing in the Republic of Latvia or the Republic of Estonia”, signed on 17 June 2008 by Russian President Dmitry Medvedev. The text of the decree states that stateless persons who are citizens of the USSR and residing in the Republic of Latvia or the Republic of Estonia, enter and leave the Russian Federation without issuing visas.

Meanwhile, the authorities of Latvia and Estonia believe that the initiative of Moscow will only harm the Russian-speaking population of these Baltic States. As the ambassador of Latvia in Russia Tejkmanis believes, the decision on visa-free entry into the Russian Federation for aliens residing in Latvia, can discourage them from wanting to accept Latvian citizenship. Estonian Foreign Minister Urbas Paet stated that “this decision confirms the duplicity of the Russian policy.” According to him, Russia for all seventeen years after the restoration of Estonia’s independence reproached Estonia for the fact that the process of naturalization is too slow. “But by this decision Russia deprives people of motivation to apply for Estonian citizenship and thereby slows down the process of naturalization” the minister stressed. In the EU countries, Baltic non-citizens have long traveled without visas. “In other words, in a practical sense, people are more profitable now to be non-citizens of Estonia than its citizens. If we have the opportunity to discuss this problem with the Russian side, we will definitely do it” said Paet.

Russian officials quite often state their positions on the Russian-speaking minority in the Baltic States stating that their situation got worse and are not under control of international organizations. Human rights representative of the Russian Foreign Ministry Konstantin Dolgov said at a conference of representatives of Russian communities of Latvia, Lithuania and Estonia that the international community should respond to “gross violations of the rights of Russian-speakers living in the Baltic countries.” The chairman of the Lithuanian Seimas Committee on National Security and Defense Arturas Paulauskas said that such statements of the Russian Foreign Ministry are of concern, and a common response of the three states is needed. “This is a speech by a man who works for the Russian Foreign Ministry and is responsible for human

rights, the realization of democratic freedoms, and this is not only his personal opinion, but in this sentence that we will not stop, it is obvious that we can also see the form of the threat,” Paulauskas told reporters in the Sejm. According to him, although Lithuania was not mentioned separately, the Baltic States later switched to the definition. “Formally, Lithuania was not mentioned, they mentioned Estonia, Latvia, but after they moved to the Baltic States, and this covers three states. I think that there should be a joint reaction of all three states, we need to give an answer to the statement that the rights of Russian-speaking people are respected, protected and provided, and that the authorities of the other side do not need to protect them, we will not allow interference in the affairs of our sovereign state,” emphasized Paulauskas.

This Russian interference causes serious concern among the Baltic countries because in the recent past Russia demonstrated its ability to annex other territories and create puppet states in different and far from each other places as eastern Ukraine, Crimea, Georgian South Ossetia and Abkhazia, as well as Moldovan Transnistria. At the same time, in every case Russia used its very ambiguous policy of protecting fellow countrymen. Moscow pursues the same policy with respect to Tallinn, Riga and Vilnius, using ‘soft power’, tactics of protecting fellow countrymen, information war and methods of ‘granting passports’, when Russian-speaking population is offered Russian passports and Russian citizenship.

In conclusion, it should be noted that in general the Russian influence and threat in the Baltic republics seriously hampers both the constructive discussion and consideration of the Russian-speaking minority issues and practical political progress in the sphere of ensuring the rights of minorities in these countries.

7. CONCLUSIONS

The challenge to properly accommodate the specific necessities and expectations of people belonging to ethnic minorities is faced by many countries in Europe. Unsettled majority and minority situations would result if it fails to be neglected, which presents a danger not only to peace and security of the countries but also to the regional peace and security as a whole. Conditionality is a process when the state concerned can determine effectiveness similar to the external partner who applies this condition (Dobbels 2009: 16). The governments determine the EU leverage on reforms and it is up to political will of the government determining the degree of susceptibility to national policy strategy and international influence. Effectiveness of EU conditionality on Baltic States was questioned in this research; however compliance of the governments to the international norms demonstrates inconsistent results. This thesis has revealed how the EU membership incentive influenced the Latvian, Estonian and Lithuanian governments to adopt ethnic minority legislations during and beyond EU negotiations. I traced the policymaking legislations from the 90's until nowadays. I used the qualitative analysis and comparative case study in this research. It was analyzed the involvement of international institutions, the external homeland and domestic opposition on the issue of Russian-speaking minority policy. First hypothesis states a limited effectiveness of the EU membership incentive in influencing to change the Baltic States' behavior on ethnic minority policy. Despite evident problems in dealing with minority policy, the EU played a huge role in the reform of the minority rights legislation and the helping to fight against any kind of discrimination in the Baltic States. While legal and behavior change produced by the EU's involvement in minority issues was particularly powerful and evident in the Latvian and Estonian cases, than in Lithuanian. Conditionality is different across countries and policy areas as was shown in empirical part which examined the extent of conditionality. The EU membership incentive was the main factor for the state to comply with international norms. The second hypothesis states

that domestic opposition and the threat from Russia hinder EU's efforts. The domestic opposition was a significant factor in explaining policy results. The EU handled sometimes to defeat the resistance from domestic actors, although domestic opposition sometimes has been a powerful player. Furthermore, according to the case studies the governments were familiar with the membership incentive and after this domestic resistance were removed by EU conditionality. The research has some particularly interesting effects on relationship between the host state and the ethnic minority's homeland. Pressure and threat from the ethnic minority's external homeland might hinder policy results of the host country. Russia had an influential relationship with Baltic States. Latvia, Lithuania and Estonia encounter with Russia's concern of the Russian-speaking minority in these countries. Russia maintains more powerful because it keeps positive the Russian language and media influence, and because the Baltic States positions keep on to be viewed as discriminatory. Estonia's and Latvia's restrictive laws on Russian-speaking minority serve as repulsive forces against the Baltic States. Because of Lithuania's more liberal policies on minority rights it has way more political attraction than Estonia and Latvia. Furthermore, the relationship between the majorities and minorities were analyzed. In Estonia and Latvia Russian-speaking minority is treated with the respect, even though some ethnic tensions happen in some cases.

In conclusion, the arguments which were stated above confirm that international actors improve domestic policy outcomes when conditionality is linked with normative pressure. The EU investment on Baltic States' minority issues to change their behavior had a limited effect. Even though at some times external threat and domestic opposition hindered effectiveness of international institutions efforts, nevertheless it brought some improvements in the ethnic policies of the Baltic States and the conditions of the Russian-speaking minority.

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