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The Citizenship Policies of the Baltic States within the EU Framework on Minority Rights¹

Abstract: The ethnic landscape in the Baltic States is dominated by one large ethnic minority: Russians. Lithuania is an exception as here the first biggest ethnic minority are Poles, followed by Russians. The Baltic States have also significant Slavic minorities, such as Belarusians and Ukrainians. There are many barriers for people from different ethnic groups to overcome because the Baltic societies are segregated according to ethnicity across a number of dimensions: language, work and geography. During the Soviet period there were separate language schools, a system that reinforced ethnic separation. Labor market was also split along ethnic lines and a large proportion of ethnic minorities lived spatially segregated from the majority group and was concentrated mostly in urban centers. The impact of communist heritage and the construction of the post-communist state order had a negative impact on the integration process of the Russian minorities in those countries. The ethnic Russians had been heavily marginalized as many of them had no citizenship at all. As a result, they had limited access to labor-market and less social protection. However, the accession of the Baltic States to the European Union (EU) has succeeded in significantly changing policies with respect for and protection of minorities in the three Baltic countries. In the last years the ethnic Russians have in fact been partially accommodated through the consistency of the citizenship laws with the European Union norms, which precisely require the protection of minorities and respect for them. The aim of the study described herein is to investigate the historic roots of ethnic segregation between the native Baltic population and the Russian minority and show how the entry of the Baltic States into the EU has facilitated the process of promoting minority rights, especially from the perspective of granting citizenship right to Russian (and Polish) ethnic persons living in those countries.

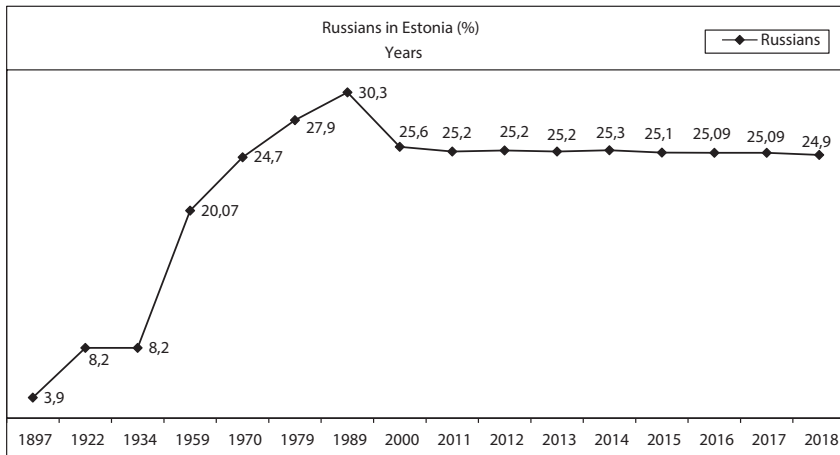
Keywords: *Baltic States, ethnic minorities, generation, minority rights, citizenship law, integration*

¹ This paper is an updated version of my lecture *I Paesi Baltici tra integrazione europea e apartheid* (The Baltic Countries between European Integration and Apartheid) given at the meeting “Ripensare l’Europa dalle sue fondamenta” (Rethinking Europe from its foundations), organised by CeSPI and Municipality of Sesto San Giovanni, Milan (Italy), November 30, 2013.

At the Root of the Problem

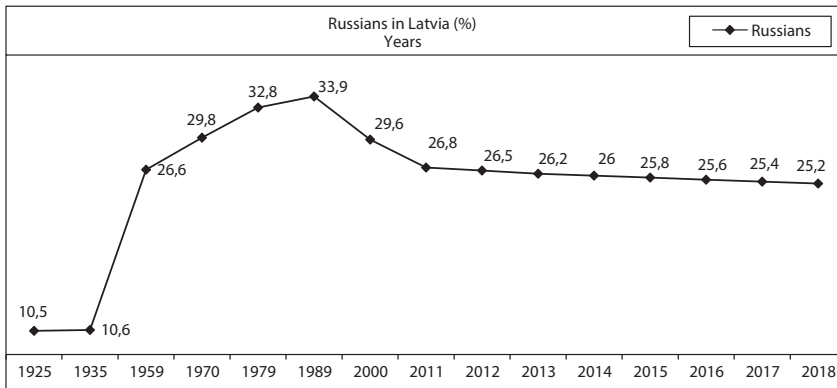
After becoming independent from the USSR, Latvia, Estonia and Lithuania were mainly concerned with issues such as the expelling of the non-Baltic inhabitants from central and peripheral political elites. The government policies of preferential treatment towards native Baltic ethnicity facilitated inclusion in the political (central and peripheral) elites of only most educated and ambitious Latvian, Estonian and Lithuanian citizens. With a stroke of the pen, the Russian minorities were expelled from public life by denying them citizenship and consequential political rights. This attitude can be explained for reasons of “ethnic defense” as the Russian minorities were anything but small (Graphs 1, 2, 3).

Graph 1.



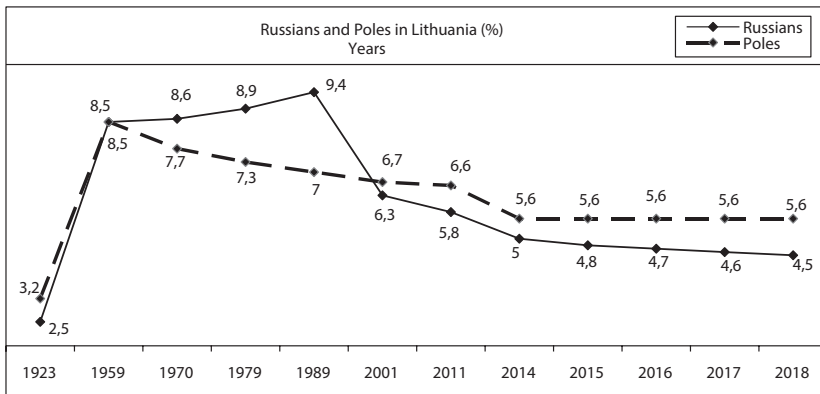
Source: Census 1897 – “Demoscope Weekly. Annex. Statistical indicators reference”. *Demoscope.ru*; Census 1922, 1934 – “Naselenie Estonii”. *VikipediJA*; Census 1959, 1970, 1979, 1989 – “Demoscope Weekly. Vsesojuznaja perepis’ naselenija 1959/1970/1979/1989 goda. Nacional’nyj sostav naselenija po respublikam SSSR”. *Demoscope.ru*; Census 2000 – “Migration by administrative unit/type of settlement, sex and type of migration”. *Statistical database – Statistics Estonia*, 2010–05–26; Census 2011 – “Ethnic nationality. Mother tongue and command of foreign languages. Dialects”. *Statistical database – Statistics Estonia*, 2011–12–31; Years 2012–2017 – “Population by sex, ethnic nationality and county, 1 January”. *Statistical database – Statistics Estonia*, 2017–06–09; Year 2018 – “Population by sex, ethnic nationality and county, 1 January”. *Statistical database – Statistics Estonia*, 2018–06–06.

Graph 2.



Source: Census 1925, 1935 – “Ethnicities in region of Latvia. Statistics”. Available at http://www.roots-saknes.lv/Ethnicities/ethnicities_statistics.htm; Census 1959, 1970, 1979, 1989 – “Demoscope Weekly – Vsesozjuznaja perepis’ naselenija 1959/1970/1979/1989 goda. Nacional’nyj sostav naselenija po respublikam SSSR”. *Demoscope.ru*; Census 2000 – “Integrācijas politika Latvijā: daudzpusīga pieeja”. *Latvijas Republikas Ārlietu ministrija*; Census 2011 – “Population Census 2011 – Key Indicators”. *Latvijas statistika*; Statistics 2012–2017 – “ISG07. Resident population by ethnicity at the beginning of the year”. *Statistikas datubāze. Latvijas statistika. Centrālā statistikas pārvaldes datubāze*; Statistics 2018 – “ISG07. Resident population by ethnicity at the beginning of the year”. *Statistikas datubāze. Latvijas statistika. Centrālā statistikas pārvaldes datubāze*.

Graph 3.



Source: Census 1923 – Kasatkina, N., Marcinkevičius, A. (2008). “Russians in Lithuania According to the 1897 and 1923 Censuses: Comparative Analysis”. *Ethnicity Studies*, (1–2), p. 56. Available at: http://www.ces.lt/wp-content/uploads/2012/03/EtSt_Kasatkina_Marcinkevicius_2008.pdf; Census 1959, 1970, 1979, 1989 – “Demoscope Weekly – Vsesozjuznaja perepis’ naselenija 1959/1970/1979/1989 goda. Nacional’nyj sostav naselenija po respublikam SSSR”. *Demoscope.ru*; Census 2001 – “Population by Sex, Age, Nationality and Religion”. *Department of Statistics – Statistics Lithuania, 2002*; Years 2011, 2014–2017 – “Proportion of the population by ethnicity, compared to the total resident population (Modern Lithuania)”. *Statistics Lithuania – indicators database, 2017–07–25*; Year 2018 – “Proportion of the population by ethnicity, compared to the total resident population (Modern Lithuania)”. *Statistics Lithuania – indicators database, 2018–07–25*.

The three graphs show the trend over the years of the migration flows of the ethnic Russian (and Polish) populations in the Baltic countries. The greatest flows were recorded in the period between 1944 – late 50s. Following the terms of the 1939 Molotov-Ribbentrop Pact, the USSR occupied and annexed Lithuania, Latvia, and Estonia in 1940. After Germany attacked the Soviet Union in 1941, the three countries quickly fell under German control. Nazi Germany occupied all of the territory of Estonia, Latvia, and Lithuania for a relatively short time. As the Second World War drew to a close, these territories returned under the Soviet yoke. Large-scale immigration occurred mainly after the Baltic countries were again incorporated into the Soviet Union in late 1944². From the mid-sixties, another reason for immigration became obvious: immigrants from Russia looked for improving material well-being. Continuous industrialization produced an increase in demand for extra labor force that caused a second immigration wave even if to a minor extent. In the late 1980's the Russians made up 33.9% of Latvia's population, 30.3% of Estonia's population and 9.4% of Lithuania's population (Graphs 1, 2, 3). The reason of such percentage gap of Lithuania compared to the other two Baltic countries lied in quite high level of development of Latvia and Estonia, that were more industrialized and were offering more workplaces (Ligenzowska, Piecuch, 2015, p. 168). On the contrary, "Lithuania was a more rural country than Estonia and Latvia and it did not have a lot of workplaces to offer, thus Lithuania was less attractive for immigrants" (Ligenzowska, Piecuch, 2015, p. 170). The flow of Russian migrants to the Lithuanian SSR was also much less significant than the one that took place in the other two Baltic Soviet Republics, due to different policies on urbanization, economy and other issues than pursued in the Latvian SSR and the Estonian SSR (Stravinskienė, 2016, pp. 42–46).

In comparison with the demographic situation of the pre-war period (1920s), the number of Russians increased 3.2, 3.7 and 3.8 times in the three countries (Latvia, Estonia and Lithuania, respectively). Such a big growth of the Russian population could not be explained solely in terms of natural increase, but also as a result of a big migration movement from the USSR, mainly from the Russian Federation. Then, after the Baltic countries regained sovereignty in 1991, the trend in Russian migration flows started constantly to decrease in size up to our days (at the beginning of 2018, the Russians made up 25.2% of Latvia's population, 24.9% of Estonia's population and 4.5% of Lithuania's population). This decline was caused mostly by migration of Russian ethnic persons from the Baltic countries to Russia and other destinations over the years³.

² A Russian minority had already immigrated during the time of tsarist industrialisation or as an exile fleeing the October Revolution of 1917. We should keep in mind that the multi-ethnic reality of the Baltic States, which had become entrenched over centuries, comes from a common imperial past. The Baltic countries first fell under the complete control of the Russian Empire and after under the complete control of the Soviet Empire.

³ Some ethnic Russian persons migrated to Russia or to USA. Others migrated to Ireland. This last country became a major destination for migrants from Estonia, Latvia, and Lithuania. Many of these

As has already been mentioned, the Russian migration flow towards Lithuania was slightly different. This flow recorded a significantly lower number of Russians if compared to the one from the other Baltic countries. The Polish migration flow towards Lithuania was also different if compared to the Russian one towards the same country: the Polish migration flow saw a strong push until the end of the 50s and then slowly decreased to the present day. On the contrary, the Russian migration flow followed the same trend as in the other two Baltic countries. The presence of the Polish minority in Lithuania (which is currently larger than the Russian minority) depends on the historical ties established throughout the centuries between Poland and Lithuania. People of Polish ethnicity had lived in the territory of modern Lithuania for many centuries. Poland and Lithuania were united during the era of the Polish-Lithuanian Commonwealth. Then they lost their independence after the Commonwealth was partitioned in the late 18th Century. Both nations regained their independence in the wake of World War I but hostilities over the ownership of Vilnius and the surrounding region broke out in 1920. The largest Polish migration flow to Lithuania took place during the Second Polish Republic (1918–1939), when Poland annexed Vilnius and its surrounding territories.

The today's coexistence of different communities in the Baltic region divided by language and culture, and where mutual contacts are sporadic, has been determined by the Soviet nationality policy promoted in the past. Immediately after the Second World War a major influx from other Soviet Republics, mainly of ethnic Russians, took place in the Baltic countries as part of a *de facto* process of russification⁴. These new immigrants supported the industrialization of the Baltic region. Most of them were factory and construction workers who settled in major urban areas, whilst others were engaged in major construction projects, such as power plants. They differed from Baltic natives in their professional characteristics and this was a strategy that had been well planned as it was part of the Soviet state's nationalities policy designed for specific purposes. A labor division within the several Socialist Federative Soviet Republics was established in such a way that the indigenous nationalities had the monopoly of jobs and professions reserved for graduate-professionals and academics (Tab. 1), while immigrants, mainly Russians, were occupied almost entirely as manual workers. The purpose of this labor division was the attempt to integrate the educated indigenous middle classes by co-opting them in the huge and the privileged machine of the Soviet bureaucracy in order to contain the nationalisms present in the USSR. In this way, the Stalin's plan – aimed to break the ethnic-national cohesion of the populations of territories potentially dangerous for the stability of Soviet power – was carried out. At the same time, the Russification policy of the non-Russian countries that were under the Soviet orbit was

migrants were members of Russian-speaking minorities leaving a context of restrictive citizenship and language laws and varying degrees of ethnic tension (Aptekar, 2009).

⁴ At the same time, between 1944–1945, thousands of Estonians, Latvians and Lithuanians were deported to Siberia accused of having been collaborators of the Third Reich.

carried forward. The Russian element in the non-Russian Soviet Socialist Republics steadily strengthened during the period of Soviet socialism. In the Baltic countries, this mostly took place in the large urban centers of Tallinn and Riga.

Tab. 1. Ethnic Composition of the Managerial-Administrative Personnel in the Baltic Republics in 1989 (%)

Soviet Union Republics	Nationality	Managerial-administrative personnel
Latvia	Latvian	63.1
Estonia	Estonian	82.2
Lithuania	Lithuanian	91.5

Source: Rybakosvskij, Tarasova, 1990, p. 40. Table reworked and translated in English by Cristina Carpinelli.

The Gorbachev's perestroika has set in motion in the Socialist Federative Soviet Republics the conditions already existing for their independence: an educated middle class, a local (republican) political élite, a number of administrative units inhabited by native peoples and an unbroken cultural tradition expressed through the national language. Since the beginning of perestroika, the dependence of the political elites of every single nationality on the central government in Moscow was drastically reduced, while their dependence on local (republican) power was significantly increased. The implosion of the USSR accelerated the already ongoing process of secession of the several Socialist Federative Soviet Republics from the Union. During the years of Gorbachev's perestroika, the "Baltic Popular Fronts" were created, claiming a series of radical reforms aimed to promote their respective national causes. The "Popular Fronts" were hugely well-liked. They organized various mass events between 1988 and 1991. The largest of these mass events was the Baltic Chain promoted by the Popular Fronts of all three Baltic Republics that occurred on 23 August 1989 marking the 50th anniversary of the Molotov-Ribbentrop Pact.

With the birth of the three independent Baltic States and the introduction of new electoral, citizenship and lustration laws⁵, the ethnicization of educated middle classes and political elites (both central and peripheral levels) was further strengthened, marginalizing more and more the minorities. Thus, for example, the Russian minorities felt more excluded and discriminated against in their rights than the native population, so that they accentuated their identity traits through the Orthodox worship, the indomitable persistence of their language, culture and of some traditions, such as the celebration of the New Year according to the Moscow time zone.

⁵ Lustration or "lustracija": disqualification from the profession of public officials, politicians, journalists, judges, university professors and other public figures considered collaborators of the former communist regimes or their intelligence services.

The problem of Russian minorities as well as that of the escalation of historical anti-Soviet (and anti-Russian) sentiment in the three small States is the consequence of historical wounds that never really healed since the time of the signing of the Molotov-Ribbentrop Pact by which Hitler granted to Stalin the appropriate Baltic Republics, while to Germany it was given a green light to invade a part of Poland. That is why the practice of “lustration” in the Baltic countries was of a “selective” type, i.e. mainly applied (though not exclusively) to former foreign rulers. Angela Di Gregorio, an Italian professor of Comparative Public Law, says:

I paesi baltici costituiscono un'eccezione [rispetto ad altri paesi ex comunisti] per l'attitudine a perseguire vigorosamente e rapidamente una serie di misure di de-sovietizzazione. (...) i baltici hanno epurato prevalentemente i russi, e dunque la lustrazione è stata un altro modo per riaffermare la rinascita nazionale. (...) la marginalizzazione degli ex-dominatori non è sempre avvenuta tramite apposite leggi di lustrazione ma anche attraverso le leggi elettorali e quelle sulla cittadinanza (Di Gregorio, 2012, p. 347)⁶.

Once gained their independence, the three Baltic Republics were immediately committed to restoring the entire legislative body in force during the first occupation by Soviet troops (1940) with the intention of emphasizing the forced dominance of Moscow which lasted until 1991. Thus, for example, in 1992 the Estonian parliament voted to re-apply the Citizenship Act (as amended up to June 16, 1940), which remained in effect until 1995. This Act prevented hundred thousand Russians from enjoying their rights that derive from owning citizenship even if many of them lived for several generations in Estonia considering it as their own homeland. But, relatively few ethnic Russian persons learned Estonian which was an essential requirement for the naturalization process of those people who arrived in the country after 1940, most of whom were precisely ethnic Russians. So, those that were not eligible to acquire Estonian or another citizenship became persons with undetermined citizenship.

The evolution of the political situation in Latvia, Estonia and Lithuania was characterized by the existence of a true apartheid regime against the significant Russian (and Polish) minorities, giving us an image of these countries with ethnic minorities not only crossed by social but also political and legal deep fracture. In the early 90s, the share of people

⁶ English translation of citation: “The Baltic countries are an exception [compared to other former communist countries] for the aptitude to pursue vigorously and quickly a series of measures of de-sovietisation. (...) the Baltics have purged mainly the Russians, and therefore the lustration has been another way to reaffirm the national awakening. (...) the marginalisation of former rulers has not always been achieved through specific lustration laws but also through electoral laws and those on citizenship”.

classified as having “undetermined citizenship” (in Estonia) or as non-citizens (in Latvia) was the 32% of the population in Estonia (exactly in 1992; van Ham, Tammaru, 2011, p. 318) and the 29% of the population in Latvia (exactly in 1995; Ministry of Foreign Affairs of The Republic of Latvia, 2018). Lithuania partially avoided the problem of “non-citizens” that plagued Latvia and Estonia because a child born in its territory, whose parents were stateless persons permanently residing in Lithuania, could acquire citizenship of the Republic of Lithuania (art. 10 – Republic of Lithuania Law on Citizenship, No. VIII-391, December 5, 1991). “The different choices made by Estonia and Latvia on the one hand, and Lithuania on the other can be linked to their different demographical situation at the moment of regained independence” (Ligenzowska, Piecuch, 2015, p. 171). Lithuania did not perceive its “small” minorities as a threat. While Estonia and Latvia applied the principle of *jus sanguinis* (right of blood), so that children born to Russian or stateless parents were not allowed to automatically obtain citizenship of their birth country, on the contrary, Lithuania moved towards the principle of *jus soli* (right of the soil), so that children born within the country after independence were granted citizenship. They could obtain nationality at birth. The difference in citizenship laws showed that minorities in Lithuania were not so segregated as those in Estonia or Latvia.

The UE Framework on Minority Rights

All contemporary nation-states can be considered as multi-ethnic societies because of the mass migrations that affected them and that are attributable to the process of globalization still in full swing (people move more easily and freely from one country to another in search of better job opportunities) or to causes such as famines, wars, natural disasters, dictatorships, etc. Albeit with tensions and resistances, in the multinational States coexist people with different races, cultures and languages, to whom the central governments ensure the enjoyment of the rights, sometimes specifically protected by the same Constitution. However, the coexistence of several peoples within a single space has imposed the need to establish rules for the protection of minorities. Great strides have been made in developing an “International” and “European” system of protection of minorities over the years. Several International and European actors took part in the development of this system. In 1950 the “European Convention on Human Rights” (ECHR; formally the “Convention for the Protection of Human Rights and Fundamental Freedoms”) was drafted by the then newly formed Council of Europe. The convention entered into force on September 3, 1953. In 1965, the General Assembly of the United Nations adopted the 2106 (XX) Resolution containing the “International Convention on the Elimination of all Forms of Racial Discrimination” (entry into force on January 4, 1969). The following year (1966), the Assembly adopted the 2200 (XXI) Resolution containing the “International Covenant on Civil and Political Rights” (in force since March 23, 1976 in accordance with Article 49 of the Covenant) – where a clause recognizing minorities appeared in article 27 – and the “International Convention on the

Elimination of all Forms of Racial Discrimination”. Lastly, in December 1992, the UN General Assembly approved the “Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”⁷.

But it was only in the 90s that strongly emerged the need to entrench minority rights on a continental level in the form of International and European conventions ensuring a common minimum degree of protection. By the mid-1990s, a set of principles, rules, recommendations or guidelines concerning minority protections appeared on the European level. The Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE) and the EU were the organizations most involved in the development of a new minority rights regime. They elaborated a number of documents relevant for the rights of national minorities guided by the same values and with similar goals and sharing similar challenges. The endeavors of the OSCE and the Council of Europe to achieve a new peaceful European order after 1989 led also to the development of new instruments aimed to accommodate the minority questions and strengthening of their engagement in such issues, although this was not always enough to prevent wars and interethnic conflicts in Europe. The early 1990s were not only a “time of hope” in CEE, however, they were also a time of anxiety during which a number of long-submerged ethnic and national conflicts surfaced. Czechoslovakia divided. So did Yugoslavia and long and bloody wars ensued (Törnquist-Plewa, B., Góra M. 2015).

Luckily, that dark scenario did not occur in CEECs. There was not any risk of “Balkanization” in those countries⁸. But certainly, new legally binding instruments – giving to the states a wide margin within which to operate within the respect to the existence of national minorities and the rule of non-discrimination – were also adopted in a way because of the fear generated by the Yugoslavian conflict, in the sense that neglect of protection for national minorities could have provoked political instability, mainly in the Eastern and Central part of Europe. It is with this in mind that “The Framework Convention for the Protection of National Minorities” (FCNM) was approved and that the EU membership was offered to CEE countries. This was seen to some extent as vital to ensuring stability and peaceful development in the CEE region. “(...) 1989 brought new actors to the stage, namely the EU and NATO. European integration made new modes of cooperation much more attractive than earlier propositions. The offer of association with the EU was perceived as a strategic attempt to stabilize relations not only between Western European states and the newly independent states in the CEE region, but also between the countries emerging from the dissolution of

⁷ Other most relevant international documents that laid the foundation for the building of the global regime of minority protection were: the “United Nations Charter” (1945) and the “Convention of the Prevention and Punishment of the Crime and Genocide” (1948).

⁸ For a good understanding of the different transition process between CEEC-Western Balkans I suggest to read the article of Jano (2008).

the Soviet Union. The conviction was widespread at that time that the situation in CEE might follow the infamous pattern of the Yugoslav war” (Törnquist-Plewa, Góra, 2015).

The appearance of numerous violent ethnic conflicts after the collapse of the Communist system required clear rules for effective treatment of minority problems. The Council of Europe, since its establishment, has always paid attention to the protection of national minorities; this issue, however, became a priority for the political agenda of this Organization starting from the collapse of the communist bloc and the spread in some areas of Europe of new nationalisms and xenophobic behaviors. Based on these assumptions, the Council of Europe took progressive steps to establish a coherent legal framework in this regard, and to promote appropriate forms of dialogue and cooperation activities, involving both Member States and the concerned minority groups. Multilateral treaties designed to protect the rights of persons belonging to national minorities were signed. The most comprehensive of these were: a) the “European Charter of Regional and Minority Languages” – it was a European treaty (CETS 148) adopted in 1992 to protect and promote historical regional and minority languages in Europe (it recognized indigenous people who spoke a language other than that of the majority, but did not cover the languages spoken by immigrant communities)⁹; b) the “Framework Convention for the Protection of National Minorities” (FCNM) adopted by the Committee of Ministers of the Council of Europe in 1994 and entered into force in 1998. The FCNM was the first multilateral legally binding instrument devoted to the general protection of European minorities. These treaties were incorporated into the legal systems of all members of the CoE, including the new member states from CEE.

A very large number of documents, reports and recommendations, focused on the interdependence between peace, security and human rights, were drawn up by the European Organizations. Some of these texts included the minority rights that had to be observed by all EU member states¹⁰. Among the most important were:

- 1) the CSCE Charter for a New Europe (1990);
- 2) the Report of the CSCE Meeting of Experts on National Minorities (Geneva, 1991). This Report recognized that the full exercise of human rights and fundamental freedoms, including those of persons belonging to national minorities, were the foundation of the New Europe;
- 3) the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (October 1991) which was particularly important because the issue of the respect for human rights also included the respect for the rights of minorities;
- 4) the EU Pact on Stability in Europe (1995);

⁹ For further details see Martini, 1999.

¹⁰ For a more detailed compilation of the OSCE and Council of Europe Texts on National Minorities Standards see Council of Europe-OSCE (2008) *National Minority Standards*, Strasbourg: Council of Europe Publishing.

- 5) the European Social Charter – revised (1996);
- 6) the European Convention on Nationality (1997);
- 7) the Locarno Conference (conclusions) on “Governance and Participation: Integrating Diversity” (October 1998);
- 8) the EU Stability Pact for South East Europe – 1999 (it was replaced by the Regional Cooperation Council – RCC in February 2008).

The following texts were of particular relevance for the European integration before and after the eastward enlargement: the “Charter of Fundamental Rights of the European Union” (CFR) that was drafted by the European Convention and proclaimed on December 7, 2000 by the European Parliament, the Council of Ministers and the European Commission (The Chapter III, Equality – articles 21¹¹ and 22, and the Chapter V containing the EU citizens’ rights are of particular interest); the “Additional Protocol No. 12” (entered into force in 2005) of the “European Convention for the Protection of Human Rights and Fundamental Freedoms” that included the rights of persons belonging to national minorities, particularly in the cultural field, and contributed to dial the regulatory framework; the Resolution on “Protection of minorities and anti-discrimination policies in an enlarged Europe” that was adopted by the European Parliament in 2005. Last but not least, the “Treaty of Lisbon” that was signed by the EU member states on December 13, 2007. Minorities were included in art. 2 TEU, which laid down the common values of the EU. The inclusion of minorities into the TEU marked the first time when minorities were included in binding EU primary law.

In its Helsinki Decisions of July 1992, the OSCE established the position of the High Commissioner on National Minorities to be “an instrument of conflict prevention at the earliest possible stage” (OSCE 2018). This mandate was created largely in reaction to the situation in the former Yugoslavia which some feared would be repeated elsewhere in Europe, especially among the countries in transition to democracy, and could undermine the promise of peace and prosperity as envisaged in the Charter of Paris for a New Europe adopted by the Heads of State and Government in November 1990 (OSCE 2018).

The High Commissioner on National Minorities issued some important thematic Recommendations and Guidelines such as: the Hague Recommendations regarding the education rights of national minorities (October 1996); the Oslo Recommendation regarding the linguistic rights of national minorities (1998); The Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999); the Guidelines on the use of Minority Languages in the Broadcast Media (2003); the Recommendations on Policing in Multi-Ethnic Societies (2006); the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (2008).

An “Advisory Committee on the problems of minorities” was being created on the initiative of the same Committee of Ministers of the CoE. Also, as part of the Council of

¹¹ In art. 21 of the Charter of Fundamental Rights (CFR) on non-discrimination, membership in a national minority was one of the grounds where discrimination was prohibited.

Europe, the “European Commission against Racism and Intolerance” (ECRI) intervened several times against the dangers of racism, intolerance and xenophobia that could have altered the relationship between majorities and minorities. The Council of Europe was also interested in the activity of the Ombudsman, an expert in the defense of citizens’ rights and playing an important role to ensure that these rights were respected.

Between the end of the 90s and the first years of the new Millennium, in the prospect of European Union accession, the Baltic countries began to work on minority integration since they have needed to meet the Copenhagen criteria’s minority policies in order to be considered as valid candidates¹². At first, the CoE was the main organization to provide standards for minority rights to the CEE countries. So, membership in the CoE became the initial goal of the CEE countries and it was achieved rather quickly once they had fulfilled the basic criteria of the democratic rule of law¹³. The CoE membership was a *de facto* prerequisite for joining the EU by CEECs.

In July 1997, the European Commission presented its opinion on the applications for membership, and in its official communication (Agenda 2000) the same Commission recommended that negotiations begin with some CEE countries (the Czech Republic, Estonia, Hungary, Poland, and Slovenia). This position was reconfirmed at the December 1997 European Council in Luxembourg, where it was decided to begin accession negotiations with these five countries plus Cyprus. Only two years later, however, the humanitarian and military crisis in the Yugoslavian province of Kosovo occurred. The conflicts in Southeastern Europe (a serious threat to the entire European security environment), imposed new developments in the realm of EU foreign policy, which suggested a more comprehensive eastern enlargement with all ten candidate countries participating simultaneously¹⁴. In a discussion at the European Council in Helsinki in December 1999, the date for beginning negotiations with the remaining five candidate countries (Bulgaria, Latvia, Lithuania,

¹² The Treaty on European Union had set out the conditions (Article 49) and principles (Article 6(1)) to which any country wishing to become an EU member had to conform. Certain criteria had to be met for admission. These criteria (known as the Copenhagen criteria) were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995. They were: 1) stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; 2) a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; 3) ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the ‘acquis’), and adherence to the aims of political, economic and monetary union. For EU accession negotiations to be launched, a country had to satisfy the first criterion.

¹³ Lithuania became the 28th member State of the Council of Europe on 14 May 1993; Estonia became the 27th member State of the Council of Europe on 14 May 1993; Latvia became the 34th member State of the Council of Europe on 10 February 1995.

¹⁴ Certainly, the European integration and enlargement have been strongly influenced by two important exogenous factors: the end of communist rule in Eastern Europe and the recent Kosovo crisis.

Romania, Slovakia and Malta) was moved ahead and fixed for the second half of February 2000. Until the mid-1990s, the EU's enlargement initiatives were developing quite well in the former Communist Bloc countries and the EU was also playing a relatively large social and economic role in the region. The EU was both the biggest capital and know-how investor in the CEECs¹⁵. The Union provided various forms of assistance to those countries during their painful transition towards modern political democracy and a liberal market economy. But if the integration process generated satisfactory results in terms of economic development, it was precisely on the Copenhagen political criteria that problems occurred. And not so much on the transition to democracy but rather on the satisfaction of the standards of observance of minority rights. We must not forget that for the CEECs, following the collapse of communism, the building of a "nation-state" was a matter of priority, but this led to many conflicts with national minorities living inside those countries and that claimed their ethno-cultural identity, together with particular cultural and political rights founded on that identity. Among these rights there was the citizenship right and that to use one's own mother tongue.

The question of national minorities immediately presented itself as a thorny issue that showed different levels of conflict as explained very well by Roger Brubaker in his study on the great reorganizations of political space that framed the "short twentieth century" in Central and Eastern Europe and on the forms taken by nationalism in the aftermath of the transformation of multinational empires into would-be nation-states. He speaks about a "triadic nexus" of responsive, interactive and rival types of nationalism: the "nationalizing nationalism" is motivated by the claims of formerly marginalized ethnic groups which have since established states. Such groups often define themselves in ethno-cultural terms claiming that they together compose a "core nation" or nationality. These groups likewise claim that this professed status entitles them to control over the state; the "homeland" or "trans-border nationalism" counteracts nationalizing nationalism. It rises from the will to defend the place of "ethnonational kin" outside the borders of their supposed "external national homelands". This type of nationalism obliges states to monitor the condition, promote the welfare, support the activities and institutions, assert the rights, and protect the interests of 'their' ethnonational kin in other states. It often arises as a reaction to the perceived threat posed by a nationalizing state to populations living within its borders which are viewed as ethnonational kin; finally, the "minority nationalism" that tends to oppose nationalizing nationalism. It is characterized by a population's demands that their state recognizes more than that population's unique "ethnic" status. A group invoking minority nationalism will often insist that their distinctive "ethno-cultural nationality," and the supposedly implicit nationality-based cultural and political rights be recognized by the state as well (Brubaker, 1996, pp. 4–7).

¹⁵ It has to be said that those countries were forced to open their markets as a *sine qua non condition* to join the EU.

The Baltic states, for example, are nationalizing states, while the external homeland of their large Russian minorities is their powerful neighbor Russia which constantly signals its readiness to protect all Russians abroad¹⁶. The situation of Russian minorities in the Baltic States and, in particular the plight of non-citizens, is often cited in official Russian statements of concern for compatriots abroad. At a meeting with members of the World Coordination Council of Russian Compatriots in Moscow on May 2015, the Foreign Minister Sergei Lavrov spoke of Russia's "Fund to Support and Protect the Rights of Compatriots Living Abroad": "The fund renders qualified legal aid to our compatriots abroad, primarily those in the Baltic states, when their legitimate rights are violated" (Croft, 2016, p. 189). Germany acts as the Polish minority's external homeland and Poland as the nationalizing state, as demonstrated by the treatment of the Silesian minority. Poland in turn finds itself in the role of external homeland for the Polish minority in Lithuania, and so on.

The integration process with regard to national minorities in the Baltic countries is a very complicated issue to deal with. Even after joining the European Union in 2004, these countries had still not resolved the problems with their national minorities, especially the citizenship question. Their Constitutions (which are still in force) has not contained a specific section on protecting minority groups, instead they provide only generic non-discrimination principles. Latvia Constitution amended in 1998 contained only an article on "Minorities" (n. 114). This article states that the "Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity". The Estonian Constitution placed more attention on minority rights (see art. 37, 49, 50, 51, 52, 104). The Lithuanian Constitution adopted by citizens in the Referendum of 25 October 1992 did not contain any articles in this respect. Neither of the three Constitutions indicated the citizenship requirement in order to have minority rights.

A research on minority protection in Poland, Romania, Estonia and Latvia conducted by Schweltnus, Balázs, and Mikalayeva identifies three domestic factors that might hinder or enhance the development of minority protection: a) the government position (is the government favorable, indifferent or opposed to protection; are minorities included in the government coalition); b) the presence of actors in the domestic political scene who try to revoke norms or block further proposals (veto players); c) the size of the minorities (a larger size could lead to more political pressure, but also to higher norm adoption costs for the government) (Krepaz, 2016, p. 23). At the same time, the research shows "(...) two paths leading to positive change: a domestic path without external incentives, based on favorable governments and small minorities, and one including external incentives, needed to produce

¹⁶ The Russia annexation of the Crimean Peninsula has accentuated an identity crisis: "(...) an identity crisis has involved the majority of all post-Soviet states with a large portion of the population being ethnic Russians or Russian speakers. In particular, the Baltic states of Latvia and Estonia where the memory of Soviet/Tsarist oppression and occupation is still very strong, as is the fear of Russian aggression" (Ader, 2014).

a favorable outcome if minorities are larger and nationalist veto players are present” (Krepaz, 2016, p. 23). The researchers have concluded that a decline in positive developments with reference to the protection of minorities was noticeable after accession of these countries (Poland, Romania, Estonia and Latvia) to the EU, despite external incentives¹⁷ were still present in all of them. However, no revocation of already installed rules occurred (Krepaz, 2016, p. 23). According to the research, this occurred because of the political arena that was wholly dominated by majorities, either because of the small size of the minorities or because the majority kept total control over the state.

This explanation is put forward especially by Estonian researchers who argue that Estonia and Latvia did not share the fate of Moldova or other former Soviet republics with large Russian-speaking minorities because Estonians and Latvians excluded the Russians from political power at least for the crucial period of transformation and integration into European institutions. They did so by restrictive citizenship legislation that isolated many Russians from political power for at least a decade. “(...) The EU criticized them as bordering on discrimination, but Estonia and Latvia were able to defend them using the discourse of legal restoration as a legitimizing argument” (Törnquist-Plewa, Góra, 2015).

The ensuing processes of redrafting constitutions and citizenship laws provided unique chances to redefine the boundaries of the nation and to integrate diverse populations. But the moment was also propitious for projects of national consolidation based on exclusion and ethnic engineering. “After 1990 most CEE countries acted as ‘nationalizing states’ (...), seeking to secure the control of the core ethnic majority over state institutions and over the official definition of the nation. Citizenship policies have been used to ensure the unity of the nation within and across state borders (...). Whereas the explicit exclusion from citizenship based on ethnic grounds was prohibited by international norms, which most of these countries were forced to accept as a condition for European and transatlantic integration, indirect exclusion based on seemingly legitimately grounds was still possible. For example, Estonia and Latvia effectively denaturalized large proportions of their populations by reinstating their pre-Soviet citizenship laws and thus excluding from citizenship all Soviet-era immigrants and their descendants (...)” (Dumbrava, 2017).

The minorities in the Baltic States faced a great deal of discrimination when it came to accessibility and citizenship in the early 2000s. However, in recent times, the citizenship policies have been reviewed in the Baltic countries under pressure from the EU. Normative pressure and conditionality policy (external incentives) have been the two methods used by the European organizations to influence the minority policies in the way they have evolved these last years in the Baltic States. Conditionality has been used more by the CoE and especially the EU. On the contrary, normative pressure has been used to the greatest extent by the OSCE. The combined effect of using normative pressure and conditionality

¹⁷ This refers to the EU conditionality policy that sets political and economic incentives to the member states (or candidate members), in return of respect of rules and standards fixed by the EU.

has been effective in bringing about government's behavior change. Following the recommendations of the Council of Europe (for example, the Council of Europe's confidential recommendations – 2011, including granting citizenship to all residents without the state language exams and permitting non-citizens to become members of political parties) and the OSCE, very important steps have been made towards recognition of minority groups and the respect of their rights.

The Citizenship Policies in the Baltic States

Recently, Latvia and Estonia have reviewed their naturalization procedures, especially facilitating young people born after independence, to whom citizenship is now granted without passing the citizenship exams. In Estonia, since 2016 children of persons with undetermined citizenship began to automatically receive Estonian citizenship from the moment of birth. In Latvia, citizenship is granted automatically to children of stateless persons and non-citizens but not without the consent of both parents or one of them. For citizens of older age groups, naturalization remains conditioned to a series of verifications required (knowledge of the national language, Constitution, and history of Latvia, source of income, a loyalty oath, etc.) in both countries. More than 25 years after the proclamation of the independence of the Baltic Republics, the number of non-citizens in Latvia, as at January 2016, was about 252.000 (11.75% of the total population. See Commonwealth of the Independent States – Elections Monitoring Organization, 2017)¹⁸. By the far largest ethnic group of all non-citizens were Russians, who made up 65.6% of all non-citizens (13.7% were Belarusians, 9.7% were Ukrainians, 3.5% were Poles, 2.5% were Lithuanians and 5% were from another ethnic groups. See *Pilsonības un migrācijas lietu pārvalde*, 2016). The number of non-citizens in Estonia, as at January 2016, was about 90.000 (6%. See Commonwealth of the Independent States – Elections Monitoring Organization. 2017). It is assumed that in the Baltic States the non-citizens number will decline in the next years for various reasons, including measures to facilitate citizenship for children, naturalization, migration, acquisition of citizenship of another state (usually the Russian Federation) by non-citizens and because non-citizens are also an aging group overall, so some of the decrease will occur for natural reasons.

Lithuania

In Lithuania, the citizenship law, passed by the *Seimas* (Lithuanian parliament) on December 5, 1991, replaced that of November 3, 1989. However, if the law of 1989 applied the so-called

¹⁸ The data of the Population Register, as at January 2016, showed 252.017 non-citizens living in Latvia (11.8% of residents) (*Pilsonības un migrācijas lietu pārvalde*, 2016, January 1). “Latvijas iedzīvotāju sadalījums pēc valstiskās piederības (Datums=01.01.2016)”. *PMLP*. Retrieved from: <http://www.pmlp.gov.lv/>.

“zero-option”, which meant the granting of citizenship to all permanent residents of Lithuania after the dissolution of the USSR, the new law of 1991 imposed more restrictive norms, partially in line with the other two Baltic countries. By the citizenship law of 1991, citizenship was recognized only to all those who owned it prior to June 15, 1940 (day in which the country was occupied by the Red Army to be then incorporated into the USSR). The 1991 law did not grant automatic citizenship to all permanent residents. Only to those who were citizens of Lithuania before 1940 were granted citizenship without naturalization (Popovski, 2000, p. 64). Art. 12, par. 2, indirectly stated that Lithuania did not consider citizenship of the Soviet Union as legally valid. As a result, citizenship was not automatically granted to most people of Russian ethnicity that had to undergo a naturalization procedure in order to acquire it providing for rather rigid requirements (subjects were required to have a fixed and legal income, to take a Lithuanian language test, to know the fundamental principles of the Constitution, to swear loyalty to the State, to reside permanently in the country, and to have no other citizenship, etc.). Nevertheless, the law on citizenship, already in its version of 1991, gave the opportunity to register as a citizen to all children born in Lithuania after independence, whose parents were stateless individuals, but legal permanent residents in the country, regardless of their ethnicity, duration of the period of residence, knowledge of Lithuanian language or family history (art. 10). For the Lithuanian government this meant less problems with its minorities. In this country, the Russian minority had always been relatively small if compared with the Russian minorities living in the other two Baltic countries, and also the Polish minority represented a small percentage of the total population of the country. For this, the law on citizenship (1991) – adopted after the country’s independence – had not been drawn up with the intent to “protect ethnically the country”. We must bear in mind that Lithuania has always been more ethnically homogeneous than the other two Baltic States.

Citizenship law has changed over time¹⁹. The most significant event was the modification of the law on citizenship in respect of which a new wording came into force on April 1, 2011 (Citizenship Law of 2 December 2010 No. XI-1196). According to the new wording, the number of individuals authorized to acquire Lithuanian citizenship had been increased significantly (art. 7): a) persons who fled the country prior to March 11, 1990 and acquired citizenship of another State; b) persons exiled from the occupied Republic of Lithuania before March 11, 1990 and acquired citizenship of another State; c) descendants of the mentioned persons up to great grandchildren. Before independence was lost in 1940, and again in 1944–1945, large numbers of residents emigrated from Lithuania. Enormous losses were sustained between 1940 and 1952 when 275,6972 Lithuanian citizens were exiled to Siberia on social, political, or religious grounds. Although some were rehabilitated before

¹⁹ Citizenship Law of Lithuania, 17 September 2002 No. IX-1078; Citizenship Law of Lithuania, 18 July 2006 No. X-768; Citizenship Law of Lithuania, 15 July 2008 No. X-1709; Citizenship Law of Lithuania, 2 December 2010 No. XI-1196.

the restoration of Lithuania's independence, and others after its restoration, nevertheless, before the restoration of independence, a not inconsiderable number of people and their descendants remained resident outside Lithuania, as their return to the country was hindered by obstacles (Ruškytė, 2015, p. 2); d) persons of Lithuanian descent who left the Republic of Lithuania after March 11, 1990 (although their departure is in no way related to politics) and acquired the citizenship of a Member State of the European Union (EU), or a North Atlantic Treaty Organization member country (Lietuvos Respublikos SEIMAS, 2010).

According to various calculations, prior to 1990, former Lithuanian citizens living outside the borders of Lithuania, along with their descendants, represented around a million persons. This number increased by more than half a million emigrants between 1990 and 2011 following the restoration of Lithuania's independence (Ruškytė, 2015, p. 2).

Dual citizenship was granted to these categories of persons. In this context, it is important to mention such people, because the political directives on dual citizenship aimed at solving – in addition to the desire to restore historical justice – an increasingly worrying economic and social situation for the Baltic State: the low birth rate and the negative net migration were stressing the need of importing foreign workers. Government, therefore, paved the way to ensure that the flow of immigrants was made up primarily of “emigrants return”. However, it must be said that dual citizenship was granted and is still being granted at really very restrictive conditions.

Conditions for acquiring citizenship by stateless persons were eased when, on May 9, 2013, the Lithuanian Parliament adopted the “Law on the Ratification of the United Nations Convention on the Reduction of Statelessness” which came into force on May 25, 2013 (XIIP-291). Since the ratification of the Convention by Lithuania, stateless persons may acquire citizenship of the Republic of Lithuania if they have been legally permanently residing in Lithuania for the last five years, rather than ten years as previously provided the law on citizenship (2010). Further amendments to Lithuania's citizenship law were adopted in 2016 (Law on citizenship, 2 December 2010 No XI-1196, as amended on June 23, 2016 No XII-2473) to ensure the rights to citizenship of Jews who left Lithuania between the two world wars and their descendants. The art. 2, par 3. “Person who left Lithuania before 11 March 1990” specifies now that citizenship is restored to an individual who left Lithuania before March 11, 1990 (the date Lithuania formally declared independence from the Soviet Union), “except for cases where the individual left Lithuania to live in another part of the Soviet Union after June 15, 1940 (the date the Soviet Union occupied Lithuania)”. Under the law on citizenship of December 2, 2010 (No XI-1196), citizenship was restored “only” to those who fled before the restoration of independence and to their descendants. Basing on it, Lithuanian courts and the Migration Department refused to restore citizenship also to people who left Lithuania in the interwar period from 1918 to 1940. With the amendments to the law the citizenship (2016) is now recognized not only to those who withdrew or fled from Lithuania before March 11, 1990, because they were against or persecuted by the communist regime, but also to the Lithuanian Jewish citizens who fled from Lithuania because they

suffered persecutions in Lithuania between 1918 and 1940 (Lietuvos žydų bendruomenė, 2016). In the other two Baltic States, the situation is more complex than in Lithuania.

Latvia

On May 4, 1990, the Republic of Latvia declared its independence and decided to restore, emphasizing the legal continuity with the pre-communist historical past, the status and the rights of those persons who were recognized as Latvia's citizens under the 1919 Law on Citizenship as well as their descendants.

Subsequently, the Supreme Council adopted the Resolutions of October 15, 1991 ("On the Renewal of the Rights of Citizens of the Republic of Latvia and the Fundamental Provisions for Naturalization"²⁰) and October 28, 1992 ("On the Conditions for the Recognition of the Rights of Citizens of the Republic of Latvia Regarding Persons who were Resident within the Borders of Latvia before 1 August 1914, and their Descendants"²¹), which determined that those who were Latvian citizens before 1940 and their descendants had right to be registered as citizens. Therefore, according to these Resolutions, Latvians were registered as citizens provided they or their ancestors had been Latvian citizens before Latvia lost its independence.

Legal continuity with the pre-war statehood (as was clear in Latvia given its revival of its 1922 Constitution) had consequences on these countries' treatment of citizenship. With the pre-war laws initially restored, the pool of citizens was essentially "renewed", not re-determined. "The three Baltic states thus proclaimed themselves the 'continuers' of the independent states formed in 1918, rather than the successors of the Soviet Union (...). This continuity is shown in the '1940 option' (...) for acknowledging residence in the country, hence considering 50 years of Soviet occupation as legally null and void. (...)" (Di Gregorio, 2018, p. 8).

"The wide spread of co-ethnic citizenship policies in CEE can be understood in the light of the region's complex history of nation building. (...) The fall of the communist regimes and the dismantling of the multinational states of the Eastern bloc rekindled old struggles over state and nation building. (...) The new and restored states had to enact citizenship legislation in order to demarcate their populations" (Dumbrava, 2017, p. 20).

Those who arrived to Latvia during the Soviet period (mainly ethnic Russians) were granted the option to become citizens by naturalization, because "could not be automatically considered citizens, those whose presence on the territory was based on an illegal act

²⁰ *Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1991, No. 43. Immediately after the adoption of this Resolution, the 1940 decree was considered null and void with regard to Republic of Latvia citizens.

²¹ *Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1992, No. 46/47/48.

of occupation” (Van Elsuwege, 2008, p. 75)²². The naturalization procedure required to be proficient, though not fluent, in Latvian and have a permanent residence in the Republic for at least 16 years, to know the Constitution and to be loyal to the Latvian State. An important exception was ex-Soviet military and security personnel and their families stationed in the country. Their 16 years of residency requirement did not begin until after independence.

In December 1992, the government announced the first partial results of a citizen registration that it had begun carrying out. About 67% of the inhabitants of the republic had been registered by that time. Of those registered, 1,339,530 were classified as Latvian citizens, while additional 452,378 persons were classified as non-citizens (Payerhin, 2017, p. 154).

The naturalization procedure in force was included in the new citizenship law adopted on July 21, 1994 (primarily based on the *jus sanguinis*). With a few amendments, some changes to the naturalization procedure had made, on the basis of which, the permanent residence requirement was reduced to five years (law on citizenship – as amended 1995) and an age quotas system was included, whereby from 1995 to 2000 only persons aged 16 to 25 could apply for citizenship, while others would have to wait until after 2001–2003.

At the same time, for former Soviet citizens without Latvian citizenship (or other citizenship), the law “On the Status of those Former USSR. Citizens who do not have the Citizenship of Latvia or that of any Other State” was adopted in 1995 as a temporary measure pending the resolution of changing citizenship regimes in the now independent former Soviet Republics²³.

From 1995 until the referendum of 1998 (when age quotas system for naturalization was rejected), only a small part of non-citizens applied for Latvian citizenship. On June 1998, the Latvian parliament amended the Citizenship Law of 1995, eliminating the age quotas for naturalization and granting all non-citizens aged 16 or over the right to apply for citizenship provided they passed a Latvian language and history exams. In addition, with the new law, registration as a citizen without naturalization was granted to those born after August 21, 1991 and who were children of stateless or non-citizens persons²⁴ living in

²² Peter Van Elsuwege (2008), a scholar in European law at Ghent University, states that the Latvian law was grounded upon the established legal principle that persons who settled under the rule of an occupying power gained no automatic right to nationality. A number of historic precedents support this, most notably the case of Alsace-Lorraine when the French on recovering the territory in 1918 did not grant citizenship to German settlers despite Germany having annexed the territory 47 years earlier in 1871.

²³ This law was later amended. The rights of Latvian non-citizens outside of Latvia are now governed strictly by treaty, according to which, non-citizens can travel visa-free in the EU under Schengen, just as Latvian citizens do, and have access to Latvian consular services abroad. They also are entitled to education, health care and social security.

²⁴ Non-citizens of Latvia are not stateless persons. The protection provided to non-citizens in Latvia extends beyond that which is required by the 1954 Convention Relating to the Status of Stateless Persons. They have rights akin to citizens (e.g., the right to reside in Latvia without visas or temporary residence permits), but not in all areas. Non-citizens cannot vote, although they can participate to a lesser degree in

the country with a permanent residence permit – combining in this way *jus sanguinis* and *jus soli* provisions. The request for citizenship had to be presented by both parents, in case the person concerned had not reached 15 years of age; however, it could be advanced by the interested party, if aged between 15 and 18, if he had proved to live permanently in the country and to know the Latvian language. “The 1998 amendments to Latvia’s citizenship law were, by far, the clearest indication of the effectiveness of minority rights conditionality. (...) After submitting its EU membership application in 1995, Latvia was excluded from accession talks at the end of 1997 given the slow progress of naturalization” (Tesser, 2005, p. 8). Therefore, the majority of the political elite decided speeding up naturalization by way of amendments to the citizenship law from the desire to join the EU. With the end of the window system and the inclusion of stateless children born after 21 August 1991, Latvia could simplify the naturalization process for its then 700,000 non-citizens provided that they can write and talk about everyday topics in the state language and know the country’s constitution and history. The 18,000–20,000 children born to this group since Latvia’s independence would also become citizens provided that their parents publicly demonstrate their consent (Tesser, 2005, p. 8)

Further amendments to the citizenship law (amendments were endorsed by the President of Latvia on May 23, 2013 and came into effect on October 1, 2013) had provided for the achievement of citizenship in favor of children born in Latvia after August 21, 1991 to stateless or non-citizens individuals permanently residents in the country, admitting that the registration request as a citizen could be presented even by a single parent (and no longer, as in the past, necessarily by both)²⁵ or directly by the interested party, if between the ages of 15 and 18, after proving Latvian language knowledge and living permanently in the country. The amendments also provided that pupils who have acquired more than half of the basic educational program in the Latvian language were exempt from all naturalization examinations and were registered as citizens upon submitting a naturalization application in accordance with the standard procedures (Ministry of Foreign Affairs of the Republic of Latvia, January 2015). At last, the amendments eliminated a previous requirement for the stateless or non-citizen parents to make a pledge of loyalty when registering citizenship of their children. Positive effects were soon evident.

The percentage of non-citizens has dropped to 12% (257 377) in July 2015 compared to 29% (approximately 730 000) in 1995, when the naturalization process began. 84% of Latvia’s residents are now citizens. As of July 31, 2015, 143 061 persons were granted Latvian citizen-

public policy through NGOs. Pension rights are limited, and non-citizens cannot hold certain positions in local and national government, the civil service, and other governmental entities. At last, non-citizens are exempt from military service, which was compulsory for male Latvian citizens until 2006.

²⁵ The law decided to consider that many Russian parents were separated or that in family there were single mothers.

ship through the naturalization procedure. 99% of the children born in Latvia in 2015 are Latvian citizens (Ministry of Foreign Affairs of the Republic of Latvia, November 2015).

The naturalization process has played an important role in furthering social integration in Latvia as confirmed by the latest figures available.

The percentage of non-citizens (data as of January 1, 2018) has dropped to 11% (233 393) compared to 29% (approximately 730 000) in 1995, when the naturalization process began. As of January 1, 2018, 84,6% of residents of Latvia were citizens. From February 1, 1995 to March 31, 2018, Latvian citizenship has been granted to 145 583 persons by a Cabinet of Ministers Decree. 99,9% of the children born in Latvia in 2017 were Latvian citizens (Ministry of Foreign Affairs of the Republic of Latvia, July 2018).

On May 9, 2013 the Latvian *Saeima* (Parliament) adopted changes (effective since October 1, 2013) to the laws to allow dual citizenship. Now most Latvians living in the USA and other countries may be eligible to apply for and receive Latvian citizenship while retaining other citizenship they may hold (*Ņujorkas latviešu ev. lut. Draudze*, 2013). In this way, Latvia (like Lithuania) fulfilled a strategic goal: to make sure that the flow of immigrants is made up primarily of “emigrants return”, useful for the future needs of the economy, and to stem, as far as possible, the arrival of foreign immigrants.

Without losing citizenship of the country in which they live, Latvian residents abroad who demonstrate that an ancestor of theirs lived in Latvia between 1881 and 1940 and demonstrates knowledge of the Latvian language, may obtain citizenship as from 2013; individuals exiled or deported during the German and Soviet occupations, and their descendants, have the same right; even more recent emigrants can claim dual citizenship, maintaining Latvian citizenship even if they have become citizens of any of a list of EU, NATO or EFTA countries, along with Brazil, Australia, New Zealand or any other country with which Latvia has signed an international treaty (Di Gregorio, 2018, p. 14, note 30).

A comparative report on citizenship in Central and Eastern Europe shows that dual citizenship can also be used as “a tool for expanding the national community beyond state borders” by offering formal and symbolic means to reintegrate emigrants, former citizens or co-ethnics. Of course, these citizenship policies for such categories of people are not confined to CEE countries, even if they tend to be more far-reaching and more contested in CEECs than in other regions (Dumbrava, 2017, p. 19).

Estonia

Also in Estonia, according to the Act of Citizenship, promulgated on February 26, 1992 (and that reapplied the 1938 Citizenship Act, following here too the doctrine of legal continuity and the principle of restoration to the original condition of prior sovereignty), all individuals who had acquired citizenship before June 16, 1940 (day in which the country was occupied by the Red Army to be then incorporated into the USSR) were automatically considered to be Estonian citizens (including their descendants). Thus, roughly two-thirds of the 1.5

million Estonian inhabitants restored Estonian citizenship in 1992 (Press and Information Department, Ministry of Foreign Affairs. European Commission, 2007). Other people were required to fulfill the following criteria such as having at least two years of residence in Estonia from March 30, 1990 onwards, passing an Estonian language test and taking a loyalty oath to the State and Constitution.

The entry of aliens²⁶ into Estonia, their temporary stay in the country as well as their residence and employment were instead regulated by the Aliens Act of 8 July 1993 and subsequent amendments (UNHCR, 1993).

In conjunction with this, the law on aliens passed on July 8, 1993 which applies to both aliens and stateless persons residing in Estonia should be considered. This law provided for residence permits (in Article 12), granted permanent residents voting rights in local elections, and allowed anyone with both a Soviet passport and an Estonian residence permit to leave and re-enter the country freely (Di Gregorio, 2018, pp. 15–16).

On January 19, 1995 the *Riigikogu* (unicameral parliament) passed another Citizenship Act, which took effect on April 1, 1995. According to this Act, those seeking to become Estonian citizens via naturalization were required to fulfill the following criteria: applicant be at least 15 years old, resided in Estonia legally for at least eight years and, of that, have spent the last five years with permanent residence in Estonia, be able to speak Estonian (persons who had graduated from an Estonian-speaking high school or an institute of higher education were assumed to fulfill this criterion without the need to take a full examination), take an examination demonstrating familiarity with the Estonian Constitution, having a permanent legal income and taking an oath of allegiance. Those who had committed serious crimes or were foreign military personnel on active duty were ineligible to seek naturalization as an Estonian citizen.

Under pressure OSCE (HCNM), the Estonian Citizenship Act of 1995, amended on December 8, 1998, simplified the naturalization procedure for some categories of people²⁷. These included (in addition to the disabled persons that were exempted to the language test) people born in the country after the re-conquest of independence. Now, for the Act, the minor children (under 15) born in the country after February 26, 1992, whose parents of “undetermined citizenship”²⁸ had lived in Estonia for at least five years, were eligible – at their parents’ request – to gain citizenship through naturalization without the precondition of

²⁶ Estonian law uses the term “alien” rather than “foreign national” to categorize a person who is not an Estonian citizen. The category of “alien” also applies to stateless persons or persons with undetermined citizenship who form a large group among Estonia’s non-citizens.

²⁷ Liberalization came in 1998 on the subject of stateless children, coinciding with the beginning of EU entry negotiations.

²⁸ “Undetermined citizenship” is a term used in Estonia to denote a post-Soviet form of statelessness. It applies to those migrants from former Soviet Republics and their children, who were unable or unwilling to pursue any country’s citizenship after the collapse of the Soviet Union.

passing the citizenship examinations. From 1998 to July 2, 2008, 9842 children had acquired citizenship on the basis of this amendment (Press and Information Department, Ministry of Foreign Affairs. European Commission, 2007). With the accession of Estonia to the EU (May 2004), Estonian citizens automatically became citizens of the EU. “This greatly increased the appeal of Estonian citizenship, especially for younger people. This seems to be the main reason why in 2004, the number of people who acquired Estonian citizenship through naturalization was almost double that of the previous year [2003: 3.706; 2004: 6.523]” (Press and Information Department, Ministry of Foreign Affairs. European Commission, 2007).

Over the years, the share of persons of “undetermined citizenship” in Estonia decreased from 32% in 1992 to 8.0% in August 2008 (Press and Information Department, Ministry of Foreign Affairs. European Commission, 2007). In more recent times, Estonian commitment to solving statelessness led to the amendment of the Citizenship Act passed on January 21, 2015 (entered into force on January 1, 2016). The most important change that has been brought about through this amendment to the Citizenship Act relates to article 13(4), which now provides as follows: “A stateless child born in Estonia to stateless parents (or as the government classifies them – parents with “undetermined citizenship”) who have lived in Estonia for at least 5 years before the child’s birth will automatically acquire citizenship – with the possibility that the parents may ‘opt out’ on behalf of their child within one year from birth. It is also significant to note that this rule can also be applied retroactively to qualifying children who are under the age of 15. Before the amendment, citizenship could be acquired only upon application and it was necessary to have the consent of both parents, which presented a barrier to the acquisition of nationality for some children in practice” (Legal Information Centre for Human Rights, European Network on Statelessness and Institute on Statelessness and Inclusion, 2015).

Unlike Latvia, in Estonia native-born children of non-citizens automatically acquired citizenship without the consent of parents. Furthermore, according to the new amendment, the citizens older than 65 years who applied for Estonian citizenship were exempt from the written exam, and an applicant, who had passed the Estonian language test and the exam on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act, had his or her language training expenses reimbursed. The Act of Citizenship as amended, also addressed the issue of dual nationality: a minor Estonian citizen (under 18) who had another citizenship in addition to the Estonian one, could not be deprived of Estonian citizenship until the age of majority. But upon reaching 18 years of age, a child had to give up either his or her Estonian citizenship or that of the other country within three years. In Estonia, dual citizenship was not and still is not being allowed.

The question of granting a right of dual citizenship to minorities has always been a very controversial issue in the Baltic countries as it is closely connected to the question of security. A characteristic of CEE countries is that most of the minorities have a connection with neighboring kin-states. This causes tensions with regard to possible interference between neighboring countries and raises the risk of the interstate conflicts.

Dual citizenship can be discussed with little emotion throughout Europe, but in the Baltic context it evokes great anxiety. The Russian minorities' demand for the right to dual citizenship, supported by their external homeland Russia, is wholly unacceptable in the eyes of the Balts. "It is seen as a direct and serious threat to the independence of the Baltic states in view of the considerable size of the Russian minorities, the fresh memories of the Soviet occupation, and Russia's nonchalant attitude towards Baltic sovereignty. (...) The Russians regard the Baltic states as "near-abroad", a concept of Russian foreign policy that stresses the importance of neighboring regions to Russian security and claims a sphere of influence over certain territories" (Törnquist-Plewa, Góra, 2015).

In 2016, 1746 persons acquired Estonian citizenship by naturalization. 1450 of them were persons with undetermined citizenship. As of January 2017, 79438 persons with undetermined citizenship were resident in Estonia – compared to 82561 persons in 2016 (Republic of Estonia, Ministry of Interior, April 2017). As of January 2018, 77268 persons with undetermined citizenship were resident in Estonia (compared to 79438 persons in 2017). In 2017, 873 persons acquired Estonian citizenship by naturalization. 590 of them were persons with undetermined citizenship (Republic of Estonia, Ministry of Interior, October 2018).

Concluding Remarks

The Baltic countries are trying to find the best way to interact with their minorities. The young generation is better integrated with the rest of the country such as joining the military via conscription and improve its Latvian, Lithuanian or Estonian language skills. It is a transition the older generation often does not make as many of them never learned Latvian, Lithuanian or Estonian, because Russian was formerly their national language. But more and more of young people are detaching themselves from the habits of their fathers. Nowadays, language difference is less of a barrier to integration and while ethnic residential segregation is still pervasive, opportunities to integrate are greater at workplaces since ethnic segregation in the labor market is in decline and even at school – as the number of Russian parents sending their children to national language schools is growing. However, there are some differences between countries, for instance, according to the "IndexMundi data" (Latvia vs. Estonia. Demographics, 2017) in Latvia, Russian is the main language of 33.8% of the entire population and in Estonia it stands at 29.6%. In Estonia, around half of the Russian-speaking population does not have a good skill in the Estonian language. In Latvia the situation has developed somewhat differently. As early as the year 2000 about 75% of the representatives of Latvia's minorities declared Latvian language skills (Druviete, 2002), a number which has increased over the years. The difference between the two countries does not only seem to be linked to more rigorous policies of bilingual education adopted in Latvia, but also to the relative difficulty of the Estonian language. Estonian belongs to the Uralic group of languages. In contrast, both Latvian and Russian belong to the Balto-Slavic group. These

issues aside, there is no doubt that the generation of those with Russian origins is increasingly identified with its Baltic homeland than with Russia. A government-sponsored poll of persons belonging to national minorities carried out in Latvia (2014) showed that more than 60% of them considers themselves to be patriots of Latvia. Moreover, the number of minorities who said that they were proud to be citizens of Latvia tended to increase over the last years. Most respondents do not support the authorization to use Russian forces on Ukrainian territory (Croft, 2016, p. 187).

So, the EU wins its battle for the Russians in the Baltics. However, it is also true that if the Baltic countries have made great strides to bring closer Russians to ethnic natives in terms of recognition of civil and political rights (the issue of political rights is not completely settled since long standing non-citizens, to whom full citizenship has not yet been granted, cannot vote at the local and national levels)²⁹, so far little work has been done on the level of socioeconomic integration. There are signs that immigrants risk remaining on the margins amidst ongoing progress in the integration of the Estonian and Latvian societies. Of course, faced with the pressing societal issues of integration, the Baltic countries are not unique in this regard. A very interesting report, that is a special Eurobarometer survey on “Integration of immigrants in the European Union” (TNS opinion & social, 2018), noted some critical issues, especially in the CEE countries as regards, for instance, low levels of contact of the native population with immigrants in any circumstances of life.

In Hungary (61%), Romania (69%), Lithuania (69%) and Bulgaria (70%) a significant majority of respondents report little or no contact with immigrants in their neighborhood. These countries, along with others in Central and Eastern Europe, generally have low levels of contact with immigrants in any circumstances (TNS opinion & social, 2018, p. 6).

There are low levels of interaction of the native population with immigrants on a daily basis at childcare centers, schools or universities, or while using public services (e.g. hospitals, local authorities’ services, public transport). “No more than a quarter of respondents interacts with immigrants on a daily basis at childcare centers, schools or universities. (...) In ten countries, all of which are located in Central and Eastern Europe, less than 5% of respondents come across immigrants on a daily basis in this context. In these countries, by far the most common response is that they interact with immigrants ‘less than once a year or never’: this ranges from well over half (55%) of those polled in Estonia to over three quarters (77%) of respondents in Hungary” (TNS opinion & social, 2018, p. 6).

Moreover “(...) the majority of Europeans think that the responsibility of integration is on both immigrants themselves and the host society. However, this opinion is less common among respondents in Central and Eastern Europe. Those in the oldest age cohort or with

²⁹ More precisely, in Estonia non-citizens can vote but only in local government elections. However, they have not the right to run for public office. In the case of Latvia, an important step toward bringing non-citizens more into the fold of society and encouraging their participation would be to extend to them rights to vote in local elections.

lower levels of education are less likely to think integration is a *two-way process* between the host society and the immigrant, and are more likely to think that immigrants themselves should be mostly responsible for their integration” (TNS opinion & social, 2018, p. 163).

Finally, there is a general consensus on the most important factors contributing to successful integration. Europeans think it is particularly important that immigrants are able to speak the language of the country they have immigrated to. Nine in ten respondents hold this view. Respondents also think that both economic and cultural factors are important for successful integration: a majority agree that making contributions to the welfare systems of the host countries is important for integration, as is the acceptance of the values and norms of the societies. While there is widespread agreement on the importance of these issues, the extent to which they are regarded as important varies, with fewer respondents in Central and Eastern European countries tending to regard them as very important (TNS opinion & social, 2018, p. 163).

Unemployment and poverty in particular affect today Russian minorities who also suffer from the lack of investments and infrastructures in the areas where they live. Low living standards characterize these minorities, who live in degraded neighborhoods located in the suburbs of urban centers. Thus, the next challenge should concern the promotion of citizenship in a wider sense. It must be said that the matter is on the agenda. A number of measures were planned, including preparatory courses for naturalization exams and “flexible integration services”. Latvia’s Guidelines on National Identity, Civil Society and Integration Policy (2012–2018) have been drawn up with the purpose of strengthening forms of inclusion and social participation with particular reference to the most disadvantaged members of society. Of course, the integration is an ongoing process requiring constant active policies and often demanding robust resources as well as brave political leadership. Personally, I believe that the question of minorities will find a definitive solution in the future both because of the incidence of Russian speakers (and Polish speakers) tending to decrease in the Baltic countries and because of the sensitivity to this issue that has been gradually changing in the direction of greater attention and awareness.

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