

## **Non-Citizen Voting in Latvian Local Elections**

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One of Russia's foreign policy objectives in the former Soviet space is non-citizen voting in local elections. The upcoming Latvian municipal elections again put this issue on the front burner.

In the early 90's, several international organizations (IO) designated the OSCE (Organisation for Security Cooperation in Europe) to recommend that Latvia grant non-citizens the right to vote in municipal elections. Pressure also came from Russia, which uses the OSCE recommendation to harass Latvia to advance its geopolitical interests. The IO were motivated by several considerations: strengthening democracy in the new post-Soviet states, extending Western influence, and ensuring long-term stability in Eastern Europe. What concerns the IO most is ethnic conflict, as in Yugoslavia, and which see the solution in political participation.

The West emphasizes civil, social and political rights. The OSCE recommendation adds political rights for non-citizens. However, the principle of national sovereignty does not allow foreign countries to dictate citizenship standards to other states, resulting in a conflict between the OSCE recommendation, international convention and Latvia's standard of political rights only with citizenship. The EU has no policy regarding non-citizen participation in local elections and only allows citizens of member states to do so.

### **Estonia's Choice**

Estonia adopted the OSCE recommendation for one reason. When restoring citizenship in 1991 on the principle of state continuity, Estonians were about 62% of the population, and with inclusion of pre-war minorities, citizenship rights were granted to around 68% of the population. The strict Estonian position on citizenship caused Soviet era migrants in the Narva region to threaten separation from Estonia when around 8% non-citizens adopted Russian citizenship. To prevent secession, Estonia expanded citizenship eligibility and adopted the OSCE recommendation, thus allowing non-citizens to vote every four years in local elections. However, they could not join or start a political party. This pleased the OSCE, but did not change Russian foreign policy towards Estonia.

### **Latvia's Choice**

Latvia did not accept the recommendation because there was no secessionist threat. Latvia sees political participation as a citizen's prerogative. Neither the Latvian Constitution nor its laws permit voting for non-citizens. In 1991 the low proportion of Latvians raised concerns about a possible Soviet migrant takeover of power. The first Citizenship Act of 1993 highlights this concern. Heated debate with the IO forced a change in the law, and by 1998 it was modified, removing the citizenship window system and allowing all Latvian born children to obtain citizenship on an *ius soli* basis, thus increasing the number of citizens.

### **Definition of Non-citizens**

Residents of a state consist of citizens, foreign nationals, the stateless and *near-citizens*. Foreign nationals are individuals who legally reside in or visit a country. Stateless persons have no citizenship whatsoever and legally reside in a country but without its diplomatic protection. Near-citizens, or in Latvia *nepilsoņi*, have civil, social, and partial political rights, including diplomatic protection from Latvia, that is, they are *almost citizens*. Countries that use this status can adapt it to meet its needs.

In Latvia, political rights of *near-citizens* include being up to half of all members in a political party. As party members, they can defend their interests by influencing all party activities. Allowing voting in municipal elections would give an additional political right.

Latvian *near-citizens* status was a compromise with the OSCE's desire to involve the stateless in political decisions. Non-citizens make up around 13% of the population. Of all citizens, 72% are Latvians and 28% are minorities. Of the total population, from 2001 – 2011 minorities declined by 23%, Latvians by 6%, and *near-citizens* also decreased significantly. About one-third are of pensionable age. Non-citizen Latvian born minor children are entitled to citizenship as a parental decision.

Russia's strategic goal is to create a Russian led Eurasian Economic Union. This strategy is seen in its diaspora policy, investment policy and initiation of the language referendum to make Russian Latvia's second official language. Russia is not interested in minority integration into Latvian society, but manipulates human rights issues to exacerbate ethnic relations. Russia's demand that Latvia grant citizenship automatically to non-citizens is absurd as this disputes the very legitimacy of the Latvian state.

### **Ideological Victory**

With the collapse of the Soviet Union, the Cold and ideological wars were won by the West, affording a sense of superiority for its understanding of politics. The idea that pre-existing political models could be used in Eastern Europe without deeper analysis even though no historical precedent for such major change in a large area involving hundreds of millions of people existed is a consequence of this feeling of superiority. Western democratic interpretations became universally applicable. But if a political ideology is almost perfect, historical comparisons to it are unnecessary and potentially devastating. The consequence of the Soviet legacy is one such damaging criticism and thus is ignored. Years after the Soviet collapse, Western researchers realized the limitations of the pre-existing model approach. The OSCE recommendation was created in this ideological victory period.

### **Citizenship**

Citizenship is never granted unconditionally. No country grants it to all who incidentally live in its territory. Citizenship implies a degree of exclusion: an open concept of citizenship is a contradiction. Citizenship is based on consanguinity (*jus sanguinis*) or territory (*jus soli*). Many countries use both, but none use *jus soli* exclusively. The Hague Convention on Nationality (1930), permits states to define its own citizens. The Convention, however, limits absolute freedom in deciding national citizenship: all inhabitants have a right to citizenship; states must avoid creating statelessness; no one shall be arbitrarily deprived of citizenship; a change in marital status should not affect the other partner's nationality. Citizenship should serve as a basis for civil rights, political participation, social support, identity and that which serves the common good of society. The European Convention on Nationality (1997) tried to standardize EU member states nationality laws.

Assumptions about citizenship differ in Western and Eastern Europe. For Western countries, citizenship is associated with an individual's legal obligations to the state and international law, grounded in civil, social and political rights, civil society, 'shallow' national culture and identity and, at least in theory, ethnic neutrality of the state, and monitoring the state applying abstract human rights standards.

Eastern Europe adds political will, a desire for 'deep' national cultural identity to the concept of citizenship. This desire for deep identity contrasts with the West's shallow vision: it is hard to reconcile both views. Citizenship as a norm is not a neutral term as all countries saturate it with values, ideals and ideological significance.

Latvian citizenship tries to deal with the consequences of the Soviet legacy. Civic and national identities being weak, ethnic identity remained. Latvians assume their usual position as a minority which must be defended. Today, Soviet migrants must adjust themselves to minority status in a small country, not the war-winning plurality they had become accustomed to. In order to maintain their former status, migrants use Western minority and human rights rhetoric. Latvians must acclimatize themselves to majority status.

In 1941 Soviet authorities imposed unilaterally Soviet citizenship on Latvia, which is not recognized in international law. The Soviets granted citizenship to individuals on a request basis without naturalization requirements. However, this is how non-citizens often understand the citizenship acquisition process.

Latvia wants the security of loyalty. Offering political rights before showing loyalty does not offer security. Political rights without citizenship separate the responsibility for their actions expected of citizens. Responsibility required by law against anti-state activity cannot be demanded of foreigners or non-citizens. If citizenship is not included in one's identity, there is no relationship between non-citizen's political rights and his loyalty to the state.

Europe has shown that states are built on a core group, usually an ethnicity. In national consciousness the civic and ethnic, consciously or not, are closely related. Balts want to experience this form of national identity, to create a national consciousness from differing social and ethnic groups. Majority and minority cultures cannot play the same role in society. Promoting minority cultures has limitations. International and national agreements prohibit discrimination against individuals on ethnic, racial or other grounds. Minority group rights as *groups* are not internationally recognized, and are not in the UN human rights declaration. If group rights were to become an international standard, this would take away the legitimacy and sovereignty of states, dismantling the existing international framework, which is based on sovereign states. In 1995 the EU adopted the *General Convention Protecting National Minorities* recognizing several approaches to ethnic diversity, allowing states to choose their own path.

### **Necessary Changes**

The hoped for rapid democratisation of the post-Soviet space in the early 90's did not materialize, for national development requires several generations. Western resistance to East European use of the same nation-building tools they themselves had used for centuries is illogical. New EU member states must be allowed to evolve and address nation-building challenges using the Western pattern.

It's surprising how little violence there has been in the democratization process. Western assumptions that East European nationalism is based on ancient hatreds which the Soviet period froze creating a *Pax Sovieticus*, thus disallowing ethnic hatred to flourish is absurd.

Allowing non-citizens to vote or not vote in local elections puts Western and Latvian tenets at cross purposes. If political participation is an important principle for the OSCE, the Latvian political option offered to non-citizens meets these requirements. The OSCE recommendation should include them as acceptable standards of participation. The OSCE must also recognize the Soviet legacy as a legitimate historical experience and respect Baltic security

concerns. The Eurocentric understanding of history, the ideological victory euphoria and bureaucratic inertia should be discarded. Unfortunately, the West is faced with a dilemma: to accept the Soviet legacy as legitimate would require taking some responsibility for the consequences of WWII up to 1991. This step the West is not yet ready to take.