



## LATVIA'S CITIZENSHIP LAW -- A CHINK IN LATVIAN ARMOR

By Eriks Selga



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The security of the Baltic States has become a Western priority since the Russian invasion of Ukraine in 2014. Since then, defenses have been oiled, improved, and stand alert. NATO forces have been stationed in the region and to repel eastern aggression. Allies continue to build on a strong foundation, to ensure the safety of the Baltic countries from Russian hard power.

Yet countering Russia's soft power has proven more difficult. As Russian President Vladimir Putin explained, soft power is a set of "instruments and methods to achieve foreign policy objective without the use of weapons – information and other levels of influence." The manifestations of Russian soft power include propaganda, scaremongering, and disinformation campaigns aimed at destabilization. Such methods were used in Russia's interventions in Georgia and Ukraine. The same tactics are also persistently employed against the Baltics, where one of the most frequent targets of Russian misinformation is Latvia's citizenship law.

The citizenship policy is itself a result of a dilemma rooted in history. After the Soviet occupation in 1940, immigrants from other Soviet regions poured into Latvia to work in factories or to man Soviet military bases. Between 1946 and 1989 the population of Latvia increased from 1.5 to 2.7 million, but the ratio of ethnic Latvians declined from roughly 75% to 52%. Alongside the migrant influx came a formal policy of 'russification' that sought to convert Latvians into 'Soviet citizens.' Russian was made a second official language and various forms of Latvian cultural expression were suppressed. Russian was established as a mandatory language in schools and public offices alike. People of other ethnicities rarely learned the Latvian language.

When Latvia obtained independence in 1991, vehement debate arose over whether a new Latvian state should be legally established or whether the laws of pre-occupation Latvia should be restored. At the time, the legislature voted to adopt a policy of continuity with the pre-occupation state. This option reinstated pre-occupation legislation. The body of law was implemented with a sense of urgency – modernization of jurisprudence was placed behind the stabilization of the country.

The previous citizenship law was among the legislation adopted by the new government. Accordingly, citizenship was granted to those who were citizens before the Soviet occupation began in 1940, and to their descendants. Yet people who moved to Latvia during the Soviet period found their status in flux. About 28% of the population was ineligible given the existing criteria. Parliament was divided on how to proceed. One end of the spectrum advocated expulsion of Soviet-era migrants, while the other supported granting them automatic citizenship.

Many Latvians questioned the loyalty of residents who arrived during the Soviet-era, a fear that motivated towards stricter naturalization measures. Countering this sentiment were Latvia's Western allies, which lobbied for a more accommodating naturalization process and feared tensions with Russia over the mistreatment of Russian speakers.

In cooperation with Western allies and international organizations, in 1995 the Soviet-era incomers were granted the status of "permanently resident non-citizen." The rights and social benefits under this status are similar to citizens except for two major

exceptions: non-citizens cannot vote or hold certain positions in government, including members of parliament, diplomats, judges, soldiers, and civil servants. Pensions for non-citizens also forego calculation of work outside of Latvia until the year 1990. Like all Latvians, non-citizens do not need a visa to travel within the European Union. Unlike Latvian citizens, however, many non-citizens can travel to Russia without a visa, a useful benefit as many non-citizens have family or conduct business in Russia.

Policy-makers originally intended the non-citizen status to be transitional, lasting only until the person underwent the naturalization to become a citizen. The process set out the following requirements: (1) permanent residence in Latvia for five years; (2) conversational knowledge of the Latvian language, the Constitution, the anthem, and the history of Latvia; (3) a loyalty oath to the Republic of Latvia; (4) a legal source of income for those of working age; and (5) renunciation of previous citizenship or testimony that a person does not hold citizenship in another state, unless that country has a preexisting agreement with Latvia. (Russia, notably, does not.) Children born in Latvia after August 21, 1991 to non-citizens can acquire citizenship at birth if one parent so desires.

By 2015, the percentage of non-citizens had fallen to 12% from 29% in 1995. The number of children registered as citizens at birth has constantly increased, with 99% of the children born in 2015 being Latvian citizens. Still, naturalization rates have been on a steady decline, with approximately one percent of the total population becoming citizens during the past few years. The decline is in part due to the difficulty of exams for those over 60, who make up 39% of non-citizens, and who often struggle to learn the Latvian language. Other non-citizens, however, prefer to retain their status because it provides visa-free access to Russia.

The citizenship policy has been scrutinized by international organizations since its implementation. Initially, the criticism focused on perceived discrimination against minorities. The Council of Europe, which Latvia applied to join in 1991, stated that early accession would be prevented by nationality issues, including a lack of status for non-citizens. By 1994, the Council reported that the Citizenship Law had met all necessary requirements. The Organization for Security and Co-operation in Europe (OSCE) began observing Latvia in 1993, seeking to resolve ethnic tensions that could endanger peace. By the time Latvia's European Union accession talks began in 1998, the EU had largely adopted the OSCE requirements as its own. After being dismissed from the first EU accession talks in 1997, Latvia changed course and largely adopted the requests of international organizations with regard to citizenship policy.

With time, international criticism of Latvia's citizenship policy declined, a trend marked by Latvia's 2004 accession to the European Union. But confusion remained. The citizenship regime accords with requirements of international law. However, international courts have still struggled to understand the concept of non-citizen, with some courts wrongly comparing it to 'statelessness.'

Domestically, while studies show a sentiment of disenfranchisement by non-citizens, there are no signs of tension between ethnicities, or between people holding different legal statuses. The lack of inter-status friction is partly due to an indifference towards the right to vote. Latvia, like most post-Soviet satellite states, has a very low voter turnout rate. This decreases the perceived advantage of citizens. Yet polarizing Russian media risks creating a self-fulfilling prophecy by stirring discontent among non-citizens. Latvian authorities have already imposed temporary bans on widely watched TV channels that broadcast Russian network programs that justified Russian aggression in Ukraine. A more recent article in the Russian state sponsored Sputnik News stated that Latvian citizens and non-citizens alike are giving up their status for Russian citizenship on a "mass" scale – an outright lie.

In response to Russian manipulation, Latvia must maintain the integration of non-citizens, while continuing to correct misunderstandings about its unique citizenship regime. The founding of the NATO Strategic Communications Centre of Excellence in Latvia provides a useful opportunity to do this, and can serve as a catalyst for raising understanding about the subtle operation of Russian soft power. Externally, the West must recognize the peculiarities of Latvia's citizenship law in order to help Latvia combat propaganda. The West must also continue developing a strategy against Putin's 'hybrid warfare,' where the Baltic experience can be a useful resource. With this in mind, the correct reaction to the chink in Latvia's armor can not only alleviate Latvian weaknesses, but that of NATO as a whole.

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