The Quality of Divided Democracies:
The Representation of the Russian-speaking Minorities in Estonia and Latvia

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Declaration

I, Licia Cianetti, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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Abstract

Estonia and Latvia both have a sizeable Russian-speaking minority, share a similar Soviet past, and their democratic transitions were characterised by a similar nationalising rhetoric. The two countries, however, have different experiences with minority political representation and minority grassroots mobilisation. This thesis compares Estonia and Latvia to analyse the ways in which minority voices can be included or excluded from the political processes in ethnically divided democracies.

The theoretical framework of this study is informed by the literature on minority representation (mostly US-based) and ethnic parties (which has a stronger Central and Eastern European focus). My approach reframes the insights of these debates to address the fundamental question of quality of democracy in ethnically divided societies. The underpinning normative assumption is that the legitimacy of a democratic decision depends on the inclusion in the decision-making process of those most concerned by it. The quality of an ethnically-divided democracy can thus be evaluated not least by the level of inclusion its policymaking process affords the minority.

In this thesis I process-trace policymaking with regard to specific, minority-sensitive policies. Five potential channels for minority inclusion in policymaking are analysed and compared: parliamentary representation, recourse to international organisations, incorporation in city governments, institutionalised civil society consultation mechanisms, and minority grassroots mobilisation. The research's focus on the policymaking process problematises the link between *desirable policies* and *desirable processes*. The cases of Estonia and Latvia show that a liberal minority policy can be the result of an exclusionary democratic process, while an inclusionary democratic process does not necessarily return policies that are favourable to the minority. By decoupling policy outcome and the policymaking process, this study offers a new framework to assess the effects of minority political presence and inclusiveness in ethnically divided democracies.

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Introduction: Estonia, Latvia and the quality of divided democracies

> *If inclusion in decision making is a core of the democratic ideal, then, to the extent that such political exclusions exist, democratic societies do not live up to their promise.*
>
> —Iris Marion Young, *Inclusion and democracy*

My research starts with a basic question: how does democracy work in ethnically divided societies? More specifically, how are minority-sensitive policies formulated and in what ways are minorities included in (or excluded from) the policymaking process? The normative assumption that underpins these questions is that the legitimacy of democratic decisions depends on the inclusion in the decision-making process of those who are affected by them (Lijphart, 1999, p. 31; Young, 2000, pp. 5–6). Hence, in an ethnically divided democracy, quality must be assessed by looking at the minority's inclusion in decision-making.

Much of the literature on Central and Eastern European (CEE) minorities has been focused on evaluating minority policies and assessing their more or less liberal content. However, this thesis shows that the quality of policy outcomes can be a very misleading indicator of the quality of the policymaking process. The argument for inclusiveness made in this study means that the quality of a democracy rests in the equal access of all components of society in the process of making political decisions, rather than only (or even primarily) in this process's outcome. Through the comparison of the Estonian and Latvian cases, this thesis aims at developing a deeper understanding of the mechanisms, patterns and trade-offs that govern the inclusion and exclusion of minorities from policymaking. The aim is to better understand how democracy works (or fails to work) in divided societies.

Both Estonia and Latvia have a sizeable Russian-speaking minority, share a similar Soviet past, and their democratic transitions were characterised by similar nationalising policies. Both countries are listed by Freedom House as free liberal democracies and their membership in the European Union (EU) is often considered an authoritative seal of approval on their democratic status. At the same time, both have been found to be ethnic democracies, that is, democracies that contain non-democratic elements of minority exclusion and minority control (e.g. Smooha & Järve, 2005). Notwithstanding these similarities, Estonia and Latvia have remarkably different experiences with minority political representation and minority grassroots mobilisation. In Estonia, the Russian-speakers have been underrepresented in parliament, ethnic minority parties have failed to become relevant actors in the political scene, and Russian-speakers mostly

vote for a minority-friendly Estonian party. The minority civil society has also been weakly organised, and grassroots mobilisation has been negligible. In Latvia, instead, Russian-speakers have been represented in parliament by ethnic parties, and a moderate minority party is the biggest party in parliament at the time of writing. Minority civil society activism and grassroots mobilisation have also been more prominent. These differences and similarities make Estonia and Latvia ideal comparative cases to look at the inclusion and exclusion of minorities from decision-making in different contexts of minority representation and mobilisation.

The evidence from Estonia and Latvia problematises the link between *desirable policies* and *desirable processes*. Indeed, this thesis shows that a liberal minority policy can be the result of an exclusionary democratic process, while an inclusionary democratic process does not necessarily return policies that are favourable to the minority. At the basis of this is what I call the *voice/polarisation dilemma*, which exposes the multifaceted relationship between minority political presence, policy outcomes and minority empowerment. High minority political presence can polarise political debates and make compromise more difficult. However, it also imposes minority voices as legitimate participants in the policymaking debate and challenges the majority elites' role as gatekeepers of democracy. Conversely, low minority political presence reduces the risk for polarisation, means that the majority elite does not feel threatened, and can thus result in more liberal policies. However, this comes at the cost of minority exclusion from the policymaking process, leaving the minority at the margins of the democratic polity.

Whether more minority voice (with the risk for more polarisation) or less polarisation (with the risk for minority marginalisation) is more desirable is a matter of normative choice. This thesis's goal is to clearly present the terms of such choice. Studies of CEE minorities have especially tended to focus on the 'ethnically divided' aspect of 'ethnically divided democracy', putting all the emphasis on the risks of polarisation. This thesis redresses this imbalance by focusing instead on the 'democracy' aspect. Seen from this perspective, lack of polarisation cannot be taken as an end in itself: rather than an indicator of democratic stability, it can in fact be a symptom of minority exclusion. Likewise, a measure of polarisation within the boundaries of democracy can be an indicator of a lively democratic debate in which the minority plays an active role. This thesis shows that, in evaluating the quality of divided democracies (and indeed all democracies), we must ask who is included in making democratic decisions and on what terms, and to what extent excluded groups can find channels to challenge their exclusion.

1.   Research design

This thesis's research design is based on multiple comparisons between Estonia's and Latvia's policymaking processes on minority-sensitive issues. Five channels are identified through which

minority voices can participate in policymaking: parliamentary representation, recourse to international organisations, representation in city government, inclusion in civil society consultation mechanisms, and grassroots mobilisation. Each one of these channels potentially offers Estonia's and Latvia's Russian-speakers the possibility to actively take part in policymaking, thereby influencing policy outcomes and claiming their role as equal members of their country's democratic polity. Taken together, the opportunities offered by each channel define the level of inclusiveness of Estonia's and Latvia's democratic processes; they determine who is included and who is excluded from decision-making, and on whose terms.

While the focus in the literature on CEE minorities has often been on ways to regulate inter-group relations and prevent conflict, questions of minority inclusion, power distribution and quality of democracy have remained marginal. This thesis addresses this gap by placing the focus of analysis on the policymaking process, its inclusiveness and 'democraticness'. The question, therefore, is not whether minority political presence (through various forms of representation or mobilisation) is good or bad for democratic stability and inter-ethnic peace. Rather, I start from the assumption that a democracy, in order to be such, *must* be inclusive, and then assess the policymaking processes of Estonia and Latvia based on this principle.

My approach to the study of minority political presence finds a primary source of inspiration in the academic debates on Black and Latino representation in the United States. This literature usually frames issues of minority representation in terms of Hanna Pitkin's (1967) famous distinction between the number and role of elected representatives who belong to a defined group (*descriptive representation*) and the extent to which this group has a voice in the policymaking process and an impact on actual policies (*substantive representation*). While literature on CEE minorities typically takes descriptive representation as an end in itself, the insights from the US literature show the importance of shifting the attention from mere minority presence to the effects (and effectiveness) of that presence on policy outcomes and minority empowerment.

My approach borrows from the US literature, but adapts its insights to the specific CEE context. In particular, the question of minority representation in Estonia and Latvia cannot be studied separately from the existence, electoral success and role in the party system of ethnic parties. Ethnic parties have been defined in various ways in the literature, and there is no agreement about whether they have a positive-inclusive or negative-divisive effect on a country's democracy. This thesis contributes to the debate on ethnic parties by proposing a new perspective: I suggest looking not at whether ethnic parties foster peace or exacerbate conflict, but at the way they perform their representative role in the policymaking process.

A second aspect that differentiates my approach concerns the very understanding of what representation is and how it can be studied. In the US literature the focus is typically on the congruence (or proximity) of either policy outcomes or representatives' voting behaviour with the minority's needs and preferences. However, this approach presents at least two problems. First, it presupposes that the minority's needs and preferences are fixed and homogenous; that is, it essentialises the minority, presenting it as a monolith. Second, it depicts representation as a one-way relationship in which the representatives represent the interests of the represented. This neglects the fact that representatives do not limit themselves to representing existing group interests, but in fact actively participate in creating the identities and interests they claim to represent (Saward, 2010). Therefore, the representatives' responsiveness to a group's demands that they themselves have helped to shape is a rather flawed measure of effective representation.

This thesis avoids these theoretical pitfalls by focusing on the policymaking process rather than on its outcome, and by assessing the process's inclusiveness towards minorities rather than the representatives' (or institutions') responsiveness to pre-determined minority interests. This approach also makes it possible to study minorities in the role of policymakers rather than mere policy objects. Moreover, the focus on inclusiveness allows questions of minority political representation to be framed within the wider debate on quality of democracy. Not with the aim of placing countries on an imaginary progressive line of democratic quality, but in order to critically appraise the democratic process and its ability to represent diversity.

In order to study inclusiveness, this thesis applies the method of process tracing. The in-depth tracing of the policymaking processes on specific policies makes it possible to unpack complex patterns of exclusion and inclusion and assess them comparatively. The comparison between Estonia and Latvia is structured along the five potential channels through which minority voices can access the policymaking process in its different stages. For each channel, the method of process tracing results in detailed analytical narratives. These different 'stories' of policymaking, once compared, allow for an assessment of the implications of minority presence (or lack thereof) on the policy outcome, and more generally on the minority's role in the democratic process.

2. Structure of the thesis

The first chapter reviews the existing literature on minority politics and divided democracies, presenting the theoretical approach of this thesis and the ways in which it relates to the existing debates on minority representation, ethnic parties and democratic quality. In doing this, it merges the insights from the US-focused literature with those from the literature on CEE

minorities and links them to the debate on quality of democracy. Then, the chapter describes the methodology, describing the method of process tracing and the way it is applied here. The chapter concludes with a short glossary of some key terms (representation, presence, voice, influence and empowerment) and brief notes on my fieldwork in Estonia and Latvia.

The second chapter introduces the case studies. While a thorough analysis of the post-independence political history of Estonia and Latvia is outside of the scope of this thesis, the chapter presents all the main issues that serve as background for the subsequent analysis. In particular, it addresses the composition of the Russophone minorities, the main policies directed at the minorities in post-independence Estonia and Latvia, the representation of Russian-speakers in Estonian and Latvian state institutions, and the main developments in the two countries' party politics.

Chapters three to seven constitute the empirical core of this thesis. Each of them is dedicated to one of the five channels for minority access to policymaking. Chapter three analyses parliamentary representation, through the process tracing of one specific piece of legislation: the granting of voting rights to non-citizens. The opposite outcomes of this legislation in Estonia and Latvia present an ideal comparative case to explore the complex relationship between parliamentary representation, policy outcome and minority political empowerment. The first outline of the *voice/polarisation dilemma* emerges from this comparison.

The fourth chapter is dedicated to the international channel, that is, the possibility for the minorities to push policy agendas through the mediation and involvement of international organisations. This is particularly relevant given the vast literature on the effects of the European Union and other international organisations on the minority policies of their members and perspective members. While usually the role of international organisations is evaluated in terms of their effectiveness in pushing through certain 'desirable' policies, this chapter looks at international interventions in terms of their effects on minority political inclusion. The comparison of the policymaking processes on language requirements for employment reveals the unintended consequences that the international channel had in Estonia and Latvia.

Chapter five looks at the two capital cities, Tallinn and Riga, and at the possibilities offered to the Russophone minorities by their representation in the city governments. Following the US debate on minority incorporation into city-level power structures, this chapter asks whether minority representation in Tallinn and Riga offers effective opportunities for empowerment or 'traps' the minorities at the local level. The policy chosen for this chapter is the implementation of the education reforms. Comparing the approaches taken by the Tallinn and Riga city

administrations towards this controversial issue, this chapter shows how city incorporation can be – under different circumstances – either an opportunity or a trap for the minority.

Chapter six looks at a potentially more direct way for minorities to take part in policymaking, beyond party politics and formal representation: civil society consultations. The Integration Programmes – programmatic documents on how to deal with minority issues written periodically in both Estonia and Latvia – offer multiple comparative cases to look at the extent to which consultations empower minorities and give them a say on policies that concern them directly. The analysis shows the existing gap between the principle of civil society consultations and the practice of minority consultations in Estonia and Latvia.

Chapter seven is the last empirical chapter and deals with another channel for direct participation: grassroots mobilisation. Differently from civil society consultations, this channel is unmediated by state institutions and potentially offers more room to minority voices to challenge the majority elites' gatekeeping role. Rather than centring on the process tracing of a single policy case, this chapter analyses and compares different experiences with minority mobilisation in the two countries. These include advocacy organisations, alternative elections, protests, and the 2012 referendum on Russian as a second state language in Latvia. The comparative analysis highlights the existence of a *voice/polarisation dilemma* for grassroots mobilisation, similar to that which emerged for formal representation.

Chapter eight discusses the findings of the five empirical chapters and relates them to the theoretical background and academic debates presented in chapter one. It draws conclusions on the risks and opportunities entailed by each of the five channels for minority access to policymaking. It also shows how different channels interact and overlap. The chapter discusses the roles and interactions of the main actors that emerged from the analysis of the policymaking processes, and briefly discusses one actor that did not emerge prominently: the Russian Federation. The chapter proceeds to explain the implications of my findings for the debates on minority representation and ethnic parties. It concludes by explaining the findings from the perspective of quality of democracy.

The concluding chapter extends the findings of this thesis beyond Estonia and Latvia, showing how a similar approach to the study of minority representation and inclusiveness could be applied to other democracies both in and beyond CEE. While Estonia and Latvia are remarkable for the size of their ethno-linguistic minorities, issues of inclusiveness pertain to all democracies, both new and established. This chapter concludes by proposing a research agenda on quality of democracy that is focused on questions of inclusiveness and equal citizenship.

CHAPTER 1

Minority representation in divided democracies

Guaranteeing the 'effective inclusion' of minorities is problematic for both new and established democracies (Beetham, 2004, p. 14). What effective inclusion means in practice, however, is disputed. Sociological approaches tend to discuss minority inclusion in terms of societal integration, looking at issues such as sense of belonging, identity and inter-group trust (e.g. Laitin, 1998; Merritt, 2000; Solska, 2011). While recognising that issues of identity and societal integration underpin every aspect of majority–minority relations (including politics), this study focuses on the strictly political aspects of 'effective inclusion'. My research is concerned with the workings of democratic systems in societies that are ethnically divided between a politically dominant majority and a potentially marginalised minority. The normative basis for such an approach is that the exclusion of sections of society from the political process is in contradiction with the principles of democracy. The actual democratic practices in both new and established 'real-existing' democracies, however, often depart from the democratic principles of equality and inclusiveness.[1] This thesis investigates the forms that minority political inclusion and exclusion can take in ethnically divided democracies.

Issues of minority representation in democratic institutions and minority participation in democratic processes are central to all studies of ethnically divided democracies. However, approaches in studies focused on the US and on Central and Eastern Europe (CEE) have developed in different directions. In the US the main concern has been the access of Black (and increasingly Latino) representatives to different levels of government and what that has meant in practice for the minority community. The main focus of this approach (which is rare in CEE studies) has been on responsiveness, that is, the relationship between minority representatives and their 'minority constituencies'. The literature on CEE minorities has also looked at representation, but with a stronger focus on the role of ethnic parties and on preventing or managing inter-ethnic conflict. This approach (most common in CEE studies, but also present in US literature) is usually outcome-focused. That is, it takes the political outcome (whether 'desirable' policies are passed or inter-ethnic conflict avoided) as the main object of analysis.

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[1] The term 'real-existing democracy' is borrowed by Philippe C. Schmitter, who uses it to mean the 'modern liberal representative political constitutional democracy' (2007, p. 1).

My approach to the study of minority representation in Estonia and Latvia integrates insights from both US and CEE literature. However, it also departs from both, as it shifts the focus from the responsiveness of minority representatives to the inclusiveness of the democratic system, and from the outcome of minority representation to the democratic process within which this representation takes place. In so doing, I anchor the study of ethnically divided democracies and minority representation in the debate about quality of democracy. My methodology, discussed at the end of this chapter, follows this shift by tracing the policymaking process of specific minority-sensitive policies and analysing the level of access enjoyed by minority voices. In the rest of this chapter I discuss existing literature on minority representation and ethnic parties, and I present my theoretical and methodological approach to the study of ethnically divided democracies.

1.1 Minority representation: Theory and debate

In her seminal work *The Concept of Representation*, Hanna F. Pitkin (1967) distinguishes four different types of representation: (a) *formalistic*, which is based on the institutional arrangements of authorisation and accountability; (b) *symbolic*, which is concerned with the emotional meaning that the representative has for the represented; (c) *descriptive*, in which the representative shares recognisable characteristics with the represented; and (d) *substantive*, which is based on how the interests and needs of the represented are championed by the representative.[2] The distinction between descriptive and substantive representation proved particularly important for the subsequent (mostly North American) debate on minority representation. In this debate, descriptive representation denotes the number and role in relevant political institutions of minority representatives, that is, of political figures who are (or identify themselves as) part of a specific ethnic, linguistic, racial or national minority. Substantive representation refers, instead, to the championing of minority interests and needs. In this sense, 'representing [...] means acting in the interest of the represented in a manner responsive to them' (Pitkin, 1967, p. 209). In Pitkin's view, therefore, representation in its substantive form is a matter of responsiveness, which is best ensured in terms of 'action for' and 'being responsive toward' the represented. Putting the stress on symbolic and descriptive similarity between the representatives and the represented, according to Pitkin, risks diverting attention away from the real (substantive) issues (1967, pp. 209–210).

Although US scholars largely agree on the usefulness of Pitkin's terminology and overwhelmingly use it as a starting point for their study of minority representation, they are far from unanimous in assessing the relationship between descriptive and substantive

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[2] This systematisation of Pitkin's thought has been usefully proposed by Suzanne Dovi (2011).

representation.[3] That is, on whether descriptive representation is necessary to guarantee minority substantive representation. This is far from a purely academic question, as the answer to it informs political decisions on the opportuneness of introducing legislative incentives to minority representation, such as majority–minority redistricting, quotas or reserved seats.

Three main positions have emerged on this. The first, which stems directly from Pitkin's argumentation, maintains that descriptive representation is not necessary for substantive representation, as non-minority representatives can also champion a minority-friendly agenda (Welch & Hibbing, 1984, p. 329). Non-minority representatives (White Democrats, in the case of the US) can 'act for' and 'be responsive to' the minority electorate as well as (and, under certain conditions, even better than) minority representatives (Lublin, 1997). The second approach goes a step further and warns about the risks of descriptive representation. This is based on the empirical evidence of a paradoxical trade-off between descriptive and substantive representation in the case of US redistricting, which is said to have favoured the Republican Party to the detriment of the more minority-friendly Democratic candidates.[4] Thus, excessive stress on descriptive representation risks being detrimental for the minority interests it ostensibly promotes.

The third approach sees minority descriptive representation as necessary to ensure substantive representation. Anne Phillips (1995) advanced the idea that a 'politics of presence', where representatives of excluded social groups are present in key political institutions, has positive effects both at a symbolic level and in terms of policy outcomes. Minority empowerment theories come to similar conclusions. Authors that support this view have suggested that descriptive representation incentivises minority participation (Bobo & Gilliam, 1990; Clark, 2013; Keele, Shah, White, & Kay, 2013; Spence, McClerking, & Brown, 2009), enhances minority trust in institutions (Banducci, Donovan, & Karp, 2004; Gay, 2002; Gurin, Hatchett, & Jackson, 1989; Marschall & Ruhil, 2007; Tate, 2001), enhances policymakers' responsiveness to the minority (Ueda, 2008), and constitutes a communicative advantage that improves the quality of minority-related policies (Mansbridge, 1999).[5] While recognising the plausibility of the descriptive–substantive representation trade-off effect, Jane Mansbridge

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[3] For a critique of Pitkin's definition see Richard H. Fenno (2003).

[4] Majority–minority 'reapportionment' (redistricting) was introduced in the US in the 1990s as a mechanism to increase minority descriptive representation. The minority districts have stably guaranteed a certain number of minority (Black and Latino) representatives in the US Congress. However, according to some analyses, the reapportionment had a generally negative effect on the dominant political agenda concerning minorities, in that it had the perverse effect of shifting the electoral preferences of the neighbouring (white) districts' voters towards the Republican Party and away from candidates with a more liberal approach towards minorities (Brace, Grofman, & Handley, 1987; Overby & Cosgrove, 1996). As a result, the general interests of the minorities in Congress might have suffered from this shift more than they gained through the reapportionment.

[5] The symbolic effects of women's descriptive representation on trust, satisfaction and participation have also been analysed along similar lines (Bühlmann & Schädel, 2012).

(1999) suggests that, when distrust, system delegitimation and the conviction that a minority is not fit for government are at the basis of inter-ethnic relations, descriptive representation offers advantages that outweigh its drawbacks.

1.1.1 Rethinking substantive representation

The predominance of Pitkin's *Concept* in the study of minority representation (and of representation in general) has not been uncritically accepted by all. The main critique to her work regards what appears to be a conceptual flaw in her definition. Namely, several authors have pointed at Pitkin as a champion of a narrow (and ultimately misleading) understanding of representation as a one-way process. In this interpretation, Pitkin's *Concept* implies the pre-political existence of group interests and reduces representation (or, rather, 'good' representation) to the representatives' responsiveness to their constituents' interests. Indeed, studies that have followed Pitkin in investigating the relationship between descriptive and substantive representation have typically followed one of two approaches. Most studies have understood substantive representation as *responsiveness* and have therefore focused on the representatives' behaviour in office and whether it corresponds to their constituency's preferences (Gay, 2007; Herring, 1990; Parry & Miller, 2006; Swain, 1993). Other studies, have intended responsiveness in a wider sense and have looked at the potential returns of minority descriptive representation, especially in terms of the congruence (or proximity) of actual policies with the minority's preferences (Kraus & Swanstrom, 2001; Marschall & Ruhil, 2007; Meier & England, 1984; Meier, Gonzales Juenke, Wrinkle, & Polinard, 2005; Mundt & Heilig, 1982; Preuhs, 2006).[6]

An early critique to Pitkin's understanding of representation was provided by Terence Ball (1979), who challenged the mainstream understanding of interests as primary causes of behaviour. According to Ball 'while interests may be either "dependent" or "independent" variables, political scientists will most often be concerned with interests as causes rather than as effects' (1979, p. 194). Ernesto Laclau made a similar critique, accusing Pitkin of having completely glossed over the fact that popular will is primarily constituted in the process of representation (2005, p. 159ff). The process of representation is thus essentially 'impure': the relationship between the represented and the representatives is always reciprocal and, therefore, pure responsiveness is a 'logical impossibility' (Laclau, 1996, pp. 98–99). Similarly, Michael Saward (2006) charged Pitkin's *Concept* with positing group interests as objects of representation, while overlooking the fact that representatives are engaged in shaping their

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[6] Similarly to literature on ethnic or racial representation, studies of women's substantive representation have also often concentrated on responsiveness (Campbell, Childs, & Lovenduski, 2009; Celis & Erzeel, 2014; Childs & Krook, 2006; Evans, 2012; Lloren, 2014).

constituencies' interests. Seen this way, interests are not innate to a constituency, but are the product of a discursive process of constituency-creation. Saward (2006, 2010) describes representation as a process in which a representative makes a claim to represent a certain group and, in so doing, contributes to the creation of that group. This act of claim making is by definition contestable (as claims always are) and does not always succeed. Therefore, the process of representation involves the represented and the representatives in a reciprocal exchange in which claims and responses to claims are equally crucial.[7]

All these critiques to Pitkin's work point at the fundamental fact that representation is a dynamic process rather than a static relationship. However, a recent review of Pitkin's *Concept* ascribes these critiques to a misinterpretation of Pitkin's complex text, a conflation of her work with its mainstream reductionist readings, and (partially) to Pitkin's own timidity in following one of 'her most radical insights' (Disch, 2012, p. 602). Interpreting Pitkin's *Concept* in the broader context of her subsequent research, Disch points at the 'constituency paradox' as Pitkin's most original and much-neglected intuition. The constituency paradox lies in the contradiction between the exogenous nature of constituencies' interests and the insistence of the proponents of democracy that policymakers respond to those interests. This paradox, which goes hand in hand with Saward's 'representative claim', casts doubts on responsiveness as a normative ideal for democracy. As Disch put it: 'if constituencies and constituent interest form not prior to, but over the course of, the representative process, then responsiveness to those interests is hardly a reliable indicator that democratic representation is functioning well' (Disch, 2012, p. 600).[8]

A study of the genesis of this paradoxical conception of representation – whether its seeds were already contained in Pitkin's work or whether it was developed by authors such as Laclau and Saward not least in opposition to Pitkin – is outside the scope of my research. Nevertheless, it is important to note two major implications of such a conception for my study. Firstly, it shifts the focus of democratic representation 'from responsiveness to *responsibility*', from the relationship between representative and represented to questions of 'structural power' (Disch, 2012, pp. 600–603, emphasis in original). Representatives are *responsible for* their constituents

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[7] For a critique of those uses of Saward's theory that forget its dialogical dimension to concentrate only on the representative as 'maker' and do not put enough stress on the substantive (acting for) nature of the claims see Severs (2012).

[8] Although she referred to accountability rather than responsiveness, Anne Phillips expressed a similar conceptual paradox in the study of political representation of women and minorities: 'Accountability is always the other side of representation, and, in the absence of procedures for establishing what any group wants or thinks, we cannot usefully talk of their political representation' (Phillips, 1993, p. 99). Earlier, also Robert Dahl mentioned the 'ambiguities' derived by the fact that 'leaders do not merely *respond* to the preferences of constituents; leaders also *shape* preferences' (Dahl, 1961, p. 164, emphasis in original).

in the sense that '[they] constitute and mobilize them by the "biases" they tap' in their claim to representativeness (Disch, 2012, p. 608).

Secondly, understanding representation as a dialectical process calls for a more sophisticated understanding of minorities, which avoids essentialist views and 'groupism' (Brubaker, 2004). Rogers Brubaker rightfully cautions researchers against 'the tendency to take bounded groups as fundamental units of analysis (and basic constituents of the social world)' (2004, p. 2) and suggests taking 'groupness' as a conceptual variable, which is by definition constructed and fluctuating (2004, p. 11). This does not mean that there are no bases on which minorities can create a shared identity, through external processes of identification and internal processes of self-identification. Studies on the identity and self-identification of the Russian-speaking populations of Estonia and Latvia have highlighted the predominance of local (Rose & Maley, 1993), regional (Merritt, 2000, p. 251) or multiple (Kolstø, 1999) territorial self-identifications; the possible emergence of a new unique identity (Cheskin, 2012b; Ehala, 2008) or the development of multiple identities (Lauristin & Heidmets, 2002; Linz & Stepan, 1996; T. Vihalemm, 2005); the progressive assimilation within the titular culture (Laitin, 1998), the entrenchment of a diasporic identity (G. Smith & Wilson, 1997), or the possibility for the emergence of an integrated collective identity shared by so-called 'titulars' and 'non-titulars' (Solska, 2011). Far from discounting these insights on minority identity (or identities), the rejection of groupism in my research means that the characteristics through which Russian-speakers in Estonia and Latvia can (self) identify as a group are not immediately political and do not necessarily imply shared interests and demands. They are, instead, potential features that representatives can tap (more or less successfully) in order to unify and shape a minority constituency.

A similar point that groups do not hold innate interest and needs has been made in the literature on collective action. For instance, Dunleavy argues that 'any convincing public choice account *must* partly endogenize preferences' because of elite's attempts to reshape what voters perceive as their own interests (1991, pp. 110–111, emphasis in text). Warnings against assigning coherent interests to groups are also echoed by authors such as Gould (2003) and Tilly (2008, p. 26). This is especially relevant for studies of ethnically divided democracies, as widespread 'underlying essentialism' blinds many students of ethnic politics to within-group differences (Zuber, 2012, p. 2).

These insights point to a research strategy that follows Pitkin in problematising the effect of descriptive representation (or lack thereof) in divided democracies, but departs from her (and from the mainstream use of her theory) in not taking responsiveness as a viable measure of

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effective ('good') minority representation. This implies a shift in focus from the *responsiveness* of representatives and institutions to pre-determined minority interests to the *inclusiveness* of the democratic process towards (potentially multiple) minority voices. Since the minority cannot be taken for granted as a politically relevant group with innate interests and needs, the question of minority representation cannot be a question of responsiveness. It is, instead, a question of whether structures of ethno-linguistic inclusion and exclusion are present in the representative democratic system and how they operate. It is primarily a question of power distribution and of how democracy works (or fails to do so) in ethnically divided societies.

My research draws from Pitkin's conceptualisation of representation and its interpretations (and critiques) in three ways. Firstly, I adopt Pitkin's distinction between descriptive and substantive representation as a way of shifting the focus from (descriptive) presence to (substantive) impact of minority presence in the democratic process. Although it has rarely been used outside the US, this distinction has the advantage of problematising the outcome of representation, thus making it possible to push the enquiry beyond the mere presence or absence of minority representatives in political institutions to explore the effects of that presence/absence on the democratic process. Secondly, I understand representation as a dialectical process and, therefore, I do not consider the Russian-speakers in Estonia and Latvia as homogenous groups with innate and pre-political interests, but take into account the existence of multiple minority voices. Finally, I reject responsiveness as a valid measure of effective minority representation in the divided democracies of Estonia and Latvia. The focus of this study, therefore, will not be on the proximity of representatives' positions to their minority constituency's opinions or the congruence of policy outcomes to pre-existing minority interests. Rather, I will analyse the availability of channels for minority voices to access policymaking as legitimate and equal participants in the democratic process.

1.2 Ethnic parties

The American debate on minority representation is based on the US experience of a rigid two-party system, where minority representatives and issues must be accommodated (if at all) within either the Republican or the Democratic Party and the emergence of ethnicity and race as party-generating cleavages is highly unlikely. This may partially account for the lower visibility Pitkin enjoys outside North America.[9] The existing attempts at extending Pitkin's terminology to other geographical areas also do not include the possibility of ethnic party formation as a relevant factor. A remarkable example of this is Bird, Saalfeld and Wüst's *The Political Representation of Immigrants and Minorities* (2011), in which Pitkin's definitions are applied to

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[9] For the adoption of Pitkin's terminology in Canada see, for example, Andrew et al. (2008).

the whole Western world.[10] Although their study is one of the few multi-country analyses of the phenomenon of ethnic minority representation and, arguably, the most extensive (both in terms of geographical reach and of factors under analysis), for reasons of comparability the analysis is limited to 'advanced liberal democracies' and does not include post-colonial and post-communist countries. This elision presents a problem, though, because it excludes countries where ethnicity is more likely to emerge as a party-generating cleavage. The emergence of ethnic parties (or indeed their failure to emerge) and ethnic parties' role in democratic political systems can hardly be overlooked in discussions of minority representation. The importance of ethnic parties is further justified by the widely recognised fundamental role that political parties play in modern (representative) democracies, and especially in new consolidating democracies.[11]

The main debates about ethnic parties have been about how to define them, whether ethnic parties are all the same, what factors determine their emergence and electoral performance, and whether they have a negative or positive impact on democracy. The 2011 special issue of *Party Politics* devoted to ethnic parties provided a list of the open debates on this theme that necessitate a contribution. Interestingly, the difference between minority representation through ethnic, multi-ethnic or non-ethnic parties in terms of policy outcome and minority empowerment was not part of the list. This aptly illustrates the bias in favour of descriptive representation in the literature on ethnic parties.

1.2.1 Defining ethnic parties

One of the most authoritative definitions of ethnic party was provided by Donald Horowitz, according to whom the defining feature of an ethnic party is that it serves *exclusively* the interests of an ethnic group (1985, p. 293). This means that 'the boundaries of party support stop at the boundaries of ethnic groups' and that ethnic parties have an incentive to strongly assert ethnic demands in order to retain their votes (Horowitz, 1985, p. 346). Most authors propose definitions that are fundamentally analogous to Horowitz's in that they stress exclusivity as the crucial characteristic of an ethnic party (e.g. Bugajski, 1994, p. ii; Chandra, 2005, p. 236; Diamond & Gunther, 2001, pp. 22–23; Kitschelt, 2001, p. 314; Reilly, 2003, p. 818).

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[10] According to this study, minority officials can act as: *ethnic entrepreneurs*, by playing the minority card and reinforcing the minority's group identity in opposition to the majority; *bridge builders*, by presenting themselves as compromise brokers between majority and minority; or *party delegates*, by following the party line even when this contradicts their minority mandate.

[11] For a list of parties' 'optimal' functions see Giovanni Sartori (2005, p. 24). According to Sartori, 'responsible governments became "responsive" precisely because parties supplied the channels for articulating, communicating, and implementing the demands of the governed' (1976, p. 24). Furthermore, Seymour Lipset and Stein Rokkan's (1967) theory of political cleavages claims that the arrangement of parties along lines of societal conflict transforms potentially disruptive conflicts into discursive political divisions. Parties in democratising states and new democracies are said to perform a number of additional functions that help the strengthening of the democratic process. For a comprehensive review of the literature on the importance of parties in new democracies see Ezrow (2011).

Similarly, Arend Lijphart refers to ethnic parties as 'segmental parties', whose role is the representation of a specific segment of society and the selection of segmental leaders (1977, p. 61).

Other authors have taken a more flexible approach. For example, Ishiyama recognises that parties can be characterised as ethnic also because they are 'widely regarded' as primarily representing a specific ethnic group (2009, p. 64). Some authors (Gherghina & Jiglau, 2011, p. 52) have openly contested definitions based on exclusivity as capable of capturing the ethnic dimension of ethnic parties but failing to embrace their party dimension. An ethnic party is therefore defined alternatively as 'an organisation that runs in elections at a national level, whose political programme acknowledges an identification with an ethnic minority, but goes beyond the goal of representing its interests' (Gherghina & Jiglau, 2011, p. 53). Similarly, Donna Lee Van Cott defines ethnic parties as 'organization[s] authorized to compete in elections, the majority of whose leaders and members identify themselves as belonging to a nondominant ethnic group, and whose electoral platform includes among its central demands programs of ethnic or cultural nature' (2005, p. 3).

Alongside exclusivity, other features of ethnic parties remain under discussion. For example, while Van Cott (2005) explicitly links ethnic parties to nondominant ethnic groups, Stroschein (2001) includes in this category also parties that advocate for the dominant ethnicity.[12] Kanchan Chandra proposed that in defining ethnic parties scholars should also take into account 'temporality', that is, the fact that ethnic parties change over time together with the ethnic group they represent (2011, p. 155). John Ishiyama and Marijke Breuning (2011) added another dimension to the debate by objecting to the widespread tendency in the literature to consider ethnic parties as all equal and proposed looking at parties' names to distinguish between exclusionary ethnic parties (those that contain their ethnic allegiance in their name) from moderate ones (that opt for names with potential for a broader appeal).

Notwithstanding the difficulties highlighted by these debates, a working definition of ethnic party must be established in order to apply it to the context of Estonia and Latvia. In my research an ethnic party is a party whose *primary* (although not necessarily unique) founding reason and programmatic agenda is the promotion of group interests conceived in ethnic terms, or a party that is *widely regarded* as having such characteristics. Two clarifications are essential in order to avoid confusion. First, I will follow Van Cott (2005) and attach the label of ethnic party exclusively to parties related to nondominant ethnic groups. Therefore, nationalist parties – although their agendas have, strictly speaking, a markedly ethnic character – will not be

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[12] She refers to 'titular ethnic parties' (Stroschein, 2001, p. 61).

categorised as ethnic. Second, although Ishiyama and Breuning's (2011) suggestion that an ethnic party's name is an indicator of its level of radicalism is probably simplistic, I will follow their contention that ethnic parties can position themselves differently in the radical–moderate continuum. In other words, ethnic parties are not radical by default and a distinction between radical and moderate ethnic parties must be made when analysing their role in the political arena. The assumptions implied in this definition will be tested empirically in the Estonian and Latvian cases.

1.2.2 Ethnic parties and democracy

Although scholars in political science largely agree on the pivotal role played by political parties in democratic societies, there is no consensus on the role that parties play (or should play) in ethnically divided societies.[13] Two main positions can be identified in the literature. Ethnic parties are either seen as promoting intransigent interests and thus as intractable and disinclined to compromise, or they are believed to play a constructive role by peacefully articulating minority interests.

The first approach is based on the assumption that politicisation of ethnicity is dangerous for democracy. A classical all-negative view of ethnic parties is provided by Alvin Rabushka and Kenneth Shepsle's (1972) ethnic outbidding thesis. This maintains that once ethnicity is politicised, it has a centrifugal effect on the party system, as ethnic parties have an incentive to try to secure the vote of their group by taking an increasingly extremist stance on ethnic issues. This destabilises the system and can ultimately lead to open conflict. The same assumption of ethnic party extremism and disinclination to compromise is at the basis of all those approaches that, although differing in the solution proposed, agree on the necessity to depoliticise ethnicity. Authoritative examples of this approach are Horowitz's (1985) recommendation for structural reforms and preferential policies aimed at reducing ethnic conflict, and Lijphart's (1977) advocacy for a consociational democracy based on elite bargaining and grand coalitions. Indeed, although Horowitz's *centripetalism* and Lijphart's *consociationalism* are often (rightly) regarded as competing theories (e.g. De Briey, 2005), they are based on the common assumption that ethnic competition must be stifled (either through internal incentives or through external constraints) for democracy to work in ethnically diverse societies. Similarly, other authors have found ethnic parties' effect on democracy to be 'divisive and even disintegrative' (Diamond & Gunther, 2001, p. 24), and that non-ethnic state-wide parties are to be encouraged (Reilly & Nordlund, 2008, p. 10; Stepan, 2001, p. 331) or even engineered (Reilly, 2003) to ensure democratic stability.

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[13] A normative dimension is often present in the debate on ethnic parties.

I follow Johanna Birnir (2007) in contrasting this kind of theory to those that consider ethnicity a flexible political cue and, therefore, do not propose ways to reduce politicisation of ethnicity but, rather, to channel it in the democratic process. Scholars that use this approach refuse to see ethnic politics as a zero-sum game and emphasise the importance of ethnic parties in articulating minority interests, including minorities in the political process, and institutionalising conflict. Understood this way, ethnic parties do not automatically emerge from the ethnic cleavage, but rather their appearance and electoral performance is determined by exogenous factors.[14] Politicisation of ethnicity, far from being necessarily bad for political stability, is understood as a way to grant representation to the excluded and to potentially avoid more radical means of promoting minority interests. According to Stroschein, ethnic parties do not create conflict but represent existing cleavages; they '"domesticate" ethnic issues into institutional forms, thus allowing them to be resolved in parliament rather than through violence' (2001, p. 61). Chandra (2005) suggests that the normal process of ethnic party positioning in the political spectrum is not ethnic outbidding but, on the contrary, a 'reverse centrist spiral' which tends towards centrist equilibrium and moderation.[15] There are no endogenous factors that result in the inherent intractability of the ethnic issue, but, rather, it is exogenous factors – such as access to government (Birnir, 2007; Ishiyama, 2009), the state's approach towards ethnic groups (Ishiyama, 2009, p. 80), formal and informal discrimination (Gherghina & Jiglau, 2011) – that can trigger the radicalisation of ethnic demands and foster conflict.

A basic assumption behind these flexible understandings of ethnic representation is that ethnic voters are rational rather than naturally inclined to radicalism. According to Birnir (2007) we should expect that if an ethnic party is unable to represent a minority (because ethnic parties are not institutionally viable or encounter barriers to access government), minority voters will shift their votes to the non-ethnic party that has the highest likelihood of representing them. Yet, if such a non-ethnic party does not exist, the minority will not have any incentives to enter the electoral competition and might seek other (extra-parliamentary) means to defend its interests. Access to power has been indicated as having a 'dampening effect' on a group's propensity to conflict, as it gives the group 'a stake in the system' (Ishiyama, 2009, p. 79). This is

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[14] Van Cott (2005) grouped these factors into three macro categories: institutional openness, the structure of the party system, and the shape and role of ethnic-oriented social movements. Other authors indicate endogenous factors, such as the minority elite's conscious decision to mobilise ethnicity to their own political advantage, to explain the emergence of ethnic parties (Horowitz, 1985, p. 310; Rotschild, 1981, p. 248).

[15] It is important to note that Chandra's theory is based on the Indian case, where language, religion, caste and tribe are crosscutting cleavages that can be reinforced to prevent the ethnic dimension from becoming overemphasised. Northern Ireland (Mitchell, Evans, & O'Leary, 2009), Latvia and Estonia are all cases in which cleavages do not crosscut, but rather tend to be cumulative and mutually reinforcing.

particularly relevant for Estonia and Latvia, where no ethnic party has been included in governing coalitions and minority ministers have been few and far between. Birnir (2007) and Ishiyama (2009) suggest that the routine exclusion from government risks reducing the incentives for the minority to seek representation through institutional means.

1.2.3 The polarisation and presence paradigms

The debate about ethnic parties runs largely parallel to that on descriptive and substantive representation. However, they both suggest the existence of two main paradigms in the study of minority political presence: the *polarisation paradigm* and the *presence paradigm*. On the one side there are those who find that the politicisation of ethnicity has mostly negative effects, as it leads to ethnic polarisation and the entrenchment of political positions along ethnic lines (e.g. Diamond and Gunther, 2001; Horowitz, 1985; Rabushka and Shepsle, 1972). This view – which we can call the *polarisation paradigm* – sees ethnicity as an uncompromising, zero-sum issue, and politicised ethnicity (especially in the form of ethnic parties) as dangerous for the peaceful course of democracy. Not least as a consequence of ethnic outbidding, high minority descriptive representation and electorally strong ethnic parties lead to polarisation. This makes compromise unlikely, and thus ends up being counterproductive for the minority, as minority-friendly policies become less likely.

Authors that take the opposite view – which can be called the *presence paradigm* – highlight the democratic importance of minority inclusion and political participation, and the trust towards state institutions that comes with inclusion (e.g. Chandra, 2005; Ishiyama, 2009; Mansbridge, 1999; Phillips, 1995; Stroschein, 2001). This paradigm considers ethnicity to be flexible rather than zero-sum and sees ethnic parties as positive for democracy, as they articulate minority demands in democratic ways (Birnir, 2007; Stroschein, 2001). As a consequence, minority political presence has positive effects on democratic stability and increases the potential for the minority to have an impact on policymaking and to reach compromise solutions. My work – although normatively closer to the *presence paradigm* – does not position itself within any of these two paradigms, but responds to both by enquiring empirically into the effects of minority political presence (or lack thereof) in ethnically divided democracies.

1.3   The representation of ethnic minorities in CEE countries

The literature on minority representation in Central and Eastern Europe predominantly follows from the debate on ethnic parties discussed above. More precisely, to use Pitkin's terminology –

which is rarely even mentioned in the literature on the area[16] – this literature mostly focuses on ethnic descriptive representation as the independent variable, whose presence or absence must be explained. When the focus is on descriptive representation's effects, these are conceptualised in terms of democratic stability and inter-ethnic peace (Ishiyama & Breuning, 2011; Ishiyama, 2001; Johnson, 2002; Stroschein, 2011). Issues of substantive representation and democratic inclusiveness are rarely touched upon.

An early example of CEE literature's focus on descriptive representation is provided by Benoît-Rohmer and Hardeman (1994), who looked at the representation of ethnic minorities in the new post-communist democracies in terms of the number of minority MPs in their parliaments. References to substantive representation are, instead, surprisingly rare. The focus tends to be primarily on explaining ethnic party success (or lack thereof) and on the effects of ethnic parties on the democratic stability of new democracies or democratising states. For example, Stroschein (2001) looks at the Hungarian minority in Slovakia, Romania and Ukraine to determine the success of ethnic parties and its effect. In her analysis, she mentions that Hungarian parties in Romania and Slovakia have managed to influence some policies after being included in governing coalitions (2001, p. 61). However, the outcomes of representation were not the focus of her research and this insight was not explored further.[17]

A particularly popular strand in the literature about CEE minorities is concerned with the impact of electoral rules on ethnic or multiethnic party formation and electoral success (Bieber & Wolff, 2007; Bochsler, 2010; Friedman, 2005; Protsyk & Matichescu, 2010). Although this debate is not immediately relevant to this study, some authors presented some useful observations – often as a sideline to their research focus. For example, Oleh Protsyk and Lupsa Marius Matichescu (2010) proposed a categorisation of minority MPs into three groups, according to the channel through which they entered parliament: (a) minority parties, (b) mainstream parties, or (c) reserved seats. While (c) does not apply to either Estonia or Latvia, (a) and (b) are relevant for my comparison. Their content analysis of the parliamentary activities of minority MPs from mainstream political party lists and a survey of the leaders of those parties suggest that minority MPs from mainstream parties 'lack a profile as representatives of ethnic minority communities' (2010, p. 37). This introduces the question of ineffective descriptive representation and suggests that there might be a qualitative difference between descriptive representation through ethnic parties and through non-ethnic, mainstream parties. However,

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[16] An exception is Bernauer and Bochsler's paper on CEE ethnic parties, in which the authors focus on ethnic parties' electoral success but suggest that future studies on the effects of descriptive representation are needed (2010, p. 26).

[17] Stroschein's subsequent research went in a more 'substantive' direction with the study of minority mobilisation and its complex relationship with policy outcomes (Stroschein, 2012).

given the different focus of their research, the authors did not advance this line of inquiry any further.

Other authors refer to the link between minority descriptive representation, the policymaking process and policy outcomes but, to my knowledge, there are no comparative or country-specific studies that explore this link systematically. In his article about the shortcomings of minority representation in Bulgaria, Bernd Rechel points out that the MRF (the Turkish Movement for Rights and Freedom) has become part of the 'political establishment', but that 'it has done so in conditions that were detrimental to demands for minority rights' (2007, p. 353). This suggests the existence of a trade-off between an ethnic party's access to governing coalitions and its political effectiveness in terms of minority representation. Yet, the article's subject matter is mostly descriptive and restricted to Bulgaria and the author does not attempt any generalisable theoretical proposition on this issue.

Another original contribution in the literature on minority representation in CEE is Sonia Alonso and Rubén Ruiz-Rufino's (2007) article on political representation and ethnic conflict. In terms remarkably similar to Pitkin's, the authors claim that 'parliamentary representation does not always allow for effective representation' (2007, p. 237). Interestingly, they choose the number of parliamentary seats won by ethnic parties rather than the number of minority MPs as their independent variable, arguing that *ethnic partisanship* is a more reliable measure of representation than *ethnic affiliation*, because membership of a politician in an ethnic group does not necessarily determine her policy preferences. This choice implies an interesting claim with regard to the relationship between ethnic parties, descriptive and substantive representation. If belonging to a certain party is a better predictor of a politician's political preference on ethnic issues than belonging to a certain ethno-linguistic group, the assumptions of descriptive representation must be questioned. The authors, however, do not suggest possible measures of effective (substantive) representation, but concentrate on ethnic protest and rebellion as measures of democratic stability.

Johanna Birnir and David Waguespack (2011), in a large-N study on the effects of ethnic governmental inclusion on economic development that includes former-communist countries, take a more outcome-oriented view on representation. They test the impact of minority representation on policy outcomes through general economic indicators, such as GDP growth and GDP per capita. Their article contributes to the academic debate about the effect of ethnicity on state performance. This debate – extensively reviewed by Birnir and Waguespack (2011, pp. 245–248) – is concerned with whether ethnic participation in the policymaking process of demographically heterogeneous societies has a negative (fractionalisation, cross

vetoes, political stalemate) or positive (more varied input, increased system legitimacy, full use of human resources) impact on the quality of decision-making and on economic performance. However, the focus on economic performance as a measure of state efficiency does not take into account the relative benefit for the ethnic minority vis-à-vis the majority and also ignores non-economic policy issues with important ethnic implications.

Monica Robotin and Levente Salat (2003) analysed the effects of minority participation in government in Macedonia, Romania and Slovakia along three dimensions: the status of minority parties in the governing coalition; the legislative measures promoted by minority parties; and the effect of minority government participation on democratisation. While recognising some of the risks of including ethnic parties in governing coalitions – namely the emphasis on minority-related legislation to the detriment of more general policies, and the high expectations on the part of the ethnic community, which, if they are not met, can lead to frustration and inter-ethnic tension – the authors conclude that overall it has a positive effect. They found that inclusion of ethnic parties in governing coalitions favours the democratisation of society, produces better quality of minority-related legislation, improves the feeling of togetherness and trust between minority and majority, makes the state more neutral and therefore more legitimate, and promotes moderation in majority–minority relations (Robotin & Salat, 2003, p. 168). Although their focus is primarily on conflict management, Robotin and Salat's work shows the potential of looking at the effects of minority representation on the policymaking process.

A notable exception to the prevalent focus on descriptive representation is Sherrill Stroschein's *Ethnic Struggle, Coexistence, and Democratization in Eastern Europe* (2012). In her book, Stroschein conducts a detailed analysis of ethnic mobilisation in three countries with significant Hungarian minorities – Slovakia, Romania, and Ukraine. She traces the interaction between policymaking and mobilisation over a period of time and concludes that grassroots ethnic mobilisation and protest function as an indispensable democratising mechanism. While in her analysis the role of ethnic parties and formal representation takes second stage to grassroots mobilisation, the insights derived from her research are another testimony to the rich possibilities offered by a focus on democratic processes in the study of divided democracies.

1.4 Beyond the state level

Most of the studies of minority representation reviewed so far take the state as their level of analysis. Minority representation, however, also happens at other levels. Several studies on CEE minorities introduce international and regional organisations as crucial in the definition of minority policies. Besides this potential influence from above, local administrations offer the possibility for minorities to influence policies from below. Local-level minority representation is a

much more understudied phenomenon, but it is particularly important in Estonia and Latvia, where the Russophone minorities have achieved important positions of power in the local governments of the capital cities.

1.4.1 International organisations and minority policies

Studies of minority politics in CEE countries have often dealt with the role that regional and international organisations – in particular the European Union (EU) – played in influencing minority policies. International organisations and the pressures of Europeanisation are often believed to have had a central role in influencing the minority policies that CEE countries passed after the end of their communist regimes, especially during EU accession negotiations (Gelazis, 2003; Hoffmeister, 2004; Kelley, 2004). The relevance of international pressures, however, is far from undisputed.

Peter Van Elsuwege, while recognising that EU, UN, Council of Europe and NATO's pre-accession demands did result in some amendments to minority-sensitive policies (2004, p. 54), stressed that the real impact of EU conditionality and international pressures is still controversial (2004, p. 11). Authors that look at the role of international organisations critically have argued that international pressures did not determine real changes of minority legislation (Hughes & Sasse, 2003), and have highlighted that formal compliance with international demands on minority issues has not been necessarily tantamount to a change in the general attitude towards minorities (Agarin & Regelmann, 2012; Sasse, 2008; Schulze, 2010).

Also authors that stress the relevance of accession conditionalities have questioned whether international pressures remain important after EU accession. Timofey Agarin and Malte Brosig highlight the important role played by international organisations in setting political standards and promoting norms on minority issues, but note how the implementation of such norms has been left entirely to the domestic politics of the members states (2009, p. 340). Riedel came to similar conclusions in her critical assessment of the EU as a 'promoter of minority rights' (2009). Also Marju Lauristin and Peeter Vihalemm suggested that after EU accession internal political actors – rather than international organisations – have tended to take the leading role in setting the agenda on minority issues (2009, p. 22). Even authors that reject the usual incentive-based explanations of policy change – claiming that the impact of international organisation goes beyond accession conditionalities (Sedelmeier, 2008) – do not find evidence that influence 'beyond accession' takes place in the case of minority policies (Epstein & Sedelmeier, 2008). Moreover, Gabriel Toggenburg observes that while the EU has become more concerned with the integration of the new (immigrant) minorities, it has increasingly seen issues

regarding 'old (ethnic) minorities' as pertaining entirely to the member states (2008, pp. 111–112).

Two points need to be highlighted here. Firstly, in the reviewed literature on the international impact on minority policies there is a tendency to treat minorities exclusively as objects of policies and to ignore their potential as political actors. An illustrative example of this is provided by Judith Kelley (2004). In the final chapter of her book, Kelley turns to potential explanations of policy developments on minority-sensitive issues other than international organisations' membership conditionality. Democratic maturity, duration of international involvement, and kin state political, military and economic pressures are all taken into account and rejected as having low explanatory power. Minority political activism (either in the form of minority representation or of minority grassroots mobilisation) does not even feature as one of the control factors.

Secondly, the direct impact of international organisations on policymaking is widely understood as fluctuating, and there is general agreement that there are significant differences before and after accession.[18] This would point to domestic factors as the most important policymaking determinants at least in the post-accession period (the watershed year for Estonia and Latvia is 2004, when they became members of both the EU and NATO). Even before the accession, however, the significance of international pressure for policy outcomes cannot be taken for granted and can hardly be looked at as disjointed from domestic factors and dynamics. Moreover, a distinction should be made between formal and substantial compliance with international demands (Schulze, 2010).

This does not mean that the impact of international pressures on the policymaking process will be discounted in this study. Most studies indicate that the interaction between international pressures and domestic factors (that is, the way international pressures were received and exploited by domestic actors) played a central role in determining the outcomes on minority-related policies. In order to verify the impact of this interaction empirically in the cases of Estonia and Latvia, special focus will be placed in Chapter 4 on what kind of opportunities (if any) international pressures provided for the inclusion of minorities in policymaking.

1.4.2 Local-level representation and minority city incorporation

Although there has been a measure of renewed academic attention to the city and the local dimensions of politics, the importance of local government in CEE remains largely understudied. While arguments have been made to the effect that good quality of local governance has positive effects on sense of citizenship, participation and democracy (Gaster, 1999), few authors

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[18] Also Kelley (2004) recognises this in the conclusions to her book.

have focused their attention on local democracy in Central and Eastern Europe. In *Local Governance in Central and Eastern Europe*, Tomila Lankina, Anneke Hudalla and Hellmut Wollman (2008) remarked that 'local government matters' and measured its performance in different cities of the Czech Republic, Hungary, Poland and Russia. Martin Horak (2007) offers an interesting example of a study on the city (in this case Prague), whose focus goes beyond institutional changes or the development of a specific policy (an approach that is typical of CEE local government literature), to concentrate instead on the development of local democracy, the effectiveness of local government and its openness to societal inputs and preferences. Andrew Coulson and Adrian Campbell's edited book on CEE local democracy (2006) also stressed the importance of local government for post-communist countries as a way of revitalising community political participation and cohesion. However, it is interesting to note that in the chapter of that book dedicated to Estonia and Latvia (Vanags & Vilka, 2006) no mention is made of majority–minority issues.

As for specific literature on ethnic minority representation at the local level, various studies have pointed at the fact that local demographic distribution of ethnic groups has a significant impact on voting behaviour and party strategies. For example, Stroschein (2011) analysed local voting and ethnic parties' local election strategies in Hungary and Romania. She found that local demography (that is, the size of the ethnic minority at the local level) is an important determinant of local voting behaviour and, consequently, of parties' local campaign strategy. She found that ethnic outbidding dynamics tend to appear only in cases in which the state minority is the local majority, that is, when unity is not essential for a minority to gain seats. In a similar study, Michael Pugh and Margaret Cobble (2001) measured the share of non-nationalist vote in the 1997 municipal elections in Bosnia and Herzegovina. They identified local ethnic composition as one of the main factors that determine the preponderance of nationalist vis-à-vis non-nationalist vote (Pugh & Cobble, 2001, p. 35). They found, perhaps counter-intuitively, that voters in more homogenous localities are the most predisposed to vote for nationalist parties. The importance of ethnic demography for electoral behaviour and local minority representation is also highlighted in the US literature on the topic (Engstrom & McDonald, 1982; Mundt & Heilig, 1982; Sass, 2000; Trebbi, Aghion, & Alesina, 2008).[19]

It has been argued that minority groups that are excluded from the decision-making process at the state level can more easily gain representation at the municipal level on account of their demographic concentration, smaller electoral districts, easier electoral campaigns, and a higher flexibility in the party structure (Bird, 2004, p. 182). It would therefore be a mistake to

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[19] One of the main debates in the US literature on this theme has to do with the impact of electoral rules on minority local level representation (Pomper, 1966; Sass & Mehay, 1995).

overlook minority representation at the municipal level. This is particularly relevant in Latvia and Estonia, where the Russian-speaking minorities that are typically unsuccessful in gaining representation in state government successfully sought access to local executives in municipalities where they can count on bigger numbers and favourable minority–majority voting dynamics. Local representation could, therefore, function as compensation for lack of representation at the state level. This might be particularly the case for the two capital cities, Tallinn and Riga, where a large portion of the countries' inhabitants and wealth is concentrated and where – unlike at the national level – Russophone representatives have gained access to executive power. Minority representation in Tallinn and Riga will be the focus of Chapter 5.

While literature on CEE largely overlooks minority politics and minority representation at the local level,[20] there is extensive research on Black city-level representation and Black mayors in the US. This body of research provides useful theoretical tools for the study of minority representation in Tallinn and Riga. The US literature often refers to the concept of *political incorporation* to explain levels of minority power over policymaking in ethnically split cities (Browning, Marshall, & Tabb, 1990; Marschall & Ruhil, 2007; Spence et al., 2009). Political incorporation is defined as 'the extent to which [a group] is represented in a coalition that dominates city policy making on issues of greatest concern to that group' (Browning et al., 1990, p. 9). Minority representatives can be incorporated into a city's dominant coalition at different levels, ranging from total exclusion to total control. What is at stake at the local level is hardly negligible for the ethnic minorities, also beyond policy impact. For example, in her study of minority presence in US cities' municipal workforce, Stein (1986) finds that minority representation in local executives influences the degree to which minorities are employed in local administrative bodies.

However, incorporation does not necessarily mean power, not least because the responsiveness of minority representatives to their minority constituency cannot be assumed. Only the highest levels of incorporation *may* translate into substantial influence over policy (Browning et al., 1990). Moreover, according to some urban theory scholars, political incorporation can in fact have a demobilising effect on the ethnic minority, with consequent negative effects on minority impact on policy outcomes (M. P. Smith & Feagin, 1995). Minority representation in the city, in other words, can serve as a palliative for the minority and thus reduce its capacity for mobilisation and protest. This might end up disempowering minority voices and limiting their impact over policymaking. On a similar note, it has also been argued

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[20] A notable exception is provided by Stroschein (2012). However, she focuses on protest as a form of local(ised) contentious politics that can influence state policies, rather than city-level (party) politics. For the importance of looking at parties at the local level see Murray Low (2007), who argues that for parties national and local level electoral competitions are not necessarily in hierarchical order of importance but are often horizontal to each other.

that representation of racial minorities in local administrations in the US has been tantamount to a neo-colonial relationship and has not corresponded to a real sharing of power (Nelson & Meranto, 1977)

The US debate on political incorporation is highly relevant for Estonia and Latvia, as it problematises the relationship between a minority's institutional *presence* in city administrations and its actual political *power*. Once we problematise this relationship, the actual political significance of Estonia's and Latvia's Russophone minorities' representation in city executives cannot be taken for granted but must be carefully investigated.

1.5   Minority representation and quality of democracy

Three main points can be made about the literature on ethnic parties and minority representation in CEE countries. Firstly, as noted above, this literature often puts the accent on descriptive representation, as it is mainly concerned with explaining minority political presence (or absence) rather than with its substantive effects. Secondly, when references to substantive representation are made, these tend to be based on the concept of responsiveness, with its problematic implications of taking ethnic minorities as homogenous groups with fixed, innate interests – what Brubaker called 'groupism' (2004). While the studies of minority identity in CEE have espoused a non-essentialist understanding of identity and groups, the study of minority political representation in the area still seems to be grounded on underlying 'groupist' assumptions about minorities. Insights from the US debate and from the theoretical debate about the meanings of representation (also in feminist literature) can help to devise a research approach that overcomes these limitations.

Thirdly, when the effects of minority political presence are indeed taken into account, the focus of the analysis tends to be on issues of democratic stability and inter-ethnic conflict. It is of course crucial to understand the consequences of ethnic party success (or lack thereof) on the probability of inter-ethnic conflict. The predominant focus on conflict management and conflict prevention, however, risks hiding part of the picture in countries such as Estonia and Latvia where the probability for conflict is arguably low. In such countries absence of conflict cannot be taken as an indicator of the existence of an open and inclusive democratic process. Indeed, the argument advanced by those who see Estonia and Latvia as examples of ethnic democracies (e.g. Pettai & Hallik, 2002; Smooha & Järve, 2005) is exactly that democracies can be exclusive while also being characterised by stability and absence of conflict.

Especially in CEE-focused literature, the study of ethnically divided democracies has put most of its emphasis on the 'ethnically divided' aspect of the issue. My study is an attempt at balancing this by directing the focus to the 'democracy' aspect of ethnically divided democracies.

In order to do this, I embed questions of minority representation into broader questions of quality of democracy. The focus is not on whether minority representation is good or bad for democratic stability and inter-ethnic peace. Rather, I take inclusiveness as an essential part of the democratic ideal and then assess the existing structures of inclusion and exclusion that exist in Estonia and Latvia against this normative principle.

It is implicit here that my normative understanding of democracy follows Lijphart's consensus model, which is based on the principle that all those who are affected by a policy should take part in making it, either directly or through representatives (1999, p. 31). This model of democracy is particularly suited to 'plural societies', where majoritarian rule would persistently exclude minorities from power (Lijphart, 1999, p. 32). It must be specified that the reference to the consensus model as the basis for my understanding of democracy is not centred on the set of institutional arrangements proposed by Lijphart but, rather, on consensus as a 'vision' of democracy.[21] Another formulation of this same vision was provided by Iris Marion Young, who claims that 'the normative legitimacy of a democratic decision depends on the degree to which those affected by it have been included in the decision-making processes and have had the opportunity to influence the outcomes' (Young, 2000, pp. 5–6). In both cases the principle of inclusiveness is advanced as a necessary condition for a quality democratic process.[22] And in both cases the focus is implicitly on the *process* of making decisions and on who is included or excluded from it. My understanding of quality of democracy in ethnically divided countries follows this same vision.

Quality of democracy has been defined as the degree to which a country 'approximates perfect democracy' (Lijphart, 1999), as 'the extent to which any given polyarchy actualizes its potential as a political regime' (Altman & Pérez-Liñán, 2002, p. 86), or, similarly, as a measure of how well a democracy fulfils its ideal goals of political and civil freedom, popular sovereignty and political equality (Diamond & Morlino, 2005, pp. x–xi). Although different measures have been used to assess a country's democratic quality, these are all usually based on the distance between the existing democratic practices and what democracy *should be*.[23]

Strictly procedural approaches to the study of quality of democracy are unsuited to the assessment of democratic practices in plural societies, as strictly-speaking democratic procedures can be in place even when portions of society remain excluded.[24] Indeed, the

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[21] Lijphart refers to his two models as 'two visions' of democracy (Lijphart, 1999, p. 306).

[22] Rueschemeyer calls this the 'reasonable principle' that people affected by a decision should have a say in its formulation (2004, p. 78).

[23] According to Sartori, 'What democracy is cannot be separated from what democracy should be [...] in a democracy the tension between facts and values reaches the highest point' (1973, p. 4).

[24] For a review of the literature that criticises procedural approaches on these grounds see Gerardo Munck (2012, pp.

majoritarian principle of democracy means that even the total exclusion of a minority from political life would not be detected by strictly procedural assessments of quality of democracy. In Luigi Ferrajoli's words, '[e]ven a system in which the majority decides to do away with a minority can, according to such a criterion, be considered "democratic"' (2011, p. 356). The existence of formal democratic structures (such as free and fair elections and the rule of law), therefore, does not guarantee that processes are democratic in cases in which other inequalities are not addressed (Rueschemeyer, 2004, p. 77).

Scholars concerned with how democracies fare with regard to minorities and disadvantaged groups have typically rejected procedural definitions to concentrate on issues of exclusion from the 'political community' and from 'substantial citizenship' (Phillips, 1993, p. 2). Two key democratic principles have been used to discuss quality of democracy with regard to minority or otherwise disadvantaged groups: the principle of inclusion (Caraway, 2004; Young, 2000) and that of (political) equality (Phillips, 1993).[25] These two principles point to the same expectation that, in a democracy, gender, race, ethnicity, socio-economic status and other societal differences must not negatively affect individuals' or groups' political citizenship and their capacity to effectively exercise it.[26] This expectation is implied in definitions of democracy that emphasise universal and equal access to power and decision-making (Wissenburg, 2013), and in definitions that see democracy as a system that 'entails the (boundedly) universalistic attribution of agency' (O'Donnell, Vargas Cullel, & Iazzetta, 2004, p. 24).

While inclusiveness is not the only dimension for the assessment of democratic quality, it is certainly one of democracy's fundamental qualities.[27] Especially in ethnically divided democracies, 'genuinely universal citizenship' – that is, the inclusion of all citizens in the democratic process – is central to a quality democracy (Young, 1989, p. 273). If we accept inclusiveness as a core democratic principle, democracies 'do not live up to their promise' when political exclusion takes place (Young, 2000, p. 13). Therefore, although it is not the only dimensions that could be used to asses quality of democracy in Estonia and Latvia,[28] inclusiveness cannot be neglected if we want to portray an accurate picture of how democracy works in these countries.

28–29).

[25] In their discussion of quality of democracy, Diamond and Morlino do not pay specific attention to minorities and other disadvantaged groups, but still list some related principles for the evaluation of democratic quality, such as participation, political equality, and equal worth (2005, pp. ix–xl).

[26] For a critique of democracy and democratisation studies that use limited conceptualisations of inclusion (to the exclusion of issues of gender, race and ethnicity) see Caraway (2004).

[27] According to Diamond and Morlino, we should speak of interacting and mutually-reinforcing 'qualities' rather than of a general quality of democracy (2005, p. xxxi).

[28] For instance, a recent study of quality of democracy in CEE countries took citizens' influence over rulers as the main principle of democracy and looked at issues of accountability, responsiveness and satisfaction (Roberts, 2010).

The inclusiveness (and thus the quality) of a democracy can best be assessed by looking at the process of making decisions and looking at who is included in this process and how. This is by far not the only approach to the study of quality of democracy. Quality has be understood alternatively as effective governance or as democraticness (Plattner, 2004, p. 109): the first approach implies a focus on outcome, the second on process.[29] According to some authors, democracies should be evaluated in terms of their outcomes, because – irrespective of who takes the decisions and how – the purpose of democracy should be taking 'good' decisions that satisfy the citizenry (Ferrajoli, 2011; Ringen, 2011). The main problem with this approach is that it falls into the same conceptual flaw as studies of responsiveness. That is, it implies that there is such a thing as an 'optimal' policy and it is democracy's task to actualise it. This cancels disagreement out of democracy, and disregards the fact that disagreement about goals and policies is central to democracy itself. In Andrew Sabl's words, '[t]he whole point of many (perhaps all) of our democratic institutions is to arrive at conditionally legitimate decisions in spite of such disagreement' (2011, p. 19). That is why in evaluating a democracy's quality, we must focus on the democraticness of the democratic process, rather than on a supposedly optimal policy outcome: democracy is not about *what* decisions are made but about *how* they are made (Munck, 2012, p. 22). If democracy is 'a set of procedures for determining the content of public policy' (Munck, 2012, p. 35) and we assume that policies are going to be contested (and they are even more likely to be so in ethnically divided societies),[30] it is fundamental that the process to make decisions is inclusive.

One final point about inclusiveness should be made: as a dimension of quality of democracy it does not pertain only to new democracies or to democratising countries. It has been argued that issues of access to power should be studied within the field of democratisation rather than quality of democracy, as the latter should concentrate on issues of how power is exercised (Mazzuca, 2010). However, by portraying unequal access to power as a problem that can exist only in the period of a country's democratic transition, this approach unduly excludes established democracies from analyses based on this metric. Moreover, this approach risks running into the 'definitional fallacy' – sometimes encountered in studies of the quality of new democracies – of regarding a certain practice as democratic because it exists also in countries that are commonly regarded as established democracies (Munck, 2012, p. 13).[31] While the democratic principle of inclusiveness is here applied to ethnically divided, CEE democracies, its

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[29] Morlino's distinction between quality as procedure, as content or as result (2004, p. 6) partially captures this distinction.

[30] According to Sabl, 'the test of a good democracy is its ability to function amidst disagreement on substantive criteria' (2011, p. 22).

[31] For an example of this fallacy, see Roberts (2010, p. 35).

reach is much wider. Inclusive democratic processes (and the equal access to power and equal worth they imply) are a measure of democratic quality in all existing democracies, both new and long-established, and with reference not only to ethnic minorities but also to other potentially disempowered groups such as for example women, the poor, racial minorities, sexual minorities and migrants.

1.6   Methodology

My approach to the study of divided democracies is focused on assessing the inclusiveness of the Estonian and Latvian democracies, that is, on how the power to make decisions that concern the minority is distributed. The question is, then, how do we go about studying inclusiveness? As discussed in more detail above, the notion of inclusiveness goes beyond mere numerical presence of members of the minority in political institutions (descriptive representation), as this does not automatically guarantee either influence or empowerment. Responsiveness is also unsuited as a main line of investigation, even if intended widely as the proximity of actual policies to minority preferences. Indeed, this would lead to an essentialist conceptual flaw, in which the scholar must assume certain interests and needs as innate (and possibly immutable) for the minority. Democratic inclusiveness can be best assessed by looking at how decisions are made on policies that concern the minority. That is, the focus of the analysis must be on the process of making decisions, rather than only on their content.

This study is based on the in-depth analysis of a number of policymaking processes in Estonia and Latvia. Policymaking, as a process, is often seen as being composed of different stages, running from agenda-setting to implementation (May & Wildavsky, 1978). This stage-by-stage understanding of policymaking can of course be reductive, as it assumes the linearity of a process that is often very complex (Barrett & Hill, 1984; John, 2012, pp. 17–28). For reasons of analytical expediency, in retracing the policymaking process for this study, agenda-setting, policy formulation and implementation will be referred to as three different moments of policymaking, and – consequently – as three distinct points of decision in which the minority's level of influence can be assessed. This does not mean, however, that the process must be intended as linear: policy problems and policy options on the one side and policy outcomes on the other are not defined once and for all at the beginning and the end of the policy process. They are both constantly redefined through policy feedback, political negotiations and contentious politics. This opens the possibility for multiple channels for minority voices to access the policymaking process and potentially influence its outcome.

My study will be based on the comparison of Estonian and Latvian policymaking processes on selected policy-cases that concern the minority directly. The comparison is organised along

five different potential channels for minority access to the policymaking process: parliamentary representation, recourse to international institutions, city-level incorporation, institutionalised consultation mechanisms, and grassroots mobilisation. These five channels will be the topics of five empirical chapters (Chapter 3 through 7). Given the nature of the five channels, the comparison spans across different levels of government. This means that decision-making processes that took place at state level are also compared with those at city level, to assess the chances for inclusion they afforded to the Russophone minorities.[32] My analysis uses the lenses of the five channels in order to assess the role and modalities of Russian-speaking voices' presence in policymaking and – more in general – their role in the democratic processes of Estonia and Latvia.

The focus of this research is specifically on policies that are particularly sensitive for the minority. This choice is not dictated by the expectation that underrepresentation and exclusion concern only minority issues. If a minority is politically excluded it is reasonable to expect that it would be so also with regard to non-minority policies, such as for example economic policies. However, it is also reasonable to expect that minority actors have stronger, minority-specific concerns with regard to policies about language, education, and citizenship. This is not to say that minority members have *only* minority-specific concerns. Gender, class, and place of residence are only some of the major lines of in-group differentiation that determine minority members' political concerns and priorities. This also does not imply that all members of the minority hold the same opinion on minority-sensitive issues, but simply that all of them will be affected by minority-sensitive legislation. The principle of inclusiveness as expressed by Lijphart and Young places the stress on participation in making decisions *that affect a group directly*. While other policies might affect different members of the minority differently, minority-specific policies are bound to affect the minority *qua* minority. While exclusion from other, non-minority-specific policy processes is also relevant (but potentially more difficult to study), it is particularly important to assess to what extent minorities have access to the policymaking process with regard to policies that are explicitly directed at them.

My study is guided by the method of process tracing, which Alexander George and Timothy McKeown define as the study of the 'process by which various initial conditions are translated into outcomes' (George & McKeown, 1985, p. 35). Collier defines process tracing as 'an analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence' (2011, p. 824). Process tracing is a flexible, qualitative method that allows us to identify and systematically describe political and social phenomena, test and formulate

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[32] For a discussion of the comparability of local and national levels, see Horak (2007).

hypotheses, explore causal mechanisms, and provide a valid alternative to conventional statistical analysis for the study of complex phenomena involving reciprocal causation (Collier, 2011, p. 824).[33] Cognate qualitative methods have also been called systematic process analysis (Hall, 2008) and causal-process observations (Collier, Brady, & Seawright, 2010). These are different labels for roughly the same method (Collier, 2011, p. 823), which is based on the intensive description of events that unfolded over time (for this study the policymaking process), aimed at uncovering causal relationships. While the existing hypotheses and debates on minority representation and ethnically divided democracies will be taken into account in the analysis, process tracing is an open-ended method that leaves room for new hypotheses to emerge from the analysis (Steinberg, 2007, p. 199).[34]

The method of process tracing makes use of a variety of primary and secondary sources in order to construct detailed narratives and uncover the causal relations behind them (Collier, 2011, p. 828). Following Van Cott's application of this method, my analysis will be arranged around 'analytically organised narratives' (2005, p. 21) of specific policy cases. For the first four channels for minority access to policymaking, one policy has been selected that adequately illustrates issues of minority presence and minority empowerment within that channel. Although one specific policy case is used as illustration, this does not mean that the observations derived from the analysis pertain to that policy only. The general patterns of inclusion and exclusion observed for the selected policy-case can be generalised to the other minority-sensitive policies. As for the last analytical chapter on grassroots mobilisation, this is a partial exception to this structure. As there are multiple ways in which mobilisation can take place (from advocacy to protest), this chapter does not focus on a single policy case but makes reference to a number of different cases of mobilisation on several minority-sensitive policies, including those analysed with regard to other channels.

The construction of these in-depth, analytically organised narratives is based on multiple primary and secondary sources. The multiplicity of sources is intended to maximise validity and avoid the potential bias that would result from overly relying on one of these sources only. The sources include: minutes of parliamentary sessions and local council meetings; local media news articles in both Russian and the state languages; semi-structured in-depth interviews with representatives, civil servants, activists and experts who took part in the policymaking process;

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[33] On process tracing see also James Mahoney's (2005, pp. 17–20) discussion of qualitative methodologies in comparative studies.

[34] Paul Steinberg discusses process tracing in his analysis of causality in small-N studies and points out that the ability of process tracing to 'produce rich causal narratives' is also associated with the risk of 'indiscriminate pluralism' (2007, p. 193). However, far from discounting the method, Steinberg suggests strategies to manage the information richness and complexity of process-tracing studies. As he put it: 'it is better to reveal complexity and to manage it than to not engage complexity at all' (2007, p. 198).

reports by independent civil society organisations; documents produced by political parties (party programmes and manifestoes, press releases, newsletters); and academic resources.[35]

I first conducted background research on existing academic resources in order to identify suitable policy-cases. Then, I conducted in-depth studies of the primary sources related to those policy-cases (debate minutes and news items), in order to identify a preliminary narrative of how the policymaking process had evolved. Finally, I conducted in-depth, semi-structured interviews with policymakers, experts and civil society activists that had been directly involved in the policymaking process. These interviews informed my analysis in at least four ways. Firstly, they provided data in the form of insider information on the policymaking process, which I then proceeded to verify with other sources. Secondly, they revealed discursive attitudes and expectations about the decision-making process and the minority's role in it. Thirdly, they helped me make sense of the data collected through other sources, disproving or reinforcing original interpretations, and adding new dimensions to the analysis. Finally, they gave me a clearer sense of the weight of the different factors and of their interactions in the reality of day-to-day policymaking. While they did not serve as the primary source for policymaking facts, these elite interviews helped me construct rich and detailed narratives of the policymaking process in Estonia and Latvia and suggested ways of analysing and inferring from these narratives.[36]

1.7   Some key terms

A number of terms are used throughout this thesis in order to refer to the minorities' political role in the democratic process. Namely, *representation*, *presence*, *voice*, *influence* and *empowerment*. Given the contested nature of most of the vocabulary in this field, I will briefly explain how these terms are used in this study.

Representation will be used mainly to refer to the descriptive aspect of political representation, that is, the presence of members of the minority in state institutions (such as the parliament and the government) and local institutions (city councils and city governments). Intended this way, representation is a form of minority political presence that pertains strictly to positions in formal representative institutions. Minority (political) *presence*, instead, indicates all the ways in which minority voices are represented (in the wider sense of 'made present') in the political arena, including civil society activism and grassroots mobilisation. Minority presence can

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[35] A similar set of data was used by Van Cott (2005) in her study of ethnic parties in Latin America.

[36] Goldstein identifies three goals of elite interviewing: '(1) gathering information from a sample of officials in order to make generalisable claims about all such officials' characteristics or decisions; (2) discovering a particular piece of information or getting hold of a particular document; (3) informing or guiding work that uses other sources of data' (2002, p. 669).

be actualised through multiple channels, which include but are not limited to representation in formal institutions. Minority *voices* are the different possible expressions of such presence. Since the minority is not expected to be a monolith with pre-determined needs and interests, multiple (and at time conflicting) voices can emerge. Different minority voices can access the political debate through the different channels available to them and with different levels of success.

The effectiveness of minority presence will be referred to in terms of *influence* and *empowerment*. When meant as the impact on the outcome of a specific policy process, effectiveness will be referred to as (policy) *influence*. Minority voices can influence the policymaking process in different ways, from pushing issues into the political agenda, to influencing the debate around certain issues, to shaping the policy outcome through participation in decision-making. However, the impact of minority presence on a country's democratic politics cannot be measured only in terms of substantive effects on specific policies. The question of democratic inclusiveness is also a question of how power (not least the power to make policies) is distributed in society (Patnaik, 2013, pp. 34–35). While *empowerment* has been defined as 'participation of an agent in decision-making through an effective voice and vote' (Young, 1990, p. 251), the empowerment of a marginalised group also (and crucially) implies a challenge to the existing distribution of power (Patnaik, 2013, p. 35). In the same way as it does not automatically guarantee policy influence, minority presence does also not necessarily imply empowerment (Patnaik, 2013, p. 35). Whether presence actually guarantees empowerment and what forms of presence are more likely to achieve this are the empirical questions at the basis of this study.

1.8   Brief notes on fieldwork

In the period between April and September 2013, I conducted fifty-three interviews, in Tallinn, Tartu and Riga. The interviews were conducted in two stages, following a general-to-particular logic. In the first stage, I interviewed policy experts (academics, journalists and heads of NGOs) to discuss the broader issues of minority representation in policymaking. Most of these experts had directly taken part in official discussions on minority policies or in policy drafting (this is especially the case with the Integration Programmes), in which case the interviews also focused on their experience of the policymaking process and their role in it.

In the second, longer, stage I interviewed policymakers and civil servants who were directly involved in policymaking with regard to the policies under analysis. The respondents were selected based on my background research on the policy-cases. I secured interviews with politicians from different parties, in order to maintain balance and better understand the nuances of the existing policy debate. As for civil servants, when possible, I interviewed both

top-ranking civil servants with direct links to party politics and policymaking, and lower-ranking civil servants who could provide a more pragmatic description of the processes in place at the implementation stage. Alongside these respondents, I also interviewed several Russian-speaking political activists, specifically about their activities, their strategies, and their interactions with state and local authorities.

Respondents were given the possibility to remain anonymous and several decided to do so. In these cases, I have referred to them in the text with a general description of their role instead of their name. The respondents who decided not to remain anonymous are referred to by their name and the interview date. Out of the 53 interviews, 25 were conducted in Latvia and 28 in Estonia. As for the respondents' status, 17 were experts – the great majority of whom had been involved in varying degrees in the policymaking process of one of the policy-cases; 13 were politicians and 13 civil servants, both at state-level and in Riga and Tallinn city administrations; and 10 were Russophone civil society activists. All respondents but one consented to having their interview recorded.

In conducting the interviews I followed a semi-structured approach, based on open-ended questions and appropriate probing. I asked the respondents to recount how a certain decision-making process had unfolded in practice, and only afterwards I asked additional, more specific questions. This approach is usually favoured in elite interviews because it maximises response validity, it provides the best answers for projects based on depth and context, and because elite respondents tend to be put off by closed-ended questions (Aberbach & Rockman, 2002, p. 674; Berry, 2002, p. 682; Harvey, 2010, p. 202).

In preparing the interviews, I wrote down a topic guide with a limited number of guiding themes, a list of open-ended questions and potential probes, and some specific questions based on the respondent's profile. Although the topic guide was extremely helpful in organising my preparatory work, during the interviews I followed it loosely, in order to allow the respondents as much autonomy as possible in selecting the most important issues in the policymaking process (or processes) they took part in. As a result of this choice, the interviews are mostly conversational and rather different one from the other. What was lost in uniformity, however, was gained in validity and detail. The open-ended questions meant that the respondents could prioritise elements of the policymaking process autonomously, minimising the risk that the research priorities would skew answers. Moreover, within the loose interview structure respondents could (and often did) open up unforeseen aspects of the decision-making process. This proved particularly important when reflecting about the intersections and overlaps between the different channels for minority access to the policymaking process.

The interviews were conducted in Russian or English. In giving my respondents the choice between these two languages, I was aware that language is a very politicised issue in both Estonia and Latvia and therefore the language of the interview could not be a completely neutral issue. However, I made it clear to all my respondents that my language skills do not inform my analysis, and that I was accessing written sources in all the three languages spoken in the two countries, including Estonian and Latvian. Being from a third country, Italy, that is not associated with a specific position with regard to the issues of minority politics in Estonia and Latvia, possibly lent more credibility to my position as an equidistant observer.

Alongside the interviews, during my fieldwork I attended several local meetings and conferences organised by political parties, Russophone activists, NGOs and state institutions. I took abundant notes on these events as well as on other relevant interactions and episodes I came across during my time in Estonia and Latvia. These notes also form part of the fieldwork sources for my research.

CHAPTER 2

The case studies: Estonia and Latvia

Estonia and Latvia offer ideal comparative cases to explore questions of minority political representation and empowerment in ethnically divided democracies. They share similar legislative, demographic and historical backgrounds. Both countries have a sizeable Russian-speaking minority and, upon independence, passed restrictive language and citizenship laws aimed at establishing the Latvian and Estonian nations and languages as dominant in the newly independent countries (Pettai & Hallik, 2002). They passed similar citizenship and language policies and shared similar nationalising discourses during their transition to democracy (D. J. Smith, Galbreath, & Swain, 2010, pp. 117–119; D. J. Smith, 2013, p. 98). They have also struggled with the same set of minority-sensitive issues with regard to citizenship, language, integration, and education. They share a similar system of government, and in both cases the political representation of the Russian-speaking minority has been a problematic issue. They are both listed by Freedom House as liberal democracies and their membership in the EU is often seen as confirmation of their democratic consolidation.

Notwithstanding the roughly similar starting points, Russian-speakers' political representation has developed differently. In Estonia Russophone ethnic parties have failed to establish themselves as major political players and most of the Russian-speakers' votes are collected by a mainstream Estonian party, the Centre Party.[37] In Latvia, Russian-speakers' parties have been electorally successful, and the moderate Russophone party Harmony Centre became the largest party in the *Saeima* (the Latvian parliament) in 2011. Both in Estonia and in Latvia, representation in parliament never translated into substantial representation in the executive: minority parties have never entered a governing coalition and, since independence, Russian-speaking ministers have been few and far between. The Centre Party and Harmony Centre, however, control the governments of the two capital cities, Tallinn and Riga.

With their similar histories, form of government and minority issues, and their different experiences with minority representation, Estonia and Latvia are ideal comparative cases to study the effects of minority political presence on minority policy influence and political

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[37] Following Allan Sikk and Daniel Bochsler (2008), I use 'mainstream parties' to mean nation-wide parties, distinct from ethnic parties. Parties within this loose category can have different levels of nationalism. Although in Estonia and Latvia nationalist parties have strictly speaking an ethnic agenda, these will not be considered ethnic parties but nationalist mainstream party.

empowerment. While a thorough discussion of the socio-political history of Estonia and Latvia is outside of the scope of this research,[38] this chapter will highlight some of the main features that are particularly relevant to issues of minority political presence. The focus will be on the main characteristics of the Russophone minorities, the early management of minority issues in post-independence Estonia and Latvia, and party politics in the two countries since independence.

2.1   The Russophone minorities in post-independence Estonia and Latvia

When they regained independence in 1991, Estonia and Latvia were confronted with the difficult task of establishing a new constitutional and social order after fifty years of Soviet rule. The demographic change in their populations was one of the most important Soviet legacies, and one that would mark their politics to this day. As a result of internal migrations, deportations and relocations, both in Estonia and Latvia the share of non-native population – overwhelmingly Russian-speakers – increased markedly during the Soviet period. While in the interwar period the share of Russian-speaking residents had been about 8% in Estonia and 12% in Latvia, in 1989 it had increased to about 35% and 42% respectively (Daatland & Svege, 2000, pp. 254–256; Hughes, 2005, p. 744). Although both countries have a large Russian-speaking minority, Latvia's minority is appreciably bigger: according to the 2011 census about 34% of Latvia's resident population was Russophone, against about 29% in Estonia.[39] As for their geographical distribution, in both countries Russian-speakers are heavily urbanised (Bottolfs, 2000, p. 75; Daatland & Svege, 2000, p. 258). However, while in Estonia they are concentrated between the capital Tallinn and the north-eastern region of Ida-Virumaa, in Latvia they tend to be more evenly distributed and constitute a majority or a substantial minority in all the main cities.[40]

The first and most controversial decision that the newly-independent Estonia and Latvia had to take was how to define the boundaries of their demos, or, in other words, whether to include the Russian-speakers in their citizenry and, if so, under what conditions. This choice was eventually determined by the prevalence of a nationalist-restorationist approach to nationhood over a more civic and inclusive one (Mole, 2012, pp. 82–92; D. J. Smith, 2005; G. Smith, Law, Wilson, Bohr, & Allworth, 1998, pp. 93–118). Both tendencies were present among the Estonian and Latvian elites that had led their countries' independence movements (Mole, 2012, p. 76;

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[38] For thorough accounts of the two countries' post-soviet history and politics see Richard Mole (2012) and Timofey Agarin (2010).

[39] Unless otherwise specified all demographic data are from the Latvian Central Statistics Database (www.csb.gov.lv), the Estonian Statistical Database (www.stat.ee) and the Estonian government's official portal Estonia.eu (http://estonia.eu/about-estonia/society/citizenship.html).

[40] At the beginning of 2012 Russian-speakers were the majority of the residents in Riga (51.2%) and Daugavpils (61.3%), and constituted big minorities in Rēzekne (49.6%), Jūrmala (41.9%), Liepāja (40.5%), Ventspils (37.8%), Jelgava (37.1%) and Jēkabpils (33.5%). 71.5% of Latvia's Russian-speakers are urban settlers and they constitute 46.4% of the country's urban population. Data provided by the Latvian Office of Citizenship and Migration Affairs (www.pmlp.gov.lv).

Pettai & Hallik, 2002, p. 511). Moreover, in both countries the Russian-speakers' support for independence had been substantial (Mole, 2012, p. 83; D. J. Smith, 1998, pp. 6–8). The restorationist approach to nation-building that eventually prevailed maintained that the USSR had illegally occupied Estonia and Latvia, and so the two countries had the right to restore their sovereignty in continuity with the interwar Estonian and Latvian republics. Consequently, the Soviet-time settlers and their descendants were the legacy of an illegal act and could not claim any rights before their country of residence. Restricting citizenship was framed by the nationalists as an issue of 'safeguarding the *ethnos*' (Mole, 2012, p. 85; emphasis in text). In both cases only those who had been citizens of the interwar republics prior to 1940 and their descendants were granted citizenship by birth. The portion of Russian-speakers who acquired citizenship by birth upon independence was an estimated 20% in Estonia and 40% in Latvia (Mole, 2012, p. 88; D. J. Smith et al., 2010, p. 119). All the others – overwhelmingly Russian-speakers who had settled in these countries after the Soviet annexation – could acquire citizenship through a process of naturalisation.[41]

The Estonian and Latvian constitutions testify, in different ways, to the centrality of the nationalist-restorationist approach to state building. In Latvia the 1922 constitution was reinstated, in keeping with the restoration of Latvia's 'normality', that is, its pre-Soviet condition (Cheskin, 2012b, p. 329). In Estonia a constituent assembly was formed and a new constitution adopted by popular referendum in 1992, whose preamble explicitly referred to the 1938 constitution and to the centrality of 'the Estonian nation, language and culture'.[42] In Richard Mole's words, the Estonian and Latvian constitutional frameworks ensured that 'the political power remained firmly in indigenous hands and Russian-speakers were all but excluded' (2012, p. 98).

This had two major political consequences. The first was that a considerable portion of the Russian-speakers was completely excluded from the state-building phase of post-independence Estonia and Latvia. Persons without citizenship had to fulfil a residency requirement in order to be able to naturalise, and in both cases the residency requirement was such that no one could have obtained citizenship by naturalisation before the first round of democratic elections (and before the constitutional referendum in Estonia).[43] This confirmed the 'ownership' of the state

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[41] For a history of citizenship in Estonia see Priit Järve (2009). For a thorough description of the Citizenship Law in Estonia see Christer Daatland and Hans Svege (2000, p. 263ff.), and in Latvia see Heidi Södergren (2000, p. 292ff.).

[42] The reference to the Estonian language was introduced through a constitutional amendment in 2007.

[43] In Estonia the residency requirement was of two years before and one year after the application. Since the earliest date from which residence could be counted was 30 March 1990, an applicant could obtain citizenship at best in 1993 – that is, after the constitutional referendum and the first parliamentary elections, both held in 1992 (Järve, 2009, p. 48). In Latvia, the 1991 act on citizenship rights and naturalisation stipulated that naturalisation would begin after 1 July 1992 (when registration of all residents had to be completed). In fact the process began only after the

by the 'titular' nations and meant that ethnic Estonians and Latvians entrenched themselves in all the major positions in the state. Power-sharing with the minorities was thus avoided, and the ethnocentric principle of restoration took pre-eminence over the inclusive principle of democratic participation (Järve, 2009, p. 47).

The other consequence of the restorationist Citizenship Laws was the creation of three categories of permanent residents: citizens, people without citizenship and citizens of a third country (Kasekamp, 2010, p. 185). These categories run through the Russian-speaking minority, splitting it in as many groups, each with different political rights. In 2014 about 53% of the Russian-speaking population of Latvia were Latvian citizens. In Estonia the corresponding figure for 2011 was about 52%. Among them there are both citizens by birth and citizens by naturalisation.[44] All citizens enjoy full political rights and can vote and stand for election at all levels of government.[45] In both countries, the conditions for naturalisation are a residency requirement, a permanent legal income, adequate knowledge of the state language, knowledge of the constitution and the Citizenship Law, and taking an oath of loyalty to the state. Some of the initial conditions for naturalisation have been relaxed. Most notably in 1998 both Estonia and Latvia allowed stateless children of non-citizens to be registered as citizens. In the same year the Latvian parliament eliminated the window system for naturalisation that had slowed down the process until then.[46] Other amendments provided for simplified naturalisation procedures for disabled and elderly people, and the recognition of school exams in language and civic knowledge. Naturalisation rates, however, have fluctuated and stagnated by the second half of the 2000s (Järve, 2009, p. 59; Muižnieks, 2010, p. 100; Poleshchuk, 2009, p. 171).

The number of people without citizenship in Estonia and Latvia remains high, although it has decreased through emigration, mortality, naturalisation and acquisition of foreign citizenship. In 2014, 6.6% and 12.7% of the total population remained non-citizens in Estonia and Latvia, respectively. As these are almost exclusively Russian-speakers, this means that about 22% of Estonia's Russian-speakers and almost 40% of Latvia's are without citizenship. Moreover, a

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Citizenship Act was adopted in 1994 (Kindlová, 2006), that is, after the first post-independence parliamentary elections in 1993. The majority of the Russian-speaking population, therefore, was cut out from taking part in the first electoral cycle of the Estonian and Latvian post-Soviet democracies (Kasekamp, 2010, pp. 184–185).

[44] A further possibility, the acquisition of citizenship for special merits or services to the state, is provided for by article 10 of the Estonian and article 13 of the Latvian constitution.

[45] The only difference in political rights in Estonia is that only citizens by birth (but not naturalised citizens) can be elected President of the Republic.

[46] The Latvian Citizenship Law originally established a window system, which divided potential applicants into different cohorts that could apply for naturalisation at different times. Under these rules the last cohort would have been able to apply for naturalisation only in 2003. The nationalist parties initiated a referendum against these amendments on the Latvian Citizenship Law, which they perceived as a dangerous liberalisation of the naturalisation procedure. On the event, the majority of the voters expressed their support for the liberalising amendments and they were retained. For a detailed account of the 1998 referendum see Södergren (2000, p. 295ff.).

portion of the Russophone minority holds the citizenship of a third country, usually the Russian Federation. This is far more common in Estonia, where census figures from 2011 show that about 24% of the country's Russian-speakers and 7% of the total population hold a Russian passport. In Latvia, only about 6% of the Russian-speakers and less than 2% of the total population are Russian citizens.[47]
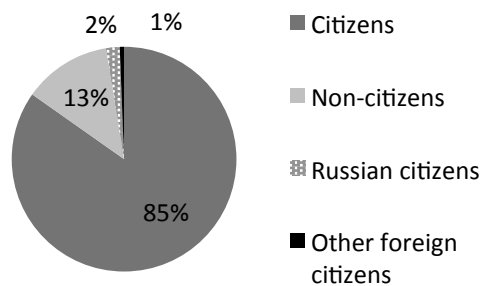
Figure 1. Citizenship status in Latvia (total population)
Data: Latvia's Central Statistical Database, 2014.
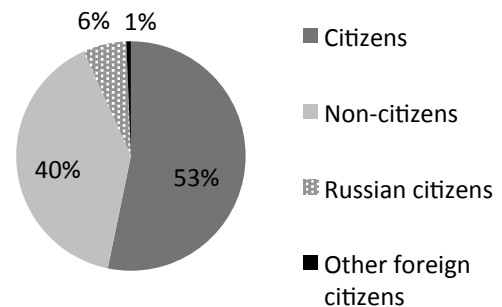
Figure 2. Citizenship status in Latvia (Russian-speakers)
Data: Latvia's Central Statistical Database, 2014.
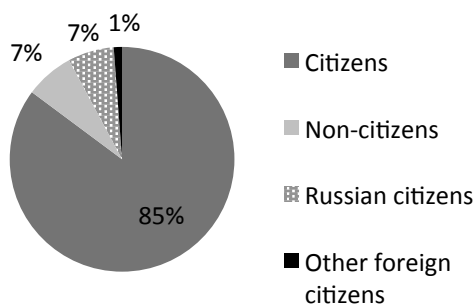
Figure 3. Citizenship status in Estonia (total population)
Data: Estonia's Statistical Database, 2011 Census
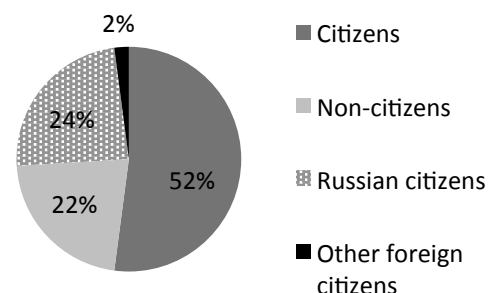
Figure 4. Citizenship status in Estonia (Russian-speakers)
Data: Estonia's Statistical Database, 2011 Census

In Estonia, residents with no citizenship and third-country nationals are recognised by law under the same category of 'aliens' and share the same political rights. They cannot vote for parliamentary elections or referenda, but have the right to vote (but not to stand for elections)

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[47] Both countries saw an increase in applications for Russian citizenship in recent years. In Estonia applications for Russian citizenship apparently surged after the 2007 Bronze Soldier crisis (Järve, 2009, p. 57). In Latvia an increase in applications for Russian citizenship was observed in 2012, after the failed referendum on Russian language as second state language. For news about this, see 'Negrazhdane vybiraiut rosiiskoe grazhsdanstvo' (Non-citizens choose Russian citizenship), *Telegraf.lv*, 1 June 2012. Available at: http://www.telegraf.lv/news/negrazhdane-vybirayut-rossiiskoe-grazhdanstvo (Last accessed 16 February 2015).

at the municipal level. While they can belong to non-profit organisations and trade unions, non-citizens cannot form or join political parties. In Latvia, residents without citizenship are recognised under the special category of 'Latvia's non-citizens' (*Latvijas nepilsoņi*), separately from foreign nationals. This, however, does not imply significant differences in terms of political rights. Both non-citizens and third-country nationals are completely disenfranchised at the national and local level. However, non-citizens have the right to join political parties, as long as they compose less than 50% of the membership (LCHR, 2008, p. 41).

While citizenship cross-cuts the minorities, language functions as the major dividing line between majority and minority, and its management has deep social and political implications. In both countries we find Language Acts (which regulate the use of titular and foreign languages in the public space), Language Inspectorates (which ensure the enforcement of the Language Acts), and references to the titular languages are conspicuous in their constitutions.[48] A language proficiency exam has to be passed in order to acquire citizenship by naturalisation, higher levels of proficiency are required to hold public posts and some posts in the private sector, election candidates were subject to language requirements until 2001 in Estonia and until 2002 in Latvia,[49] and most integration strategies focus on titular language learning. All these provisions are directed to the 'non-titulars', who are not exclusively ethnic Russians but also Ukrainians, Belarusians and other former-USSR settlers whose main language of communication is Russian. Therefore, in Estonia and Latvia language, more than ethnicity, defines the borders of an in-group and an out-group in society.

According to some observers, language legislation de facto establishes a dual structure of social and political exclusion based on mother tongue and state language proficiency, creating collective privileges for the titular nations (Järve, 2000, p. 7). On a similar line, some researchers applied Smooha's model of ethnic democracy to Estonia and Latvia. An ethnic democracy is defined as a 'democracy that contains the non-democratic institutionalization of dominance of one ethnic group' (Smooha & Järve, 2005, p. 21). Estonia and Latvia are deemed to be an exemplary, although imperfect, form of it (Smooha, 2009, p. 57). According to the ethnic democracy thesis, minority exclusion in Estonia and Latvia has been institutionalised in a system

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[48] The Latvian constitution stipulates that each new member of the *Saeima* (the Latvian parliament) shall pronounce an oath in which she recognises as one of her primary duties 'to strengthen [...] the Latvian language as the only official language' (art. 18). In Estonia a direct reference to the Estonian language was added in 2007 in the preamble to the constitution, which now posits as one of the main responsibilities of the state to 'guarantee the preservation of the Estonian nation, *language* and culture through the ages' (emphasis added).

[49] In the late 1990s both the Estonian and Latvian parliaments introduced legislation that required candidates in state and municipal elections to provide language certificates at the highest level of proficiency. After a case arising from the application of this law was successfully brought before the European Court of Human Rights, and yielding to mounting pressure on the part of international bodies, both countries repealed their language requirements for candidates (Järve, 2002, p. 86ff.; Poleshchuk, 2009, p. 189).

in which elements of participatory democracy are combined with high levels of majority control over state institutions, which guarantees the majority's disproportionate political dominance over the ethno-linguistic minority (Commercio, 2008; Järve, 2000; Linz & Stepan, 1996; Pettai & Hallik, 2002; Pettai, 1998; Smooha & Järve, 2005). Alternatively, Estonia has been defined as a 'control system', in which ethnic minorities are politically fragmented (internally and in relation to the majority), dependent on the majority for social, economic and political benefits, and integrated into state institutions only through assimilation and co-optation (Pettai & Hallik, 2002).

The centrality of language in defining an in-group and an out-group has important effects on the political sphere. Most notably the questions of the language of education, language requirements for employment, and language use in the media have been often pointed out as problematic. Language requirements and language of education will be treated more in depth in chapters 5 and 6. As for language use in the media, it has been noted that in both Estonia and Latvia majority and minority tend to live in two separate information spaces (Heidmets, 2008, pp. 77–81; Ustinova, 2011, p. 10). This linguistic segregation affects the kind of information that reaches different parts of the population and can facilitate the formation of an ethno-linguistically split electorate. Moreover, relying heavily on media content from Russia can create split allegiances in the minority, reinforcing tendencies of estrangement from their country of residence and its institutions (Muižnieks, 2010, p. 224).

Estonian and Latvian are the official languages of administration both at the national and at the local level. In Estonia there is a constitutional guarantee for all members of national minorities to receive answers in their own language in localities where they constitute at least one half of the population. In those localities, the municipal administration can use an alternative working language, subject to approval by the Estonian government. So far, however, no request from a local administration to use Russian as their working language has been approved (Adrey, 2005, p. 459; Järve, 2002, pp. 85–86). In Latvia there is no constitutional obligation to provide answers in the language of a national minority and no constitutional provision to conduct local government meetings in a minority language. In both countries informal practices partially compensate for what could constitute an excessive barrier to the Russian-speaking citizens' access to institutions (Smooha & Järve, 2005, p. 95). Yet, these are not sanctioned by law and depend on the discretion of the administrative officers on a case-to-case basis.

As for the social status of the Russophone minorities vis-à-vis the Estonian and Latvian majorities, ethnic-based socio-economic inequality is more pronounced in Estonia than in Latvia

(Rozenvalds, 2007, p. 37). Estonia's Russian-speakers tend to suffer from above-average socio-economic exclusion, with higher-than-average unemployment and a high pay gap between cohorts with similar educational achievements but different mother tongue (Leping & Toomet, 2008; Vetik & Helemäe, 2011). Surveys showed that Russian-speakers with a higher Estonian proficiency feel discriminated on language and ethnic bases more often than people with no knowledge of the state language (Lagerspetz et al., 2007, p. 92). This might be explained by the fact that Russian-speakers who are proficient in Estonian (unlike those who do not speak the state language) compete in the same job market as native Estonian-speakers and might be more exposed to informal discrimination (Poleshchuk, 2009, pp. 52–53). The unexplained socio-economic gap between Estonians and non-Estonians has been ascribed to 'discrimination in the form of entry barriers combined with low-level segregation, and explanations related to segregated social networks' (Leping & Toomet, 2008, p. 614).

Although instances of discrimination in the labour market and a history of ethnic-based income gap have been reported also for Latvia, socio-economic exclusion of Russian-speakers in this country is a much less remarkable phenomenon (Aasland & Fløtten, 2001, p. 1046). The ethnic-based employment gap existing in the late 1990s had completely disappeared by 2007, due to Latvia's economic boom and to the out-migration of many ethnic Latvians after the EU accession that had opened up new job opportunities for the non-Latvians (Muižnieks, 2010, p. 128). Although the gap reopened with the economic crisis, it is still considerably smaller than in Estonia (Muižnieks, 2010, p. 140). Also the ethnic pay gap is rather modest compared to Estonia (Muižnieks, 2010, p. 142). Income inequality in Latvia is generally high (Golubeva & Gould, 2010, p. 97), but it does not seem to overlap with either ethnic or citizenship divide (Poleshchuk, 2009, p. 227). This might be at least partially explained by the fact that in Latvia the Russian-speaking settlers were on average more highly educated than Estonia's mostly working-class Russophone settlers, and after independence they came to control a good share of the newly emerging business sector (Lieven, 1993, p. 187).

Socio-economic stratification is only one of the dimensions that internally differentiate the Russian-speaking minorities. Although they speak the same language and share the status of 'non-titular' settlers, Russian-speakers do not constitute homogenous groups with uniform socio-political interests (Solska, 2011, p. 1094). The minorities are segmented according to citizenship status and, consequently, political rights. There are significant differences in Russian-speakers' time of settlement in the country, which might correspond with varying levels of attachment to the state and of integration in society (Aasland, 1994, p. 237). There are also differences in state language proficiency, inter-generational differences (T. Vihalemm & Kalmus,

2009), and differences in cultural and political outlook (Kirch & Kirch, 1995, pp. 46–49; D. J. Smith, 1998, p. 5). This lack of in-group homogeneity has sometimes been seen as affecting the Russian-speakers' capacity for political mobilisation and policy impact (Jubulis, 2001, p. 151; D. J. Smith, 1998, p. 9). This does not mean, however, that Russian-speakers cannot mobilise as a group, especially on the bases of shared language and shared grievances (Laitin, 2003, p. 275).

2.2   The Russian-speakers' political representation

Estonia's and Latvia's Russian-speaking minorities are generally underrepresented in state institutions, both in elected posts and in the bureaucracy. In the Estonian parliament, the *Riigikogu*, minority representation has been consistently less than proportional. In Latvia Russian-speakers have secured more seats, especially after the electoral exploits of the moderate Russophone party Harmony Centre. Although Russian-speakers are still underrepresented if the disenfranchised non-citizens are taken into account (Muižnieks, 2010, pp. 109–110), Russophone representation in the *Saeima* (the Latvian parliament) is roughly proportional to the share of Russian-speakers in Latvia's citizenry. As for representation in the state executive, the situation is more markedly exclusionary. At the time of writing, in Estonia only two Russian speakers have entered government, one as a minister without portfolio and one as Education Minister.[50] In Latvia three Russian-speakers have been appointed ministers, but none of them claimed in any way to represent the Russophone community, and one of them was in fact part of the Latvian nationalist party For Fatherland and Freedom/Latvian National Independence Movement (TB/LNNK).[51]

Russian-speakers are also underrepresented in state bureaucracies. Civil service employment is reserved to citizens, and language requirements apply, which makes it more difficult for members of the minorities to access employment in this sector. In both countries the share of Russian-speaking employees in all ministries has consistently been very low, very few judges have a Russian-speaking background, and minority members are also underrepresented among the civil servants in local administrations. Exceptions to this rule are the police and the

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[50] Eldar Efendijev from the Centre Party was Minister for Population Affairs (2002–2003), a post without portfolio that was subsequently disbanded. Jevgeni Ossinovski from the Estonian Social Democratic Party (SDE) was appointed Education Minister in March 2014, as part of a government formed after the resignation of the long-standing Prime Minister Andrus Ansip and before the parliamentary elections set for March 2015.

[51] Vasiīijs Meļņiks (Democratic Party 'Saimnieks') was Finance Minister for only five days in January 1997. Vladimirs Makarovs was Welfare Minister (1995–1999), Minister of Economics (1999–2000), and Minister for Environmental Protection and Regional Development (2000–2002). However Makarovs belongs to the Latvian nationalist party TB/LNNK and is not usually regarded as a representative of the Russian-speakers. On this regard, the Russophone mayor of Riga Nils Ušakovs stated that the multiple appointments of Makarovs as minister do not change the fact that 'ethnic Russians do not become ministers'. 'Ušakovs listed the three problems of Latvia's Russian-speakers', *MixNews*, 21 February 2012. Available at: http://www.mixnews.lv/ru/politics/news/2012-02-21/89495 (Last accessed 16 February 2015). Vjačeslavs Dombrovskis from the centre-right Latvian party Unity was Education Minister from 2013 to 2014 and was then appointed Minister of the Economy in 2014.

prison administration, where minority employees are usually overrepresented (Pabriks, 2002, p. 15ff.; Poleshchuk, 2009, pp. 225–226; Smooha & Järve, 2005, pp. 66, 99–100). Warnings have been raised that the ethno-linguistic unbalance in civil service staffing might result in a bias in the implementation of laws, in ways that might unduly penalise members of the ethnic minorities (Smooha & Järve, 2005, p. 70). Ethnocentric conceptions of loyalty and the securitisation of the Russophone minority have been indicated as at least partially responsible for the high level of control by the 'titular nations' over their countries' bureaucratic structures (Kallas, 2008, p. 8).

The rhetoric of loyalty, often based on the implicit assumption that loyalty to the state comes with ethnicity,[52] has been often used for political and electoral purposes (Cheskin, 2012b, p. 335; Golubeva & Gould, 2010, p. 87ff.). On the one hand, the implicit ethnic connotations of this rhetoric can be used by the Estonian and Latvian national elites to avoid power-sharing with Russophone parties and politicians (Semjonov, 2000, p. 6). Although this rhetoric is not always accompanied by heartfelt nationalist beliefs, it creates an additional inhibition for mainstream parties to enter into coalition with ethnic parties or to appoint Russian-speakers in governmental positions. On the other hand, descriptions of the Russian-speakers as 'occupants' or Russia's 'fifth column' can be picked up by minority representatives to reinforce minority voters' identification as part of an excluded minority (Cheskin, 2012b, p. 330).

In both countries minority representation in positions of power on par with the 'titular' majorities has often been presented as unacceptable by the majority elites (Agarin, 2011, p. 184). As for popular views on the matter, a 2007 survey showed a rather divided picture in the Estonian society: 34% of ethnic Estonians expressed the view that 'the wider participation of non-Estonians in Estonian politics and economic life would rather be harmful to Estonia', while 28% thought that it could be 'a positive development'. Moreover, 87% of Russian-speaking respondents and only 34% of the Estonian-speaking ones 'believed that Estonian politicians should take the opinions of Estonian Russians into account to a greater degree than before' (Heidmets, 2008, p. 58). Although no similar surveys are available for Latvia, there are grounds to believe that also in Latvia the idea that Russian-speakers are not fit (or not loyal enough) for government is also widespread, and is reflected by the resistance of even moderate ethnic-Latvian parties to enter in a governing coalition with Harmony Centre (Ikstens, 2011, p. 1038; Pryce, 2012, p. 615; P. Vihalemm et al., 2011, p. 150).

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[52] For an example of this rhetoric, see Denis Hanov's (2011) analysis of the Latvian National Alliance's electoral campaign in 2011.

2.3 Parties and party politics

Estonia and Latvia are parliamentary republics with a unicameral parliament and a weak presidency. The legislative initiative rests with the parliament and the government. In Latvia the president and one tenth of the electorate can initiate laws, too. In Estonia the president can initiate only amendments to the constitution, while no procedure for popular initiative is provided. The *Riigikogu* and the *Saeima* have 101 and 100 members respectively, elected every four years by proportional representation (PR) with a 5% threshold. The electoral systems of the two countries are otherwise different. In the 11 Estonian electoral districts voters cast their ballot directly for a party-nominated or independent candidate, then votes are counted and seats allocated following a three-level system, based on individual, district and national levels. Latvia is divided into five multi-member constituencies and voters can vote for a party and, additionally, express positive preferences by adding a plus sign beside the names of as many candidates as they want or negative preferences by striking names out. Seats are allocated according to candidates' aggregated totals of votes, from which personal negative preferences are detracted. Preference voting is optional, but there is an incentive for voters to express their preferences in order to determine which candidates get elected. Even though list leaders tend to get elected, voters have repeatedly shown that they can punish unpopular candidates even when they are at the top of their preferred party's list (Millard, 2011, p. 311).

In both countries the political scene is dominated by political parties, which nominate candidates, form coalitions, animate the political debate, and determine the access to the executive branch (almost) exclusively (Meleshevich, 2007, pp. 40, 74). Access to government is fundamental for a party to have a significant impact on policies. Indeed, while Latvia and Estonia are parliamentary systems, the government tends to have the upper hand in terms of both proposing draft laws and having its laws approved. This leaves little room for parties in the opposition to have an effective impact on policymaking (Rozenvalds, 2007, pp. 56–57). This is particularly relevant for this study, as in both countries Russian-speakers' parties never entered governing coalitions and Russian-speaking ministers have been few. It must be noted, however, that there are no formal limitations to Russian-speakers' representation and political participation and no serious impediments exist to the formation of ethnic parties.[53] Rather than formal impediments, it is party systems and their informal rules of party competition and

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[53] In Estonia party formation rules are more stringent than in Latvia: the minimum number of members to register a party increased from 200 to 1,000 in 1995, making the formation of new parties more difficult in a country where party membership is generally low (Daatland & Svege, 2000, p. 58). In Latvia, the minimum number of members is 200, and the Latvian legislation is considered fairly liberal with regard to the registration of new political parties (Ikstens, 2003, p. 3).

coalition building that have so far consistently kept minority parties out of government and have made minority ministers a rare occurrence.

The Estonian and Latvian party systems reflect the ethno-linguistic cleavage in their societies differently. In Latvia the party system tends to follow ethno-linguistic more than ideological lines (Golubeva & Gould, 2010, p. 81). The rise of Latvian nationalist forces as the agenda-setters of the independence movement, together with the emergence of a well-organised Russian-speaking political field, created a clear divide in the Latvian party system from the early days of independence. All the more so as the political elite has shown a tendency to emphasise the ethnic dimension in electoral campaigns (Bottolfs, 2000, pp. 75–76; Golubeva & Gould, 2010, p. 97). Parties in Latvia have been classified as radical nationalist parties, moderate parties or Russophone parties (Bottolfs, 2000). While this distinction is broadly valid, two specifications are needed. First, Russophone parties – like mainstream ones – can also be either moderate or nationalist (in the sense of taking strong ethnic and exclusivist stances in the definition of their constituency). Second, it is important to recognise that parties can evolve over time and can use different strategies with regard to the ethnic issue. In this sense, the Latvian party system can be conceptualised as a continuum between 'titular' nationalist and Russophone nationalist parties. Except the radicals on both sides, parties in the middle can strategically adjust their positions before elections. Mainstream 'titular' parties can adopt a more or less nationalist rhetoric, while minority parties can be more or less uncompromising on ethnic issues.

At one extreme of the Latvian party continuum, a single radical nationalist party consolidated its dominant position: the National Alliance (*Nacionālā apvienība*, NA), which since 2011 includes the nationalist union TB/LNNK (*Tēvzemei un Brīvībai/Latvijas Nacionālās Neatkarības Kustība,* For Fatherland and Freedom/Latvian National Independence Movement) and All for Latvia! (*Visu Latvijai!*). NA increased its share of *Saeima* seats from 8 in 2010 to 17 in 2014. While NA explicitly adopts strong chauvinistic and anti-Russian rhetoric, moderate Latvian parties tend to employ a milder nationalist rhetoric. For instance, the now disbanded People's Party (*Tautas partija*, TP) has been pointed out as a clear example of a moderate nationalist party, in that it made concessions to the minority's demands during its period in power, while maintaining a 'mild but distinctive nationalist image' (Sikk & Bochsler, 2008, p. 14). TP was one of the so-called 'oligarchs' parties', that is, parties whose leadership is associated with specific companies and entrepreneurs. These parties, which included Latvia's Way (*Latvijas Ceļš*, LC) and

the Union of Greens and Farmers (*Zaļo un Zemnieku Savienība*, ZZS),[54] all occupied a middle ground in terms of their nationalist outlook.

After TP fell victim to the global economic crisis (a TP-led government was in charge until 2009) and to the surge of an anti-corruption and anti-oligarch mood among the population (Dudzińska, 2011, p. 98), it has been replaced in its position of economically right-wing, moderately nationalist governmental party by Unity (*Vienotība*). Unity has been so far successful in gathering the moderate Latvian vote and has led the country's governing coalitions since 2010. In recent years, one of the most minority-friendly parties among the mainstream parties has arguably been the short-lived Zatlers' Reform Party (later renamed Reform Party, *Reformu partija*, RP). RP was formed on an anti-corruption platform by the then president Valdis Zatlers in 2011 after a corruption scandal had led to a successful popular referendum for the dissolution of the parliament. In the early elections that followed, RP proceeded to win almost 22% of the vote, becoming the second biggest party in the *Saeima* after Harmony Centre. Before eventually entering a governing coalition with Unity and NA, RP attempted negotiations to form a grand coalition with Harmony Centre. The party subsequently collapsed and several of its members entered Unity in 2014.

At the other side of the continuum, there are the minority parties. For Human Rights in a United Latvia (*Par Cilvēka Tiesībām Vienotā Latvijā*, FHRUL) had united the Russophone forces under the same coalition in the early 2000s, but split before the 2006 elections into the more radical FHRUL (renamed Latvia's Russian Union/LRU in 2014) and the moderate Harmony Centre (*Saskaņas Centrs*).[55] Harmony Centre is currently led by Nils Ušakovs, the first Russian-speaker to be mayor of Riga. While FHRUL maintains radical Russophone-centric positions, Harmony Centre does not depict itself as an exclusively Russophone party but as an inclusive, liberal and (increasingly) social-democratic force (Dudzińska, 2011; Poleshchuk, 2009, p. 188). This strategy seems to have been successful as Harmony Centre attracted most of the 'Russian vote' and a portion of the ethnic Latvian one, becoming the biggest party in the *Saeima* since 2011. FHRUL/LRU's share of the vote, instead, decreased rapidly and since 2010 it has not managed to clear the 5% threshold.

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[54] The leader of TP, Andrin Šķēle, is the main shareholder of AVE Lat, a large trading company; ZZS is dominated by Aivars Lembergs, one of the richest men in Latvia; LC – later united with Latvia's First Party, Latvijas Pirmā partija/Latvijas Ceļš, LPP to form LPP/LC – was controlled by the local tycoon Ainārs Šlesers and linked to successful businessmen like Vilis Kristopans (Bottolfs, 2000, p. 98; Golubeva & Gould, 2010, pp. 97–98).

[55] Harmony Centre was the result of the merger of the National Harmony Party, the Social Democratic Party, the New Centre and the Daugavpils City Party. It ran the 2014 elections as the Social-Democratic Party 'Harmony'.

Party	Minority platform	1993		1995		1998		2002		2006		2010		2011		2014	
	Turnout:	89.9%		72.6%		71.9%		69.7%		57.7%		63.1%		59.5%		56.5%	
		Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats
Equal Rights	Russian-speaking	6%	7														
FHRUL (LRU in 2014)	Russian-speaking							19%	25	6%	6	1%	0	1%	0	2%	0
Harmony (Centre)*	Russian-speaking	12%	13	6%	6	14%	16			14%	17	26%	29	29%	31	23%	24
Latvian Socialist Party	Russian-friendly			6%	5												
Democratic Centre Party	Moderate	5%	5														
Democratic Party Saimnieks	Moderate	15%	18	15%	18	2%	0										
For a Good Latvia**	Moderate											8%	8				
From the Heart of Latvia	Moderate															7%	7
Latvian Association of Regions	Moderate															7%	8
Latvian Christian Democratic Union	Moderate	5%	6														
Latvian Farmers' Union***	Moderate	11%	12	6%	8	2%	0										
Latvia's First Party (LPP)	Moderate	–		–				10%	10								
Latvia's Way (LC)	Moderate	32%	36	15%	17	18%	21	2%	0								
LPP/LC	Moderate									9%	10 (o)			2%	0		
Latvia's Union of Social-Democrats	Moderate					13%	14										
Latvia Unity Party	Moderate			7%	8	0.5%	0										
People's Party	Moderate					21%	24 (j)	17%	20	20%	23						
The New Era	Moderate							24%	26 (j)	16%	18 (j)						
The New Party	Moderate					7%	8										
Unity****	Moderate											31%	33	19%	20	22%	23
ZZS*****	Moderate							9%	12	17%	18	20%	22	12%	13 (j)	20%	21
(Zatler's) Reform Party	Moderate													21%	22		
People's Movement for Latvia	Nationalist			15%	16	2%	0										
LNNK	Nationalist	13%	15	6%	8												
TB	Nationalist	5%	6 (j)	12%	14												
TB/LNNK (NA since 2010)	Nationalist					15%	17	5%	7 (o)	7%	8	8%	8	14%	14	17%	17
Other / Invalid ballots		11%		12%		6%		15%		11%		6%		2%		4%	
		100%	100	100%	100	100%	100	100%	100	100%	100	100%	100	100%	100	100%	100

Table 1: Latvian election results 1993-2014

N.B. Parties whose seats number is highlighted took part in the governing coalition

(j) Party joined coalition later during the legislature

(o) Party left coalition later during the legislature

* The party ran as Harmony for Latvia in 1993; People's Harmony Party in 1995 and 1998; as part of FHRUL in 2002; Harmony Centre from 2006 to 2011; Social Democratic Party "Harmony" in 2014

** For Good Latvia was a coalition of LPP/LC and People's Party

*** In 1995 Latvian Farmer's Union, Latvian Christian Democratic Party and Latgale's Democratic Party ran as part of a joint list

**** Unity is a coalition of New Era Party, Civic Union and the Society for Other Politics

***** From 2002 Latvia's Farmers Union joined the Green Party into the Union of Greens and Farmers (ZZS)

Harmony Centre's evolution seems to be following the mainstreaming course that has been observed in other Eastern European ethnic parties. According to the mainstreaming theory, repeated interaction of ethnic parties in the party system creates incentives for moderation and compromise (Stefanova, 2012). Ahmed Dogan's observation that the ethnic Turkish party Movement for Rights and Freedom in Bulgaria is changing 'from ethnic political organization to national political organization of ethnic type' (quoted in Stefanova, 2012, p. 8) seem to apply to a certain extent also to Harmony Centre.

Notwithstanding this, Russophone parties have been consistently excluded from governing coalitions. This has so far remained an inviolable unwritten rule, although Harmony Centre's electoral results did lead to some talk about the possibility of its inclusion in government (Golubeva & Gould, 2010, p. 88). The routine exclusion of this major party from governmental coalitions has meant that the large moderate and nationalist parties have an almost mathematical guarantee to end up in government. It has been noted that this situation of guaranteed power might weaken these parties' political accountability towards the electorate (Kažoka & Akule, 2009, p. 4).

Interestingly, there is a measure of overlap between the minority–nationalist and the left–right divide in Latvia's party system. In the first democratic elections in 1993 the left was defined less by traditional labour values than by its commitment to a more liberal citizenship law (Bottolfs, 2000, p. 85). At the same time, Russophone parties tend to be associated with leftist positions in political economy. This conflation of leftist positions and Russophone parties has been consistently used to discredit the former by implying the disloyalty of the latter (Golubeva & Gould, 2010, p. 96). According to some observers, however, the 2008 global economic crisis that hit Latvia particularly hard might change the voters' disposition towards leftist policies, and the absence of a mainstream Latvian contender on the left might drive more Latvian-speaking voters towards Harmony Centre (Dudzińska, 2011, p. 99).

In contrast to Latvia, in Estonia the ethno-linguistic cleavage, although strongly felt in society and present in the political debates, does not straightforwardly shape the party system. It has been pointed out that the cleavage structure of the Estonian party system is arranged along three lines: ethnic, urban–rural, and socio-economic (Daatland & Svege, 2000). These dimensions do not balance each other out but each shows a clearly winning side, with three overlapping winning poles: parties that are ethnic-Estonian, urban and right-wing have dominated government since independence (Daatland & Svege, 2000, p. 65ff.).

The openly ethnic dimension of the party system faded in the early 2000s. Russophone parties that had emerged in the 1990s did not succeed in monopolising the Russian-speaking

electorate (Sikk & Bochsler, 2008, p. 17) and, since the 2003 elections, consistently failed to clear the 5% threshold. In 1995 for the first time a Russophone electoral bloc, Our Home is Estonia, entered parliament (with six seats), but it broke apart soon after the elections into the two smaller parties that constituted it (Pettai & Kreuzer, 1998, pp. 155–156). In the subsequent elections in 1999, Russophone parties run together again in a new formation (the Estonian United People's Party) which secured six seats. After that, however, because of internal divergences the block split into two parties, the Estonian United People's Party and the Russian Party in Estonia (Grofman, Mikkel, & Taagepera, 2000, p. 344). Both failed to win seats in 2003. The failure of minority parties in Estonia has been commonly attributed to their internal squabbles and divisiveness (Daatland & Svege, 2000, p. 273), and to their marginalisation both in parliament and in local councils, which made them largely ineffective (Poleshchuk, 2009, p. 56). Even when they ran under a single list in 1995 and 1999, Estonia's minority parties were never entirely successful in mobilising the 'Russian vote' (Galbreath, 2005, pp. 123–124; Mikkel, 2006, p. 24), failing to become plausible contenders for political power or at least credible advocates for the Russian-speaking minority.

Even after minority parties virtually disappeared, the ethnic dimension remained relevant, and an exclusive/nationalist–inclusive/civic continuum can be detected in the Estonian party system. This continuum is more significant in defining the Estonian party system than the traditional left–right divide. Although ethnically inclusive parties tend also to be more on the left than exclusive ones, there has typically been consensus among the main parties about market-oriented economic policies (Sikk, 2003, p. 18). As for the parties' position on the nationalist–civic continuum, like in Latvia this has not always been clear-cut. On the one side of the continuum, the Estonian nationalist right consolidated around a shared platform in 2006, with the merger into the Union of Pro Patria and Res Publica (*Isamaa ja Res Publica Liit*, IRL) of the long-standing Pro Patria Union (*Isamaa Liit*, IL) and the new party Res Publica (RP). Interestingly, when Res Publica was created in 2003 it did not campaign on a downright nationalist agenda, but successfully managed to balance its national appeal with its bid for Russian votes (Sikk & Bochsler, 2008, p. 14). While IRL belongs firmly to the conservative nationalist right, it has tended to show more moderation in its nationalist rhetoric than its Latvian counterpart, NA. It has been argued that such moderation, far from being due to lower ethnic tensions in Estonia, is explained by the absence of significant Russophone ethnic parties, which reduces the ethnic conflict dimension within the party system and makes it unnecessary for nationalist parties to resort to radical rhetoric (Bennich-Björkman & Johansson, 2012, p. 15).

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The biggest centre-right party, the Reform party (*Eesti Reformierakond*, RP), has always been part of the governing coalition since it was founded in 1994 and could be classified as a moderate nationalist party. As in Latvia, moderate parties can strategically sway between inclusive and exclusive attitudes towards the minority. On the one hand, Reform counted over the years a number (admittedly limited) of Russian-speaking MPs and has tried to bid for Russian-speakers' votes, for example by promising a development plan for the economically depressed, majority-Russophone Estonian north-east.[56] On the other hand, the party used markedly nationalist tones on the issue of the relocation of the Soviet-time Bronze Soldier statue from the centre of Tallinn, in order to boost its support vis-à-vis IRL in the 2007 elections (Pettai, 2008, p. 965).

The Centre Party (*Keskerakond*, CP) can be placed at the other side of the continuum. Over the years, CP has absorbed most of the Russian-speaking electorate and, in so doing, has taken on also many of the issues that resonate with the minority electorate. It is not, however, an ethnic party. Its leadership is overwhelmingly ethnic Estonian and its electorate is not by any means limited to the Russophone section of society. Heir to the Estonian Popular Front, CP emerged in post-independence Estonia from the moderate wing of the independence movement – both in terms of its position on minority issues and of its attitudes towards the communist past (Saarts, 2011, p. 96). Its more leftist economic rhetoric (although it followed liberal orthodoxy when in government),[57] its civic-liberal positions regarding the Russophone minority, and the fact that nearly all the Russophone MPs that entered the *Riigikogu* after the collapse of the Russian-speakers' parties were from CP made it the party of choice for the great majority of Russophone voters. It also became the main avenue for ambitious Russian-speakers to enter politics.

Although it campaigns on a moderate-inclusive agenda, CP has a mixed record in pursuing Russian-friendly policies and delivering on its promises.[58] However, CP's ties with the Russophone electorate and its lenient attitudes towards Russia do not go unnoticed in the Estonian political landscape, and time and again these have been framed as anti-Estonian by its political adversaries. For instance, when in 2010 CP was involved in a party-funding scandal related to Russian funds, it was accused of being 'Russia's agent of influence' in Estonia (Sikk, 2011, p. 963). CP is led by Edgar Savisaar, who has also been the mayor of Tallinn since 2007.

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[56] See 'Razvivaia Ida-Virumaa' (Developing Ida-Virumaa) in Reform's official website: http://www.reform.ee/ru/news/razvivaya-ida-virumaa (Last accessed 17 November 2014).

[57] Russian-speaking voters have traditionally been more left leaning than the average in Estonia (Daatland & Svege, 2000, p. 263).

[58] For example, in 2001 the Centre Party faction in parliament voted alongside the nationalist Isamaaliit against amendments to the election law that would have relaxed the language requirements for candidates (Galbreath, 2005, p. 170). On CP's record with regard to minority policies cf. also Vadim Poleshchuk (2009, p. 60).

Table 2 text.

Party	Minority Platform	1992 Votes%	1992 Seats	1995 Votes%	1995 Seats	1999 Votes%	1999 Seats	2003 Votes%	2003 Seats	2007 Votes%	2007 Seats	2011 Votes%	2011 Seats
	Turnout:	67.8%		68.9%		57.4%		58.2%		61.9%		63.5%	
Estonian United People's Party/Constitution Party	Russian-speaking					6%	6	2%	0	1%	0		
Our Home is Estonia	Russian-speaking			6%	6								
Russian Party in Estonia (RPE)	Russian-speaking					2%	0	0.2%	0	0.2%	0	1%	0
Centre Party	Russophone-friendly			14%	16 (o)	23%	28 (j)	25%	28 (j)	26%	29	23%	26
Coalition Party	Moderate			32%	41	8%	7						
Greens	Moderate	3%	1							7%	6	4%	0
Kindel Kodu	Moderate	14%	17										
Moderates / SDE since 2007	Moderate	10%	12	6%	6	15%	17 (o)	7%	6	11%	10 (o)	17%	19 (j)
Party of Estonian Entrepreneurs	Moderate	2%	1										
People's Union of Estonia	Moderate					7%	7	13%	13	7%	6	2%	0
Popular Front	Moderate	12%	15										
Reform Party	Moderate			16%	19 (j)	16%	18	18%	19	28%	31	29%	33
Res Publica	Moderate/Nationalist							25%	28 (o)				
Eesti Kodanik	Nationalist	7%	8	4%	0								
Estonian National Independence Party (ENIP)*	Nationalist	9%	10										
Isamaa*	Nationalist	22%	29	7.86%	8	16%	18 (o)	7%	7				
Right-wingers**	Nationalist			5%	5								
Union of Isamaa and Res Publica (IRL)	Nationalist									18%	19	21%	23 (o)
Independent Royalist Party	N/A	7%	8	1%	0								
Other / Independent candidates		15%		8%		6%		2%		2%		4%	
		100%	101	100%	101	100%	101	100%	101	100%	101	100%	101

Table 2: Estonian election results 1992-2011

N.B. Parties whose seats number is highlighted took part in the governing coalition

(j) Joined coalition later during the legislature

(o) Left coalition later during the legislature

* In 1995 ENIP and Isamaa ran in a joint electoral coalition

** The Right-wingers party merged into the Moderates in 1999

Although it was intermittently included in governing coalitions,[59] CP is generally seen as an uncomfortable coalition partner. Savisaar's highly divisive figure (not least within his own party) and his larger-than-life persona play no secondary role in this.

The Social Democratic Party (*Sotsiaaldemokraatlik Erakond*, SDE) has so far had unclear credentials as a centre-left, ethnically inclusive party. Its predecessor (Moderates, *Mõõdukad*, another heir to the Popular Front) had initially campaigned for 'a more enlightened policy' towards the minority (Laitin, 2003, p. 201) and had pushed for the drafting of an integration programme (Brosig, 2008, p. 6). In 1999, however, it also ran in a joint list with Reform and the nationalist Isamaaliit. After it was reorganised and renamed in 2003, SDE has been moderate on minority issues, while part of conservative governing coalitions with Reform (and, between 2007 and 2009, also with IRL).[60] There are indications that SDE might be trying to consolidate its position as a centre-left force with progressive views on the minority question. It not only campaigned on an economically progressive platform,[61] but in 2012 it also absorbed the remnants of the Russian Party in Estonia (*Vene Erakond Eestis*, VEE).[62] In 2014 a young SDE Russophone politician, Jevgeni Ossinovski, became the first Russian-speaking Education Minister in the 2014 Reform-SDE government.

In conclusion, in Latvia the ethno-linguistic cleavage came to dominate the party system whereas in Estonia it has been mostly reabsorbed by mainstream, non-ethnic parties and remains as a milder divide among these parties. In both cases, however, this cleavage is always ready to be exploited at election time and can potentially also create discordances within parties. The nationalist–civic dimension of Estonia's and Latvia's party systems can be understood as a continuum between the two radical extremes (radical nationalist parties and radical ethnic parties), which can accommodate middle-ground positions, such as moderate nationalist parties, civic-liberal parties, and minority-friendly parties (Sikk & Bochsler, 2008). Especially in the case of Latvia, there is also a clear distinction between radical ethnic and moderate ethnic parties.

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[59] Edgar Savisaar was the first Prime Minister of independent Estonia, led by the Popular Front. CP was included in governing coalitions in 1995, in 2002–2003, and in 2005–2007.

[60] For a history of the SDE see the party's official website: http://www.sotsdem.ee/en/sotsidest/history/ (Last accessed 17 November 2014).

[61] For SDE's 2011 electoral programme see its official website: http://www.sotsdem.ee/ru/sotsial-demokratyi/programma-k-parlamentskim-vyiboram-2011-goda/ (Last accessed 17 November 2014).

[62] See SDE's press release (http://www.sotsdem.ee/ru/sotsial-demokratyi-i-russkaya-partiya-podpisali-dogovor-ob-obedinenii/). When it merged into SDE in January 2012, VEE was little more than an empty shell and had not managed to get more than 2% of the vote since the 1999 elections.

2.4   Conclusions: What remains to be studied

This chapter provided the necessary background for the subsequent analysis of minority inclusion in policymaking in Estonia and Latvia. Although Russian-speakers' identity and minority policies have received relatively high academic attention, not much has been written about minority political representation in the two countries. Apart from inclusion in some of the comparative studies on ethnic parties mentioned in the previous chapter, much of the literature about Russian-speakers' ethnic parties and minority representation in Estonia and Latvia has been descriptive,[63] or has asked specific one-country questions.[64] Several academic contributions dealt with party system consolidation and stability in Estonia and Latvia, in which case ethnic minority representation was but one of the factors taken into account.[65] Other authors have focused on the Russian-speaking minority's party support and electoral behaviour at the local (Berg & Sikk, 2004) and national (Sikk & Bochsler, 2008) level.

On a separate line of research, authors that have looked at Estonia and Latvia through the model of ethnic democracy have proposed a useful framework to understand the logics of state-building in Estonia and Latvia, and the appropriation of state structures by the ethnic majority. The way in which such control translates into democratic practices and the extent to which minorities can challenge majority control through political representation, however, remains to be studied. This will be the task of the rest of this thesis.

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[63] Vello Pettai and Marcus Kreuzer (1998) gave an account of the Baltic states' party system development, and indicated the ethnic cleavage as one of the primary political fault lines in Latvia and Estonia. Bernard Grofman, Evald Mikkel and Rein Taagepera (2000) wrote a comprehensive historical account of parties' 'fissions and fusions' in Estonia until 1999, which includes ethnic parties. Marina Martynova (1999) gave a brief account of ethnic Russian party development in Estonia up to 1999. David Galbreath's (2005) comparative analysis of nation-building and minority politics in Latvia and Estonia includes a comprehensive historical account of minority politics developments. Jānis Ikstens (2006) gave a detailed account of the history of 'East-Slavic parties' in Latvia up to 2006. Kristina Kallas (2008) traced a history of the political participation of national minorities in the Latvian and Estonian political decision-making process.

[64] For example, Eiki Berg (2001) adopted a centre-periphery perspective to try and explain why the overwhelmingly Russian-speaking Estonian Northeast has not engaged in autonomist or irredentist mobilisation.

[65] For instance, in Anatoly Kulik and Susanna Pshizova's (2005) edited book on political parties in post-Soviet countries, ethnic parties and minority representation are considered only insofar as they are relevant for the analysis of party system consolidation. Mikkel (2006) looked at the Estonian party systems in the framework of democratic transition and consolidation. Artis Pabriks and Aiga Štokenberga (2006) gave a historical overview of Latvia's party system to gauge its stability.

The parliamentary channel: Granting local voting rights to non-citizens[66]

Russophone minority voices can gain access to the policymaking process through five different channels. First, the minority can participate in policymaking directly through formal representation in parliament. Second, they can push their agenda forward through the mediation and influence of international organisations. Third, they can use positions of power in the city governments of the two capital cities as an alternative route to influencing policies and their implementation. Fourth, they can be involved in setting the agenda and shaping policies through institutionalised consultation mechanisms. And, fifth, they can influence policies by mobilising at the grassroots level. These five channels are all potential routes though which minority voices can take part in political debates but do not necessarily guarantee effective inclusion or influence over policies. They will be analysed one by one in the next five chapters, taking a specific policy (or, in the case of the last channel, a set of specific events) as illustration of the possibilities for minority political inclusion and the risks of exclusion each channel entails. While all policymaking processes involved in varying degrees all the five channels, specific policy-cases have been selected that best illustrate the potentialities of each channel. The specificity of the policy-cases makes it possible to retrace the policymaking process as it unfolded, taking into consideration more details than it would be possible were an entire policy area (education, language, citizenship) to be analysed.

This chapter focuses on the formal representation of Russian-speaking minorities in the Estonian and Latvian parliaments. This is arguably the most direct channel for minority voices to enter the policymaking process, as both countries are parliamentary democracies and the most important minority-sensitive policies are discussed and decided at the national level. The policy-case that best illustrates the possibilities for minority inclusion and exclusion through this channel is the Estonian and Latvian legislation on the non-citizens' political rights. More precisely, the decision on whether to grant non-citizens the right to vote in local elections.

The issue of non-citizens' local voting rights is particularly interesting for this comparative analysis because it had different outcomes in Estonia – where it was granted already in the 1992 Constitution – and in Latvia, where minority MPs have presented proposals to that effect several

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[66] A version of this chapter was published as 'Granting local voting rights to non-citizens in Estonia and Latvia: The conundrum of minority representation in two divided democracies' in *Journal on Ethnopolitics and Minority Issues in Europe*, 13 (1) 2014, pp. 86–112.

times, only to see them always voted down in parliament. The comparison between the different 'stories' of this policy in Latvia and Estonia highlights fundamental differences and similarities in the ways in which minority voices can effectively take part in policymaking through formal parliamentary representation. The fact that the decision-making process had opposite outcomes makes this the ideal policy-case to question the common-sense assumption that what could be regarded as a 'good outcome' (that is, one that is favourable to the minority) is always the result of a 'good process' (that is, a democratically inclusive one), and vice versa that a 'good process' will necessarily yield a 'good outcome'.

As discussed in more detail in the first chapter, minority formal representation in state level institutions is usually looked at from within one of two theoretical paradigms: students of minority representation tend to frame their studies either within the *polarisation paradigm* or within the *presence paradigm*. The polarisation paradigm assumes that the politicisation of ethnicity has mostly negative effects on democratic stability and inter-ethnic peace (e.g. Diamond and Gunther, 2001; Horowitz, 1985; Rabushka and Shepsle, 1972). Ethnicity is seen as a zero-sum issue, and ethnic parties and ethnic representatives are expected to be prone to engage in ethnic outbidding and radicalism. As a consequence, the politicisation of ethnicity makes compromise unlikely and makes it more difficult for liberal, minority-friendly policies to be passed. The *presence paradigm* starts from the opposed assumption that ethnicity is flexible rather than zero-sum, and thus it does not necessarily imply ethnic outbidding and radicalism (Birnir, 2007). Minority representation is seen as having positive effects for democracy and inter-ethnic peace, as ethnic parties peacefully articulate minority demands, include minorities in the political process, and institutionalise conflict (e.g. Chandra, 2005; Ishiyama, 2009; Mansbridge, 1999; Phillips, 1995; Stroschein, 2001). Consequently, minority political presence makes it possible to reach compromise solutions and potentially yields policies that are more favourable to the minority.

While this study is closer to the presence paradigm as it rejects zero-sum understandings of ethnic politics, it does not assume that minority representation necessarily has an all-round positive effect on policymaking and policy outcome. Rather, its effect must be analysed empirically. By process tracing and comparing the Estonian and Latvian decision-making processes with regard to non-citizens' voting rights, this chapter sets about to do exactly this: analysing the patterns of minority inclusion and exclusion in parliamentary policymaking and revealing the causal mechanisms that link together minority formal representation (or lack thereof), the unfolding of the policymaking process, and the policy outcome. The comparison between the two cases reveals the existence of a *voice/polarisation dilemma* that blurs the

boundaries between competing paradigms for the study of minority political representation and questions simplistic assumptions on the causal relation between the democratic quality of the decision-making process and the content of its outcome.

3.1   The policymaking processes on non-citizens' voting rights

The Estonian and Latvian post-1991 citizenship laws granted citizenship only to those who had been citizens of the inter-war republics and their descendants. These laws created a new category of permanent residents, the non-citizens.[67] These are former Soviet Union citizens (almost exclusively Russian-speakers) who did not qualify for Latvian or Estonian citizenship by birth and, over the years, were neither naturalised nor acquired the citizenship of a third country. In 2014 the permanent residents who fell under this category were 6.5% of Estonia's total population and 12.7% of Latvia's. In both countries, non-citizens enjoy a restricted set of rights compared to citizens. While restrictions on travel have been mostly eliminated,[68] limitations still apply in both countries for what concerns employment opportunities, property rights and political rights.[69] The question of voting rights is particularly controversial as it determines the degree to which a substantial portion of the minority population can take part in the democratic process of their country of residence. Since almost all non-citizens are Russian-speakers, this issue also overlaps with the more general issue of the Russophone minority's chances for political representation. In 2014 in Latvia about 40% of Russian-speakers were non-citizens. In Estonia, in 2012 about half of the Russophone minority population did not have the citizenship of their country of residence; that is, they were either non-citizens or citizens of a third country (Järve & Poleshchuk, 2013, p. 7).

Interestingly, despite their relatively similar historical contexts, Estonia and Latvia followed different paths in addressing voting rights for non-citizens. While in Estonia the right of all permanent residents to vote in local elections was already enshrined in the 1992 constitution, in Latvia non-citizens are to this day totally disenfranchised and this remains a hotly-debated question.

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[67] Differently from Latvia, the Estonian legislation refers to 'people with undetermined citizenship' rather than 'non-citizens'. For simplicity, and following the common usage of the term, I will refer to both the Estonian 'people with undetermined citizenship' and the 'non-citizens of Latvia' as 'non-citizens'.

[68] Both the EU Schengen countries and the Russian Federation allow visa-free travel for bearers of Estonian and Latvian 'alien passports'. By virtue of this, non-citizens have more travel freedom than Estonian and Latvian citizens, who need a visa to travel to Russia. This is sometimes mentioned as a deterrent for non-citizens to apply for naturalisation (Heidmets, 2008, p. 57; Ivļevs & King, 2012, pp. 9–10). For a brief description of non-citizens' travelling and working rights in the EU see *Workpermit.com*: http://www.workpermit.com/news/2007_01_02/eu/visa-free_travel_stateless_aliens.htm (Last accessed 17 November 2014).

[69] For an updated list of the differences in rights between non-citizens and citizens see *Latvijas pilsoņu un nepilsoņu tiesību atšķīrību saraksts* (List of differences in rights for Latvia's citizens and non-citizens) available at: http://www.lhrc.lv/arxiv/p0_2010_lat.pdf (Last accessed 17 November 2014).

3.1.1 Policymaking in the Estonian parliament

The 1992 Citizenship Act de facto disenfranchised most Russian-speakers in the very period in which the foundations for the newly independent, democratic Estonia were being laid. Most Russian-speakers did not have the right to vote in the constitutional referendum on June 28, 1992, nor in the general elections on September 20 of the same year. Not one Russian-speaker was elected in the first post-independence *Riigikogu*, and the first laws passed by this mono-ethnic parliament were based on an ethnocentric, restorationist discourse (Melvin, 1995, p. 45; Mole, 2012, p. 98). No ethnic-Russian parties were present in parliament at that point.

Nevertheless, already in 1992, arguably at the peak of Estonian national restoration (Agarin, 2010, p. 99; Mole, 2012, pp. 92–98; D. J. Smith, 2005, pp. 300–303), the forces in the Constitutional Assembly agreed on guaranteeing the right to vote locally to all permanent residents, regardless of their citizenship status. The 1992 Estonian constitution prescribes that 'in elections to local government councils, persons who reside permanently in the territory of the local government and have attained eighteen years of age have the right to vote, under conditions prescribed by law' (art. 156). It has been argued that the motive behind this was the conscious desire of the Estonian elite to be seen by the outside world as 'Western, liberal and democratic' after the ethnically homogenous result of the 1992 general elections had 'cast doubt on Estonia's "democratic consolidation"' (Mole, 2012, p. 99). The granting of political rights to non-citizens, however, was already enshrined in principle in the constitution, which was written and approved by referendum months before the first democratic elections of independent Estonia. The explanation for this early decision must therefore be found in the very process of drafting the new Estonian constitution and the subsequent Law on Local Elections.

The composition of the Estonian Constitutional Assembly (ECA) was the result of a compromise between the Estonian Supreme Council, elected by the entire population before the boundaries of citizenship had been designed, and the Estonian Committee, elected only by pre-war citizens and with a more restorationist outlook (Järve, 1995, pp. 19–30). Only seven of its sixty members were Russian-speakers and its proceedings were held exclusively in Estonian (Metcalf, 1996, p. 231). Notwithstanding the underrepresentation of Russian-speakers, the Assembly agreed already in 1991 that all permanent residents be granted the right to vote *and stand for elections* at the local level. The Assembly members, however, were well aware of the political implications of any decision regarding Russian-speakers' rights, and thus consciously decided on a wording that left room for interpretation. As the Moderate Assembly member Liia Hänni put it: 'The constitution itself does not impose restrictions on non-citizens: it gives the legislature the possibility to do so. The legislature must decide whether to make use of this

possibility or not' (ECA, 27 March 1992).[70] The interpretation of article 156 was therefore left to the Law on Local Elections, passed by the then Estonian-only *Riigikogu* in May 1993.

The parliamentary debate on this law shows a clear divide between those who wanted to interpret article 156 in the most restrictive terms possible, and those who appealed to the more liberal intentions of the constituents (that is, granting full local political rights to non-citizens and third-country nationals). The 1993 draft law, drawn up by the first elected government of independent Estonia, followed this second interpretation. Interestingly, the government was headed by the conservative prime minister Mart Laar and was composed of a coalition of parties with an exclusivist approach to citizenship that 'had benefited from the elections being dominated by nationalist issues' (Galbreath, 2005, p. 120). This was, therefore, hardly a pro-Russophone government. Yet it found itself in the hard position of having to balance domestic nationalist pressures, pragmatic considerations, and the pressure of international organisations (at this stage especially the Council of Europe and the OSCE), which pushed for a liberal approach to non-citizens' rights (Galbreath, 2005, p. 164). Members of the coalition parties – especially the more nationalist Isamaa and the Estonian National Independence Party – openly criticised the draft as showing excessive softness on the minority issue (Galbreath, 2005, p. 121).

In the all-Estonian parliament, no party was arguing at this stage for the political rights of the non-citizens and third-country nationals as a matter of principle. Those coalition MPs who defended the government's draft did so with purely pragmatic arguments: the impossibility to contradict the constitution; the risk that, had the law been appealed to the Constitutional Court, the upcoming local elections would have to be postponed; and the fact that non-citizens, if deprived of a legal way to influence politics, would do so by illegal means (Riigikogu, 12 May 1993). A coalition MP also tried to reassure his colleagues that granting active and passive local voting rights to all permanent residents would not have resulted in a significant power shift in favour of the Russophone minority. He argued that even in what he depicted as the worst case scenario (that is, if all the Russian politicians had run under the same list and all Russian-speakers had voted for them) in Tallinn the majority of city counsellors would still have been Estonian-speaking citizens (Riigikogu, 19 May 1993).

Nationalist MPs (also from governing parties) opposed the draft and suggested restrictive interpretations of article 156 that would have reduced (or eliminated tout court) the number of non-citizens the article applies to. The most restrictive interpretation was provided by the nationalist party Eesti Kodanik (Estonian Citizen), according to which the Constitutional Assembly simply meant that Estonian citizens could vote only in their municipality of residence

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[70] Unless otherwise indicated, all translations from Estonian, Latvian and Russian are mine.

(so, for example, Viljandi residents could not vote in Tartu local elections) and in no way intended the 'permanent residents' to be anything other than citizens of Estonia (Riigikogu, 12 May 1993). Another interpretation by an Eesti Kodanik MP claimed that 'permanent residents' referred only to legal immigrants, and so the Soviet-time settlers – who had entered the country as a consequence of an illegal occupation – did not fall under this definition (Riigikogu, 12 May 1993). Several nationalist MPs proposed amendments to increase the number of years a non-citizen had to be resident of the municipality to enjoy local political rights from five years (as indicated in the draft) to 15, 50 or 75 years (Riigikogu, 12 May 1993).

Not only the governing parties, but also the opposition was divided on this issue. The Centrist parliamentary group, which generally had a more liberal approach towards the Russian-speaking minority, was divided between those who were in favour of granting both active and passive voting rights, and those who had a more cautious approach, especially towards permanent residents who had opted for Russian Federation citizenship. In the end, the group presented a motion to grant active and passive voting rights to non-citizens, while granting only active voting rights to third-country nationals (Riigikogu, 12 May 1993). In the event, the Law on Local Elections was passed by the *Riigikogu* in an amended version that scrapped any provision for passive voting rights and granted the right to vote in local elections to all non-citizens and third-country nationals who have been permanently residing for at least five years in the municipality where they wish to vote. Even so, only 52 deputies (just one more than the minimum required) voted in favour of the law.

Different reasons have been suggested for the willingness of the Laar government to adopt a liberal approach on this issue. Certainly pressures from international organisations were felt strongly by an elite that had enthusiastically adopted the rhetoric of the return to Europe (D. J. Smith, 2003, p. 9). But the outcome cannot be explained by the desire to 'be Western' alone: after all Latvia, which was subjected to the same pressures, did not guarantee voting rights to its non-citizens. We must therefore turn to domestic considerations to understand the policy outcome.

Firstly, the fact that the first post-independence parliament was made up entirely of ethnic Estonians meant that the Estonian elite felt more safely in control of the state and, thus, could be more magnanimous towards non-citizens (Mole, 2012, p. 90). The input of the Russian-speaking elite was almost non-existent at this stage, and the Law on Local Elections was entirely drafted by the government without documented public consultations. Centrist MPs mentioned that they had discussed the issue with 'Russian community leaders' (Riigikogu, 12 May 1993), which – if anything – shows the intention of the moderate-liberal elite to find a solution that

could be acceptable for all the parties involved. These 'community leaders', however, were not elected officials or in any way designated representatives of the Russian-speaking minority. The Estonian moderate elite was thus entirely free to choose which community leaders to consult and, if need be, to disregard their opinions.

Moreover, the government had reasons to fear unrest among the Russian-speakers, especially in the northeast, where most of the population had been disenfranchised by the citizenship law (Melvin, 1995, pp. 44–45). Indeed, in the majority-Russophone city of Narva, of the 65,000 residents who had voted in the 1990 elections to the Supreme Council only 6,000 were eligible to vote in 1992 (Metcalf, 1996, p. 226). In this situation, it was deemed safer for the government to provide a legal, and to a certain extent controllable, channel for the political participation of the non-citizens. In the words of the Moderate Ardo Ojasalu, who was in favour of granting both active and passive voting rights:

> The aliens will stay in Estonia, they will not leave, and they will influence the Estonian political process. With this bill we are giving them the right to do so legally. If we take the right to run for local elections away from them, they will find other ways to do it (Riigikogu, 19 May 1993).

In the event, granting local voting rights to all permanent residents did succeed in defusing tensions in the areas where the Russian-speakers constituted a majority. At the same time, restricting the right to stand for local elections to Estonian citizens arguably de-activated the radical section of the Russian-speaking political elite (who would not apply for citizenship) by excluding it from electoral competition (Daatland & Svege, 2000, p. 267). In the northeast, where this exclusion risked creating a political deadlock, the government awarded citizenship for special services to the country to a number of Russophone candidates (Metcalf, 1996, p. 229). These candidates' participation in the local elections was thus guaranteed as an exceptional measure by a decision of the majority elite.

After its approval in 1993, the Law on Local Elections was re-drafted in 2002 and amended in 2006. The 2002 version of the law left all the central provisions regarding non-citizens unchanged. One of the main reasons for the new law was the need to include the right for all EU citizens residing in Estonia to participate in local elections (both as voters and as candidates), a requirement for the 2004 accession to the EU. The Estonian United People's Party (EUPP) – a moderate Russian-speakers' party that at the time had six representatives in parliament – raised the issue of unequal treatment between (possibly newly-arrived) EU citizens and non-citizens, who had lived in Estonia their whole lives and many of whom were actually born in Estonia (Riigikogu, 23 January 2002). Attempts to renegotiate non-citizens' rights, however, did not gain

the support of any other party. Not even the Centre Party, whose popularity among Russian-speaking voters was steadily increasing,[71] showed any willingness to discuss passive voting rights for non-citizens.

The 2006 amendments lifted the five-year residency requirement and added article 5.1, which defined the meaning of the term 'alien' (*välismaalane*) as 'a person who is not a citizen of the Republic of Estonia or of a Member State of the European Union'. These amendments did not change much in practice: the five-year residency requirement was a hindrance only for a small number of non-citizens (Riigikogu, 20 September 2006), while the new article simply reaffirmed the hitherto customary interpretation of the law. Notwithstanding the opposition of the nationalist parties Isamaa and Res Publica to lifting the five-year residency requirement on the grounds that the non-citizens' loyalty cannot be taken for granted (Riigikogu, 20 September and 11 October 2006),[72] the amendments were approved with practically no debate and did not raise any interest in the media. At this stage, no Russophone party was represented in parliament and the Russian-speakers' vote went mainly to the Centre Party, which also counted almost all of the (admittedly few) Russian-speaking MPs.

The virtual lack of parliamentary debate and media coverage on both the 2002 and 2006 amendments to the Law on Local Elections testifies to the fact that the non-citizens' right to vote in local elections is a broadly accepted fact in Estonia. As is the fact that they cannot stand for elections. Indeed, even if there were an interest on the part of the non-citizens to be granted the right to stand for local office, there would currently be no political force willing or in a position to advocate for such a right. The decline of the Russophone parties (which have not won *Riigikogu* seats since 2003) means that they do not have a valid platform to advocate for passive voting rights for all permanent residents. Moreover, the party that currently represents most Russian-speakers and (locally) non-citizens, the Centre Party, seems to have little interest in pursuing a reform that could potentially favour the emergence of new competitors in local elections. With the question of active voting rights settled once and for all, passive voting rights for non-citizens is a non-issue in Estonia.

3.1.2 Policymaking in the Latvian parliament

The Latvian constitution reserves the right to vote and stand for election in the local government to Latvian citizens only, and, after EU accession, to all EU citizens who permanently reside in

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[71] For example, in Narva – where 94% of the residents are Russian-speakers and less than half are citizens of Estonia (Narva Department for Economic Development, 2010) – the Centre Party's share of the municipal vote increased with every election – from 12.6% in 1996 to 76.6% in 2009.

[72] They objected that, with the removal of the five-year residency requirement, 'aliens' could change their municipal residency at the time of elections in order to skew the results in targeted areas. Another argument was that 'aliens', not being well integrated in their new municipality, would be easier to manipulate electorally.

Latvia (art. 101). As a result, about 14% of the total population of Latvia – the non-citizens – are entirely disenfranchised. Three circumstances can explain the difference between the Estonian and Latvian constitutional provisions with regard to their permanent residents' political rights. Firstly, in Latvia the 1922 constitution was reinstated after independence. Opportunities for bargaining and for pragmatic considerations, provided in Estonia by the Constitutional Assembly, were therefore decidedly restricted in Latvia. Secondly, demographic considerations dictated a different strategy to the Latvian national elites (Pettai & Kreuzer, 1998, p. 171). While in Estonia the Russian-speaking population is concentrated in the northeast and in Tallinn (where ethnic Estonians still constitute a majority), in Latvia the Russian-speaking population is more dispersed and constitutes a majority or a substantial minority in all the largest cities, including the capital Riga. Finally, since inter-war Latvia had a bigger Russian-speaking community than inter-war Estonia, more Russian-speakers acquired citizenship by birth in independent Latvia. Already in 1993, year of the first post-independence elections, 16% of the citizenry was Russian-speaking (Agarin, 2010, p. 94). Unlike in Estonia, therefore, from the very beginning in post-independence Latvia there was a substantial Russian-speaking electorate and ethnic-Russian parties were competing in elections.

In the first post-independence *Saeima* 20 MPs were elected through Russophone parties and 12 MPs were officially registered as non-Latvian in the *Saeima* statistics.[73] The fact that the first Latvian post-independence parliament was not compactly 'titular' had an important implication. Having to compete in elections with the Russian-speakers' parties, the Latvian national elite was in a less safe position than the Estonian elite, and was less inclined to make concessions that would have favoured their competitors. This was especially so given that control over Riga and the other four largest Latvian cities was at stake.[74] Consequently, while in Estonia the question of granting voting rights to non-citizens was from the very beginning mostly internal to the Estonian national elite (between the Estonian moderates and the Estonian nationalists), in Latvia it was principally an issue of contention between the Latvian national elite and the Russian-speaking political elite.

The de facto disenfranchisement of about one sixth of the population of Latvia attracted the attention of the international bodies that were monitoring Latvia's democratisation process and societal stability. Council of Europe, Organisation for Security and Co-operation in Europe (OSCE), United Nations and European Union (EU) all issued recommendations to the Latvian

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[73] *Saeima* official website, statistical information. Available at http://www.saeima.lv/lv/saeimas-struktura/statistika-1 (Last accessed 24 February 2015).

[74] Non-citizens are 23.3% of the population in Riga and between 17 and 20% in the other bigger cities (Data from 2011 Census, Latvijas Statistika).

government to grant local voting rights to non-citizens. However, fears over the survival of the Latvian nation inscribed in the national elite's restorationist discourse (Agarin, 2010, p. 99), added to more pragmatic demographic and political considerations, meant that there was no incentive for the elite to accede to external pressures. The Latvian elite responded to any mention of international demands with the legalistic observation that there cannot be legally binding international standards to force a sovereign country to change its policy on political participation (Muižnieks, 2010, p. 107). Later, after Latvia's accession to the EU, pressures on the Latvian government to comply with such recommendations decreased significantly.[75] This is in keeping with what many observers have noted: after accession, the EU loses its main bargaining chip (the accession conditionalities) and its influence on new member states' policies on matters where the EU bodies cannot impose decisions decreases (Kelley, 2004; Riedel, 2009). Moreover, few EU member states currently grant such right to their non-citizen immigrant communities, which possibly makes them less inclined to force the point with Latvia.

While international attention to the issue has waned, the question of non-citizens' voting rights remains domestically salient. The proposal to grant local voting rights to non-citizens was advanced already in the first post-independence parliament (Saeima, 16 December 1993), and similar proposals were regularly presented by the Russophone parliamentary opposition.[76] The arguments put forward by the Russian-speakers' parties in favour of such a reform developed over time. In the first years after independence the proponents of non-citizens' voting rights appealed to the fact that the nationalists' exclusionary attitude was ungrateful towards those non-citizens who had fought for Latvia's independence (Saeima, 16 December 1993). Later, they progressively acquired more pragmatic and rights-based arguments. The non-citizens were presented as honest taxpayers who were being deprived, for mere political reasons, of the fundamental right to have a say about their municipality's administration. International recommendations that claimed that participation in local politics has a positive effect on integration were also often mentioned, alongside examples from 'civilized Europe', including Estonia (Saeima, 29 June and 11 December 2008). Similarly to Estonia, after 2004 the unequal treatment of non-citizens and EU permanent residents was another major argument to promote non-citizens' voting rights (Saeima, 21 October 2004).

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[75] The former Latvian Minister of Integration, Nils Muižnieks, noted that international pressures on Latvia to grant such a right almost completely stopped after EU accession (LCHR, 23 November 2010). The Latvian Centre for Human Rights (LCHR) compiles a daily Integration Monitor in which it reports all the minority-related news that appear in Latvian newspapers. LCHR's Integration Monitor database can be accessed at http://cilvektiesibas.org.lv/lv/. News retrieved from the database will be referenced as LCHR, followed by the date the news was published in the database.

[76] Up to 2010 there had been 37 such proposals (Buzaev, 2010).

While the Russian-speakers' parties kept the pressure on this issue high, the nationalists consistently opposed their proposals. The rhetoric of existential threat typically used by these parties against granting voting rights to non-citizens is exemplified by the reaction of Pēteris Tabūns (TB/LNNK) to the insistence of Russophone party members that sooner or later the government will have to give in on this issue: 'You see what happens when we give in? They [that is, the Russian-speakers] have already taken fortress after fortress. They will not stop until they gain power!' (Saeima, 27 January 2000).

Moderate Latvian parties kept a more ambivalent attitude. The main moderate argument against non-citizens' voting rights has consistently been that such a provision would reduce the incentives for non-citizens to apply for naturalisation. Already in the seventh *Saeima* (1998–2002), however, the small centrist party *Jaunā Partija* (New Party) and some respected personalities from moderate parties had showed willingness to look for a compromise. This forced the governing parties if not to approve the Russophone parties' proposals at least to consider the question as legitimate. As Dzintars Ābiķis (People's Party) stated in reply to a TB/LNNK deputy:

> I do not think [that the minority party's FHRUL's] proposal is, as you said, a joke, because at present this proposal is supported not only by FHRUL, but also by the New Party, that declared so in its conference. It was also supported in the previous *Saeima*, the sixth, by one of the most distinguished social-democratic politicians, Mr Ādamsons, in the vote for the Law on Local Elections. Therefore, this is not a joke: this issue has become rather serious (Saeima, 6 April 2000).

The increasing electoral success of the Russophone party Harmony Centre also made moderate Latvian parties consider the question more seriously. In 2002 the Union of Greens and Farmers (ZZS) suggested that granting voting rights to non-citizens was a EU requirement with which Latvia would have to comply sooner or later (LCHR, 22 August 2002). However, ZZS deputies failed to vote accordingly in parliament. In 2007, the union Latvia's First Party/Latvian Way (LPP/LC) proposed holding a referendum on the issue that would have settled it once and for all (Saeima, 26 April 2007). With this proposal LPP/LC broke the convention and became the first governmental party to open the debate on non-citizens' political rights. The party's strong results in the Russian-speaking region of Latgale in 2006 likely motivated this choice. As Ainārs Šlesers, the leader of LPP, put it: 'Today we are not trying to grab new votes, we are simply acting on the ideas supported by the voters that have already given their preference to us'.[77] By

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[77] Quote reported by Abik Elkin, in 'Edinstvennyi Vykhod – referendum po negrazhdanam!' (The only way out is a referendum on the non-citizens!), *Vesti Segodnya* 12 May 2007. http://rus.delfi.lv/archive/edinstvennyj-vyhod-referendum-po-negrazhdanam.d?id=17832249 (Last accessed 24 February 2015).

proposing to entrust the choice to the people, the LPP/LC was trying to show interest in its Russian-speaking electorate, while keeping itself at safe distance from accusations of anti-Latvian behaviour. Moreover, its declining electoral success compelled LPP/LC to change strategy and at the time the party was actively considering the creation of a centrist alliance that would have included the increasingly popular Harmony Centre (LCHR, 26 January 2007).

The 1998 referendum on the citizenship law had set an encouraging precedent: despite the nationalist rhetoric of the proponents of the referendum, the Latvian electorate had voted in favour of granting citizenship to the Latvia-born children of non-citizens upon their parents' request, and of abolishing the window mechanism that had been slowing down naturalisation (Södergren, 2000, pp. 295–297). Indeed, on issues concerning the Russian-speaking minority, the Latvian general population has shown to be more liberal than the political elite (Bottolfs, 2000, p. 99). Successive surveys suggest that the issue of granting more rights to non-citizens was not an exception (LCHR, 27 December 2005; Makarovs and Dimitrovs, 2009).[78]

In the event, the potential political utility of finding a compromise with what was becoming one of the major parties in Latvia (Harmony Centre) was overcome by nationalist pressures. The nationalist TB/LNNK maintained that it was 'not normal' for a Latvian party (LPP/LC) to 'fraternise with the Russians' and pursue policies that would hand all the major Latvian cities over to them (Saeima, 26 April 2007). The fear of losing the trust of the Latvian electorate to parties with stronger nationalist credentials, coupled with the taboo of creating governmental alliances with the 'Russian parties', convinced LPP/LC to abandon the referendum idea. The LPP/LC deputies kept voting against Harmony Centre's proposals to amend the Law on Local Elections.[79] According to a 2007 report on Latvian democracy, this was a missed opportunity for the development of an inclusive political agenda, and 'the fast substitution of [LPP/LC's] position with a less "difficult" one also indicates that the pressure against non-citizen participation in local level elections remains overwhelming' (Rozenvalds, 2007, p. 14).

It is important to note that the reluctance of the governing parties to grant voting rights to non-citizens is not only (and not always) ideological. Undoubtedly, political considerations about the voting behaviour of those potential 300,000 new voters also play a role. This is especially true when considering Riga, the capital city, where over half of the non-citizens live and where

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[78] This might have changed after the 2012 referendum on the status of the Russian language, which had a polarising effect on society. Reportedly, after the referendum the share of Latvian-speakers opposed to non-citizens' voting rights rose from 43% (Makarovs & Dimitrovs, 2009, p. 15) to 71.6%. News of this survey was reported in: '50% zhitelei khotiat razreshit negrazhdanam golosovat' (50% of the population wants to allow non-citizens to vote), *Telegraf* 25 March 2012. http://www.telegraf.lv/news/50-zhitelei-za-razreshenie-negrazhdanam-vybiraty-municipalitety (Last accessed 19 November 2014).

[79] Eventually LPP/LC did enter a governmental coalition with Harmony Centre in the Riga City Council in 2009. At that point, however, the party had practically disappeared nationally.

they constitute almost a quarter of the residents. The expectation that the great majority of those votes might go to Russian-speakers' parties is a disincentive for the governing parties to grant voting rights to non-citizens. In reality, both the example of Estonia and the results of surveys on Latvia's non-citizens indicate that non-citizens' voting choices might be more diversified than it is usually believed (Berglund, Ekman, & Aarebrot, 2004, pp. 105–107; Golubeva & Akule, 2012; Makarovs & Dimitrovs, 2009; Volkov, 2009, p. 110). Surveys show that most non-citizens would actively make use of the right to vote at the local level and, while ethnic vote would be a persistent feature of their voting behaviour, their votes would not go only to Russophone parties (Makarovs & Dimitrovs, 2009, p. 13). This argument was also used – to no avail – by the Russian-speakers' parties to try to convince moderate parties to support their proposals (Saeima, 27 January 2000).

Alongside the parliamentary activities of the Russophone parties, NGOs and civil society organisations have also promoted the political rights of Latvia's non-citizens. In order to achieve this goal, civil society organisations have usually pursued one of three strategies: collecting signatures to launch a referendum to change the constitution, petitioning Latvian institutions, or lobbying international institutions to put more pressure on the Latvian government. In June 2013 the grassroots organisation Congress of Non-Citizens organised community elections to elect a Parliament of the Non-Represented, with the aim of providing representation for Latvia's non-citizens. While the role that this alternative institution will play in the debate about non-citizens' voting rights remains to be seen, this initiative (which is analysed in more detail in Chapter 7) and other civil society initiatives have so far succeeded to at least keep public attention on the issue of non-citizenship alive.

Increased grassroots activism is possibly a response to the diminished attention to this issue by the parliamentary parties. Indeed, the latter have reasons to prefer the status quo. Nationalist politicians can present their tough stance on the issue of non-citizens' voting rights as a success. The moderate mainstream parties can continue with their ambivalent policy on minority issues and avoid the political risk of granting voting rights to the almost 300,000 non-citizens whom they have contributed to leave without franchise. Even Harmony Centre seems to have at least unclear incentives to push for local voting rights for non-citizens. By positioning itself as a moderate party with an agenda that goes beyond solely minority issues, Harmony Centre managed to keep the bulk of the 'Russian vote', while at the same time attracting a share of the Latvian vote. Harmony Centre's strategy of moderation was rewarded: in 2009 it won the municipal elections in Riga and produced the first ethnic Russian mayor of the Latvian capital, Nils Ušakovs. In the 2010 and 2011 parliamentary elections it registered impressive electoral

results, and – although it eventually ended up in the opposition – in both cases there were serious talks about including it in the governing coalition. In 2014, although with a reduced margin, it confirmed its lead as the biggest party in the *Saeima*.

Although the need to grant non-citizens the right to some form of political participation remains part of Harmony Centre's electoral programme,[80] and it is regularly raised in parliament by its MPs (e.g. Saeima 6 September 2012; Saeima 31 January 2013; LCHR, 4 August 2014), the party has had a somewhat fluctuating emphasis on this issue. In 2012 Nils Ušakovs reportedly went so far as to affirm that it would be better for non-citizens to 'pass the naturalisation exam instead of doing nothing and complaining'.[81] This was possibly the result of the fear that, were the non-citizens granted local voting rights, Harmony Centre would risk losing votes to the more radical Russian-speakers' parties (FHRUL and For Native Language). As Andris Tolmačevs (FHRUL) put it: 'the granting of voting rights to non-citizens will end Harmony Centre's monopoly'.[82] While this is most probably an overstatement, a more gradual process of acquisition of political rights through naturalisation might indeed have been perceived as electorally safer for Harmony Centre, at least in the short term. The results of the June 2013 municipal elections, however, reinforced Ušakovs's position in Riga and likely reduced Harmony Centre's fears of being ethnically outbid. Not only was Ušakovs confirmed as mayor of Riga with an ample majority, but For Native Language – a more radical Russophone party that emerged after the 2012 referendum on Russian as the second state language – got only 0.3% of the vote and remained out of the City Council. The 2014 parliamentary elections confirmed Harmony's stable position, while the more radically ethnic Latvia's Russian Party (LRU) remained out of the *Saeima* with less than 2% of the vote.

3.2   Good outcome, bad process (and vice versa)

The comparison of the Estonian and Latvian policymaking processes with regard to non-citizens' voting rights illustrates the complex relationship between minority descriptive representation (that is, the presence of minority representatives in political institutions), the minority's effective inclusion in the policy debate, and the actual policy outcome. In both countries national elites were the gatekeepers that defined the terms for effective inclusion in the policymaking process

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[80] For the section of Harmony's 2014 electoral programme that deals with non-citizens' issues, see the party's official website: http://saskanascentrs.lv/ru/programma/programma-social-demokraticheskoj-partii-soglasie/grazhdanstvo-i-status-negrazhdan (Last accessed 20 October 2014).

[81] 'Ushakov: luchshe sdat na grazhdanstvo, chem sidet i zhalovatsia' (Ušakovs: it's better to sit the citizenship exam than do nothing and complain), *Delfi*, May 29, 2012. http://rus.delfi.lv/news/daily/politics/ushakov-luchshe-sdat-na-grazhdanstvo-chem-sidet-i-zhalovatsya.d?id=42391186 (Last accessed 20 October 2014).

[82] 'Tolmačevs: Pilsonības piešķiršana nepilsoņiem izbeigtu SC monopolu' (Tolmačevs: granting citizenship to non-citizens would terminate Harmony Centre's monopoly), *Diena*, 1 August 2012. http://www.diena.lv/latvija/viedokli/tolmacevs-pilsonibas-pieskirsana-nepilsoniem-izbeigtu-sc-monopolu-13960437 (Last accessed 20 October 2014).

and, ultimately, determined the policy outcome. This is unsurprising, especially considering the abundant literature on ethnic democracy and ethnic control in Estonia and Latvia (Pettai & Hallik, 2002; Smooha & Järve, 2005). There was, however, a fundamental difference in the way this gatekeeping operated in the two countries. This difference has to do with the level to which the majority elites' gatekeeping role is challenged by minority representation.

In Estonia the titulars-as-gatekeepers arrangement extended to the whole political process and left little or no room for Russian-speaking voices to be heard in the political debate. The question of voting rights for non-citizens was not posed in ethnic terms, but was rather a pragmatic decision of the national elites. Estonia's non-citizens acquired local voting rights as a result of a debate that took place almost exclusively within the ethnic Estonian elite. After that, the failure of the Russophone parties to establish a significant representative presence meant that ethnic-based demands were reabsorbed by the mainstream parties (predominantly the Centre Party), and non-citizens' political rights became a non-issue.

This reveals a seeming contradiction. On the one hand, the de-ethnicisation of the issue made it acceptable for the national elite to take a liberal stance, which resulted in all Estonian permanent residents acquiring the right to vote in local elections. Following this decision, parties that want to compete in local elections in areas with a high proportion of Russian-speaking voters must take them into consideration, including non-citizens and third-country nationals. The de-ethnicisation of the issue also meant that radical-nationalist statements usually failed to spark heated debate and tended to be fewer (and generally less abusive) in the *Riigikogu* than they were in the *Saeima*. The fact that lack of polarisation on this issue resulted in a liberal policy that enfranchised non-citizens locally could be seen as lending support to the *polarisation paradigm*. That is, the low politicisation of ethnicity on this issue avoided an ethnically polarised political climate and ultimately created the conditions for a liberal policy to be passed. Had Russophone political voices been louder, this would have potentially polarised the debate and could have resulted in a different outcome.

However, while this is potentially true (especially when compared to Latvia), it captures only half of what could be called the *voice/polarisation dilemma*. Indeed, on the other hand, the arguable 'openness' of the resulting policy was not the result of an equally open decision-making process. While the policy outcome was favourable for non-citizens (and by extension for the Russian-speaking minority), this was not the result of a compromise but, rather, of a concession. The de-ethnicisation of the issue (which was presented in purely pragmatic terms) made such a concession acceptable, but also meant that the Russian-speakers were reduced to policy objects and were not themselves recognised as actors in the policymaking process. The 'good' outcome

came at the price of the almost complete exclusion of the minority from the policymaking process. Somewhat paradoxically, Estonia's non-citizens acquired the right to vote (and, therefore, to be represented) locally not *in spite of* Russian-speakers' lack of representation but *because of* it.

Focusing only on the 'good' outcome, therefore, hides the fact that the policymaking process remained entirely under the control of the majority elite, and the arguably minority-friendly policy was not passed as part of a majority–minority democratic debate. In other words, the 'good' policy was not the result of a 'good' (that is, inclusive) decision-making process. On the contrary, the acceptability of such a policy was based on the minority's political exclusion and came with the implied understanding that the extension of political rights to a larger portion of the Russophone community was not tantamount to an extension of the minority's political power. Far from reflecting a shift in majority–minority relative power, the policy concession upheld a status quo in which the majority elite are firmly in a position of democracy's gatekeepers. This reinforces the 'ownership' of the state by the national elite, while leaving minority voices at the margins of the policymaking process. This shows that the low polarisation of the policymaking debate is not a guarantee for an equal access to the democratic process. Rather, it can be the symptom of minority exclusion.

In Latvia the ethnic majority also acted as a gatekeeper in the policymaking process and determined its outcome. In contrast to the Estonian case, however, the issue of non-citizens' voting rights was posed in explicitly ethnic terms from the very beginning, and the debate was mainly between the Latvian national elite and the Russophone representatives. This reflected the high level of politicisation of ethnicity in the Latvian party system and in the political debate in general. Russophone representatives clearly framed the issue as a question of minority rights, also appropriating the language of the international community.

The political representation of the Russian-speaking minority by ethnic parties had two major – and contradictory – implications in Latvia. On the one hand, strong Russian-speaking representation justified and reinforced the nationalist discourse of defending the nation (Bennich-Björkman & Johansson, 2012, pp. 15–16). The emergence of a strong Russophone political representation early on pushed the Latvian national elites into a defensive position and polarised the debate along ethno-linguistic lines. This made compromise politically risky for moderate Latvian parties, reducing the chances for the Russophone voice to be translated into a liberal policy. Hence, notwithstanding the strength of the Russophone voice in the political debate (or, rather, *because of* it), the outcome was unfavourable to the minority. As a result, a substantial share of the Russian-speaking minority remains disenfranchised to this day.

Moreover, the confrontational tone of the debates could strengthen nationalist sentiments rather than foster compromise.

On the other hand, however, the strong presence of minority representatives in parliament gave them 'clear agenda-setting powers' (Muižnieks, 2010, p. 111). Russophone representatives encouraged debate on the issue of non-citizens' political rights and managed to persuade part of the Latvian moderate elite, if not always to support their demands, at least to consider them as legitimate and worthy of discussion. Therefore, the negative policy outcome is only half of the picture. The status of minority representation in Latvia cannot be understood without taking into account the other half; that is, the lively debate on minority issues and the increasingly independent and legitimate role that Russophone voices have played in it. In other words, the 'worse' policy outcome for the minority (compared to Estonia) was not the result of a 'worse' (in the sense of less inclusive) policymaking process. Rather, although at the time of writing the policy outcome is still negative for the minority, this is part of an on-going democratic debate in which minority voices take active part. This opens up the policymaking process for minorities to actively question the majority elite's position as democracy's gatekeepers and to claim their legitimate participation *as equals* in their country's democratic life. Seen from this perspective, Latvia offers an illustration of the same *voice/polarisation dilemma* observed in Estonia, albeit in a diametrically opposite way.

3.3   Conclusions: The voice/polarisation dilemma

The Estonian and Latvian cases illustrate the two sides of a *voice/polarisation dilemma*. Strong minority political presence does not necessarily guarantee a policy outcome that is favourable to the minority. On the contrary, it can hinder or delay such an outcome. At the same time, presence legitimises minority voices in the political debate and – perhaps more basically – makes it possible for a majority–minority debate to take place at all. Conversely, low minority presence (or absence) reduces the risk of polarisation. However, while lack of polarisation can lead to favourable policies, it cannot be taken as a goal in its own right: far from necessarily indicating inter-ethnic accord, it can in fact reflect the minority's exclusion from the democratic process of decision-making.

The *voice/polarisation dilemma* that emerges from comparing Estonia and Latvia reveals a conundrum, which blurs the boundaries between competing theories of minority political representation. A binary understanding of the politicisation of ethnicity (that is, bad in the *polarisation paradigm* and good in the *presence paradigm*) is not sufficient to capture the complexities of minority representation. In the cases of Estonia and Latvia the two paradigms can each reveal only part of the picture. The presence paradigm helps to explain why there has

been a more lively majority–minority political debate on non-citizens' voting rights in Latvia (where Russian-speakers are represented by an ethnic party) than in Estonia (where there are no ethnic parties and descriptive representation is low). However, it excessively discounts the effects of ethnic polarisation and is not able to explain the different policy outcomes in the two countries. The polarisation paradigm can explain the different policy outcomes by pointing out how ethnicised party systems lead to polarisation on minority policies and make compromise difficult. However, it conflates the outcome with the process, by implying that lack of polarisation *per se* must be the goal of ethnically-divided democracies. Moreover, in Estonia – where the policy result was positive for the minority – inter-ethnic 'tensions, perceived threats and distance [...] were considerable and have been consistently higher than in Latvia' (Bennich-Björkman & Johansson, 2012, p. 13). This shows that the de-ethnicisation of the party system does not imply the de-politicisation of ethnicity in society or in the political discourse, nor does it necessarily entail the equal representation of all sections of society in the policymaking process.

While the case of non-citizens' local voting rights shows the *voice/polarisation dilemma* in particularly stark terms, the same holds true (with the due differences of the specific cases) for the other minority-sensitive policies analysed in this study. For instance, policymaking on the education reform in minority schools (analysed in more detail in Chapter 5) confirms the observation that the content of a policy is not a good indicator of the inclusive quality of the process of making it. Indeed, while the two countries' policies on the language of teaching in minority upper-secondary schools are very similar, in Estonia this came about largely as a pragmatic concession by the national elite, whereas in Latvia it resulted from majority–minority negotiations, underpinned by mass minority mobilisation.

Whether, in the long term, policy concessions with low minority representation (like in Estonia) or majority–minority debates and high minority representation in a polarised political context (like in Latvia) are more beneficial to democracy and inter-ethnic peace remains a matter for debate. The *voice/polarisation dilemma* outlines the bases on which such debate should take place.

CHAPTER 4

The international channel: Legislating on language requirements for employment

Pressures from international organisations have often been indicated as decisive, or at least significant, in determining minority policies in CEE countries (Epstein & Sedelmeier, 2008; Hansson, 2002; Kelley, 2004; Schimmelfennig, 2005). The assumption that international pressures (especially when linked to accession conditionalities) are effective in achieving liberal minority policies, however, is far from unquestioned. Doubts have been raised on whether the impact of international pressures – arguably effective on economic policies – actually extends to minority policies and inter-ethnic relations (Agarin & Brosig, 2009; Galbreath & McEvoy, 2012). Some authors have also questioned whether the liberalising effects of EU pressures extend beyond formal compliance, and whether arguably positive liberalising pressures have long-lasting effects after EU accession (Agarin & Regelmann, 2012; Sasse, 2008; Schulze, 2010). On both sides of this debate, literature has focused on how governments responded to international pressures. That is, the focus has been primarily on the majority elites, while effects on minority political inclusion have been largely neglected. In line with this study's approach to minorities as political actors rather than mere policy objects, this chapter reframes the question of the international pressures' effectiveness to include the effects of international pressures on the minorities' role in the policymaking process. Did international involvement foster inclusiveness and minority empowerment, or did it – somewhat paradoxically – promote exclusion?

Strong pressures from international organisations on the Estonian and Latvian governments to liberalise minority policies can be studied as a factor to explain policy outcomes, through processes of bargaining, emulation, reinforcement and socialisation (Beyers, 2010; Checkel, 2005; Schimmelfennig, Engert, & Knobel, 2006; Schimmelfennig, 2005). This has been the most usual approach in the literature on this theme, with the main debates being on whether international pressures are effective in pushing for specific policies and whether they are the determining factor. This chapter takes a different approach, analysing international pressures as a potential additional channel for minority voices to gain a stronger position in their country's state-level policymaking process. International organisations can be powerful allies for local minority representatives, they can be lobbied to exert indirect pressure on domestic

governments, and they can provide additional legitimacy to minority demands by inscribing them in the wider international discourse on minority rights.

The case of Estonia and Latvia's state-language proficiency requirements for employment offers the ideal access point into the topic of international impact over policymaking. Estonia and Latvia share a similar political attitude towards language and have both established language requirements for access to employment in the public and (more limitedly) private sphere. In both cases the policy has discernibly evolved over time, which makes it possible to trace the causal mechanisms behind this evolution and to assess the role of international organisations and minority voices throughout. Language requirements have been at the centre of international attention in roughly the same period in both countries, which corresponded to EU accession negotiations. Debates about the language requirements for employment largely revolved around international recommendations and the effect policy choices on this topic would have had on the two countries' EU accession prospects. In both cases, international organisations pushed for an easing of the language requirements, in line with what minority representatives were advocating for in parliament. A case could be made, therefore, that international pressures played a central role in the policymaking on language requirements. But did they also provide an alternative channel for minority voices to participate in policymaking on this controversial issue?

In the rest of this chapter I outline the significance of language in Estonia and Latvia and the implications of language management for the Russophone minority. Then I retrace the making of the policy on language requirements for employment, with specific attention to the role of international organisations. I conclude by analysing the effects of international involvement on the political inclusion of the Russian-speaking minorities.

4.1   The implications of language management in Estonia and Latvia

Language is arguably the central factor in defining an in-group and an out-group in the ethno-linguistically divided democracies of Estonia and Latvia. The key role of language in group boundary-making is enshrined in the prevailing use of the label 'Russian-speakers' to define the minority, both as a category of analysis and as a category of practice (Laitin, 1998, p. 263).[83]

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[83] The locution 'Russian-speakers' is often favoured by scholars over terms like 'ethnic Russians', 'Russians' or 'Baltic / Estonian / Latvian Russians' (e.g. Cheskin, 2012b; Galbreath, 2005; Solska, 2011; T. Vihalemm & Masso, 2003). The label 'Russian-speakers' has at least three analytical advantages: it avoids suggesting a necessary identification of the minority with the Russian Federation; it highlights the similar social position of all ethnic 'non-titulars' whose main language of communication is Russian vis-à-vis the ethnic majority; and it stresses the importance of language in defining the group. It has also been noted that the spreading usage of the locution 'Russian-speakers' outside the academic community in Estonia and Latvia can be seen as a 'potentially truth-creating, discursive mechanism' that has the power to unite an otherwise diverse group into 'an "imagined", but relatively identifiable, community'

Given the primarily language-based definition of majority–minority boundaries, any policy decision that regulates the use of language in society is bound to affect the minority. Such policies are indeed typically drafted (either explicitly or implicitly) with the Russophone minority in mind.

Language legislation is doubly political in the sense that it is shaped by the existing political reality of inter-group relations, but at the same time it itself contributes in shaping that political reality by reinforcing inter-group boundaries (Järve, 2002, p. 78). As such, Estonia's and Latvia's language legislations define the social and political implications of the existing linguistic boundary between majority and minority. It is not surprising, therefore, that the regulation of language (in relation to citizenship, education, employment, communication with public authorities, and as part of national integration strategies) has become a central battleground for the definition of identity, political and socio-economic inclusion, and, ultimately, power. According to Kasekamp, in post-independence Estonia and Latvia the Language Laws were 'the other instrument [together with the Citizenship Laws] through which Baltic nationalists tried to reassert their dominance over the monolingual Russian settler community' (2010, p. 185). Seen from this perspective, language legislation served the purpose of 'ethnic containment' (Järve, 2002, p. 83) and 'power redistributor' (Rannut, 2004, p. 6). Although the national elites' aspirations have somewhat changed in the course of the past twenty years, language remained central in their policies regarding the Russophone minority.

In both countries the Language Laws impose restrictions on the use of languages other than the official state language in the public sphere. Restrictions apply for instance with regard to the language of communication with public institutions, the language of banners and billboards, and the level of state language proficiency required to work in the public sector.[84] In the late 1990s in both Latvia and Estonia language requirements were also imposed on election candidates, who were required to provide language certificates at the highest level of proficiency to run in state or municipal elections. After a case against Latvia arising from the application of this law was successfully brought before the European Court of Human Rights, and yielding to mounting pressure on the part of several international bodies, Estonia repealed language requirements for candidates in 2001 and Latvia did the same in 2002 (Adrey, 2005, p. 459; Järve, 2002, p. 87; Taube, 2003; Van Elsuwege, 2004, pp. 49–50). The parliamentary debates about language requirements for election candidates show how the issue of language is often actively linked by the national elites to that of the minority's dubious loyalty to the state.

(Cheskin, 2012a, pp. 326–7).

[84] For thorough analyses of the Estonian an Latvian language laws see Boris Tsilevich (2001), Priit Järve (2002), Mart Rannut (2004), Jean-Bernard Adrey (2005) and Timofey Agarin (2010, pp. 209–248).

Issues of loyalty and trust were routinely raised in parliamentary debates about all aspects of the Estonian and Latvian language policies.

The principle of language proficiency as a determinant for minority access to social and political rights, which is already inscribed in the procedures for the acquisition of citizenship, is further reinforced (and expanded beyond political rights) by the language requirements for employment. As part of the Estonian and Latvian language legislation, access to a long list of professions, both in the public and in the private sector, is tied by law to specific levels of state language proficiency. While a B1 level is required in both countries to naturalise, higher levels of proficiency are needed to hold public posts and some posts in the private sector.

The requirements are implemented by specialised agencies: the Language Inspectorate in Estonia and the State Language Centre in Latvia. Language inspectors are entrusted with conducting checks and imposing sanctions. As it is reasonable to expect, the enforcement of the requirements is unpopular among minority communities and the inspectorates are sometimes disparagingly referred to as 'language police' or 'language inquisition' by the local Russian-language media.[85] The role of language inspectors has also been criticised by experts for creating a discourse of violation, imposition and punishment rather than promoting positive incentives to learn the state language (Zepa, 2003, p. 94). Other authors have noted that more emphasis and consequently more resources have typically been put on enforcement and punishment rather than on 'softer' implementation strategies based on teaching and positive incentives (Diačkova, 2002, p. 268; P. Vihalemm et al., 2011, pp. 122–123).

While the entirety of the language legislations is controversial from the minorities' point of view,[86] the regulation of language in employment is particularly interesting as it affects Russian-speakers in multiple aspects of their lives. Language requirements have spin-off effects that can directly or indirectly affect minority livelihoods, minority political representation, and the minority's relationship with the state. By limiting the minority's access to jobs, language requirements can affect the minority's socio-economic status, its representation in the state bureaucracy, and its trust towards state institutions. In particular, strict language requirements put the minority in a position of disadvantage in the labour market, especially in the public sector, where requirements are more stringent.

An argument could be made that language requirements translate into socio-economic exclusion, which in turn can reinforce political exclusion and estrangement from the state.

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[85] For references to the language 'inquisitors' on Russian-language Latvian media see Ammon Cheskin (2012a, p. 334). For a study that highlights complaints about the role of the Language Inspectorate in Estonia see Marju Lauristin and Triin Vihalemm (2008).

[86] This includes the very principle of the single ('titular') state language, as shown by the 2012 referendum in Latvia about making Russian the second state language.

Indeed, a group's capacity for mobilisation, engagement in the political process, political representation, and political empowerment have been found to be intimately related to their socio-economic position (Jacobs & Skocpol, 2005). A socio-economically marginalised group tends to have less voice in the political process, even on issues that touch it directly. While there is an intuitive connection between language-based barriers to labour market access and an ethno-linguistic minority's socio-economic standing, however, there is no systematic study of the socio-economic effects of language requirements on the Russophone minorities in Estonia and Latvia. Nevertheless, it is important to note that – as explained in more detail in Chapter 2 – socio-economic inequality between Russian-speakers and the ethnic majority is more pronounced in Estonia than in Latvia (Rozenvalds, 2007, p. 37). This difference in ethno-linguistic economic inequality seems to suggest that language requirements (which are similar in the two countries) do not by themselves determine the Russophone minorities' socio-economic position.

Other dimensions apart from state-imposed language requirements must be in action to determine the minority's socio-economic status. The factors that are usually indicated to explain the difference between the two countries are: the different socio-economic composition of the soviet-time Russian settlers – mostly blue-collar in Estonia, mostly composed of skilled workers in Latvia (Lieven, 1993, p. 187); the fact that, unlike Estonia, Latvia had a bigger Russophone historical minority; the higher ethno-linguistic spatial segregation in Estonia (Vetik & Helemäe, 2011, p. 160); and the fact that Estonia's Russian-speakers were employed in industries that suffered the structural transformations of the post-soviet economy the most (Poleshchuk, 2009, p. 99).

While professional language requirements arguably do not determine socio-economic stratification in Estonia and Latvia, this does not mean that they have no impact on the Russian-speaking minorities. Undoubtedly, in both cases the regulation of language in employment makes language a crucial factor in a person's employment opportunities. By limiting Russian-speakers' access to a high number of jobs, the language requirements reinforce the economic marginalisation of the sections of the Russophone minorities that are already in a position of socio-economic disadvantage. Russian-speakers with a lower socio-economic starting point are in a weaker position to cope with the barriers imposed by the language requirements. This is particularly relevant for Estonia, where the gap between minority and majority is more pronounced, but it is also an issue for Latvia, where language still constitutes the main labour market barrier faced by the minority (Muižnieks, 2010, p. 127).

In addition to this, in both countries strict language requirements in the public sector contribute to the underrepresentation of Russian-speakers among civil servants. By linking the

possibility of access to jobs in state and local bureaucracies to a citizen's mother tongue, language requirements contribute in entrenching the dominance of 'titular' citizens in public offices (Golubeva & Akule, 2012; Hallik et al., 2002). This has two effects. First, the fact that the state bureaucracy is overwhelmingly staffed by members of the ethnic majority reinforces the impression that the state belongs to the 'titular' nations. This carries the risk of increasing the minorities' feeling of estrangement from the state. Second, minority underrepresentation among civil servants can result in an ethnic bias in the implementation of sensitive policies 'even if the laws are in no formal contradiction with international human rights standards' (Järve, 2002, p. 91).

As for more practical effects on the minority's attitude towards learning the state language, existing research shows that these have been contradictory. On the one hand, especially among the younger generations, language requirements can constitute an incentive to learn the state language for career purposes (Hogan-Brun, 2005, p. 275). This is in line with the Estonian and Latvian integration strategies, which put the focus on language acquisition as the primary vehicle for integration. On the other hand, however, the frequent language checks by the Language Inspectorates for some professions (for example the teachers of minority schools) can create mistrust towards the state and reinforce feelings of victimhood and alienation among the Russian-speakers. According to some researchers, language requirements did not significantly improve the use of the state language among minorities, but they increased inter-ethnic tensions and minority alienation from the state (Diačkova, 2003, pp. 41–45).

The salience of language management for inter-ethnic and minority–state relations in Estonia and Latvia explains the heated parliamentary debates on the issue and the irritation often displayed by the majority elites towards international interference on language-related topics. It is all the more surprising, then, that – at least on the face of it – international pressures seem to have been effective in both countries in pushing for a liberalisation of language requirements. The following analysis process-traces policymaking on language requirements, focusing on the effects that international involvement in the decision-making process had on the political inclusion of the minorities.

4.2 The policymaking process on language requirements for employment

Language requirements for employment in the public and private sectors are enshrined in the Estonian and Latvian Language Laws and further determined by governmental regulations. Language Laws regulate all aspects of language usage in the public sphere. In both countries, the main concern behind these laws had been that, in the absence of appropriate regulations, Russian would have substituted itself to the much smaller state languages as the main language

of public and private communication. Imposing language requirements to access public and private jobs was therefore seen as a way to strengthen the state language status vis-à-vis Russian (Interviews with policymakers, 2013).

The Estonian Language Law was passed in 1995. Among other language-related provisions, it envisaged Estonian language proficiency requirements for employment both in the public and in the private sphere. The law established three levels of proficiency (basic, intermediate and advanced). These were later substituted with a six-level proficiency scale and eventually harmonised with the EU standardised language proficiency levels. The law did not set the requirements in detail but gave the government the task of establishing requirements for 'institutions, enterprises and organisations, in work-related dealings with the public' (art. 5). The requirements in the private sector were justified by the right of the consumers to Estonian-language information (art. 16).

The 1995 draft law was prepared by the nationalist party Isamaa and was presented as a way to protect the Estonian language and culture within a 'unitary state with one state language' and to rectify the asymmetric bilingualism that had emerged during the Soviet time (Riigikogu, 8 February 1995). Although more moderate voices were heard during the debate, everyone in the *Riigikogu* agreed on the law's goal to strengthen the status of the state language in the public sphere. Possibly also because no Russophone parties were represented in the parliament, which was at that point compactly ethnic Estonian, no objections were raised with regard to the language requirements for employment during the parliamentary debate. Also importantly, the law was passed shortly before the March 1995 general elections. Although the nationalist Isamaa (until then in government) eventually lost those elections,[87] it is likely that the moderate parties (such as Reform Party and Coalition Party) felt that taking a liberal position on the language issue would have been electorally risky.

Over the next fifteen years, the 1995 Language Law was amended many times, before it was entirely re-written in 2011. One fundamental feature emerges from the analysis of the parliamentary debates over these amendments: all the parties involved in the policymaking process made continuous and extensive reference to the opinions and recommendations of international organisations. Indeed, throughout the whole process of policymaking on language requirements the OSCE, the Council of Europe, the European Union and several individual Western countries invited Estonia to revise its Language Law, especially focusing their critiques on language requirements in the private sector. These pressures could not be ignored by the

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[87] Isamaa went from 29 to only 8 *Riigikogu* seats.

policymakers – whether they were in favour or against strict language requirements for non-Estonians – as the country was involved in EU accession negotiations.

Proponents of strict language requirements from nationalist and moderate parties appealed to the specificity of the Estonian situation to justify the 'unusual' language requirements in the private sphere (Riigikogu, 23 November 1998). They also argued that Estonian speakers' rights had to be guaranteed, and that usage of Estonian had to be bolstered by law in order to improve its command among the population (Riigikogu, 23 November 1998). On the other side, Russophone MPs,[88] who opposed strict requirements, were able to bolster their position by claiming international support and by adopting the international recommendations' language and arguments. Time and again they reminded their colleagues in the *Riigikogu* about the OSCE critiques and openly borrowed the international community's free-market arguments against state interference in the private sphere (see, for instance, Riigikogu 18 November 1997 and 23 November 1998). They also criticised the blindness of the law to Estonia's regional specificities and the fact that the law was vague and left the government with nearly unbounded power to define the details. Government regulations would define the professions to which language requirements applied, the extent of such requirements and the mode of implementation.

Although they shared some of the same securitising concerns as the nationalists, moderate MPs often voiced the fear that stubborn inflexibility on the language issue might put Estonia in trouble with the OSCE and other international bodies (see, for instance, Riigikogu 18 November 1997 and 9 February 1999). International pressures made the moderate Estonian parties and the government more receptive to the need to soften some of the requirements. Moderate MPs openly called their colleagues to work towards a compromise solution that might satisfy all parties and, above all, the international community (Riigikogu 18 November 1997 and 9 February 1999).

Although the Russophone parliamentary faction's request that all language requirements in the private sector be eliminated was deemed unacceptable, several of its proposals were taken into account by the parliamentary Committee that was working on the law. The Russophone faction in the *Riigikogu* applauded the compromise and praised the involvement of the OSCE for having facilitated it (Riigikogu, 9 February 1999). It has been noted that '[o]nly after the OSCE High Commissioner on National Minorities and the European Commission became

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[88] In 1995 the Russophone party Our Home is Estonia gained 6 seats in the *Riigikogu* and, until 2003, Russophone parties managed to keep a small representation in parliament. After that, no Russophone party has managed to clear the 5% threshold but the Centre Party has consistently elected a few Russophone MPs in every parliamentary formation.

actively involved, was a compromise achieved' (Tsilevich, 2001, p. 145). In such a crucial period for Estonia's 'return to Europe', therefore, it was the pressure from international organisations that created the conditions for compromise. It is, however, unlikely that the Russophone faction's proposals would have been regarded as legitimate had they not been in line with international recommendations.

Although it was spread over a longer period of time, the adoption of the Language Law in Latvia shares many commonalities with the process in Estonia. The Latvian government had adopted Regulations on State Language Proficiency Certification in May 1992, which amended the 1989 Law on Language. Mandatory language certification was stipulated for all public officers and employees of publicly owned companies, whose job included contact with the general public or official paperwork. Provisions for language exams were set out in 1993 (Diačkova, 2003, p. 44). However, although amended in 1992, the 1989 Language Law had been passed by the Latvian Supreme Soviet and it was agreed that a new law had to be passed by the parliament of independent Latvia.

The debate over the new Language Law started in 1995 and was long and heated. The government's agenda in drafting the new law focused on the protection of the Latvian language, the weakening of the self-sufficiency of the Russian language in Latvia, and the integration of society through the state language, not least by requiring that everyone who wanted to live and work in Latvia speak the state language (Diačkova, 2003, p. 39). Although liberal experts recommended to stress positive incentives rather than coercion, the prevailing rationale (openly expressed in the *Saeima* by the initiators of the law) was that the only effective incentive to learn the language was the imposition of strict legal requirements (Diačkova, 2003, p. 42). The heated discussion over the Language Law was mirrored in the press, where Latvian-language and Russian-language newspapers promoted opposing views on the policy's merits (Zepa, 2006, p. 98ff.).

As in Estonia, the debate over the Language Law can be separated into three main positions: the nationalists, the moderates and the Russian-speakers. Like in the case of Estonia, their respective strategies and strengths were influenced by the pressures coming from international bodies. The Latvian nationalists, represented by the party TB/LNNK, supported strict language requirements in both public and private sectors. They tended to use securitising arguments about the dangers for the survival of the Latvian language, and aggressive tones towards the Russian-speakers and their representatives. For example, while the debate on the Language Law was continuing in the *Saeima*, a TB/LNNK member claimed on state TV that a strict Language Law would force the Russophone 'colonists' to leave the country (LCHR, 27

November 1997). Nationalists tended to use heated tones (including fists banged on tables) in order to intimidate their colleagues from the centrist parties (Saeima, 18 March 1999). This was particularly effective during inter-party discussions to form governing coalitions. In general, TB/LNNK were arguably successful in reducing the scope for discussion at the domestic level, by rejecting any liberalising proposal as a concession that might weaken the state language, and by actively opposing any proposal by the Russophone parties in parliament. For example, every time a proposal by the Russophone parliamentary fraction For Human Rights in a United Latvia (FHRUL) was (even partially) supported in the parliamentary Committee that was working on the Language Law, TB/LNNK called for a vote in the *Saeima* plenum to reject it and the proposal was consistently rejected.

The moderate Latvian parties – including Latvia's Way, Latvia's First Party and People's Party – found themselves squeezed between the nationalists' intransigence and the demands to liberalise the Language Law coming from international bodies. Their strategy tended to oscillate between the need to maintain a coalition with the nationalists (and avoid losing votes to them) and the need to appease the international institutions that were threatening Latvia with accession delays (EU and NATO) and with the continuation of the humiliating OSCE mission in Latvia. For example the centre-right People's Party over the course of the parliamentary debates on the Language Law went from opposing strict language requirements, to intransigent positions close to TB/LNNK, to more moderate positions that recognised the legitimacy of some of OSCE's critiques.

Like in Estonia, Latvia's Russophone representatives in parliament openly used international recommendations and critiques to reinforce their own position. So much so that members of the Russophone parliamentary group FHRUL defined their mission as bringing the draft Language Law in line with international recommendations (LCHR, 14 November 1998 and 15 September 1999). As in Estonia, Russophone representatives followed international institutions in focusing their critiques on language requirements in the private sector and framing them in terms of market freedom. At this stage, Russophone MPs in the *Saeima* seemed particularly interested in gaining time as they counted on the sustained involvement of international institutions to eventually force a breakthrough. FHRUL succeeded in prolonging the debate on the Language Law by using stalling techniques in the *Saeima*. For instance, in 1998 FHRUL MPs supported a high number of contradictory amendments coming from all parliamentary forces: the resulting draft law became so inconsistent that it had to be sent back to the Committee to be re-written (LCHR, 9 October 1998). While nearly all the Russophone MPs' proposals for legislative amendments were rejected in the process, both the OSCE and the

moderate Prime Minister Vilis Krištopans (under suggestion from international advisers) presented similar liberalising proposals (LCHR, 23 April 1999).

Differently from Estonia, the Russophone representatives in parliament could count on a more mobilised civil society. Russophone NGOs appealed to international organisations to put more pressure on Latvia to protect minority rights (LCHR, 12 November 1997), and petitioned the Latvian government to take into account international recommendations (LCHR, 4 December 1997 and 1 April 1998). Several pickets were organised in front of the *Saeima* at important junctions in the parliamentary discussion of the law, which usually gathered a few hundred people (LCHR, 13 March 1998; 5 June, 9 July and 10 December 1999).

International institutions (mainly the OSCE) were not only issuing recommendations but were actively taking part in the drafting process by reviewing and commenting drafts before they were put to vote in the *Saeima*. The reaction of the Latvian elite to these pressures tended to swing between irritation for the excessive intrusion of international bodies in Latvian domestic affairs,[89] and acceptance of the fact that international critiques had to be addressed if Latvia was to be part of the 'Western world'. As in Estonia, in the event the second preoccupation tended to prevail.

On 9 July 1999, after several drafts were discussed, repeatedly amended and eventually discarded, the *Saeima* finally passed the Language Law, including most of the strict requirements that both the Russophone MPs and the international community had criticised. While about two hundred people protested in front of the parliament against this decision, both the OSCE and the EU put pressure on president Vaira Vīķe-Freiberga not to sign the law (Tugdar, 2013, pp. 44–45). Under increasing international pressure (the European Commission clearly linked the Language Law to Latvia's EU accession) the president refused to sign the law and sent it back to the *Saeima*. She specifically asked the Latvian parliament to modify the part most criticised by international institutions: the language requirements for employment in the private sector (Diačkova, 2003, p. 40).

Understandably, the debate after Vīķe-Freiberga sent the law back to the *Saeima* was mainly focused on international requirements. After this unexpected victory, the Russophone side – that had welcomed the president's decision – showed willingness to find a compromise solution to exit the legislative cul-de-sac. FHRUL proposed to regulate the language usage in the private sector only when it concerns public and consumer safety, healthcare and administrative supervision – thus softening their original demand that no requirements be imposed in the

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[89] For example a nationalist MP showed his irritation at OSCE's pressures by referring to the OSCE High Commissioner for National Minorities as 'your Van der Stoel' when talking to the Russophone MPs (Saeima, 29 April 1998).

private sphere at all. This was in line with international recommendations, which had also shifted from requesting no interference in the private sector to demanding that this interference be duly justified.

On 9 December 1999 the *Saeima* adopted a revised version of the Language Law. While international recommendations had been taken into account in drafting the new law, this did not entirely satisfy the Russophone representatives. Indeed, again virtually all their proposals had been rejected. Moreover, the law gave the government (where the Russian parties were not represented) full power to define all the important details, including the list of professions to which language requirements applied and the level of proficiency required in the different cases. According to one FHRUL MP, once again '[t]he views of Latvia's minorities were completely ignored' (Saeima, 9 December 1999). The nationalist hardliners were also dissatisfied. In discussing the 1999 Language Law several years after it was passed, one MP from TB/LNNK described it as a major step back in the defence of the Latvian language (Saeima, 21 September 2006).

The 1999 Latvian Language Law is very similar to its Estonian counterpart. It establishes six levels of proficiency and requires public and private employees to hold appropriate language certificates in line with governmental regulations. Paragraph six of the law prescribes that all state employees must be fluent in Latvian 'to the extent necessary for performance of their professional duties and duties of office'. Private employees and self-employed people must speak the state language 'if their activities affect the lawful interests of the public (public security, health, morality, healthcare, protection of consumer rights and employment rights, safety in the work place, supervision of public administration)'.

After the Estonian and Latvian Language Laws were passed and all decision-making powers over the language requirements were shifted to the government, the minorities' chance of having an impact on those decisions through parliament decreased significantly. Minority representatives were not present in government, and they were not included in the working groups to prepare regulations (Järve, 2002, p. 91). Notwithstanding this, the period between the passing of the first Language Laws and EU accession in 2004 saw a relative liberalisation of the policies and the related governmental regulations. For instance in Latvia, the 2000 governmental regulations, which listed all the requirements by profession and which had become the focus of protest by the Russophone community and criticism by international institutions (Hansson, 2002, p. 19), were revised and made less stringent. The highest level of proficiency (that had been criticised for being excessively demanding) was redefined, and more power was given to

private employers to independently set the level of state language proficiency they demand of their employees (Järve, 2002, p. 92).

In Estonia, 1999 amendments to the Language Law that had imposed requirements to basically all private employees, were softened to exclude foreign experts and to include the principles of proportionality and legitimate public interest as the only bases for the imposition of language requirements in the private sector (Järve, 2002, pp. 87–88). This was clearly a concession to international pressures to provide clear limits to the state's interference in the private sector. Although it has been noted that 'legitimate public interest' is a generic formula that, in its vagueness, helped to hide away (but not eliminate) 'the tension between Estonia's push to protect the state language and its international commitments regarding minorities' (Poleshchuk, 2002, p. 4), this was praised by EU officials as a positive step in the right direction (Järve, 2002, p. 88).

The period after the OSCE mission left Estonia and Latvia and both countries became members of the EU and NATO (that is, after 2004) saw a reversal of this liberalising trend. In Estonia, successive amendments to the Language Law reiterated the principles of proportionality and public interest as the bases to impose language requirements, but left the decision to the executive to define what is proportionate and what is in the public interest.[90] At the same time the law was amended to grant more powers to the Language Inspectorate. Both the 2007 amendments and the new Language Law, rewritten in 2011 to rationalise the much-amended 1995 law, expanded the language inspectors' sanctioning powers. According to the 2011 Language Law (in force at the time of writing), Estonia's language inspectors can check not only that employees hold the required certificate, but also that their knowledge of the language does indeed correspond to the certified level. Under these provisions, language inspectors can refer an employee whose proficiency has been found to be unsatisfactory to retake the language proficiency examination by a certain deadline, and can initiate procedures for revoking the language certificate of the employee who cannot pass the repeat exam in time. They can also impose fines and suggest to terminate a contract with any employee (public or private) who does not speak the state language at the required level (art. 31). This also includes Russian-speakers who have studied in Estonian-language schools and are by law exempt from the obligation of holding a language certificate (art. 28.2). As a result, the Estonian Language Inspectorate has wider powers than its Latvian counterpart, whose power to de facto re-

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[90] For example article 21.2, added in 2007, states that language requirements in the private sector 'shall be justified and in proportion to the objective being sought'. The objective, however, is not clearly defined in the law.

examine certificate-holders in the course of inspection was abolished after negative opinions by the OSCE (Järve, 2002, p. 92).

Differently from the Estonian Language Law, the Latvian Language Law was never amended since 1999. Nevertheless, the post-accession reversal of the liberalising trend is evident in the governmental regulations that specify the applicability of the language requirements. While the initial regulations issued in 2000 were partially liberalised following international pressures, after accession the Latvian government modified them again. The most relevant change was in the extent to which the language requirements applied to the private sphere. Although the principle of 'legitimate public interest' remained, it was interpreted in a progressively extensive manner. In 2000 the list of private professions to which proficiency requirements applied included less than 80 entries, the list was expanded in 2006 to over one thousand professions and again in 2008 to add 250 more professions.

A proposal to expand the list had already been advanced by the State Language Centre in 2002. After the OSCE expressed 'interest' in this possible expansion and the Minister of Foreign Affairs warned that an extension of the list might have caused a negative international reaction, the government rejected the State Language Centre's proposal, whose then head Dzintra Hirsa resigned in protest (LCHR, 25 April 2002). After 2004, the list was expanded notwithstanding negative opinions by the Ministry of Foreign Affairs and the Latvian Employers' Union. Moreover, for some professions the required proficiency level was increased. After that, the list of professions and relative requirements is amended periodically, following suggestions by the ministries and comments by the Language Inspectorate (Interview with Māris Baltiņš, Head of Latvian State Language Centre, 17 September 2013). As for implementation, in 2007 the budget of the Latvian State Language Centre was doubled and there are indications that its control and enforcement activities increased both in the public sector (especially in Russian-language schools) and in the private sector, not least as part of the campaign 'State Language in Shops' (LCHR, 2008, p. 26).

4.3 The role of the Russophone minorities

The Estonian and Latvian policies on language requirements for employment moved along similar trajectories. In both countries the initial drafts of the Language Law were based on a nationalising discourse about language that did not make distinctions between the public and the private sector and imposed similar language restrictions for both. Then, in both cases international institutions put direct pressure on the policymakers to ease language requirements, with special emphasis on requirements in the private sector, which were deemed contrary to European market freedom. International pressures succeeded in pushing for the

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easing of language requirements in the private sector. After Estonia and Latvia were accepted as full members of the EU and NATO, however, the language legislation was made stricter again. This was justified by the same rhetoric of 'titular' language survival that had characterised the first drafting of the Language Laws.

This policy parabola closely mirrored the changing strength of international pressures and the disappearance of the coercive element (that is, the accession conditionalities) that had underpinned them up to 2004. This trajectory is in keeping with what many observers have noted: after accession, international bodies lose their main bargaining chip, and their influence on their new member states' policies on matters where they cannot impose decisions decreases substantially (Agarin & Brosig, 2009; Kelley, 2004). When the coercive element disappeared, international pressures became decidedly less salient in shaping the policy outcome. In fact, international organisations changed their demands over time, becoming considerably 'softer' once accession negotiations were coming to an end. Moreover, the fact that the principles of proportionality and legitimate public interest (both pushed forward by international recommendations) were in both cases included in the policy but then interpreted very extensively, supports the idea that formal compliance with international demands on minority issues is not necessarily tantamount to a change in attitude towards minorities (Sasse, 2008; Schulze, 2010). The complacent attitude of the Estonian and Latvian national elites with regard to international recommendations was in line with what Will Kymlicka noted, that is, that national elites in CEE tend to routinely misrepresent international recommendations as 'a maximal ceiling rather than a minimal floor' (2006, p. 63).

While the willingness of the Estonian and Latvian governments to accede to international pressures was the result of the 'carrot and stick' of EU accession conditionalities, compromise was also facilitated by the fact that language requirements are not a zero-sum policy. That is, concessions could be made without changing the substance of the policy. Moreover, the moderate parties in government also tended to be economically liberal and were thus predisposed to be more lenient on language requirements in the private sector. International pressures gave them a way to relax the requirements without exposing themselves to accusations by the nationalists, which could have been electorally damaging. In addition to this, the fact that the law left the definition of all the important details to the government kept the possibility open for all ministries (that can suggest revisions to the regulations) and the Language Inspectorates (that have a bureaucratic interest in keeping the requirements significant) to influence implementation.

The role of the Inspectorates is particularly interesting, as they are not only in charge of implementation but also provide expertise and can make suggestions and comments on language requirements regulations (Interviews with the heads of Language Inspectorates, 2013). It is also interesting to note that in both Estonia and Latvia the Language Inspectorates actively participated in the policy debate on the Language Law, and in both cases they were close to the nationalists' positions in supporting strict requirements and in resenting international interference.

International pressures had effects beyond the policy outcome (or policy trajectory),[91] and they did not affect only the decisions of the majority elites. They also had important effects on the minority elites and on the inclusiveness of the policymaking process in general. If we switch the focus from the policy outcome to the policymaking process, and from the majority elite to the minority elite, other questions become available. Namely, how did international involvement in the policymaking process affect the minority representatives' role in it? Did international intervention foster minority political inclusion or, instead, reinforce exclusion?

In both countries, minority MPs advocated for fewer and less stringent requirements and a more liberal attitude towards the Russian language. As it became apparent in the analysis of the policymaking process, however, Russophone representatives were not determinant in shaping the Language Laws. Some level of compromise on the issue was made possible only by the fact that international pressures were pushing in the same liberalising direction as minority representatives. It has been noted that language legislation in Estonia and Latvia de facto established a dual structure of social and political exclusion based on mother tongue and state language proficiency, and this creates collective privileges for the titular nations (Järve, 2000, p. 7). Any change in language policies, therefore, is bound to have a strong impact on Russian-speakers' lives. Nevertheless, in both countries the Russian-speakers found themselves at the receiving end of a piece of legislation in whose development they had not had the chance to contribute much. As it was the case for the non-citizens' voting rights policy, the Estonian and Latvian national elites remained the gatekeepers of policymaking throughout the entire process. After the Language Laws were passed, the two governments were given the power to make all the important decisions on who was going to need a language certificate, at what level, and what the enforcement procedures were going to be. As in both Estonia and Latvia no Russophone party was ever part of the governing coalition and no minority representatives were

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[91] On the advantages of analysing policies not as data points but as processes or trajectories see Stroschein (2012, pp. 32–70).

included in the government's working groups to draft the governmental regulations, Russian-speakers had practically no formal channel to influence them.

While national elites stayed in control of the policymaking process, the debate on language requirements was largely shaped by international pressures. The main question – constantly repeated both in parliament and in the media – was: is this provision in compliance with international recommendations? Representatives from moderate national parties discussed this question pragmatically as they did not want the issue of language to create hurdles for their countries' access to the EU and NATO. When they accepted to ease some of the requirements, they clearly framed these relative policy openings as a result of international negotiations rather than of a domestic process of majority–minority compromise. On their part, nationalists rejected international recommendations as an unwarranted intrusion into domestic affairs and consistently framed language as a security issue. Minority representatives, on the contrary, welcomed international pressures to liberalise the Language Laws and used these pressures to underpin and legitimise their own proposals. They regularly opposed strict requirements by arguing that governmental proposals to that effect were not in compliance with international recommendations, and in general bolstered their position against language requirements by reframing it as an (inescapable) international demand.

The (relative) correspondence between minority and international goals and the Russophone representatives' reliance on support from the international community to achieve policy liberalisation were, however, double-edged. On the one hand, international pressures opened some room for debate against the uncompromising attitude of the nationalists. This meant that some of the Russian-speaking representatives' demands were satisfied (at least until 2004). Moreover, the overlap between international recommendations and minority demands (accentuated by the Russophone representatives' tendency to mimic international organisations' arguments) had the arguably positive effect of at least partially legitimising the minority's position on language requirements. Minority representatives' adoption of international arguments also contributed in moderating minority demands. This moderation, together with the international organisations' more or less explicit threats to the address of the majority elites, created room for compromise. Furthermore, as noted above, differently from the issue of non-citizens' voting rights, language requirements are not zero-sum in nature and a number of intermediate positions between complete restriction of non-state-language use and no requirements at all could be discussed. This also favoured compromise.

On the other hand, however, the reliance on international recommendations had also a number of other consequences on minority representation that cannot be counted as entirely

positive from the point of view of minority political empowerment. Indeed, a look at the role played by Russophone representatives in the debates and at the nature of the compromises that were reached thanks to the international involvement reveals a less encouraging picture.

First of all, it is noteworthy that the Russophone representatives espoused pretty much all the arguments brought forward by the international organisations. Russophone representatives' demands and arguments changed over time, closely following the changing international institutions' recommendations on the issue of language requirements. In fact, the minority representatives' agenda often seemed dictated by the international organisations' agenda. This was evident in Latvia, for instance, when the Russophone MPs (and some civil society organisations) followed the OSCE in softening their demands from eliminating all requirements in the private sphere to limiting requirements to well-defined cases. Moreover, in both countries the Russophone representatives shifted from a critique of the very principle of language requirements for employment, to a more selective focus on eliminating the requirements in private companies. This mirrored the international organisations' main concern with the Language Laws as allowing for the state's excessive interference in the private sector. As a consequence of their adoption of the international argument of private sector freedom, however, minority representatives were left with almost no arguments to turn to the public sector once in both Estonia and Latvia language requirements in the private sphere had been eased (at least temporarily). While it might have bred moderation, therefore, the minority representatives' over-reliance on international support also reduced their autonomy in defining their own political agenda and left them with a much weaker case once international organisations pulled out of the debate.

Moreover, and most crucially, minority representatives were mostly passive observers of a debate that was primarily taking place between the majority elites and the international organisations. Throughout the policymaking debate the main interlocutor of the international organisations were the governing coalitions and not the Russophone representatives, who remained marginal in the discussion. While some degree of policy liberalisation was obtained, therefore, this did not significantly decrease the political marginalisation of the Russophone minorities and did not challenge the control of the policymaking process by the majority elites.

On the contrary, the fact that the governing parties were negotiating the policy drafts with OSCE emissaries provided the national elites with an additional tool to further marginalise minority representatives. Since a debate on language requirements was already happening with the international organisations – the argument went – there was no need to engage in a domestic debate. The domestic debate was thus de facto superseded by the international

negotiations. In the Latvian parliamentary committee's debate over the Language Law, for instance, the involvement of the OSCE in the drafting procedure was openly used by the governing parties to dismiss Russophone MPs' critiques (LCHR, 10 February and 19 March 1999). The fact that OSCE experts would take part in discussions about the government regulations was also pointed out by the Latvian government as a guarantee of the legitimacy and fairness of such regulations, against Russophone representatives' objections (LCHR, 27 June 2000). Moreover, when the OSCE softened its recommendations to Latvia on language requirements in the private sector, this was presented by the government as its own victory: the OSCE officials had engaged in debate with them and had eventually yielded to their position (LCHR, 16 November 1999).

Similarly, in his book about Estonian language policies, Ilmar Tomusk – head of the Estonian Language Inspectorate since 1995 – describes the language requirements as fundamentally in line with international recommendations and the process of policymaking as a negotiation between the government and the EU and OSCE advisors (2009, pp. 23–33).[92] The dominance of international negotiations over domestic debate also meant that any minority demand that could not be backed by a corresponding international recommendation fell automatically outside of the debate.

4.4   Conclusions: The unintended consequences of the international channel

While they shaped the trajectories of the Estonian and Latvian policies on language requirements, international pressures had contradictory effects on the political empowerment of the Russophone minorities. In both cases, the initial nationalising goals of the titular policymakers were moderated by the incentives and constraints provided by international organisations. Stricter interpretations of language management, however, re-emerged after Estonia and Latvia had joined the EU and international pressures had significantly subsided. All the while, the role of Russian-speaking voices in the policymaking process was limited and heavily reliant on international pressures to achieve policy liberalisation. Although international pressures did bring to the easing of some aspects of the Estonian and Latvian language legislations these gains were for the most part short-lived.

It cannot be excluded that compliance with international and European norms – even when it is initially only formal or partial – might in the long term lead to value change within the majority elite, through socialisation and internalisation (Checkel, 2005). Value change might in turn open avenues for minority voices to acquire more relevance in the policymaking debate. However, this deeper form of internalisation is extremely hard to identify empirically (Beyers,

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[92] In fact, Tomusk criticises Estonian politicians for giving up too quickly to international pressures, disregarding the 'principles of language policy deriving from the constitution' (2009, p. 33).

2010). The policy trajectory observed in this chapter does not provide sufficient evidence to claim that (partial) norm compliance in Estonia and Latvia was accompanied by value change. Moreover, a change in attitude on the content of certain specific policies would not necessarily be accompanied by a value change in terms of the attitude towards the minority's role in decision-making. Indeed, according to some observers 'minimal policy change' during accession can be used by majority elites to cement a status quo in which they are politically dominant (Agarin & Regelmann, 2012, p. 458).

While the long-term effects of international norms are difficult to evaluate, the involvement of international organisations in the policymaking debate had other immediate effects, which contradicted the stated aim of minority rights promotion. In particular, the minority representatives' over-reliance on international pressures to achieve their political goals had a negative impact on their agenda-setting autonomy and did not reduce their marginalisation within the domestic political debate. On the contrary, international organisations' negotiations with the Estonian and Latvian governments had the unintended consequence of creating a justification for minority exclusion from decision-making. Once the OSCE mission had left Estonia and Latvia and both countries had entered the EU and NATO, the Russophone representatives were left in a rather weak position. Not only were they losing a precious ally, but the membership of Estonia and Latvia in all the main Western international organisations was presented by the majority elites as an authoritative seal of approval over their policies. This weakened any claim by the Russophone opposition that the two countries' language policies must be revised further.

Also in the case of the international channel, therefore, the analytical focus on the policymaking process provides a corrective for the 'blind spots' of outcome-focused analyses. The impact of international involvement on minority politics must be evaluated not only with reference to how effective it is in pushing for specific (minority-friendly) policies, but also – and more crucially – to the effect it has on the inclusiveness of the decision-making process. This observation is equally important both for academic studies and for the practice of international policy interventions. By focusing solely on achieving a certain policy outcome, well-meaning international involvement can actually provide the majority elite with a legitimate substitute for majority–minority debate. Negotiations between the majority elite and representatives of international organisations can end up bypassing the minority elite, de facto justifying its political exclusion. Even though the minority representatives' agenda might stand a chance of being at least in part achieved through the international channel, this can come at the price of entrenching minority exclusion rather than fostering inclusion. The analysis does not provide

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sufficient evidence for the claim that these negative effects will in the long term be compensated by majority elite socialisation and norm internalisation.

CHAPTER 5

The city channel: Minority incorporation and the implementation of education reforms[93]

In both Estonia and Latvia, Russian-speakers' parties have been consistently excluded from governing coalitions and very few Russian-speakers have been appointed in ministerial positions. Members of the minority, however, have acquired significant power positions in the administrations of the two capital cities. City administrations could thus arguably function as an alternative channel for minority voices to enter the policymaking process, especially at the implementation stage.

This chapter looks at how the controversial reforms of minority schools were implemented in Tallinn and Riga, to understand which role – if any – the 'city channel' played in empowering the Russophone minorities. While the Estonian and Latvian education policies have been extensively analysed (e.g. Silova, 2006; Vihalemm et al., 2011), no academic attention has been paid to the implementation of these policies at the local level. In the rest of this chapter I first describe how minorities have gained representation in Tallinn and Riga, and provide a background on the main issues regarding the education reforms at state-level. Then I proceed to analyse city-level implementation and use this evidence to show how incorporation into city-level power structures can be both an opportunity and a 'trap' for the minority.

5.1   Different trajectories of minority representation in Tallinn and Riga

Tallinn and Riga are by far the biggest cities in their respective countries, both in demographic and economic terms. Most of Estonia's and Latvia's wealth as well as one third of their total populations are concentrated in the capital cities (Mäeltsemees & Lõhmus, 2008; Vesperis, 2011). Moreover, the largest local communities of Russian-speakers are also to be found in the capital cities: about 43% of Estonia's Russian-speakers live in Tallinn, while 46% of Latvia's Russian-speakers live in Riga. Russian-speakers constitute about 46% and 51% of the population of Tallinn and Riga respectively, making these cities' demography almost evenly split between majority and minority.

Not all those Russian-speakers have the right to vote, as not all of them hold the citizenship of their country of residence. In Tallinn, non-citizens and third-country nationals compose 22.8% of the city population. They have no voting rights at state level but can vote in local elections. As a result, almost half of the electorate for Tallinn City Council is Russian-speaking. Latvia, instead, reserves voting rights at all levels of government to its citizens only. As a result, 27.5% of the population of Riga – overwhelmingly Russian-speaking non-citizens – is completely disenfranchised. Notwithstanding this, about 35% of the Riga electorate is Russian-speaking.

The municipalities of Tallinn and Riga share a number of other important characteristics. Their local administrations have very similar competencies in the areas of education, welfare and healthcare, culture, public utilities, environmental protection, transport and urban development (Horváth, 2000). They also have similar budget sources and a comparable budget size to carry out their duties (Makarovs & Dimitrovs, 2009, pp. 8–10). Moreover, in both cities a City Council (of 79 members in Tallinn and 60 in Riga) is elected every four years by proportional representation (PR) with a 5% threshold. The City Council, in turn, elects the members of the city government.

There are, however, important differences that are largely reflection of the differences between the Estonian and Latvian party systems. In both cities the Russophone minority gained a central position in the city government; however this happened through different paths. In Tallinn, two parties explicitly represented the Russian-speaking minorities in the first local elections of independent Estonia in 1993: the moderate Estonian Russian Democratic Movement and the Russian list 'Revel' (the ancient Russian name for Tallinn). They gained respectively 17 and 10 of the then 64 seats in the City Council. This initial success meant that Russian-speakers' parties were briefly included in city governments, although for short periods and in junior positions. However, in the elections that followed the share of seats won by the 'Russian parties' fell steadily. After the 2002 elections, when they gained only three seats, Russian-speakers' parties have remained out of the Council and virtually disappeared.

The increasing attention of national parties for Tallinn elections, internecine squabbles and leadership disputes, and the advancing popularity of the Centre Party among the Russian speakers all contributed to the demise of the Russian-speakers' parties (Mäeltsemees, 2000, p. 78; Toots, 2006). In this situation, Edgar Savisaar – arguably the most divisive figure in Estonian politics – emerged as a favourite politician for Tallinn's (and to a great extent Estonia's) Russian-speakers.

Party	Minority Platform	1993		1996		1999		2002		2005		2009		2013	
	Turnout:	59.7%		52.2%		49.4%		53.6%		43.0%		65.7%		64.1%	
		Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats
Estonian United People Party (EUPP)	Russian-speaking			12%	5			8%	3						
Klenski's list – Russian Centre	Russian-speaking									2%	0	1%	0		
People's Choice*	Russian-speaking					14%	9								
People's Trust	Russian-speaking					11%	4								
Revel	Russian-speaking	13%	10												
Russian Baltic Party in Estonia	Russian-speaking							1%	0						
Russian Democratic Movement/ Estonian Russian Party	Russian-speaking	21%	17	15%	11										
Russian Joint List	Russian-speaking					5%	0								
Centre Party	Russian-friendly	9%	5	18%	12	24%	21	39%	32	41%	32	54%	44	53%	46
(Estonian) Coalition Party	Moderate	18%	18			5%	2								
Moderates	Moderate					8%	4	5%	0						
Reform Party	Moderate			17%	14	13%	10	15%	11	21%	15	17%	14	11%	9
Social Democratic Party (SDE)	Moderate									11%	6	10%	8	10%	8
Tallinna Raeklubi	Moderate	10%	9												
Tallinn (citizens' electoral list)	Moderate			16%	12										
Res Publica	Moderate/Nationalist							21%	17	9%	3				
Right Party and Moderates**	Moderate/Nationalist			13%	10										
Isamaa	Nationalist	7%	5			17%	14	7%	0	12%	7				
Isamaa and Res Publica Union (IRL)	Nationalist											15%	13	19%	16
Others		21%	0	9%	0	4%	0	4%	0	4%	0	4%	0	8%	0
		100%	64	100%	64	100%	64	100%	63	100%	63	100%	79	100%	79

Table 3: Tallinn election results 1993-2013

N.B. The number of seats in Tallinn City Council was reduced to 63 in 2002 and then increased to 79 in 2009

* People's Choice was a coalition of the Estonian Russian Party and EUPP

** The Right Party and Moderates was a coalition that included Isamaa and the Moderates

Source: Estonian Electoral Committee: www.vvk.ee

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Although he is himself an ethnic Estonian, Savisaar included several Russian-speakers in his electoral lists and (to a lesser but still significant extent) his local cabinets. Under Savisaar's mayorship at least one of the seven members of Tallinn city government has always been a Russian speaker. Although this is considerably less than the proportion of Russian-speakers in the Centre Party's electorate, it is more than can be said of Tallinn city governments under other parties. Importantly, since 2010, the deputy mayor responsible for the Tallinn culture and education department has been a Russian-speaker (first Yana Toom and then Mihhail Kõlvart).

Minority representation in Riga followed a completely different trajectory. Although they underwent several splits and mergers, Russian-speakers' parties were increasingly electorally successful in Riga Council elections. Following a course similar to that at the national level, the Russophone political camp in Riga progressively consolidated and one strong moderate ethnic party emerged, Harmony Centre, while the more radical ethnic parties lost electoral support. The electoral strength of the Russian-speakers' parties in Riga made them valuable coalition partners first and coalition leaders later. In 2001, the Russophone electoral alliance For Human Rights in a United Latvia (FHRUL) entered Riga's governing coalition and a Russian-speaking council member was nominated deputy mayor. In 2009 Harmony Centre won 26 out of 60 seats in the Riga local elections and formed a coalition government with a moderate ethnic Latvian party, Latvia's First Party/Latvian Way (LPP/LC). Remarkably, this was a coalition between a minority and a majority party where the former had the leading role.[94] Nils Ušakovs became the first ethnic-Russian mayor of Riga. The municipal elections in 2013 reconfirmed Ušakovs and further entrenched Harmony Centre's dominant position in Riga. Harmony Centre's electoral bloc with the local political party 'Gods kalpot Rigai!' (Proud to serve Riga!, GKR) won 58% of the vote and 39 City Council seats out of 60.[95]

In both Estonia and Latvia, the capital cities' mayors have become highly divisive political figures. A commonly held understanding of Estonian politics places Edgar Savisaar as the defining element of the Estonian party system: other parties must define themselves not least by their (antagonistic more often than supportive) position in relation to him and his Centre Party (Ritter, Gardner, & Druker, 2003). Arguably, Nils Ušakovs is coming to play a similar role in Latvian politics.

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[94] LPP/LC's declining support at the national level and the party's generally moderate attitudes towards minority issues might explain why it decided to become a junior partner to the rising Harmony Centre.

[95] GKR was funded by former members of the Riga branch of LPP/LC after the latter was dissolved in December 2011.

Table 4: Riga election results 1994-2013

Party	Minority Platform	1994		1997		2001		2005		2009		2013	
Turnout:		49,7%		49,6%		60,9%		52,9%		58,9%		55,6%	
		Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats	Votes%	Seats
Equal Rights / Equality	Russian-speaking	6%	4	7%	4								
For Human Rights in a United Latvia (FHRUL)	Russian-speaking					21%	13	14%	9	3%	0		
For Native Language	Russian-speaking											0.3%	0
New Centre	Russian-speaking							7%	5				
Patriotic Union "Homeland"/Socialist Party	Russian-speaking			2%	1			12%	8				
People's Harmony Party / Harmony Centre*	Russian-speaking	3%	2	3%	2			4%	0	35%	26	59%	39
Russian Party	Russian-speaking			2%	2	2%	1						
(Democratic) Labour Party	Moderate	2%	1			2%	1						
Christian Democratic Union	Moderate	3%	2	2%	1	1%	1						
Democratic party	Moderate	6%	3			3%	2						
Democratic party -Saimnieks	Moderate	18%	11	9%	5								
Latvian Farmers' Union	Moderate	1%	1										
Latvian Green Party	Moderate			5%	2	4%	2						
Latvian National Front	Moderate	3%	2										
Latvia's Farmers' Union	Moderate	4%	2	4%	3	1%	1						
Latvia's First Party (LPP)	Moderate							6%	4				
Latvia's Way (LC)	Moderate	3%	2	14%	9	9%	5	3%	0				
LPP/LC	Moderate									15%	12		
National Progress Party	Moderate			3%	2								
New Christian Party	Moderate					2%	1						
New Era	Moderate							18%	13	11%	8		
People's Movement for Latvia	Moderate			3%	2								
People's Party	Moderate					10%	6	12%	8	2%	0		
Social-Democratic Workers' Party	Moderate	2%	1	19%	11	23%	14	10%	7	1%	0	0.2%	0
Union of Greens and Farmers (ZZS)	Moderate							3%	0	2%	0		
Unity	Moderate											14%	9
Welfare Party	Moderate					3%	2						
Civic Union	Moderate/Nationalist									19%	14		
All For Latvia	Nationalist									2%	0		
Latvian National Democratic Party LNDP	Nationalist	1%	1										
LNNK	Nationalist			5%	3								
LNNK/Greens	Nationalist	37%	22										
National Alliance**	Nationalist											18%	12
TB	Nationalist	10%	6	16%	10	17%	11						
TB/LNNK	Nationalist							9%	6	3%	0		
Others	Nationalist	1%	0	7%	3	1%	0	1%	0	6%	0	8%	0
		100%	60	100%	60	100%	60	100%	60	100%	60	100%	60

*In 2013 Harmony Centre run in an electoral coalition with 'Proud to Serve Riga'

** National Alliance is a colaition of TB/LNNK and All For Latvia

Sources: Latvian Electoral Committee: http://web.cvk.lv; "Latvijas Republikas pašvaldību vēlēšanas 1994.gada 29.maijā", Centrālās vēlēšanu komisijas izdevums, 1994.

This brief overview of party politics in Tallinn and Riga shows that the Russophone minority was in both cases incorporated into the structures of local power. Enabled by the capital cities' demography, Russian-speaking politicians have been successful in gaining important positions in city executives, while they are generally excluded from state government. There is a key difference in the way this incorporation took place, though. In Tallinn, minority incorporation happened through co-optation into a mainstream Estonian party, the Centre Party. Although a number of Russian-speakers came to hold key posts in the local administration, the leadership of the party remains overwhelmingly ethnic Estonian. In Riga, instead, minority incorporation happened through a moderate ethnic party and a Russian-speaking mayor.

The aim of this chapter is to determine whether these different modes of incorporation made a difference in terms of how the controversial education reforms were implemented in Tallinn and Riga, what kind of difference, and what this meant for minority empowerment. Before entering into the details of implementation, however, it is necessary to provide a background on the Estonian and Latvian education reforms and the reasons why they were (and in fact still are) particularly contentious for the Russophone minorities. This will be the topic of the next section.

5.2 The education reforms: Conflict, policy ambiguity and minority disempowerment

In both Estonia and Latvia, government-led education reforms regarding the language of teaching in Russian-language schools have been initiated since the 1990s.[96] Traditionally both countries offer state-funded pre-school and school education in both the state language and Russian. However, the Estonian and Latvian legislations do not offer any formal guarantee for education in Russian, and there is a tendency among these countries' majority elites to view Russian-language schools as a remnant from the Soviet past. The aim of the education reform was to significantly increase the number of hours taught in the state language in Russian-language schools. The advantages of such policy, according to its promoters, would be an end to segregated school systems and improved societal integration, easier access to state universities for Russian-speaking students, and Russian-speakers' higher competitiveness in the country's job market (Hogan-Brun et al. 2008; Silova 2006; my interviews with policymakers).

In both cases the reform has encountered widespread opposition among the Russian-speaking community. Lack of adequate preparation of the transition by the Ministry of

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[96] The Estonian Basic School and Upper Secondary School Act (all versions up to 2013) is available in Estonian and Russian at www.estlex.ee, and in English translation at http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweest.htm (Last accessed 20 February 2014). The Latvian Law on Education (all versions up to 2013) is available in Latvian and in English translation on the Latvian Ministry of Education website: www.izm.gov.lv (Last accessed 20 February 2014).

Education, insufficient methodological and financial support to the schools, lack of specialised material, insufficient number of teachers in Russian-language schools able to teach in the state language, disregard for the needs and aspirations of the Russophone minority, and insufficient involvement of the Russian-speakers in the policymaking process were broadly identified as the reform's main problems and the main hindrances to its implementation (Skerrett 2013; Kello et al. 2011; Rannut 2004; Silova 2006; my interviews with anti-reform activists).

The education reforms in Estonia and Latvia developed along different timelines, but the resulting policies are similar. In Latvia bilingual education was introduced in Russian-medium elementary and secondary schools already in the 1990s, which means that minority schools up to grade nine teach some of the subjects in Latvian. In 1998 the new Education Law stipulated that by September 2004 all secondary education (grades ten to twelve) had to be taught in Latvian only. This triggered a large protest campaign by the Russian-speaking community that brought tens of thousands Russian-speakers to the streets between 2003 and 2004. Eventually, in February 2004, only months before implementation was due to start, the parliament revised the law, which now stipulates that a minimum of 60% of teaching hours and all state examinations must be in Latvian (Kello et al., 2011; Poleshchuk, 2009; Rozenvalds, 2005, pp. 26–27; P. Vihalemm et al., 2011). Implementation started in September 2004 as originally planned.

Estonia took a different, more gradualist approach. First of all, the Estonian education reform concerns only upper-secondary schools (grades ten to twelve), while Russian-language basic schools (up to grade nine) have no formal obligation to teach subjects in Estonian, apart from Estonian language.[97] The reform of upper-secondary schools was first introduced in 1993 and originally envisaged a switch to Estonian-only teaching in grades ten to twelve by the year 2000. However it was later amended to a softer 60/40 requirement, with at least 60% of mandatory teaching in the state language. The implementation of the reform was postponed several times, and it was started gradually only in 2007, when schools were required to switch one subject a year into Estonian-language teaching, with the aim of completing the transition to 60% by 2011.[98] Although an anti-reform organisation called Russian School in Estonia (RSE) was created that actively lobbies against the switch, no mass protests of the size seen in Latvia occurred in Estonia.

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[97] Basic schools can choose to introduce language immersion programmes or to teach more subjects in Estonian, and have financial incentives to do so. In the academic year 2009/2010 about one fifth of all pupils in Russian-language elementary schools were enrolled in immersion classes or classes with in-depth study of Estonian (Kello et al., 2011, p. 6).

[98] The Ministry of Education identified five subjects that must be switched into Estonian to reach the 60% requirement. Schools that decide to switch additional subjects receive extra funding from the Ministry (Kirtsi et al., 2008, p. 29ff.; Skerrett, 2013, pp. 7–8).

Although Estonia's and Latvia's policymaking processes followed different timelines, they share three important characteristics: the education reform is a highly conflictual topic; the resulting policies left ambiguities to be dealt with at implementation stage; and – as for the other policies analysed so far – the majority elite was the decision-making gatekeeper. The conditions of state-level policymaking determined the framework within which city-level implementation took place, and therefore warrant a closer analysis.

In both Estonia and Latvia the reform of Russian-language schools is highly contentious, with the two parties in the dispute clearly defined in ethno-linguistic terms. There are, however, fundamental differences. First of all, although in both countries the reform triggered heated debates, in Latvia a strong, grassroots protest movement mobilised to oppose it. Grassroots protests were instrumental in pushing the government to compromise and soften the requirement from 100% Latvian-language teaching in minority schools to 60%.[99] In Estonia, anti-reform organisations have so far failed to mobilise the Russophone community in significant numbers. Although at the time of writing the anti-reform RSE is arguably the most active Russophone grassroots organisation in Estonia, its mobilising capabilities are rather limited. Thus, the government's decision to switch from the 100% requirement to a softer 60/40 ratio in Estonia cannot be ascribed to contentious politics dynamics. It was, rather, a pragmatic, within-elite decision.

Secondly, the opposition to the reform was structured differently in the two countries. In Latvia, the Russophone front was not homogenous, although the basic critiques to the reform were shared. It distinctly had a more moderate, compromise-prone component (represented by the Latvian association for the support of Russian-language, LAShOR) and a more radical component (represented by the Headquarters for the defence of Russian schools, Shtab). This diversification of approaches within the protest movement mirrored a similar split within the union of Russian-speakers' parties FHRUL. In Estonia, there is no such differentiation within the Russophone front. As analysed in more detail in the following section, not only there is only one grassroots organisation (RSE) that opposes the reform, but this is also highly dependent on Tallinn city government for strategic support and visibility. This makes it difficult for a differentiation of Russophone voices to emerge in Estonia, and places Tallinn city government (and Tallinn Centre Party) in the leading role within the anti-reform opposition.

In both countries the decision-making process regarding the education reform was characterised by uncertainty and miscommunication on the reform's final goals, the means for implementation, and the margin of implementation freedom allowed to schools. In terms of

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[99] The protests will be analysed in more detail in Chapter 7.

goals, as it became clear in my interviews with both policymakers and opposition figures, in both countries there is uncertainty on whether the 60/40 ratio is indeed the final aim of the education reform or rather a step towards state-language-only education in all state schools. Although such a radical reform seems unlikely, this uncertainty can easily be used by opposed political parties to raise inter-ethnic tensions and capitalise on the 'ethnic card'.[100] Uncertainty over goals fosters minority distrust towards the government, as the anti-reform protests in Latvia clearly illustrate. Indeed, these were characterised by a feeling among the opposition that the government could not be trusted as a negotiation partner (Silova, 2006, p. 148ff.). This distrust helps to explain why protests went on even after the 60/40 arrangement had become law and until the actual implementation started. Reforms were also ambiguous in terms of the means for implementation. While punitive enforcement mechanisms were put in place – including frequent language checks by the Language Inspectorate in Russian-language schools (Silova, 2006, pp. 130–134; Skerrett, 2013, pp. 17–18) – lack of resources and of a clear implementation methodology created a 'disjunction' between the rhetoric of the policymakers and actual policy implementation (Silova, 2002, 2006, pp. 140–141).

Finally, ambiguity also regarded the margin of manoeuvre individual schools are allowed in implementing the reform. For instance, according to the Estonian legislation, schools can teach more than 40% of their topics in a language other than Estonian, provided that they receive permission to do so by the government. This would in theory give schools a measure of flexibility in implementing the reform. However, there are no clear criteria for the government to base its decision on, and applications by Russian-language schools were routinely rejected. The head of General Education Department of the Estonian Ministry of Education admitted that the decision not to approve applications from Russian-language schools was largely political. While pedagogically the Ministry did not see any reason to grant exceptions to schools that it deemed generally ready for the switch, it also decided that it would have been a political risk to start granting exceptions, as that would have created a precedent for all Russian-language schools not to implement the reform at all (Interview with Irene Käosaar, 5 September 2013). The government's reluctance to allow schools the flexibility foreseen by the law has been a central point of contention in the Estonian conflict over Russian-language schools.

In both cases, policymaking was monopolised by the national political elites, and the stakeholders' inclusion envisaged by the government was mainly symbolic (Rozenvalds, 2005, p.

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[100] For example, upon its formation, Latvia's 2014 governing coalition announced intentions to switch to Latvian-only teaching in state schools by 2018. For Russian-language coverage of this news, see for example 'Druviete podtverdila plany po likvidatsii russkikh shkol' (Druviete confirmed plans for the liquidation of Russian schools), *Delfi.lv*, 31 January 2014. Available at: http://rus.delfi.lv/news/daily/politics/druviete-podtverdila-plany-po-likvidacii-russkih-shkol.d?id=44093597 (Last accessed 9 December 2014).

107; Silova, 2006, pp. 118–124). The minority was largely seen as the object of the policy rather than a political actor in its own right. In both countries the governing parties and the officials from the Ministry of Education have tended to respond to critiques to the education reform by presenting the education policy as merely technical rather than political, and by portraying the opposition as either too emotional or too radical to be included in the policymaking process (Interviews with policymakers, 2013). By depoliticising the issue, the policymakers attempted to shift the focus from debating the essence of the policy to the technical sides of implementing a policy that has already been decided. By presenting the opponents as emotional (the parents) or radical (the Russophone activists and politicians) the policymakers tried to delegitimise and cancel out their demands. Even in Latvia, where the protest movement arguably imposed the presence of Russophone voices in the policy debate, the government refused to admit to the fact that the 60/40 solution was the result of compromise. This, according to Russophone activists and representatives who took part in the negotiations, did not contribute in creating an atmosphere of mutual cooperation and understanding (Galbreath & Galvin, 2005, p. 456).

Because of minority control over the education departments of the two capital cities, in both countries the conflict over the education policy had both a local and a state-wide dimension. Uncertainty over the policy's goals and means can surely create distrust and misunderstandings, but it can also create entry points for intervention by actors further down in the implementation chain, most importantly municipal administrations. If the ends and the means of the reform are unclear, municipalities have ample space to redefine and transform them. This can potentially allow a measure of minority re-empowerment after their exclusion from state-level policymaking.

5.3   Implementing the education reform in Riga and Tallinn

The choice of the education reform as policy case for this chapter is based on two main reasons. Firstly, differently from other urban policies (like transport and planning), education policies are of direct minority interest. Issues surrounding language of instruction in minority schools are highly contested and political debates on those issues have a strong ethno-linguistic component. Secondly, city-level implementation of state-wide education policies is not a purely administrative function but a policymaking function in its own right (Barrett & Hill, 1984, p. 220). The powers of Tallinn and Riga administrations over schools concern mostly facilities, maintenance and logistics, and do not extend to school curricula, which are the direct responsibility of the Ministry of Education. However, the procedure for selecting school directors is managed by the City Council, a number of City Council members are themselves school directors or teachers, and City Council members take part in school board meetings and are in

regular contact with school administrations. This means not only that city governments are more aware of the day-to-day realities of policy implementation than the Ministry, but that they also have more direct links to the schools in order to formally and informally influence implementation. In addition to this, lack of resources for the implementation of the state policy (Silova, 2006; Soós & Zentai, 2005) forced the city administrations to find practical solutions which may have de facto transformed the state-level policy.

It has been argued that studying cities gives the possibility – impracticable in state-level analyses – to collect extensive data that take into account a multiplicity of actors, factors and processes (Stroschein, 2012, p. 49). Thus, local-level analyses offer valuable data for inference about the policy process at state level (Dahl, 1961; Horak, 2007). While this is a valid perspective, the analysis of city-level policy process can be more than a mere surrogate for state-level analysis. A city-level perspective is crucial for a thorough understanding of minority representation in ethnically divided democracies for at least five reasons.

Firstly, urban studies literature identifies ethnically-split cities as primary sites of contentious politics and identity conflicts (Davis & Libertun de Duren, 2011; Parker, 2011). Exactly because they are primary sites for inter-group conflict, however, cities are also likely laboratories for inter-group negotiation and compromise (Bollens, 2011; Browning et al., 1990). This suggests that dynamics of majority–minority relations in city politics not only might differ from those at state level, but can also interact with them to shape the minority's role in the democratic process. Secondly, it has been noted that minorities that are excluded from state power find it easier to gain local representation (Bird, 2004, p. 182). Residential concentration, the lower costs of local participation and local electoral campaigns, and the more flexible local party structure all contribute to this (Bird, 2004, p. 184). Cities administrations can therefore offer an additional site of power and representation (Coulson & Campbell, 2006, p. 548), potentially creating alternative avenues for minorities to enter the policymaking process. Exclusionary policies decided at state level have a chance of being (at least partially) redressed through city-level decision-making (Jørgensen, 2012, p. 266).[101] Birnir (2007) and Ishiyama (2009) both point at access to central government (or lack thereof) as key in determining a minority's attitude towards the political process. They warn that prolonged exclusion of the minority from executive power risks reducing the incentives for it to seek representation through institutional means. Yet, this prediction does not take into account local-level

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[101] The reverse is also possible: city-level policies can restrict rights provided for by state-level policies (Miller & Nicholls, 2013, pp. 457–458).

representation and the role it can play in defining the minority's role in a country's political landscape.

Thirdly, ethnically diverse cities have to deal with the daily management of diversity, which makes their administration potentially more sensitive to pragmatic problem solving than to the symbolic policy framing often prevalent at state level (Jørgensen, 2012, p. 253). Local level implementation may therefore create an alternative 'room for negotiation', providing a chance to reframe highly symbolic state-level policies in more pragmatic terms (Jørgensen, 2012, p. 266–267). Fourthly, local-level policy implementation is an integral part of the policy process. The issues encountered by local administrations in implementing state policies enter the feedback mechanism for policy change at state level. Moreover, local administrations do not simply receive policies from the state, but make specific decisions on how to put state-wide policies into action. Policies can be de facto modified at the moment of implementation, which gives a chance to groups that were unable to take part in the state-level stage of policymaking to intervene in this second stage (Barrett & Hill, 1984, p. 226). This might be particularly important in ethnically divided societies like Estonia and Latvia.

Finally, the fact that Riga and Tallinn are capital cities has additional symbolic and practical implications. At a symbolic level, capital cities 'bear the burden of representing the nation' (Davis & Libertun de Duren, 2011, p. 196). For Riga and Tallinn, whose demography is split between the titular nation and the Russian-speaking minority, this is of particular consequence. Indeed, they are at the same time both the centre of their nation-state and the biggest centre (in terms of demographic distribution) of the Russian-speaking minority. This creates a symbolic tension that is reflected on city politics, especially around municipal elections.

At a more practical level, state and local institutions are usually both situated in the capital city, often not far from each other (Davis & Libertun de Duren, 2011, p. 196). This geographical coincidence of different levels of government reinforces the 'tension between local autonomy and central control' typical of local democracy (Devas & Delay, 2006, p. 687). In Tallinn and Riga, the spatial overlap between state and city levels is particularly consequential. Firstly, they are the capitals of small countries, where a great share of the population and of the national wealth is concentrated, making their political weight particularly felt in national politics. Secondly, the political orientation of the national government and that of the city government have been opposed, with the ethnic issue being part of this opposition. This gives city politics at the same time local and state-wide relevance.

Notwithstanding all these reasons to take into account city-level minority representation, this has been largely overlooked by the academic literature on CEE countries. However, the US

debate on *political incorporation* (reviewed in Chapter 1) offers important conceptual tools to analyse majority–minority power distribution in ethnically split cities. Incorporation is 'the extent to which [a group] is represented in a coalition that dominates city policy making on issues of greatest concern to that group' (Browning et al., 1990, p. 9), and can range from total exclusion to total control. Significant incorporation into the power structures of the capital city can arguably give the minority a major platform to influence policies and to take part in the wider political debate on issues that concern it directly. The US literature on incorporation, however, disagrees on the relationship between the minority's city-level political presence and its actual political power. City-level representation in executive positions can either be a useful platform for minorities to gain a political voice and influence policies, or can be a palliative that 'traps' minority voices at the local level with no chance of acquiring an autonomous voice at the state level. My analysis will follow the insights from the US-focused debate, asking this same question with regard to Tallinn and Riga. The implementation of the education reform in Riga and Tallinn offers the ideal vantage point to provide an answer.

Riga and Tallinn were both, if in different ways, at the very centre of the political debate on the reform of Russian-language schools. Many of the schools interested by the reform are located in the two capital cities. In Tallinn there are 65 schools, of which 25 (about 40%) have Russian-language teaching. These include 21 schools with gymnasium-level classes (grades 10–12), which fall under the provisions of the education reform. In Riga there are 119 comprehensive schools, of which 46 use a Russian-Latvian bilingual model and 9 have both Latvian-only and bilingual streams. This means that over 45% of Riga's schools have at least partial education in Russian and cater to the Russophone community. The high number of minority schools, the size of their resident Russophone community, and the fact that Russian-speaking representatives were in positions of power in the municipality all contributed to making the education reform a primary concern for the city governments of Riga and Tallinn. The three conditions of state-level policymaking analysed above (conflict, policy uncertainty, and minority disempowerment) created the context in which city-level implementation took place.

While in both Riga and Tallinn conflict is prevalent in the relationship between the municipality and the central government, their conflict over the education reform developed in markedly different ways. In its dispute with the Latvian central government, Riga's local government played the double role of the opposition and of the pragmatic mediator both during the protest period in 2003–2004 and, later, under Ušakovs's mayorship. The dispute between Tallinn and the Estonian central government is more clearly on symbolic issues, and the city

government has framed its opposition to the reform in terms of minority rights and survival of the Russian culture in Estonia.

In Latvia, a measure of conflict and competition is characteristic of the relationship between the central government and the capital city. In the words of the long-term head of Riga's Education department, Guntis Helmanis:

> A big city is always rather independent – and there is this feeling in the Ministry of Education that we don't hang from their mouth and don't wait for their commands but we work independently. Of course Riga has very good possibilities for co-financing compared to other local administrations, and here there is a little bit of jealousy on the part of the government. (Interview with Guntis Helmanis, 27 June 2013)

Since Ušakovs's mayorship started in 2009, this tension between the city and the central government has overlapped with ethno-linguistic divisions. This becomes particularly evident at election times, when openly ethnic appeals, especially from Latvian nationalist parties, are far from rare. However, the heightened tones of the electoral campaigns do not necessarily reflect in the decision-making attitudes and the day-to-day management of diversity in the city. Indeed, the attitude of the Riga city government with regard to the education reform has been consistently pragmatic.

During the period of anti-reform protests FHRUL was a junior partner in the Riga government, in a rather complex situation in which the leading social-democratic party had appointed two deputy mayors, one from the nationalist TB/LNNK and one from FHRUL, and had separate agreements with both parties. Notwithstanding their institutional position, several members of FHRUL were directly involved in organising the anti-reform protests and some FHRUL city councillors were members of the protest organisation Shtab. The multiplicity of voices (from more moderate to more maximalist ones) that was evident within the protest movement was also mirrored within FHRUL.[102] This put the Russian-speakers' party both in the frontlines of the protest and in a position to mediate on the issue of Russian-language schools.

With anti-reform agitations in the streets of Riga becoming increasingly prominent, Riga City Education Department (with the support of FHRUL representatives) took upon itself the role of mediator between the Ministry of Education and the Russophone community. Riga City promoted and organised a series of meetings with the participation of Ministry of Education officials, school directors, experts, City Education Department officials, representatives from the anti-reform organisation LAShOR (considered moderate), and FHRUL members of the more

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[102] Not least because of the differences that had emerged during the anti-reform campaigns, FHRUL later split into its radical component (that retained the name) and the more moderate one, which would later generate Harmony Centre.

radical Shtab. Riga provided an arena for debate, in which the different sides of the dispute could confront each other and discuss potential compromise solutions. Moreover, the department organised several meetings with parents, teachers and pupils of Russian-language schools, and produced reports identifying the main problems and critiques that had emerged from them. In one of the discussion meetings held in the Riga Council building, the head of the parliamentary Education Committee thanked Riga for having initiated the dialogue with parents and children, and added: 'The Ministry of Education will start to talk to people. You should be proud to have been the first to start, and now the Ministry will follow you'.[103]

Under the Russophone mayor Ušakovs this pragmatic attitude towards the education policy continued. Many of the same people who had been managing education in Riga before 2009 retained their post – most notably the head of the City Government Education Department. This ensured continuity in Riga's school policies. In addition to this, more budget resources have been allocated to education, not least to compensate for reduced government transfers and to facilitate schools' management of the reform (Interviews with city officials, 2013). Thus, Riga City acted during the tense period of the anti-reform protests as compromise broker. Riga functioned as a bridge to foster mutual understanding between the two sides in the contention, and to facilitate some form of compromise on the final version of the education bill and in its implementation. After that, under a Russophone mayor, it provided additional resources to facilitate the transition of Russian-language schools to partial Latvian teaching and kept the symbolic rhetoric down.

In Tallinn, the city government took a markedly different approach. Prominent figures within Tallinn city government are conducting a head-on attack against the education reform, which led to a heated conflict with the central government. A high ranking public servant who has been working in Tallinn city administration for over ten years observed that this maximalist attitude towards the education reform corresponded to the ascent of Russian-speakers to the post of deputy mayors overlooking education. The public servant described the role of Tallinn City before then as working together with the Education Ministry to facilitate the implementation of the reform. When the new deputy mayors took a strong anti-reform stance, the conflicting messages coming from Tallinn City and the Ministry of Education meant that 'not even the schools understood what kind of policy they should have implemented, and some of them went back [in terms of their readiness to switch to Estonian-language teaching]' (Interview with Tallinn civil servant, 2013).

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[103] Consultative meeting held on 29 March 2004 in Riga City building. The transcripts of the meetings were kindly made available to me by Riga City Council, which granted me access to the database of their internal records: eportfelis.riga.lv.

One of the most controversial steps taken by Tallinn municipality in 2013 was to try to circumvent the reform by creating a municipally funded Russian-language private school. By virtue of it being formally private, this school would not have had to comply with the 60/40 ratio. This initiative was eventually blocked by the governing parties through the amendment of the Law on Private Schools. This controversy developed in the months before the 2013 municipal elections and gained extensive coverage in the local and national news, embittering the positions on both sides.

Tallinn City's militant approach with regard to the education reform is embodied by the deputy mayor responsible for education, Mihhail Kõlvart. There are widespread suggestions in the media and in my interviews with city officials that the deputy mayor is allegedly putting pressure on Russian-language schools to resist the implementation of the reform. Although there is not enough evidence to either confirm or dispel these suggestions, it is reasonable to expect that the attitude to the reform taken by the city government has an effect on school directors and teachers. The militant stance of the deputy mayor is reflected in his choice of words in comparing the situation in Latvia to that in Estonia:

> [I]n Latvia both directors and teachers were for the defence of Russian schools; here we have very few of those directors – almost no one, only some exceptions stand up for the defence of Russian schools, the others think more at their post. And as for teachers, here teachers stay completely silent – they are definitely not a category that's ready to fight. (Interview with Mihhail Kõlvart, 18 June 2013)

The vocabulary used by Kõlvart is in line with that used by the anti-reform activists of RSE, of which he is a member. While also in Latvia – at the height of the protests – there was some overlap between grassroots movements and minority institutional representatives, in Estonia this overlap is almost complete. Indeed, the Estonian anti-reform protest movement is not only smaller than its Latvian counterpart, but it is also less internally differentiated. The movement is highly reliant on Tallinn City and the Centre Party. While RSE has its own strategy and a measure of organisational independence, it counts on Tallinn city government's initiatives for visibility and support, and its activists point to the inclusion of Centre Party in state government as a possible solution to their problems (Interviews with RSE activists, 2013). The Tallinn local elections of 2013 might have reinforced this dependency: the Centre Party included a number of previously unaffiliated RSE activists in its party lists, however none of them received enough votes to make it into the Council.[104] Kõlvart, however, was re-elected, not least on the strength of his credentials as major defender of Russian-speakers' rights.

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[104] 'Kandidaty na vyborakh iz chisla 'Russkoi Shkoly Estonii' predstavili svoiu programmu' (The elections candidates

Therefore, a different scenario developed in Tallinn and Riga around the implementation of the education reform. In Riga the city government actively took part in the policy debate, played the role of compromise broker, and provided both opposition and policy feedback to the Ministry of Education. Riga City provided a stable arena for debate between the different sides of the dispute, produced reports about the situation in the schools and the problems with the reform, proposed legislative changes, and started a debate with teachers, families, and pupils at a time when the Ministry of Education was still very timid with meaningfully engaging the stakeholders in the decision-making process. Later, under a Russophone mayor, it kept a pragmatic attitude on education issues. In Tallinn, contrary to expectations that at the local level pragmatic problem solving takes the place of symbolic policy framing (Jørgensen, 2012), the issue of Russian-language schools has become a battlefield for the conflict between the Centre Party and the governing parties. What is particularly striking is that Russian-speaking politicians of the Estonian 'mainstream' Centre Party were *more* militant than those of Harmony Centre, which – although moderate – is a Russophone ethnic party.

5.4 Explaining conflict vs. pragmatism in Tallinn and Riga

The highly ethnicised state-level debate around the education reform in Estonia and Latvia contributed to the drafting of strongly symbolic policies, which left room for ambiguity both in terms of final goals and of implementation methodology.[105] Riga and Tallinn municipalities had therefore some room for redefining the policy at the implementation stage. As discussed above, Riga City had managed to carve out for itself the role of compromise broker already during the policymaking stage. When the protests ceased and the education reform was fixed in law, Riga City was expected to implement it. First of all, Riga had to recognise the practical constraints to implementing the 60/40 switch in the time period foreseen by the law. Lack of financial resources, shortage of qualified teachers that could teach in Latvian in Russian-language schools, and the typical resistance to change in complex institutions like schools also had to be taken into account by the municipality. On top of this, the soured mood within the Russophone community after a season of street protests and their suspiciousness with regard to the government's real goals had also to be dealt with.

In order to make implementation possible, Riga's Education Department met repeatedly with all the schools interested by the reform. These meetings were not simply aimed at

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from the ranks of 'Russian School in Estonia' presented their program), *Delfi.ee*, 11 October 2013. Available at: http://rus.delfi.ee/archive/foto-kandidaty-na-vyborah-iz-chisla-russkoj-shkoly-estonii-predstavili-svoyu-programmu.d?id=66889947 (Last accessed 15 December 2013).

[105] For a discussion of the difficult implementability of highly symbolic policies, based on the Latvian case, see Feliciana Rajevska (2010).

explaining the reform and its requirements, which is what the Ministry of Education tended to do in its efforts to reach out to the Russophone community. Riga's Education Department concentrated on understanding the problems schools were facing and the reasons for opposition to the reform, and it made clear that there will be practical help, additional resources, and – most importantly – that there will be flexibility in implementation. In the words of the head of the Riga City Education Department:

> We showed that there will be also a positive aspect, that there will be help from us, that we won't punish anybody, that we won't control every single step like in a totalitarian regime […] We immediately understood that there would be a transition period and all the time we must help people. That was and remains our position. (Interview with Guntis Helmanis, 27 June 2013)

This approach was kept under mayor Ušakovs. Flexibility in implementation means that a measure of difference between schools' formal compliance with the law and their actual work is understood as normal by the municipality (Interview with Riga civil servants, 2013). This is in contradiction with the government's initial view of this policy as a blanket reform founded on a securitised understanding of the Latvian language (Galbreath & Galvin, 2005). Thus, Riga City was able to use the space of ambiguity left by the state policy in order to re-prioritise and de facto modify the policy at the implementation stage.

Ambiguity was also characteristic of Estonia's decision-making process with regard to its Russian-language schools. The repeated postponements of the deadline for implementation probably avoided mass mobilisation against the reform of the kind seen in Latvia,[106] but also meant that schools were getting conflicting messages on whether they should take steps towards switching to Estonian, and, if so, what kind of steps. The attitude of Tallinn's local politicians towards the education reform added to the ambiguity. Initially Tallinn's education department was concerned with facilitating the switch to partial Estonian-language teaching foreseen by the reform. They explained the aims of the reform to the schools and helped with teachers training. Because few Russophone voices were heard at the time and those were typically dismissed as radical, however, Tallinn City did not act as mediator but rather as the local-level extension of the Ministry of Education.

Later, when militant Russian-speaking politicians from the Centre Party got the post of deputy mayors with responsibility for education, those facilitating activities were allegedly 'frozen' (Interview with Tallinn civil servant, 2013). Interestingly, while the deputy mayor

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[106] Some of my respondents suggested that this was in fact a conscious decision by the ruling elites to avoid – or at least defer – protest. It must also be noted that the postponements were advocated for by Centre Party MPs to at least partially satisfy their constituents' demand for policy change.

responded to the government's push to finally implement the education reform by 2011 with open resistance, not all his fellow Centre Party City Council members agreed with his initiatives.[107] Moreover, some civil servants within the city government comment negatively on the tense atmosphere that has been created around the issue of Russian-language schools (Interviews with Tallinn civil servants, 2013).

The effects of the high symbolic politicisation of the education reform in Tallinn on the actual implementation of the policy are still unclear. The different timings of the implementation in Estonia and Latvia could mean that Tallinn city government might enter a pragmatic phase comparable to Riga's in the future. However, in Riga, already during the very tense period of street protests, there was a multiplicity of voices among the Russophone activists and representatives – the interplay between more moderate and more radical Russophone voices was central in creating room for constructive opposition, mediation and internal debate in the Russophone community. After Harmony Centre became the only minority party in parliament and in the Riga Council, internal differentiation of the Russophone political voice has been ensured by a lively and independent Russophone civil society. No such differentiation exists in Tallinn; and the political gains to be had from a head-to-head conflict might make it difficult for such differentiation to emerge.

In general, the expectation that city administrations are more prone to pragmatic problem solving on policies with a highly symbolic content is confirmed in Riga but not in Tallinn. This is counterintuitive given that in Tallinn Russian-speakers are represented by a moderate mainstream party and the mayor is an ethnic Estonian, whereas in Riga Russian-speakers achieved executive positions first through FHRUL (that included both moderate and radical components) and then through the moderate Russian-speakers' party Harmony Centre and the ethnic-Russian mayor Nils Ušakovs.

One compelling explanation for this apparent incongruity comes from looking at the two parties that represent the Russian speakers and are in power in Tallinn and Riga: the Centre Party and Harmony Centre. Although these two parties are comparable in terms of the nearly monopolistic support they receive from the Russophone community and their generally moderate ethnic appeal, they came to their position from markedly different trajectories. The Centre Party is an Estonian mainstream party that increasingly came to rely on the Russophone electorate. Considered 'non-coalitionable' by the rightist parties – not least for the bigger-than-life persona of its leader Savisaar – the Centre Party was included in governing coalitions only for

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[107] This is evident from the analysis of the transcripts of Tallinn City Council discussions, where a number of Centre Party members voiced dissent with the deputy-mayor's militant approach. Transcripts of Tallinn City Council debates are available in Estonian at: https://aktal.tallinnlv.ee.

brief periods and became a fixture of the opposition and a 'champion for the "losers" of the economic transformation' (Ritter et al., 2003). In virtue of this, and of Savisaar's consistently progressive views with regard to minority issues, the Centre Party increasingly attracted and eventually monopolised the votes of the Russian-speakers. Although it did not lose all its ethnic Estonian support, the Centre Party came to be increasingly associated with the Russophone community and to be electorally reliant on their votes. Moreover, while it maintained an overwhelmingly ethnic Estonian leadership, the Centre Party became the preferential route for ambitious Russophone politicians to make a career. Harmony Centre is instead a Russian-speakers' party, with an overwhelmingly (though not exclusively) Russophone leadership. It has increasingly adopted a non-ethnic discourse and, while maintaining a near monopoly of the Russophone vote, is starting to attract the votes of ethnically progressive and left-leaning ethnic Latvians (Dudzińska, 2011, p. 97). These different trajectories inform the Centre Party's and Harmony Centre's incentives in dealing with minority issues.

For the Centre Party in general and for Savisaar in particular keeping control of Tallinn is fundamental to maintaining a level of bargaining (and personal) power in the Estonian party system. This control depends largely on the Russophone community, not least because almost 20% of Tallinn's population is composed of citizens of the Russian Federation and Russophone non-citizens, who have the right to vote only in local elections. Since the Centre Party is usually not included in government, it has little chance to deliver on the promises made to their Russian-speaking electorate, and to significantly change the ethnic balance in the Estonian legislation. Thus, the Centre Party has a clear incentive to use the 'ethnic card' in order to keep the Russophone electorate faithful and dependent. In the words of Estonian political scientist Vello Pettai:

> [The Centre Party] are left with working at the Tallinn level, including education, that is something that is tangible and they can try and fight for and see what it comes to. But that is part of the point: they want to keep [the Russian-speakers'] support and they have a captive audience, too. (Interview with Vello Pettai, 3 May 2013)

It has been noted that the timing of the dispute on the education reform closely followed the timing of parliamentary and municipal elections and that, therefore, the heightened tones over this policy can be seen as 'part of the electoral cycle' (Interview with Raivo Vetik, 7 May 2013). Indeed, the dispute over Russian-language schools may bring electoral returns to both the Centre Party – that can cast itself as the only defendant of the Russian-speakers' interests – and the nationalists, who can easily present Tallinn City's highly visible Russophone personalities to their electorate as the 'Russian bogeyman'.

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Quite differently, control over Riga is an opportunity for Harmony Centre to show to the Latvian electorate and to the moderate Latvian parties that Russian-speakers can be trusted in power. It is a chance to demonstrate their political maturity; to show their capacity to mediate on ethnic issues and to govern to the benefit of all, irrespective of ethnicity or mother tongue. By promoting a non-ethnic discourse in Riga and taking an openly pragmatic approach on minority-sensitive issues, Harmony Centre can attempt to ease its way into central government.

The attitude of Tallinn and Riga city governments with regard to the education reform, therefore, is possibly more the function of the aspirations of the Centre Party and Harmony Centre and of their position in the Estonian and Latvian party systems than a reflection of their level of responsiveness to the Russian-speaking electorate. This does not mean, however, that these different representative dynamics have no bearing on the empowerment of the Russophone minorities and the legitimacy of their voices in Estonia and Latvia. While party trajectories provide a valid explanation for the different approaches taken by Tallinn and Riga city governments, they have wider implications for minority representation. Namely, on whether city-level incorporation can be an alternative channel for minority representation and empowerment or it is rather a palliative that 'traps' minority voices at the local level. This will be the topic of the next, concluding, section.

5.5   Conclusions: The two faces of city incorporation

The analysis of decision-making in Riga and Tallinn with regard to the education reform showed that the ambiguity of contentious state-level policies creates room for city-level policymakers to enter the debate and either challenge or reinterpret the law during its implementation. This confirms the importance of including local-level implementation in the study of policymaking on minority issues.

The comparison between the Estonian and Latvian cases suggests two important, general points. Firstly, contrary to widespread expectations (Diamond & Gunther, 2001, p. 24; Rabushka & Shepsle, 1972; Reilly, 2006), ethnic party representatives are not necessarily more prone to enter into conflict on minority-sensitive policies than minority representatives from mainstream or multi-ethnic parties. While the fact that the Centre Party opted for a conflictual strategy and Harmony Centre opted for a consensual one does not prove that an ethnic party is *always* more prone than a non-ethnic, minority-friendly one to choose accommodation over conflict, it does suggest caution with sweeping generalisations about ethnic parties' propensity for conflict. Secondly, the choice of strategy (conflictual or consensual) on minority-sensitive issues does not depend on whether a party is ethnic or not, but rather on the party's position in the party system. Different positions and expectations regarding future party system developments

inform different incentives on whether to use the 'ethnic card' or deploy a non-ethnic, inclusive language. In the case of Tallinn and Riga, Harmony Centre's and Centre Party's divergent trajectories in their countries' party systems determined the different incentives they had in approaching the implementation of the controversial education reform.

The implications of these party trajectories, however, go well beyond mere party politics. Tallinn and Riga present us with two different models of the role that incorporation into city-level power structures can play for a minority that is routinely excluded from power at the state level. Tallinn provides an example of minority incorporation into city government as a palliative, or a 'trap' – based on the implicit understanding that the Russian-speakers can 'have their share' locally, but cannot hope to influence state policies. With no minority party in the political scene, a generally demobilised minority community, and a small and dependent grassroots protest movement, the heated local-level debate about minority-sensitive policies acquires a mostly electoral significance. Tallinn's conflict with the central government keeps minority voters faithful to the Centre Party, which in exchange can provide career possibilities for Russophone politicians and some recognition for the specific concerns of the Russian-speaking minority. Although this is more than the other Estonian parties are able (and willing) to guarantee, it resembles more a palliative than a channel for minority empowerment. The local level remains a separate *locus* for minority representation and party politics, but does not provide direct avenues towards state-level influence.

As a non-ethnic party in the Estonian highly ethnicised political environment, the Centre Party has an ambiguous role as patron (rather than necessarily representative) of the marginalised Russophone minority. Incorporating some visible Russophone personalities is useful for the Centre Party's electoral strategy, but it did not provide a credible legitimising and empowering avenue for the minority. Incorporation in city government and co-optation into the Centre Party can offer some limited gains to Tallinn's Russian-speakers, but it can also in fact contribute to demobilise rather than empower the minority, functioning as a mechanism of containment of minority voices. This form of patronage, from which some minority voices emerge as part of the Centre Party's strategy to keep power in Tallinn, does not promote the recognition of minority voices as autonomous and legitimate participants in the country's democratic debate.

Conversely, Riga is an example of how city-level representation can be an alternative channel for minority empowerment. Incorporation can be translated into policy influence at the implementation stage, through pragmatic problem solving and the exploitation of state policies' ambiguities. More crucially, through its position of power in the capital city, Harmony Centre

(and FHRUL in the 2001–2005 city government) is able to impose Russian-speaking representatives as necessary interlocutors for the majority elite. In a context of heated national debate on minority issues, this can potentially normalise the presence of minority voices in the Latvian political sphere. While there is no guarantee that minority presence directly translates into actual policies (especially until Harmony Centre is kept out of government), ethnic party's city-level power establishes Russophone voices in the Latvian political context as legitimate and independent.

These findings suggest that minority incorporation into city-level power structures is not a sufficient indicator of minority political inclusion, as – under different conditions – it can be either a channel for minority empowerment or a potentially disempowering palliative. The analysis above reveals some of the conditions that determine which one of these models is likely to prevail. The minority's mobilising capacity and its level of internal differentiation play a role in defining the strength of its political voice. However, the kind of party (or parties) that represent it seems to be decisive in determining whether minority presence in municipal power structures can be a step towards further empowerment or a palliative (and potentially a 'trap'). In other words, there seems to be a fundamental difference between minority *incorporation* in city-level power structures through a non-ethnic party and minority *representation* in city institutions by an ethnic party.

CHAPTER 6

The consultations channel: Institutionalised mechanisms for participation and the Integration Programmes

The previous chapters focused on different formal channels for minority access to policymaking. This and the next chapter look beyond formal political representation and party politics, to assess the potential for minority voices to enter the policymaking process through alternative, civil society channels. Discussions of civil society inclusion into the policymaking process usually fall under the analytical bracket of participation, rather than representation. Participation and representation are often understood as two distinct spheres of minority inclusion in the democratic process, one pertaining to the civil society and the other to the 'political society', that is, to official representative institutions (Foley & Edwards, 1996, pp. 37–38). The conceptual boundary between participation and representation, however, is at best blurry, and minority representation in state institutions has also been seen as an institutionalised form of minority participation (Ghai, 2003, p. 12).

This thesis follows Foley and Edwards (1996) in rejecting apolitical understandings of the 'civil society' that see it as clearly distinct from the 'political society'. In doing so, it also rejects a clear division between minority participation and minority representation as two distinct fields of study. Applying such a distinction would artificially cut through processes that are intimately interlinked and would risk depoliticising issues of participation. Indeed, according to Sarah White, 'participation is a political issue. There are always questions to be asked about who is involved, how, and on whose terms' (1996, p. 14). Civil society consultations and minority grassroots activism – which fall in the grey area between political representation and civil society participation – cannot be understood separately from parliamentary representation, the lobbying of international organisations, and city-level representation. They are all potential (and interacting) channels for minority voices to participate in political debates and influence policy. There is no clear hierarchy between these channels, and – taken together – they determine the minority's role in the democratic process. This chapter analyses institutionalised opportunities for minority civil society participation in decision-making, while the next will look at extra-institutional, grassroots initiatives and their potential to affect policies.

6.1 Consultations and effective participation

The idea that minority participation in public life must be promoted and minorities must be included in democratic processes has long been acknowledged by international institutions.[108] For example, the Council of Europe's Framework Convention for the Protection of National Minorities poses minorities' 'effective participation' as one of the central goals that its signatories should strive for. This idea is inscribed within the widely agreed-upon assumption that an active civil society is good for democracy and that divided democracies should foster civil society participation across ethnic boundaries in order to avoid conflict and guarantee democratic quality.[109] Although minority participation in a country's political life is widely recognised as an essential component of democracy, however, there is no agreement – both in academia and among policymakers – on what 'effective participation' implies in practice and what kind of activities fall under its definition (Ghai, 2003, p. 3).

The question arises, therefore, on how to evaluate whether institutionalised consultation mechanisms guarantee effective participation to the minority. First of all, the mere presence of members of the minority in consultative councils or other consultation mechanisms is not enough. Sherry Arnstein argues that 'citizen participation is a categorical term for citizen power' (1969, p. 216), and thus effective participation implies a power shift: those who were previously excluded from decision-making power are now included. Similarly, McGarry and Agarin (2014) propose a useful distinction between participation as *presence*, as *voice*, and as *influence*. The physical *presence* of minority members in the decision-making process is a necessary first step to include the minority, but by itself does not signal empowerment. *Voice* occurs when the participatory mechanisms also allow the minorities to independently and freely express their needs and opinions, but this also gives no guarantees that minority voices will be heeded. Only when participation comes with *influence* does the minority have 'a degree of control over institutions and policies which affect them' (McGarry & Agarin, 2014, p. 4).

Following this distinction, we can argue that institutionalised consultation mechanisms at a minimum always guarantee the *presence* of minority members in the policymaking process. Consultations are arguably also a vehicle for minority *voice(s)* to be expressed. The question remains, however, of whether such mechanisms also guarantee actual minority *influence* on the policymaking process. Therefore, as it is the case for formal minority representation, presence

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[108] For a list of the international instruments that refer to minority participation see Yash Ghai (2003, pp. 29–30). For a review of the international standards that apply to minority participation, including the OSCE Lund Recommendations, see Aidan McGarry and Timofey Agarin (2014, pp. 1–2). For a discussion of the European norms on the right to participation see also Will Kymlicka (2006).

[109] For a discussion of the 'civil society argument' and its relationship with democracy and democratisation see Michael Foley and Bob Edwards (1996).

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(descriptive representation) is not the same as voice (substantive representation), and voice, in turn, does not guarantee influence. Following this logic, consultation mechanisms can be considered an effective channel for minority inclusion if they increase the minority's policy impact and, more generally, if they create the conditions for minority political empowerment. Consultations guarantee policy impact when views from minority voices are included in the final policy draft. They guarantee minority political empowerment when members of the minority are not present as mere objects of policy but as fully legitimate participants in the policymaking debate.

A range of mechanisms for consulting the minority during the policymaking process have been implemented in Estonia and Latvia. The Estonian and Latvian Integration Programmes are the best-suited policy cases for analysing whether these mechanisms guaranteed effective minority participation, as they are the policies in which minority consultations were used more broadly and more consistently. Moreover, the Integration Programmes are mid-period strategies that must be periodically rewritten. The fact that policy drafting and consultations happened more than once in both countries reduces the risk that contingent circumstances are to be blamed (or credited) for the performance of a certain consultation mechanism at a certain point in time.

The promotion of minority participation is one of the main goals of the Integration Programmes, and their drafting procedures explicitly envisage mechanisms for including the minority in the decision-making process. These mechanisms can be roughly grouped into three types: background research, expert groups, and feedback. Firstly, members of the minority were asked to take part in surveys, focus groups and other background research, which was conducted by entrusted experts with the aim of collecting stakeholders' opinions. Secondly, discussions on the integration policy were also held by expert groups that sometimes included representatives from minority NGOs. And thirdly, the drafting procedure included occasions for popular discussion and feedback. The latter were especially in the form of public presentations of the Programmes' drafts, and – more importantly – the publication of the final draft in advance to its approval in order to give time for any person to give feedback and suggest amendments. In the rest of this chapter, I briefly review the development of the Estonian and Latvian Integration Programmes up to 2014, and then discuss the extent to which the participatory mechanisms included in the programmes' drafting procedure offered the minority an effective channel to influence the policymaking process.

6.2 Drafting the Integration Programmes

Since the early 2000s Estonia and Latvia have adopted Integration Programmes aimed at dealing with issues concerning their large Russian-speaking minorities. The Integration Programmes detail the government's mid-to-long-term strategy for the integration of the minority, but have no actual binding power over other policies. Governmental and international funds for integration activities are distributed according to the Integration Programmes' implementation strategy, which is broadly based on the Programmes' objectives. Notwithstanding their largely declarative nature, the Programmes can be seen as catalysts for the debate about the desired direction that minority integration should take in Estonia and Latvia. It is important, therefore, to assess the extent to which the Russophone minority is effectively included in this debate and can have a significant impact on the final wording of the Programmes. In other words, the Integration Programmes offer a chance to investigate the process through which the official understanding of the minority's role in the wider society is defined, and the extent to which the minority is included in it.

In both Estonia and Latvia, pressures from international organisations were central in pushing the government to draft comprehensive policy strategies for minority integration and to create Integration Foundations that could gather and distribute governmental and international funds (Golubeva, 2010, p. 35; Järve, 2002, p. 94). While this external drive is largely accountable for the form these documents and the related Integration Foundations took, their content – including the very meaning of the word 'integration' – was from the very beginning at the centre of a heated domestic debate. In both cases, moreover, the Integration Programmes were approved by the government, without parliamentary intervention. Formal minority representation in parliament, therefore, played a marginal role in the policymaking process. This does not mean, however, that Russian-speakers were completely excluded, as the Programmes' drafting procedure explicitly involved minority consultation mechanisms.

In Estonia the debate about the need for an integration framework was started within the inter-university research group *Vera*. The suggestions of the group – entirely composed of ethnic Estonians (Agarin, 2010, p. 275) – were then taken up by the newly-established post of the Minister for Population Affairs, which proceeded to draft the framework programme *Integration in Estonian Society 2000–2007* (hereafter IPE2000). Although it formally included a measure of popular consultations, the drafting process was mostly driven by the government with no significant representation of the Russian-speaking community (Pettai & Hallik, 2002, p. 521). Two prominent Russian-speaking MPs from the Centre Party were initially included in the IPE2000 expert committee but they left it in protest, denouncing the ethnocentric framework

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the committee was expected to work within (Brosig, 2008, p. 6; Laitin, 2003, p. 203). The final version of IPE2000 was approved by the Estonian government on 14 March 2000 and was mainly received with scepticism by both the ethnic Estonian and the Russian-speaking parts of the population (Hallik, Poleshchuk, & Semjonov, 2006, p. 58). A year later, the Integration Foundation was created to coordinate the implementation of integration-related projects.

IPE2000 formally recognised integration as a two-way process and identified its goal as harmonising society while recognising diversity. It, however, proposed an Estonian model of multiculturalism that was strongly based on Estonian language and culture (Brosig, 2008, p. 3; Järve, 2002, p. 95). The Programme defines the Estonian version of multiculturalism as being based on 'the principles of cultural pluralism, a strong common core and the preservation and development of the Estonian cultural domain' (IPE2000, p. 5). Within this framework, the Programme operates a conceptual separation between the public and the private spheres, wherein minority cultures belong to the private domain while the public sphere is understood as ethnoculturally Estonian. The minority is, therefore, expected to integrate into the (ethnic) Estonian public sphere while given the chance to preserve its cultural distinctiveness in the private sphere.[110]

The largest section of IPE2000 was dedicated to linguistic integration and about half of the entire budget was linked to the linguistic section's goals (Brosig, 2008, pp. 8–9; Kallas, 2012, p. 134). Problems in the other two dimensions of integration covered in the Programme (socio-economic and political) were also generally understood as deriving primarily from the minority's lack of state language knowledge and poor understanding of 'local culture' (IPE2000, p. 18). According to one reading, IPE2000's focus on language as the main vehicle for integration reflected the Estonian government's agenda aimed at '[continuing] the previous citizenship and language policies in order to control the access of non-titular groups to political power' (Järve, 2002, p. 106). Unconvinced by the aims of the Integration Programme, minority representatives denounced it as an instrument for assimilation rather than integration (Järve, 2002, p. 97).

A similar process took place in Latvia during roughly the same period. Following international pressures, a working group for the development of a comprehensive integration programme was created in March 1998 (Muižnieks & Rozenvalds, 2012, p. 208). As in Estonia, the debate was driven by the (mostly ethnic Latvian) research community, which had warned the Latvian political leadership of the risks of deep social divisions and was called in to help with the drafting of an integration framework. A draft document was released for public discussion in March 1999, and reportedly about 25,000 people took part in public discussions on the

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[110] For similar readings of IPE2000 see Priit Järve (2002), Malte Brosig (2008, p. 7), and Timofey Agarin (2010, p. 184).

Programme, mostly organised by foreign NGOs and international organisations (Järve, 2002, p. 97).

As in Estonia, minority representatives were neither satisfied with the process nor with the document itself (Diačkova, 2002, p. 305). Notwithstanding the relatively large civil society participation, discussions were based on a conceptual framework that had been decided by the government and all the final decisions rested with government officials. Although minority experts participated in the drafting process, their input was eventually neglected in the final version of the document, the state programme *Social Integration in Latvia* (hereafter IPL2001). For example, the formula 'to establish a stable multicultural and multilingual society' that had been agreed by the expert committee was changed into 'to establish a stable society' in the document adopted by the policymakers (Järve, 2002, p. 97). Similar to the Estonian document, IPL2001 put most of its stress on the state language, whose protection and promotion were understood as the main bases for integration (Diačkova, 2003, p. 55).

Although, differently from IPE2000, IPL2001 also included a long section on socio-economic integration, this identified as its main target group the (overwhelmingly ethnic Latvian) impoverished rural population. The inclusion of this section was not a way to approach minority integration from different points of view (beyond language-learning), but rather an attempt at widening the concept of integration beyond the Russophone minority, in order to make it more palatable for a wider portion of society and of Latvia's political forces (Muižnieks & Rozenvalds, 2012, p. 209; Muižnieks, 2010, p. 54; Rajevska, 2010, pp. 34–36; Silova, 2006, p. 89). A broad definition of the concept of integration guaranteed enough support to pass an Integration Programme that had been under discussion for over two years. Moreover, the vagueness of the framework and the lack of a specific implementation plan meant that a very wide range of activities could be placed under its umbrella. Subsequent Ministers for Social Integration Affairs (entrusted with implementation) could therefore reinterpret their priorities differently, de facto shifting the focus (and the funding) from minority integration to non-minority issues like the development of rural civil society organisations and support to the Latvian diaspora (Muižnieks, 2010, pp. 55–56).

The Estonian and Latvian Integration Programmes were meant as mid-term strategies and both expired in the mid-2000s. The first Estonian Integration Programme expired in 2007 and a new round of consultations and policy drafting started that year. Subsequent integration monitoring reports (yearly scholarly publications that evaluate Estonia's progress with integration) had pointed to the IPE2000's focus on language as a limitation and had reported on the increasing socio-economic gap between majority and minority communities as a major

hindrance to integration (Hallik et al., 2002; Pavelson et al., 2005). The monitoring reports set the ground for the drafting of the new Integration Programme, the *State Integration Strategy 2008–2013* (hereafter IPE2008), where it was agreed that more attention had to be paid to socio-economic integration (Kallas, 2012, p. 134).

The riots of April 2007 happened during the IPE2008 drafting process and in many ways influenced it.[111] After the Bronze Night, consultations with the major political parties and some NGOs were held and it was deemed necessary to restart the drafting of the Programme anew, although at that point the new Programme was already at an advanced stage of preparation (Lauristin, 2008, p. 6; Interview with integration experts, 2013). On the one hand, the April 2007 events prompted a re-evaluation of the extent to which the integration policies had been successful. The riots had come as a shock for a political elite that had up to that point tended to see the Russophone minority as largely passive and quietly (if slowly) integrating into the Estonian society (Ehala, 2009). Suddenly the integration policy, which in the previous years had slipped down in the government's priorities, was back on top of the agenda (Brüggemann & Kasekamp, 2008, p. 436; Heidmets, 2008, p. 47). On the other hand, however, the shock of the Bronze Soldier crisis also determined a re-securitisation of minority issues. It rekindled feelings of existential threat and, with them, the centrality of identity politics within the ethnic Estonian community (Lauristin & Vihalemm, 2009, p. 22).

After the Bronze Night, Russian-speaking MPs had tried to re-establish a central role for the *Riigikogu* on integration matters, arguing that the parliament would have been the institution best positioned to guarantee a broad and inclusive discussion on such a controversial issue. Indeed, the previous Programme had not been discussed in parliament and its implementation and monitoring were also out of the parliament's control. Opposition MPs proposed to establish a permanent parliamentary committee on integration issues that would have been directly involved with the drafting of future Integration Programmes and, more generally, would have been responsible for monitoring developments with minority integration in Estonia. The proposal, however, was rejected (Riigikogu, 14 May, 9 October and 10 October 2007).

As a result, the drafting of IPE2008, like that of the previous Programme, was headed by the government. Focus groups and feasibility analyses were conducted and an expert group was entrusted with overseeing the drafting process. The expert group was composed of twenty-five members – including representatives from minority NGOs and Russian-speaking experts on integration issues – and was supported by a seven-member working group, which worked on the

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[111] The riots, known as the Bronze Night, will be analysed in more detail in the next chapter.

actual draft. Selected research organisations were contracted to conduct specific background studies, and all the ministries were officially involved in the drafting process. The final draft was then made public and opened to discussion, amendment proposals and feedback. Two presentations were organised – one in Tallinn and one in north-east Estonia – during which participants could propose amendments. Finally, after consultations with the major political parties, the government approved the final version of the Programme in August 2008.[112]

Conceptually, the second Integration Programme dropped the stress on Estonian cultural dominance and made more concessions to the existence of other cultures in the country. However, it still understood the Estonian culture as hierarchically above minority cultures (Agarin, 2010, p. 170ff.), and still defined the country's public space as ethnoculturally Estonian. Language was again the central preoccupation of the Programme and language teaching its main direction of intervention. The main goal of IPE2008 was defined as fostering 'a culturally diverse society with a strong Estonian state identity […], sharing common democratic values in which, in the public sector, permanent residents communicate in Estonian' (IPE2008, p. 3). IPE2008 recognised the dangers of the persistent socio-economic gap between majority and minority, as suggested by the previous integration monitoring reports. Socio-economic inequality, however, was framed as primarily the result of the minority's state language deficiencies, and the Programme argued that 'offering special assistance depending on ethnicity is not justified, as that would promote ethnicity-based stigmatisation' (IPE2008, p. 23). In essence, the recognition of a worrying socio-economic minority–majority gap did not result in a different policy of integration.

In Latvia, disagreements between parties meant that three successive attempts at drafting a new framework for integration failed and no new programme was approved for over ten years. The first attempt at writing a new programme was undertaken in 2007 by a working group that included minority representatives and NGOs. The resulting draft was soon dropped after the Minister of Culture objected to the use of the concept of multiculturalism in the document (Muižnieks & Rozenvalds, 2012, p. 216). The campaign against multiculturalism launched by the Latvian-language newspaper *Latvijas Avīze* has been identified as key in mobilising the Minister and a number of conservative MPs against multiculturalist ideas and thus in aborting the 2007 draft (Golubeva, 2010, p. 61; Muižnieks, 2010, p. 57).

Other two drafts were shelved between 2007 and 2010, which contained a more open understanding of the Latvian society than the one that was eventually approved in October 2011

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[112] For a thorough description of IPE2008's drafting process, see the text of the Integration Programme (IPE2008, pp. 38–39).

(Muižnieks, 2010, p. 58). These drafts all fell victim to lack of political consensus about the very essence of integration and, concurrently, to the budget cuts with which the government responded to the economic crisis that severely hit Latvia in 2008. The Secretariat of the Special Assignments Minister for Social Integration Affairs – created in 2002 to coordinate the integration policy – was the first to succumb to the cuts (Muižnieks & Rozenvalds, 2012, p. 212). Its functions were absorbed by the Ministry for Children, Families and Social Integration Affairs. Later, when that ministry was also disbanded, they were transferred first to the Ministry of Justice and then, since 2010, to the Ministry of Culture. This reallocation of responsibilities was accompanied by considerable budget and staff cuts (Muižnieks, 2010, p. 58). Among the tasks that were reallocated during these repeated transfers of responsibilities was the drafting of the new Integration Programme. This contributed to the delays and reduced the transparency of the drafting process.

The new *Guidelines on National Identity, Civic Participation and Society Integration Policy 2012–2018* (hereafter IPL2012) were finally approved at the end of 2011. This followed a drafting process that had been guided by the then Minister of Culture Sarmīte Ēlerte and had seen the formal involvement of an advisory council of experts and a month of public discussions and consultations. The document prepared by the Ministry of Culture was very controversial. Breaking away from IPL2001's vocabulary of civic nationalism and decidedly rejecting the vocabulary of multiculturalism, the Ministry of Culture opted for a strong ethnonationalist language, introducing terms like 'nation state' and 'constituent nation', and using the expression 'long-term immigrants' to refer to Latvia's non-citizens. Ēlerte and her team were widely seen as having unilaterally defined the content and terminology of the new Programme, and IPL2012 was harshly criticised both by the Latvian liberal elite and by representatives of the Russian-speaking community.[113] On 27 September 2011 the meeting of the Council of Non-Governmental Organisations of Latvia approved a resolution to reject IPL2012 and to offer its help to the Ministry of Culture to draft a new, more inclusive programme.[114] Objections and amendment

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[113] The Russophone MP Boriss Cilevičs referred to IPL2012 as 'Ēlerte's programme' and criticised it for expressing a Stalinist understating of ethnic questions while repackaging it with some 'European' language, in 'Novaia programma integratsii: zavetam Stalina verny?' (The new Integration Programme: faithful to Stalin's legacy?), *Delfi.lv*, 13 April 2011. Available at: http://rus.delfi.lv/news/daily/versions/boris-cilevich-novaya-programma-integracii-zavetam-stalina-verny.d?id=37989171 (Last accessed 29 May 2014). The political researcher and commentator Iveta Kažoka talked of the document as a 'monument to the Nineteenth century' in her article 'Alternatīvā integrācija' (The alternative integration), *politika.lv*, 29 March 2011. Available at: http://politika.lv/article/alternativa-integracija (Last accessed 29 May 2014). Her words were echoed by the Council of Europe's Commissioner for Human Rights Nils Muižnieks in his interview with Didzis Melbiksis and Dita Arāja, *politika.lv*, 1 February 2012. Available at: http://politika.lv/article/prognozejams-un-vel-profesionalis (Last accessed 29 May 2014).

[114] 'Latvia: The program of "integration" is insulting and unacceptable for all national minorities', *Baltic Review*, 23 November 2011. Available at: http://baltic-review.com/2011/11/latvia-the-program-of-"integration"-is-insulting-

proposals coming from experts, minority and human rights NGOs, and some state institutions, however, were largely ignored and did not bring to any change to the policy (LCHR, 2013, p. 16).

After the programme was passed, the popularly initiated 2012 referendum on Russian as a second state language took place. The referendum revived popular and political attention to the integration process, serving as a 'shocking' event similar to the Bronze Soldier crisis in Estonia (Interview with Latvian integration expert, 2013). As in Estonia, increased attention to issues of minority integration came together with a re-securitisation of the debate on the Russian-speaking minority. In particular, the 2012 referendum was seen as proof of the Russian-speakers' disloyalty to the Latvian state.[115] Although the renewed attention to minority integration issues meant that the government made extra funding available to the Integration Foundation, the planned activities were mainly focused on Latvian language training, strengthening of Latvian culture, and reconnecting with the ethnic Latvian diaspora (Latvian Centre for Human Rights, 2013, pp. 17–18; Interview with integration implementer, 2013). No significant policy change, thus, resulted from these events.

While at the time of writing IPL2011 is the last Integration Programme for Latvia, Estonia started a new round of drafting in 2012. The new drafting process took place after the global economic crisis had hit Estonia hard, with significant effects on the integration policy and the resources devoted to it. In particular, as it was the case in Latvia, one of the first institutions to fall victim to the budget cuts was the post and office of the Minister for Population Affairs, entrusted with overseeing the integration process. The official explanation that the ministry had to be disbanded for budget reasons was taken critically by experts (Vetik, 2010, p. 46), and it was seen as having strong symbolic connotations in terms of which policies the government judged necessary and which superfluous (Kallas, 2012, p. 127). The ministry's competencies were redistributed to other ministries, and were mostly absorbed by the Ministry of Culture's Department of Diversity. This ministry led the effort for the drafting of the new Integration Programme.

With the Bronze Night events safely in the past, the political interest in the drafting of a new Programme was rather low. In the words of one of the experts involved in the drafting process: 'The attention level is back to non-existent again. It kind of feels that we are… that it's a group of fans of this topic drafting the strategy' (Interview with integration expert, 2013). Notwithstanding this, expert groups were involved in the drafting, and several focus groups with non-citizens and third-country nationals were held, in one of the most ambitious outreach

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and-unacceptable-for-all-national-minorities/ (Last accessed 29 May 2014).

[115] The 2012 referendum and the reactions it elicited will be analysed in more detail in the following chapter.

attempts in either Estonia or Latvia. A preliminary draft of the new Integration Programme, *Integrating Estonia 2020* (hereafter IPE2014), was eventually approved by the Ministry of Culture and released for public feedback and amendment proposals on 30 April 2014.

Similar to the previous documents, the draft of IPE2014 that is being discussed at the time of writing starts from an ethnocentric understanding of the meaning of integration. It sets as its main 'future-oriented' goal '[to] ensure the preservation of the Estonian nation and culture' (IPE2014, p.18). Moreover, like the last Latvian Integration Programme, IPE2014 involves a notable shift from the vocabulary of minority protection to that of dealing with immigrant settlers. In the text, the category of 'residents with foreign background' is understood as distinct from 'minorities' and the word 'minority' is not explicitly used to refer to the Russian-speaking population. Although this can be seen as a step forward from the initial 2012 draft that talked about 'residents with *immigrant* background' (emphasis added), it is still a considerable linguistic step back from the wording of previous integration documents, which talked mostly about integrating an 'ethnic minority'.[116]

6.3   The consultative mechanisms

As mentioned above, pressures from international bodies were key in pushing the Estonian and Latvian governments to approve integration strategies, create Integration Foundations, and regularly monitor the progress with minority integration in their societies (Brosig, 2008, p. 5; Golubeva, 2010, p. 35; Järve, 2002, p. 94). Both countries were on route to joining the EU and in both cases there were pressures to address ethnolinguistic divisions as part of the accession process (Kallas, 2012, p. 130). As a result, the Integration Programmes had a double export-oriented and domestic-oriented nature. While pressures from the international community constituted the main drive behind the decision to write comprehensive integration strategies, domestic debates shaped the actual content of the Programmes, and party politics and coalition agreements determined who was made responsible for their drafting and implementation.

Traumatic domestic events (the Bronze Soldier crisis in Estonia and the language referendum in Latvia) also had the (time-limited) effect of pushing integration up the governments' agenda. However, when both international and domestic incentives were lacking, little political attention was devoted to the drafting of a document that has no immediate

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[116] Disagreements within the governing coalition about the new draft meant that no final version of IPE2014 has been approved at the time of writing. In particular, the Ministry of Education – led by the Russian-speaking member of SDE Jevgeni Ossinovski – rejected the draft, not least for its disproportionate focus on new immigrants (a relatively minor issue in Estonia). This brought the drafting procedure to a stall, as all ministries must agree on the Programme and cooperate in its implementation. It is unlikely that a solution will be found before the parliamentary elections due to be held on March 2015.

bearing (if not symbolic) over actual legislation. The double export-oriented and domestic-oriented nature of the decision-making process resulted in conceptual inconsistencies. The documents resulting from this tension tend to pay lip-service to international organisations' understandings of integration and minority rights, while retaining a strong ethnocentric conception of the state (Agarin, 2010, p. 184; Hallik et al., 2002, p. 8; Muižnieks, 2010, p. 64).

This same contradictory nature was reflected in the drafting process. On the one hand, the drafting process was strictly under governmental control. The Integration Programmes were discussed, decided and approved by the Estonian and Latvian governments and were seldom even mentioned in parliament. This, given the consistent exclusion of Russophone parties and Russian-speaking representatives from government, meant that a major arena for discussing and influencing the integration framework was closed to the minority. On the other hand, however, other forms of minority participation were envisioned in the drafting procedure, which at least on paper fulfilled the principle of stakeholders' participation as prescribed by international recommendations.

The inclusion of minority opinions through surveys and focus groups, and the possibility for the minority to participate in the drafting process through public discussions and feedback mechanisms could be seen as an effective substitute for political representation in decision-making bodies. This possibility is reflected in the Council of Europe's *Handbook on Minority Consultative Mechanisms*, which states that 'minority consultation becomes particularly important where minorities are not directly represented at points of political decision-making' (Council of Europe, 2006, p. 9). The Estonian and Latvian policymakers and integration experts followed this rationale and presented the needs and feasibility studies and the feedback mechanisms included in the Programmes' drafting procedure as a way of 'empowering the target groups' (Lauristin & Vihalemm, 2008, p. 16). The question remains, however, of whether this empowering potential was actualised in practice.

The mechanisms for minority inclusion in the drafting of the Integration Programmes can be roughly divided into three types: inclusion in expert and working groups; surveys and feasibility studies; and occasions for direct feedback and input. These three mechanisms for minority inclusion afford a different potential for the minority's effective participation in decision-making and were implemented to a different extent in Estonia and Latvia. For these reasons, and although there is admittedly a measure of overlap between them, these three types of participatory mechanisms will be looked at separately in the rest of this section.

Several studies have looked at the effectiveness of the consultative bodies that have been instituted at different times in Estonia and Latvia to professedly include the Russophone

minority in decision-making on policies that concerned it directly. Permanent and ad hoc consultative bodies were established since the very first years of the Estonian and Latvian democracies. These include the Estonian Presidential Roundtable on National Minorities (created in 1993 and de facto discontinued since the early 2000s), the Nationalities Consultative Council of the President of Latvia (created in 1996 but rarely convened after 1999), the Latvian Advisory Board on Minority Education Issues in Latvia (created in 2001 to help with the education reform), and a number of smaller, policy-specific advisory bodies (LCHR, 2008, pp. 43–46; Muižnieks, 2010, p. 54; Poleshchuk, 2009; Silova, 2006, pp. 118–124).

The effectiveness of these consultative bodies in granting Russian-speakers actual access to decision-making has been widely questioned. In particular, scholars have highlighted the fact that these consultative bodies are convened irregularly, have unclear tasks and procedures, and lack decision-making powers or any significant influence on the policy agenda (Agarin, 2011, pp. 190–191; Kallas, 2008, p. 8; LCHR, 2008, p. 43; Muižnieks, 2010, p. 117). Moreover, the methods for selecting the advisory bodies' participants have been found to lack in transparency, and the co-optation of minority NGOs into these bodies has been often selective and dependent on their docility (Agarin, 2010, p. 186ff., 2011; LCHR, 2008; Rozenvalds, 2007, p. 16). Not even the presence of critical elements in some of these bodies guaranteed effective participation. So, for example, the Advisory Board on Minority Education Issues in Latvia did include representatives from anti-reform organisations but it was composed in such a way that the government could be sure that any proposal contrary to its wish would be voted out (Rozenvalds, 2005, p. 107).

The limitations to effective minority inclusion observed for consultative bodies like the presidential roundtables were for the most part replicated in the case of the Integration Programmes' expert committees and working groups. In both Estonia and Latvia the inclusion of Russian-speakers in the programmes' expert and working groups has been generally low, participant selection procedures were not always transparent, the representativeness of those who were invited to participate was sometimes dubious, and even when more significant presence of minority members was guaranteed their engagement was expected to happen within the framework established by the majority elite (Agarin & Brosig, 2009, pp. 226–227; Brosig, 2008, p. 13; Muižnieks, 2010, p. 53).

Several of the Russophone civil society activists I interviewed for this research pointed to the fact that policymakers tended to prefer participation of non-political or compliant minority representatives (what they often called *karmannye russkie*, 'pocket Russians', that is, Russians that are 'in the pocket' of the government) over more critical elements.[117] In the case of

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[117] An illustration of this feeling was provided by Russophone activists in Latvia when they protested after the

IPE2014, for instance, only one minority organisation is listed (in the December 2014 draft) as part of the Programme's steering group: the Ida-Virumaa Integration Centre.[118] The Centre, however, is hardly an independent representative of the Russophone community: its website is only in Estonian, it mostly organised folk events and Integration Programme meetings funded by the government, and its strategy for promoting minority integration repeats almost verbatim the integration concept of the government's integration programmes.[119]

Surveys, interviews with minority members, focus groups and other forms of background research provide another route for minority inclusion in the policymaking process. Research that directly involves minority respondents is expected to give policymakers a picture of the needs and opinions of the minority, which can then constitute the basis for drafting an appropriate integration strategy. This is, however, a highly mediated form of participation, as minority input is filtered at multiple points in the process: through the research design, through the analysis made by the researchers (typically belonging to the ethnic majority), and finally through the policymakers' decision on how to respond to the research results. Most experts involved in the programmes' background research admitted that they were not sure of how the government was going to use the data produced in their studies, and that the final choice rested ultimately with the governing parties (Interviews with minority experts, 2013). Therefore, this filtered, mediated form of minority participation hardly compensates for the near absence of minority members in the core group of decision-makers.

A third, more intensive, form of minority inclusion is provided by public discussions, public consultations and the gathering of amendment suggestions. These inclusion methods potentially allow for the minority to participate directly in the policymaking process by providing their feedback and by suggesting amendments. Seen from the perspective of direct democracy, this form of direct participation might even be more legitimate and valuable as a substitute for representation because it involves the stakeholders directly, without the mediation of political parties or other representatives. In the practice of drafting the Integration Programmes in

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government had passed IPL2001 with banners like 'Whom do Kostenecka and Gavrilov represent?', criticising the lack of transparency on the part of the government in selecting the Russian-speakers who were invited to speak at a conference about the Programme (BNS - Baltic News Service, 11 May 2001).

[118] This is an umbrella organisation, which includes twenty smaller minority NGOs. From an internet research on their activities it appears that most of them are not very active, they are mostly dedicated to organising folk events and all but two have the same contact person, who is also the chairman of Ida-Virumaa Integration Centre. The list of the member organisations can be found on the Centre's website: http://integratsioonikeskus.ee/ (Last accessed 7 January 2015).

[119] The Centre's integration strategy can be found on its website, at: http://integratsioonikeskus.ee/index.files/Page499.htm (Last accessed 7 January 2015).

Estonia and Latvia, however, this form of participation has also been far from empowering for the minority.

First of all, the Programmes were presented to the public towards the final stages of their drafting; that is, when the documents' conceptual framework and most of their content had already been decided. Even discounting those public discussions in which the policymakers were simply presenting a practically finished document to the public, the room for actual debate and negotiation on the core issues of integration was decidedly limited. Even when they were well designed on paper, outreach efforts were often less than successful. For instance, at the end of 2014 – after eight months since its launch – the online feedback database for IPE2014 features only two comments from members of the public.[120] In addition to these deficiencies, popular feedback and amendment suggestions – although on paper they guarantee a rather open access to the policy process – can be affected by the same selection bias that has been observed for other kinds of minority consultation mechanisms.

This point is best illustrated by what is arguably the most advanced form of minority inclusion in the drafting process of an integration strategy, that is, the citizens' panels created during the latest round of integration strategy drafting in Estonia in 2013–2014. The citizens' panels were composed of non-citizens and third country nationals and were called to discuss the strategy's priorities and suggest possible solutions to existing problems. Panels were composed of about 30 to 40 people selected randomly to guarantee a roughly representative sample. Each panel autonomously selected a number of priority discussion topics from a list that had been prepared in advance by experts based on opinion surveys. Divided in smaller groups, the panel members discussed the nature of the problems faced by their group, and suggested ways of approaching them in the Integration Programme.[121] According to a report on the workings of the citizens' panels, this method 'lets policy makers implement involvement processes from start to finish: start by determining problems and attitudes, gather opinions and then move on to working out solutions. All this is done alongside and with the help of the relevant people' (Uus & Kaldur, 2013, p. 6).

To a closer analysis, however, also this mechanism of inclusion was at core tokenistic. First of all, it also was a heavily mediated process, as non-minority experts led the entire process and then summarised the results in reports and recommendations to the policymakers. The same

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[120] The three-language (Estonian, Russian and English) website www.integratsioon.ee provides information about the drafting procedure and the possibility to send comments and feedback on the draft. However, it is important to note that, although comments and feedback to IPE2014 can be sent in Estonian, Russian or English, the online feedback system provides the Programme draft only in Estonian. No official translation of the draft into Russian is provided.

[121] For a thorough description of the Citizens' Panels organised as part of the Estonian IPE2014 drafting see Maiu Uus and Kristjan Kaldur (2013).

multiple filtering observed for other, less participative forms of research, therefore, applied to the case of the citizens' panels. Moreover, this mechanism allowed for the same selective approach to feedback that has been noted in the drafting of the other Estonian and Latvian Programmes (Agarin & Brosig, 2009, pp. 216–217). For example, one of the experts that led the citizens' panels commented that

> In Ida-Virumaa, [panel participants were] definitely extremely radical and I don't think anybody will even consider discussing anything about Russian as a second state language or reversing the reform of the Russian schools, I don't think this is going to be considered (Interview with integration expert, 2013).

The framework within which discussion on integration could be had was thus pre-determined and rather rigid. In the words of another expert involved in the drafting process, in the Integration Programme's mechanisms for minority participation 'there are walls and ceilings around you and you can use only that small bit of the feedback' (Interview with integration expert, 2013).

In addition to this, even in cases when the experts involved in conducting the preliminary phases of programme drafting would be inclined to accommodate the opinions expressed by minority participants, they must mediate with the parties in government in order for those opinions to be included in the integration strategy. One of the Estonian experts described this work of 'internal advocacy' in the following terms:

> Of course the backside that the public couldn't see and we couldn't let them see is how to tell those changes to the political level. We had to communicate with the politicians a lot and explain and explain and explain why it's smart and important to include the feedback to the strategy and why it's important to hear what the people are saying. (Interview with integration expert, 2013)

The issue of 'internal advocacy' and the possibility of discrepancy between the experts' suggestions and the policymakers' interests emerged also in the Latvian case. For instance, a Latvian policymaker involved with the drafting of the IPL2001, explained that some of the suggestions coming from the integration experts were 'too left wing' and so the parties in government had to revise the Programme's draft to make it more acceptable (Interview with policymaker, 2013). In any case, therefore, the parties in government had the last word on what was included in the Integration Programmes, regardless of the extensiveness and inclusivity of the consultation mechanisms.

Even in the Estonian case that included the most extensive form of outreach, IPE2014, once again the minority's input was mediated by the ethnic Estonian experts, and all the

decisions about the conceptual framework within which the discussion could take place and about what actually entered the proposed Integration Programme rested with those experts and, ultimately, with the parties in government (Interview with integration experts, 2013). In the words of one of the experts involved in the drafting process of IPE2014:

> There is an attempt by the Estonian authorities, by the Ministry of Culture, to invite as many Russians as possible. But of course there is the question of how much really they are engaged, included in the decision-making. They are invited to discussions, but it is not clear how the decisions are made, they are not of course in this core where the decisions are made […] There are different players, but of course I think that in the end the coalition parties will just figure out what is good for them. And this brings me to my point that we're doing a senseless thing. Because the issue is so politicised, this is just to give the impression that something is going on, that the public opinion is involved. (Interview with integration expert, 2013)

The three different mechanisms for minority inclusion implemented as part of the Integration Programmes drafting procedure (even the most advanced ones), therefore, present the same set of shortcomings, which closely resemble those that have been highlighted for other forms of minority consultation. Inclusion through advisory bodies, surveys, focus groups, public discussions and consultations did not compensate for the exclusion of the minority from the decision-making core. These alternative inclusion mechanisms were heavily mediated by the government in terms of who was invited to participate in the discussion, the framework within which the discussion could take place, and the selection of the inputs and feedbacks that could be included as useful and acceptable. This made Russian-speakers' inclusion in the decision-making process at best mediated and often only formal and tokenistic, with no possibility to re-discuss or challenge the fundamental tenets of the government's integration agenda. Russian-speakers were asked to engage in the process but strictly within the terms decided by the majority elite, while no effective channel for minority impact on decision-making was provided.

6.4   The gap between the principle and the practice of consultations

Minority participation, when intended in its more general meaning as mere *presence*, should not be understood as a goal per se, but – if anything – as potentially the beginning of a process of inclusion (McGarry & Agarin, 2014, p. 16). Consultative mechanisms hold in principle the potential to engender such inclusion. The analysis of the Integration Programmes' drafting, as well as previous analyses of other advisory mechanisms like the presidential roundtables, however, has shown the ineffectiveness of these forms of participation as applied in Estonia and Latvia. When they participated in consultations, minorities were asked to validate the

government's agenda rather than to take actual part in the policymaking debate (Agarin, 2011; Kallas, 2008, p. 8; LCHR, 2008, p. 44; Muižnieks, 2010, p. 117; Poleshchuk, 2009; Rozenvalds, 2007, p. 16). That is, they were asked to be *present* but they were not expected to be *influential*. The scarce effectiveness of consultative mechanisms in ensuring the minority's impact over policymaking, however, is only one aspect of the consultations' failure to ensure effective minority participation. Seen from the perspective of minority empowerment, in Estonia and Latvia consultation mechanisms and advisory bodies were not only an insufficient form of minority inclusion, but they actually reinforced exclusion.

Mechanisms for minority participation crystallised minority political exclusion by serving as a legitimising device for policies that were in fact shaped and decided by ethnic majority experts and politicians. Allowing for the tokenistic participation of the minority served the purpose of legitimising what were in effect majority-elite-driven policies via the civil society's 'seal'. According to Arnstein's typology of citizens participation, in tokenistic forms of participation (which include informing and consultation) the stakeholders can 'hear and be heard' but this does not result in influence on decision-making, which rests solidly in the hands of the policymakers (1969, p. 217). These forms of participation are 'empty rituals' in which the minority is asked to 'participate in participation' (Arnstein, 1969, p. 219). It is 'participation without redistribution of power [...that] allows the power-holders to claim that all sides were considered' while in fact maintaining the status quo (Arnstein, 1969, p. 216).[122]

In the case of Estonia and Latvia, participation in consultation mechanisms did not open effective avenues for the minority to enter the policymaking process. Instead – in a context in which majority elites are unwilling to redefine the meanings of integration and the role of the Russian-speakers in society – the existence of consultations contributed in justifying the exclusion of the minority from the political 'control room' (what one of my respondents called the 'core'). This justification is directed both externally and internally. Externally, mechanisms for (tokenistic) participation served as a box-ticking exercise to satisfy international organisations (and donors). Internally, the existence of mechanisms for minority participation functioned as a way to delegitimise critiques. This was especially apparent in the discourse, common among the policymakers I interviewed, according to which those who complain about the Integration Programmes were given all the opportunities to take part in the decision-making process but were either too apathetic or too cynical to take them up.

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[122] Sarah White made the similar point that '[s]haring through participation does not necessarily mean sharing in power' (1996, p. 6).

In addition to this, by bureaucratising and technicising minority involvement in the decision-making process, consultative mechanisms also responded to the majority elites' inclination to depoliticise minority policies, that is, to present them as not politically contested. Through the stress on expert opinion, on quantifiable indicators of minority needs (via surveys and feasibility studies), and on finding solutions to discrete problems, consultation mechanisms tended to turn the politically charged issue of integration into a technical one. Policymakers tended to conceive of minority participation as a way for minority members to discuss solutions to discrete problems within a given conceptual framework, rather than to participate in shaping the framework itself. Therefore, while it could appear as a pragmatic, matter-of-fact approach, the focus on solutions was consistent with the exclusion of minority voices from the decision-making core. As members of the minority were invited to participate in the policy process strictly within the framework set by the majority elite, critical minority actors that complained about the strictures of this framework were routinely dismissed as 'politicised', 'only concerned with politics', and not interested in solving problems for the good of their community but in their own political gain (Interviews with policymakers and integration experts, 2013).

Depoliticisation as a mechanism of exclusion could be observed in the case of the Integration Programmes, but also emerged from the analysis of other sensitive minority policies. For example, a policymaker within the Estonian General Education Department at the Ministry of Education used the same depoliticising (and, thus, delegitimising) discourse with regard to minority opposition to the education reform. The high-ranking official claimed that a compromise on the education policy was highly unlikely because

> '[the anti-reform opposition's] political games do not take into account the pedagogical process [....] all had a chance to speak their mind in seminars, all understand that the political decision was such that it doesn't make sense to fight against something that you cannot change, but we can all work to improve the process'. (Interview with policymaker, 2013)

6.5 Conclusions: Consulting minorities while excluding them

The depoliticising and technicising of the debate on contested minority policies significantly limited the space for the Russophone minorities to re-discuss the essence of policies that concern them directly and kept the decision-making process safely in the hands of the governing majority. At the same time, in allowing the performance of participation, the policymakers put themselves beyond the reproach of their international partners, and – domestically – legitimised the exclusion of the minority's political representatives from decision-making by bypassing them to address 'directly' the minority civil society. The analysis of the mechanisms for minority

participation in the drafting of the Estonian and Latvian Integration Programmes, however, shows how these forms of *managed participation* are no actual substitute for the inclusion of minority voices in the decision-making 'core'.[123]

It has already been noted by several authors that mechanisms for institutionalised minority participation are often insufficient to guarantee the minority's effective participation. My argument goes further: institutionalised participatory mechanisms are not only inadequate to guarantee minority inclusion, but – when they are merely tokenistic – they can in fact contribute in validating minority exclusion. This is particularly relevant given international organisations' tendency to promote participatory mechanisms as a good practice to ensure a measure of minority inclusion in cases in which representation in the policymaking core is lacking. Rather than a good practice, the risk is in fact to promote and validate smokescreens for minority exclusion.

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[123] It must be noted that the problem of tokenistic inclusion does not pertain only to the minority. Citizen consultations, as mechanism for civil society inclusion, are always at risk for tokenism as policymakers are rarely inclined to relinquish their control over the policy agenda, especially on major reforms or sensitive policies. The focus on minority political exclusion here does not imply that other consultations – directed to other groups of citizens in Estonia and Latvia – have always been genuinely inclusive. Rather, this chapter wants to critically address the contention that consultation mechanisms are *particularly* suitable to include minorities in policymaking on issues that concern them directly.

CHAPTER 7

The grassroots channel: The potential of minority mobilisation

Differently from consultation mechanisms, grassroots mobilisation potentially offers more room for an excluded minority to push the political debate beyond the boundaries imposed by the majority elite. Spontaneous minority grassroots mobilisation is not under the control of the government and is not constrained within the same fixed frameworks as consultation mechanisms. As Sherrill Stroschein found in her analysis of Hungarian minority mobilisation in Slovakia, Romania and Ukraine, minority protest and grassroots mobilisation can have a deliberative role by including ethnic minorities in the democratic debate and giving them a backdoor way to access decision-making (Stroschein, 2012). Without this 'alternative route to formal institutions' the majoritarian principle of democracy would relegate minorities to the role of permanent losers (Stroschein, 2012, p. 248). My analysis of the Estonian and Latvian cases confirms the potential for grassroots mobilisation to empower minorities, but places it in relation to minority formal representation, which contributes in shaping the minority's role in the political debate and in determining the chances for minority mobilisation to be heeded rather than (only) dismissed or securitised.

Minority mobilisation does not happen in a vacuum. It takes place within a specific political context, characterised by the specific features of minority and majority communities and of their interactions, and by specific levels of official minority representation in public institutions. Mobilisation stands in a two-way relationship with this political context. On the one hand, the context shapes the incentives for the minority to mobilise and defines the potential for minority mobilisation to successfully influence policymaking. On the other hand (and at the same time), the minority's capacity for mobilisation contributes to shaping that same context.[124] It is this complex interaction – which involves minority representatives, minority grassroots, and majority representatives and grassroots – that defines the role of minority voices in a country's democracy.

Estonia and Latvia offer an interesting comparative testing ground to understand the complex relationship between minority formal representation and grassroots mobilisation. In both cases the 'grassroots channel' was not independent from formal representation in state

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[124] For a convincing argument in favour of understanding incremental and path-dependent processes as inherently endogenous see Stroschein (2012, pp. 34–35).

and local institutions. Rather, it interacted with it through feedback and accountability mechanisms, and via the frequent overlap between institutional and grassroots actors. In the rest of this chapter I analyse different forms of minority grassroots mobilisation that have emerged in Estonia and Latvia and their potential as alternative channels to influence policymaking. I conclude by highlighting the way in which the *voice/polarisation dilemma* that exists at the level of party politics also manifests itself for grassroots mobilisation.

7.1 Civil society mobilisation as channel for political inclusion

The development of an active civil society in Latvia and Estonia is quite limited (Bartkowsky & Jasińska-Kania, 2004; Heidmets, 2008, pp. 59–61; Rozenvalds, 2005, p. 140ff., 2007, p. 91), a feature that they share with most post-communist countries (Howard, 2003; Kostelka, 2014). However, there are considerable differences between the two countries. In Estonia the Russophone civil society is particularly weak, there are very few examples of mass mobilisation by the Russian-speakers, and in general Estonia's Russophone community has been described as isolated, organisationally weak, with a low self-esteem, and politically passive (Berg, 2001, pp. 18–19; Daatland & Svege, 2000, p. 260; Heidmets, 2008, p. 60; Lagerspetz, Rikmann, & Ruutsoo, 2002, pp. 77, 82).[125] A substantial difference in participation between the majority and the minority ethno-linguistic groups is recognised also in the *Estonian Integration Strategy 2008–2013*, which lists the reduction of the ethnic-based participation gap as one of its goals.

Differently from Estonia, Latvia has experienced a surge in political activism in the 2000s (Kažoka & Akule, 2009, p. 4), which has involved (although not exclusively) the Russophone community. Russian-speakers' capabilities for mass mobilisation in Latvia were apparent during the school reform protests of 2003–2004 and in the occasion of the referendum for Russian as a second state language in 2012. Both will be discussed below. As for civil society organisations, there are more similarities than differences between the two countries in terms of the type of minority organisations that emerged and the ways in which state institutions approach them (Agarin, 2011, p. 190).

A caveat is important here. If minority mobilisation is found to be ineffective in influencing policies, this does not automatically mean that specific mechanisms of minority exclusion are in place. Indeed, it might be the case that – in countries in which the decision-making process

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[125] Reasons for the inability of Estonia's Russian-speakers to consistently act as a collective force are multiple. Most often observers highlight the fact that the group is not ethnically homogenous, that Russian-speakers arrived in Estonia in different waves of immigration, that they tend to have a weak sense of roots, and that they are mostly urbanised which adds to their atomisation (Daatland & Svege, 2000, p. 260; Poleshchuk, 2009, p. 17). These characteristics, however, apply also to Latvia, where they did not bring to the same results. Lower political participation among Estonia's Russian-speakers might be linked to their lower average socio-economic status.

tends to be rather closed and top-down (Lagerspetz, 2001, p. 411; Smooha & Järve, 2005, p. 113) – the ineffectiveness of mobilisation is simply a feature of the top-down policy process and thus common to the entire civil society, including the ethnic majority. While this is an important caveat, it is not enough to discount the possibility that – excluded from formal channels of decision-making power – minority activists can turn to grassroots mobilisation as an alternative channel to influence policymaking. Russophone minority activists have in different ways organised to redress minority under-representation in the decision-making process and have actively framed their activities as a potential alternative channel to access the democratic process of their countries. Their actual impact on the policy debate and policymaking process must be assessed in order to complete the picture of minority democratic representation in Estonia and Latvia.

It is beyond the scope of this chapter to exhaustively retrace the development of Russophone civil society activism in Estonia and Latvia. The Russophone minorities' grassroots mobilisation has attracted considerable attention among the academic community and there have been several studies of both its general development and specific episodes.[126] While I will extensively refer to these studies' data and analysis, this chapter focuses specifically on the potential for grassroots mobilisation to be an alternative channel for the minority to access the policymaking process.

For the sake of this analysis it is useful to divide minority grassroots mobilisation into the four different forms that it has taken in the two countries. Namely, advocacy organisations, attempts at reshaping representation through the creation of alternative institutions, protest and the exploitation of constitutional avenues for direct democracy (that is, referenda). There are of course considerable overlaps between these different forms of mobilisation, especially given the fact that the same minority organisation can be engaged in more than one of them over time or even at the same time. This distinction, therefore, is to be understood as primarily analytical, as it is useful to explore how different forms of minority grassroots activism can have an impact on the policymaking process and it also helps to highlight differences between Estonia and Latvia.

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[126] See, for example, Timofey Agarin on civil society in the Baltic states (2011), Mikko Lagerspetz et al. on Estonian NGOs (2002), Juris Rozenvalds (2005) and Inese Šūpule (2005) on minority activism and participation in Latvia, and more specific analyses on the protests against the education reform (Bogushevich, 2013) and the 2012 referendum on Russian as a second state language in Latvia (Hanov & Tçraudkalns, 2012; Lublin, 2013; Šūpule, 2012), and of the Bronze Soldier riots in Estonia (Brüggemann & Kasekamp, 2008; Ehala, 2009; Haukkala, 2009; D. J. Smith, 2008).

7.1.1 Minority civil society organisations and advocacy

In both Estonia and Latvia the right to establish and be a member of civil society organisations is open to all, regardless of citizenship status. These organisations are, of course, regulated by law, must be registered in a central register of non-profit organisations (NGOs), and can be disbanded if they pursue illegal aims. Other than this, there are no formal restrictions to civic participation either on the population in general or on the Russian-speaking minority in particular. Although membership in such organisations has been consistently low in Estonia and Latvia among both the majority and the minority, a number of minority civil societies organisations have emerged in both countries.

Russophone cultural and folkloristic organisations, although they do promote minority culture and are relevant to the minority's civil society life, do not directly deal with minority policies and typically do not see policy impact as one of their goals. This section, therefore, will concentrate on NGOs that explicitly tackle minority policies and actively lobby for policy change in areas of interest for the Russophone minority. These advocacy organisations typically use campaigning, lobbying (directed both at their country's institutions and at international organisations), petitions, litigation and consultancy as tools to affect policymakers' decisions and to respond to policies they see as detrimental to minority rights. Some of them also organise protest actions, but this mobilisation tool will be analysed separately. In general, minority advocacy organisations adopt strategies aimed at 'changing the beliefs and preferences of decision-makers' (Schnellbach, 2012, p. 501), providing information on minority needs and critical feedback on governmental policies. Especially in Latvia, minority advocacy NGOs have been particularly vocal (Agarin, 2011, p. 192).

In terms of impact over the policymaking process, minority NGOs are limited by the state institutions' willingness to take into consideration their critiques and suggestions. A recent analysis of minority NGOs in the Baltics showed that the responsiveness of state institutions to Russian-speakers' NGOs in Estonia and Latvia is generally low and is mostly conditional on their acceptance of the governmental agenda on minorities (Agarin, 2011). This was amply confirmed by my interviews with members of minority advocacy NGOs and with policymakers in both Estonia and Latvia. Minority NGOs face similar barriers as those explored in the previous chapter about institutionalised civil society consultation mechanisms. First of all, state institutions tend to apply a selective bias in terms of the organisations they involve in the policy process. In the words of a Russophone NGO's senior member in Latvia, when there is a requirement either by law or because of international pressures to consult minority NGOs 'the government goes on shopping' (Interview with Boris Koltchanov, LCHR, 16 April 2013). In addition to this, also in cases

when critical organisations are involved, their input tends to be significantly diluted in a policymaking process that remains mostly top-down.

In general, state institutions tend to understand the role of civil society organisations as service providers rather than policy partners (Agarin, 2011, p. 188; Lagerspetz et al., 2002, p. 75). Therefore NGOs' participation in the policy process tends to be depoliticised, in the sense that they are not expected to discuss policymaking. Rather, state institutions typically set the agenda independently of the minority civil society and then expect minority organisations to cooperate in implementing it. In the words of a member of a leading Russophone NGO in Estonia:

> Politicians understand discussion and debate with minorities not as a debate on possible solutions and possible changes of policy, but mostly as a debate on how to implement their decisions in the best possible way. (Interview with Vadim Poleshchuk, LICHR, 2 May 2013)

The scarce resources NGOs can count on and their dependence on state funding pose another limit to the policy impact of minority advocacy. Dependency on state financial support drastically reduces minority NGOs' incentives to challenge the state agenda and consequently limits their policymaking impact (Agarin, 2011, pp. 191–192). Two notable exceptions to this are the Legal Information Centre for Human Rights (LICHR) in Estonia and the Latvian Centre for Human Rights (LCHR) in Latvia. Both managed to retain their minority advocacy role thanks to funding and support from Western partners, and both concentrate their activity in the field of minority advocacy and minority rights, and provide legal expertise and counselling on minority issues. However, while they have sometimes managed to provide effective policy input (Agarin, 2011, p. 192), their direct impact on policymaking is at best limited (Interviews with LICHR and LCHR members). Even LCHR, that has better resources than its Estonian counterpart and saw one of his (ethnic Latvian) founders, Nils Muižnieks, become Latvia's Minister for Social Integration and Minorities and later Council of Europe Commissioner for Human Rights, achieved only limited substantial policy results. For instance, LCHR's *Second Alternative Report on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities in Latvia* (an independent response to Latvia's official report), was presented as part of a two-day public meeting in 2013 that saw the participation of several high-ranking Latvian policymakers. While this level of exposure does guarantee a measure of *voice* to this NGO, it did not result – at least in the short-to-middle term – in any significant impact on the policymakers' political outlook or on policy outcomes.[127]

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[127] The low level of responsiveness by the Latvian public officials in that occasion was confirmed by my own observations while taking part in the event and by the impressions of the minority NGO members I contacted

In addition to this, lack of funding makes money coming from the Russian Federation through its 'compatriots' programmes appealing for cash-stripped organisations. However, receiving money from Russia contributes to a downward spiral of delegitimation that makes it more difficult for those organisations to receive public funding in the future and to have access to the policymaking process. This ends up making them even more dependent on funding from Russia. The Estonian LICHR is a case in point. It traditionally received funding from Western partners to support its advocacy, research and counselling activities. However, it became increasingly ostracised in Estonia especially after the Bronze Night events (Agarin, 2011, p. 196) and was discredited by its mention in the Estonian secret services' annual report. Later on, having lost a considerable portion of its funding, LICHR decided to accept money made available by Russia for projects providing legal defence to Russian citizens. This did not improve LICHR's standing vis-à-vis the Estonian policymakers. In the words of one of its main members: 'receiving money from Russia is a blanket justification for bad treatment' (Interview with Vadim Poleshchuk, LICHR, 2 May 2013).

While the top-down character of policymaking in Estonia and Latvia means that minority organisations are not the only ones to face difficulties in accessing the policy process, minority NGOs face additional, minority-specific barriers. Minority NGOs that are involved in political advocacy tend to be seen with suspicion by the central government and often feature in the secret services' yearly reports. This contributes in marginalising their contribution to the policymaking process and in making government's responsiveness to their suggestions and critiques more unlikely. Indeed, some minority activists noted that their country's government is readier to respond to demands from the 'titular' civil society than from Russian organisations (Interviews with Russophone NGO members, 2013). On this regard, an Estonian activist noted that the 36,000 signatures gathered by the Russophone NGO Russian School in Estonia against the education reform were ignored by the same government that quickly responded to the call for constitutional reform initiated by seventeen Estonian intellectuals and undersigned by 17,000 people.[128] 'That for the Estonian powers was a signal: when Estonians send a signal it is received, when Russians send a signal it is not received' (Interview with Mstislav Rusakov, RSE, 17 June 2013).[129]

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afterwards on this regard.

[128] This initiative is known as 'Charter 12'. For details about this initiative see Ahto Lobjakas, 'Charter 12 – Estonia's stab at direct democracy', *estonian world*. Available at: http://estonianworld.com/opinion/charter-12-estonias-stab-at-direct-democracy/ (Last accessed 9 January 2015).

[129] For news of the government's response to RSE's petition, in which the soundness of the education reform is reiterated, see 'Minobr otvetil na petitsiiu o cokhranenii russkogo iazika obucheniia' (The Education Ministry responded to the petition on the preservation of Russian as teaching language), *Delfi.ee*, 7 August 2012.

The activities of minority advocacy NGOs can also result in unintended consequences that go in the opposite direction than the policy changes they advocate for. For instance, minority NGOs' legal advisers provided examples of instances in which governments learnt from NGOs' successful legal challenging of allegedly discriminatory policies (or policy application), but not in the way intended by these NGOs. Indeed, somehow perversely, successful legal challenges also triggered policy amendments that closed the loopholes that had made the NGOs' challenge possible in the first case. This was for example the case when anti-discrimination legislation was successfully used to legally challenge sanctions based on language requirements in Estonia: this experience was useful for the Language Inspectorate and the legislators to make the new legislation on language requirements less susceptible to such legal challenges (Interview with Vadim Poleshchuk, LICHR, 2 May 2013).

Another avenue available to minority NGOs is lobbying international organisations. This is actively used by all the minority organisations I came in contact with during my research. However, while especially before 2004 minority NGOs managed to achieve a certain measure of leverage through international partners, this did not guarantee policy impact (Agarin, 2011, p. 195; Poleshchuk, 2001). Interestingly, according to several Russophone activists in both Estonia and Latvia, after 2004 minority NGOs do not lobby international organisations because they expect them to *do* something to solve minority problems in Estonia and Latvia. Rather, they lobby them in order to shame their own governments into revising exclusionary policies (Interviews with minority activists, 2013). In conclusion, while it might have some effect, the advocacy avenue to influence the policy process – whether directed at domestic or international institutions – is once again heavily dependent on the policymakers' willingness to include minority voices in the policy debate and to accommodate their opinions.

7.1.2 Alternative elections

In recent years, in both Estonia and Latvia, Russian-speaking minority activists have experimented with alternative political representation. Starting from the premise that the Russian-speaking minority is not adequately represented in state institutions, activists in both countries held informal, within-community elections with the aim to select legitimate minority representatives and create new representative bodies. The Parliament of the Non-Represented (PNR) in Latvia and the Russkii Zemskii Sovet (RZS) in Estonia are the more or less successful results of these attempts.[130] These organisations share significant similarities with the other

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http://rus.delfi.ee/daily/estonia/minobr-otvetil-na-peticiyu-o-sohranenii-russkogo-yazyka-obucheniya?id=64787924 (Last accessed 2 February 2015).

[130] RZS's official website links the choice of the name generally to the European historical tradition of elected citizens'

minority NGOs analysed above, especially with regard to their policy advocacy practices. However, their different genesis can be seen as an attempt at sending a wider political message regarding the place of the Russophone minority in the democratic debate. This sets them apart from other minority NGOs.

Although they have not been the object of comprehensive theorisation, alternative elections and the creation of alternative institutions are part of protest movements' repertoire all over the world.[131] It is possible to recognise a common double rationale behind the creation of these alternative representative institutions, which includes both a negative and a positive element. By claiming that alternative elections or alternative institutions are needed, activists call into question the fairness of formal elections and the representativeness of formal state institutions. However, alongside this negative, critical function, alternative institutions have also a more positive, constructive aspect. By providing a platform for the articulation and representation of the interests of the un(der)represented, they aspire to participate in the democratic process. Therefore, while alternative institutions stand as a reproach to the existing formal institutions for their incapacity or unwillingness to represent certain social or ethnic groups, they can also serve as interlocutors for formal institutions to find compromise solutions to the questions raised by those groups.

Of course, different contexts present a different balance of these positive and negative components. In extreme cases, alternative institutions can try to operate a substitution, that is, to replace themselves for the existing institutions they denounce as illegitimate. More often (and more typically in democratic regimes) alternative institutions position themselves as compensating for a group's lack of representation in formal institutions. They do not aim to substitute themselves to exiting institutions but exist alongside them, as an ulterior, informal channel for the representation of interests that are otherwise marginalised, and as an interlocutor for formal institutions on issues related to those interests. The Latvian PNR and the

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bodies, and more specifically to the experience of the Eastland Land Council that was instrumental in securing Estonia's independence in 1918. Available at: www.ruszemsovet.eu (Last accessed 17 October 2014; the site has been disabled since end of 2014).

[131] Some examples are the Women's Shadow Parliament in Kenya (Ponge, 2013); the (women's) Model Parliament Project in Palestine (Moghadam, 2007, p. 37ff.); the alternative local governments of indigenous communities in Ecuador (Wolff, 2007); opposition-led attempts at creating alternative parliaments in Myanmar (Rieffel, 2010, p. 35), Jordan (AmmonNews, 6 June 2012), Syria (Aljazeera, 6 May 2012), and Egypt (AFP, 13 December 2010), and the People's Rada in Ukraine (EuromaidanPR, 23 January 2014). Interestingly, two notable examples of this strategy are to be found in Estonia and Latvia. The Congress of Estonia and the Citizens' Congress of Latvia were both created in the 1980s by Estonian and Latvian activists through grassroots elections as part of the struggle for independence from the USSR. They were central in determining the direction state-building took after 1991 (Agarin, 2011, p. 88; Mole, 2012). Also importantly, in Latvia the League of Non-Citizens operated throughout the 1990s; this was an alternative elected body for the representation of the non-citizens and was mainly focused on reducing the differences in rights between citizens and non-citizens.

Estonian RZS followed this same double rationale.[132] Although the negative element is quite prominent in the motivations given by their initiators, their strategy is more one of compensation than substitution. This puts them in the category of alternative institutions in terms of their underlying rationale, but also means that they are comparable to other advocacy NGOs in terms of their actual practice.

In both cases, Russophone activists organised grassroots elections to alternative, minority-led representative bodies. In the case of the PNR, 61 candidates balloted for the 30 available seats, and about 15,000 people participated in the vote that took place between 25 May and 11 June 2013.[133] Voting took place both through the Internet and in pop-up polling stations around the country (but overwhelmingly in Riga). The alternative parliament started its activities soon after the elections, and it adopted formal regulations and a statute. The regulations foresee regular meetings of the PNR plenary and meetings of standing committees on a number of relevant themes, all held in the organisation's offices in the centre of Riga.[134] The candidacy of Vladimir Linderman and Evgenii Osipov was seen as problematic by some (also within the same PNR) as the two – who had been involved in launching the 2012 referendum on Russian language and afterwards founded the Russophone party Zarya – are widely regarded as toxic personalities in the Latvian political landscape.[135] However, although they did win seats in the PNR, Linderman and Osipov are far from being the most prominent voices within the alternative parliament. All my interviewees from PNR identified a split between a moderate and a maximalist component among the election candidates, with the first being by far the most prominent (Interviews, 2013). The difference is in terms of both preferring a gradual or an all-or-nothing approach to the resolution of the non-citizenship issue, and their willingness to cooperate with formal institutions.

The RZS was much less successful than its Latvian counterpart. The initiative of creating an alternative institution was taken in May 2010 by some of the members of Nochnoy Dozor (ND), an organisation that had emerged around the 'Bronze Soldier' crisis. The election went on for over a year in pop-up polling stations mainly in Tallinn and (more marginally) in north-east

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[132] Interestingly, some the initiators openly referred to the experiences of Estonians and Latvians during their struggle for independence as inspiration (Interviews with initiators, 2013).

[133] The election period was chosen to correspond with the Latvian local elections in order to maximise visibility (Interviews with initiators, 2013). 15,000 is about 5% of the adult non-citizen population, but citizens were also allowed to vote.

[134] The PNR internal regulations were made available to me by PNR members during the second plenary session of the alternative parliament, which I was kindly invited to attend.

[135] For instance, while admitting that several people would probably vote for Osipov, another candidate to PNR elections expressed the fear that 'if a person like that enters the parliament it would discredit it' (Interview, 2013).

Estonia. About 4,000 people voted and seven candidates were elected to form the RZS,[136] none of whom were ND members. Indeed, RZS's initiators were aware that their militancy in ND would have been toxic for the new organisation and consciously decided to distance themselves from the organisation they had contributed to create, in order to avoid transferring ND's stigma of radicalism to the new initiative (Interviews with RZS initiators, 2013). No official regulations or statute were adopted, and the elections were not followed by regular meetings of the RZS, which has no official headquarters. In order to compensate for the elections' low numbers and the lack of legitimacy they signify, the RZS invited representatives from other Russian-speakers' organisations to join forces under the name of Representative Assembly of the Russian Community in Estonia, that met for the first time in May 2013. Alongside RZS, the more prominent Russian School in Estonia (RSE) and representatives from a number of smaller cultural organisations took part in the meeting.[137] After that, the RZS activities have mostly been in support of RSE initiatives.

It must be noted that the constituencies addressed by these two projects are different. Although, both citizens and non-citizens could vote and be elected in the PNR elections, the PNR clearly identifies the excluded group they seek to represent as Latvia's non-citizens. Although PNR members often frame the issue of non-citizenship in the broader context of Latvia's Russophone community, non-citizenship remains PNR's central issue and the non-citizens are its specific constituency. In Estonia, RZS took the entire Russian-speaking community as the group it is aiming to represent, without making a clear distinction between citizens and non-citizens. This can be explained by two factors, one political and one legislative, that differentiate Estonia and Latvia. First of all, there is no Russophone party in Estonia, and the number of Russian-speaking MPs in the Estonian parliament has consistently been disproportionately low. Differently from Latvia, where a prominent Russophone party exists, the question of minority political representation in Estonia can thus be presented as a question of minority under-representation in general rather than a question of non-citizens' non-representation in particular (Interviews with RZS initiators, 2013). Secondly, in Estonia non-citizens have the right to vote in local elections. This to some extent blurs the distinction between Russian-speaking citizens and non-citizens, which is instead more clearly defined in Latvia.

In terms of actual political practice, PNR and RZS do not constitute an absolute novelty in the Estonian and Latvian grassroots panorama. In explaining their strategy, initiators emphasised PNR and RZS's role as interlocutors for state institutions, and their willingness to cooperate with

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[136] 4,000 people are about 1% of the adult Russophone population of Estonia.

[137] Information from RZS's official website: www.ruszemsovet.eu.

them in finding solutions to the problems of their constituencies.[138] In both cases the primary tasks identified by the initiators are lobbying local, state and international institutions, and cooperating with the elements of the existing institutions that are willing to do so (Interviews, 2013; PNR Statute). Petitions, open letters (and, in the case of PNR, meetings with representatives of formal institutions) are the main activities that these bodies have undertaken since their formation. It is difficult to assess the policy impact of these initiatives, both because they are recent and because their aims are rather broad. Nevertheless, PNR and RZS's activities closely match those undertaken by other minority NGOs and it is therefore reasonable to expect that they will encounter similar barriers. Most of all, their policy impact will be dependent on the policymakers' willingness to allow these organisations as legitimate voices in the policymaking debate.

However, the remit of these initiatives goes beyond the discrete policies they address in their daily practices. By asserting that the Russophone (or non-citizen) communities need such an alternative channel of representation, the initiators propose a radical critique to what they call 'ethnocracy' (Interviews, 2013) – that is, the minority's exclusion from power. The broader, non policy-specific aim of these initiatives is therefore to reclaim the minority's legitimate place as part of the democratic polity. While this goal is too broad to be assessed in terms of policy impact, these initiatives' implied challenge to the existing structures of minority representation elicited responses that offer interesting illustrations of the perceived legitimacy of minority voices in the Estonian and Latvian public debate. The reactions from the national elites to these initiatives can shed some light on the level of rigidity of the existing boundaries to the democratic debate and the extent to which minority grassroots initiatives can successfully challenge them. Therefore, while PNR and (particularly) RZS are small-scale initiatives and might not have much political impact (and actually might not last for a long time), they provide interesting illustrations of the room for effective minority political participation through grassroots mobilisation available in Estonia and Latvia.

A review of Estonian-language and Latvian-language news databases shows that in both countries minority grassroots mobilisation is often labelled as radical; especially initiatives that contest the existing citizenship and language arrangements tend to automatically fall under the 'radical' label. It is therefore not surprising that the label was widely used in state-language

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[138] In general, in both cases willingness to cooperate with existing institutions was stressed, together with their recognition of Estonia and Latvia as independent states and as their own homeland. As one of the initiators of RZS put it: 'We want integration, we want to be here, I was born here, this is my fatherland. I am not a [Russian] nationalist. I want to be a Russian in a normal, democratic country' (Interview, 2013). Similar self-descriptions as moderate members of society who simply want democracy and a model of integration that is respectful of their ethno-linguistic identity were voiced by my respondents from PNR (Interviews, 2013).

media and by national elites to describe the PNR and the RZS initiatives. These were often referred to as too radical to be accepted within the mainstream democratic debate, and more or less veiled references to the possibility that the Russian Federation was behind their organisers were also voiced. The implication was that if PNR and RZS's initiators are representatives of Moscow's interests in the Baltics, their demands and voices have no legitimate space within the Estonian and Latvian democratic debate.

Numerous examples of this can be found in both countries. For example, in Latvia, the then foreign minister Artis Pabriks argued that Latvia must 'defend its democratic values' from this kind of initiatives and that the non-citizens' alternative elections show disrespect for both the Latvian state and the people of Latvia.[139] In this way, the Russophone grassroots initiative is presented not only as being outside of the democratic process, but also as an actual threat to it. Similarly, and explicitly underlying the expected boundaries of Latvia's democratic debate, Unity MP Sarmīte Ēlerte described the PNR project as a product of 'Russia's political ideologues, Harmony Centre, and Linderman's people' and concluded that 'by questioning the doctrine of continuity, PNR alienates the possibility of a dialogue: you must recognise the country you live in before a dialogue can take place'.[140] Members of parliament also asked the security police to ascertain PNR's potential ties with Moscow and whether this was not in fact an illegal attempt to overthrow Latvia's legitimate state structures (LCHR, 9 July 2013).

In Estonia, RZS was much less visible in the media, not least due to its limited success. However, mentions of this initiative always stressed its origins from the 'Kremlin-friendly Nochnoy Dozor'. Having been accused of having organised the April 2007 riots (and then acquitted), ND is routinely presented in the Estonian press as a radical agent of Russia's foreign policy.[141] Although ND was disbanded in 2011, it was still listed among the extremist organisations in the Estonian security police website in 2014.[142] Therefore, notwithstanding ND members' efforts to distance the two initiatives and the fact that RZS's active members are not former ND members, association with ND automatically delegitimised the new initiative as pro-Kremlin.

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[139] 'Negrazhdane stolknuli lbami Pabriksa s Urbanovichem' (Pabriks and Urbanovich argue on the non-citizens). *Telegraf*, 26 June 2013. Available at: http://www.telegraf.lv/news/pabriks-nado-zashtitity-demokratiyu-ot-negrazhdan (Last accessed 13 February 2015).

[140] 'Sarmīte Ēlerte: 'Nepilsoņu kongresa' marginālās spēles' (Sarmīte Ēlerte: The Non-Citizens Congress marginals' games). *Delfi.lv*, 24 March 2013. Available at: http://www.delfi.lv/news/comment/comment/sarmite-elerte-nepilsonu-kongresa-marginalas-speles.d?id=43171826 (Last accessed 13 February 2015).

[141] For example, at the time of the Bronze Night a major Estonian-language newspaper titled: 'Äärmuslaste aktsioonide tagant paistab Vene diplomaatide vari' (Behind the extremists' actions there is the shadow of Russian diplomats). *Postimees,* 25 April 2007. Available at: http://www.postimees.ee/1653973/aarmuslaste-aktsioonide-tagant-paistab-vene-diplomaatide-vari (Last accessed 13 February 2015).

[142] The Estonian Security police's official website can be accessed at: www.kapo.ee (Last accessed 13 February 2015).

It is worth noting here that delegitimation by association with ND is not unique to RZS. Although ND was disbanded in 2011, media reports of links with former ND members seem to be often used to discredit other organisations or political figures. For instance, Estonian media reported on alleged links between some former ND members and the NGO Russian School in Estonia (RSE) and concluded that RSE is nothing more than ND's Kremlin-backed new strategy to destabilise Estonian politics after the issue of the Bronze Soldier has run out of steam.[143] Links between Russophone politicians and 'extremist group Nochnoy Dozor' are regularly mentioned in the Estonian security police's reports, also after 2011.[144] And as recently as October 2013, Tallinn mayor Edgar Savisaar was asked to deny links with ND during his municipal election campaign.[145]

While in both cases securitisation and delegitimation of PNR and RZS as extremist, pro-Kremlin activities were widespread and partially justified by links with 'toxic' personalities, in Latvia the fencing-off of this minority grassroots initiative from the democratic debate was less all-encompassing than in Estonia. In the case of PNR not all reactions were univocally demonising. Harmony Centre did not claim ownership of the project (although some PNR members are close to the party) but portrayed it as a legitimate civil society initiative that, by opening up the discussion on non-citizenship and giving non-citizens an autonomous voice, could only be positive for Latvia's democracy.[146] The Latvian President responded to the announcement of the alternative elections by stressing that the question of non-citizenship raised by this initiative must be a priority of his presidency.[147] Moreover, state and local

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[143] Sulev Vedlev: 'Võitlus venekeelse hariduse eest algas Kremli rahaga' (The fight for Russian-language education started with Kremlin money). *Eesti Ekspress*, 22 March 2012. Available at: http://ekspress.delfi.ee/news/paevauudised/voitlus-venekeelse-hariduse-eest-algas-kremli-rahaga.d?id=64107843 (Last accessed 16 February 2015).

[144] The reports, issued once a year by the Security Police, are available on the Police's official website: www.kapo.ee (Last accessed 23 February 2015).

[145] 'Linnapeakandidaadid kogunesid valimisstuudios: Edgar Savisaar eitas sidet Öise Vahtkonnaga' (Mayor candidates gathered in the election studios: Edgar Savisaar denied links with Nochnoy Dozor). *Delfi.ee*, 11 October 2013. Available at: http://eestielu.delfi.ee/eesti/archive/linnapeakandidaadid-kogunesid-valimisstuudios-edgar-savisaar-eitas-sidet-oise-vahtkonnaga.d?id=66888919 (Last accessed 16 February 2015).

[146] See, for example: 'Negrazhdane stolknuli Ibami Pabriksa s Urbanovichem' (Pabriks and Urbanovičs argue on the non-citizens). *Telegraf*, 26 June 2013. Available at: http://www.telegraf.lv/news/pabriks-nado-zashtitity-demokratiyu-ot-negrazhdan (Last accessed 16 February 2015). See also: 'Urbanovich: Problemu negrazhdan ne reshit, poka na etu ne ukazhut SShA i ES' (Urbanovičs: The problem of non-citizens won't be solved until the EU and USA demand it). *RuBaltic.ru*, 14 June 2013. Available at: http://www.rubaltic.ru/article/politika-i-obshchestvo/urbanovich-problemu-negrazhdan-ne-reshit-poka-na-eto-ne-ukazhut-ssha-i-es14062013/ (Last accessed 16 February 2015).

[147] 'Delfi v Rige: Prezident Latvii rasskazal, kak emu rabotaetsia v strane, gde 300 tysiach negrazhdan' (Delfi in Riga: Latvia's President told how he manages to work in a country with 300,000 non-citizens). *Delfi.ee*, 28 February 2013. Available at: http://rus.delfi.ee/daily/estonia/delfi-v-rige-prezident-latvii-rasskazal-kak-emu-rabotaetsya-v-strane-gde-300-tysyach-negrazhdan.d?id=65753876 (Last accessed 16 February 2015).

institutions received PNR members in official meetings, de facto recognising them as (at least potentially) legitimate interlocutors on the issue of non-citizenship. Already in February 2013, soon after the formation of the Non-Citizens' Congress and its announcement that alternative elections were going to take place, the parliamentary committee on societal integration invited Congress members to attend their meeting. The head of the committee (a member of the nationalist party TB/LNNK) reportedly commented that, although the zero-option on citizenship was out of the question, the committee should anyway take the problem of non-citizenship seriously.[148] Furthermore, a number of local administrations – including Riga – conducted talks with PNR about initiating formal cooperation and allowing PNR representatives in a number of local council committees (Interviews with PNR members, 2013; PNR second plenary session, 14 September 2013).

Alongside these formal or de facto recognitions of legitimacy, some Latvian public figures openly challenged the automatic dismissal of PNR as radical. They did this on the grounds that this initiative signals a serious problem that the government is guilty of minimising,[149] and – more straightforwardly – that if every activity that brings together people on the basis of ethnicity is to be seen as dangerous by the Latvian security services, then also the nationalist parties in parliament should be put under scrutiny.[150] More in general, my analysis of the Latvian-language newspapers' coverage of PNR does reveal many instances of securitising and delegitimising. However, coverage was rather extensive, which insured a relatively high level of public visibility to PNR, and it included much neutral-to-positive coverage, especially interviews with PNR members and reprinting of PNR press releases.

While it was not always depicted as a benevolent (and desirable) expression of civic activism, PNR was at least regarded as an expression of minority discontent to be reckoned with. This applied to the majority elite, who was reminded of the persistent problem of non-citizenship. But it also applied to the Russophone representatives in formal institutions. As one of PNR initiators put it:

> I am a member of Harmony Centre (HC), but in this case I think that civil society
> activism will be more effective: firstly, as a party we will need some years to get to this

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[148] 'Vybory "parlamenta negrazhdan": politiki bstrevozhilis' (Elections for the "non-citizens' parliament": politicians are worried). *Delfi.lv*, 28 February 2013. Available at: http://rus.delfi.lv/news/daily/politics/vybory-parlamenta-negrazhdan-politiki-vstrevozhilis.d?id=43102806 (Last accessed 16 February 2015).

[149] 'Dainis Lemešonoks: Nepilsoņu eksistences jēga' (Dainis Lemešonoks: the sense of the non-citizens' existence). *Delfi.lv*, 29 November 2012. Available at: http://www.delfi.lv/news/comment/comment/dainis-lemesonoks-nepilsonu-eksistences-jega.d?id=42868478 (Last accessed 16 February 2015).

[150] Iveta Kažoka: 'Recenzija Drošības policijas 2012.gada pārskatam' (Review of the Security Police 2012 report). *Politika.lv*, 13 May 2013. Available at: http://politika.lv/article/recenzija-drosibas-policijas-2012-gada-parskatam (Last accessed 16 February 2015).

problem; secondly, we see a possibility to find a solution through civil society; thirdly, it's possible that also HC sometimes needs society to remind them that this question must be solved, that they cannot leave it behind or forget it. So civil society can put pressure on HC, so that in the process of creating compromise agreements with the other parties this question does not fall behind. (Interview with Elisaveta Krivtsova, 23 September 2013)

Having a vaguer constituency and fewer votes, RZS found it difficult to impose itself as a legitimate voice in Estonia's public debate and was easily dismissed as another expression of pro-Kremlin radicalism. In Latvia, PNR was slightly more successful in terms of mobilisation, although not to an extent that necessarily justifies the attention it received.[151] Its appeal to redraw the boundaries of Latvia's democratic debate, however, resonated more in the Latvian political context in which Russophone voices are harder to ignore. PNR's experience – whether it will eventually be successful or not – illustrates how the positive trend of minority representation and mobilisation in Latvia has created room for Russian-speaking activists and representatives (and for liberal voices within the ethnic Latvian community) to actively negotiate the borders of legitimate political action. While this does not guarantee policy impact and might in fact backlash by triggering stronger nationalist reactions, it also creates a more favourable climate for the engagement of minority voices in the democratic (although often heated) debate.

7.1.3 Protest

Protest, as a non-violent form of contentious politics, is part of 'the repertoire of 'voice' that the democratic citizen has at its disposal to communicate with the political elite' (Kopecký & Mudde, 2003, p. 10). According to Sherrill Stroschein, minority grassroots protest constitutes an important avenue for minorities to enter the democratic process from which they would otherwise be excluded by democracy's majoritarian bias (Stroschein, 2012). Minority protests can therefore potentially constitute an alternative channel for the minority to influence policymaking.

In both Estonia and Latvia the education reform has been one of the major catalysts for minority mobilisation and protest. However, this happened with different intensities and

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[151] Although PNR's 15,000 voters are considerably more than RZS's 4,000, Latvia has about 300,000 non-citizens and the legitimacy of PNR to represent them all was not a given in the wake of the alternative elections. For an early article that points to the failure of the PNR initiative see, for example, Aivars Ozoliņš: 'Nepārstāvošo kongress' (The Congress of the Non-representing). *IR*, 13 June 2013. Available at: http://www.delfi.lv/news/comment/comment/aivars-ozolins-ir-neparstavoso-kongress.d?id=43400141 (Last accessed 9 January 2015).

different levels of success. In Latvia the education reform was due to be implemented in minority schools starting in September 2004, and the years 2003–2004 saw a series of street protests (especially in Riga) in which thousands of Russian-speakers openly rejected the reform's goals and implementation plans.[152] In Estonia the implementation of a similar reform was postponed several times and then started gradually only in 2007. A number of small-scale protests and sit-ins were organised against it by the Russophone NGO Russian School in Estonia.

Anti-reform grassroots efforts achieved markedly different success in Estonia and Latvia, both in terms of their mobilisation capabilities and of their policy impact. In both cases, ethnic majority elites were the gatekeepers of the policymaking process. However, in Latvia the size and duration of the protests pushed the government to compromise. My interviews with policymakers and anti-reform activists reveal that there are different accounts of the chronology of the events, namely on whether the softening of the requirements from 100% to 60% Latvian-language teaching in minority schools was a response to the protests or dictated by pragmatic considerations that pre-dated the mass demonstrations (namely, the lack of adequate resources to implement a total language switch). Although some of the biggest protests took place *after* the government's decision to amend the law, a close analysis of the events suggests that the minority's activism against the reform was instrumental in pushing the government to compromise.[153]

The Latvian government engaged in dialogue with the Russophone opposition only after the latter had started mobilising for protest (Rozenvalds, 2005, p. 28). Then, when it realised that the protests were slow to subside, the government adopted a strategy to defuse tensions that envisaged concessions to what it considered the moderate Russophone activists, while discouraging the more maximalist elements (Muižnieks, 2009, p. 76). This strategy was implemented in a less than linear manner and, as a result, there was a diffused feeling among the minority opposition that the government could not be trusted as a negotiation partner. At different junctures the government broke its promises, generating distrust for the authenticity of its will to compromise (Silova, 2006, p. 148ff.). This distrust likely explains why protests went on even after the 60/40 arrangement had become law and until the actual implementation started. Although the final policy was not considered ideal by all the activists, the 2003–2004 experience of mobilisation was a clear signal of Latvia's Russophone minority's capacity to mobilise en masse.

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[152] For a thorough summary of the 2003–2004 protest actions and an analysis of their rationale, see Tatjana Bogushevich (2013).

[153] For a chronology of the events, see Iveta Silova (2006, pp. 176–89).

Another important feature that distinguished Latvia's Russophone community's response to the education reform from Estonia's was the level of internal differentiation of the protest movement. In Latvia, although the basic critiques to the reform were shared, the Russophone front was not homogenous. It had a more moderate, compromise-prone component (represented by the Latvian association for the support of Russian-language, LAShOR) and a more radical component (represented by the Headquarters for the defence of Russian schools, Shtab). This diversification of approaches within the protest movement – that mirrored a similar split within the union of Russophone parties FHRUL – arguably facilitated compromise. Indeed, internal differentiation meant that the policymakers were presented with a range of positions from the protest front, which made it politically acceptable to at least partially accommodate the minority voices they considered more moderate.

In Estonia, there was no such differentiation within the Russophone anti-reform front. First of all, there is only one grassroots organisation (Russian School in Estonia, RSE) that opposes the reform. Moreover, although it has its own strategies and a measure of organisational independence, RSE is highly dependent on Tallinn city government (especially the deputy mayor Mihhail Kõlvart) for strategic support and visibility. While a more thorough analysis of Tallinn city government's role vis-à-vis the Russian-speaking minority has been provided in Chapter 5, here it is sufficient to note that reliance on a specific political party and lack of internal differentiation make the anti-reform movement in Estonia less independent and more vulnerable to exogenous party interests. The movement is thus less likely to be seen as a policy partner by the Estonian policymakers.

Moreover, given its relatively low capacity for popular mobilisation, RSE tends to use the same tools of other minority advocacy NGOs (petitions and lobbying) and encounters similar barriers. So, for example, RSE members met representatives of the Ministry of Education and the Ministry of Culture (responsible for minority issues). However, these meetings had hardly any policy impact. The Head of General Education Department at the Ministry of Education described her meetings with RSE representatives in this way:

> We sat here and talked, but we don't have any substantial work with them because they don't have proposals regarding the pedagogical process. They are only concerned with politics; they are not concerned with high-quality education. Their slogans are also…always about some rights, some "minority rights". (Interview with Irene Käosaar, 5 September 2013)

Estonia and Latvia eventually passed a very similar school reform that foresees at least 60% state-language teaching in upper-secondary minority schools, although with a significant

difference in terms of implementation timing (much earlier in Latvia). Notwithstanding the similar policy outcome, there was a fundamental difference between Latvia and Estonia in the process through which this outcome was achieved. In Latvia the minority, by mobilising, took an active part in the policy debate. In Estonia the policy shift took the form of a pragmatic concession rather than being the result of a deliberative process that included the minority. All Estonia's minority activists and minority NGO advocates I interviewed described their access to the policymaking debate as practically null. They understood the government's gradualist approach to the reform as a 'cunning' way to deter minority opposition. While this is arguably its own form of response to minority opinions (it is likely that the government moderated its line not least to avoid large-scale protests), it is one that denies the minority any active role in the policymaking debate.

Moreover, while in Estonia at the local level the conflict on school reform implementation has taken harsh tones, in parliament the discussion is mostly about the speed of the implementation rather than the essence of the reform. The Centre Party, particularly by the initiative of some of its Russophone MPs, managed to postpone the implementation of the reform a number of times. The lack of significant grassroots mobilisation on this issue, however, meant that the Centre Party's Russophone MPs had little backing for their claims that the reform goes counter to minority rights and needs.

Given the low success with mobilising mass protest around the education reform in Estonia, some observers have argued that the 2003–2004 protests in Latvia are better compared to Estonia's Bronze Soldier riots in 2007 (Interview with Vadim Poleshchuk, LICHR, 2 May 2013). In fact, direct comparison with the Latvian anti-reform protests is at least problematic as the riots of Aril 2007 were a one-off, spontaneous revolt rather than policy-oriented, politically organised protests. Nochnoy Dozor (Night Guard, ND) – the small grassroots organisation that, in the months preceding the removal had organised regular sit-ins at the statue – had not organised the riots and did not subsequently capitalise on the mass mobilisation spurred by the removal. ND's activities were in many respects more an instance of 'fire fighting' rather than any longer-term minority political mobilisation.[154] However, while they cannot be easily compared to Latvia's mass political protests, or rather *because* they cannot be compared to them, the Bronze Night riots serve as a useful illustration of how the visibility granted by minority mass mobilisation does not necessarily guarantee voice.

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[154] Nochnoy Dozor militants described their protest's aim to me as strictly confined to the monument issue; once that was 'solved' the reason to protest was also eliminated (Interviews with former ND militants, 2013).

In April 2007, the Estonian government decided to remove a Soviet-era WWII statue (known as the Bronze Soldier) from the centre of Tallinn, triggering the reaction of the Russian-speaking community for which that statue had acquired a high symbolic meaning.[155] The riots that accompanied the removal resulted in the death of one protester, over a hundred injuries, and one thousand arrests (Kaiser, 2012, p. 1053). These events came as a shock, especially considering the fact that the Russophone minority had hitherto been seen as largely passive and on a quiet path towards social integration (Ehala, 2009). The Bronze Night, however, was also an isolated event, and it did not signal the beginning of a new period of heightened minority activism in Estonia. ND, after successfully mobilising protesters to oppose the removal of the statue, failed to transform this into any sort of political capital. Russian-speakers' civic activism has remained low after the Bronze Night, disproving early prediction that these events would represent a watershed for Russian-speakers' civic political engagement (Brüggemann & Kasekamp, 2008, pp. 440–441).

In terms of direct effectiveness on the issue at hand (the removal of the statue), the sit-ins organised by ND and the involvement of some Russophone MPs as mediators were unsuccessful. The riots can be seen as a reaction to this lack of voice rather than an attempt by the minority to influence decision-making. In terms of the wider effects on the legitimacy of minority grassroots voices, the riots had a negative impact. The debate following the Bronze Night events reinforced suspicion around the Russophone minority, and securitising discourses of Russia's 'fifth column' were common (Kaiser, 2012, p. 1054). Moreover, as it has been noted for the case of the *banlieues* riots in France (Lentin & Titley, 2011, p. 59), also in Estonia the discussion that followed the riots tended to be focused on the rioters as 'failed integrants' and did not bring to a reconsideration of integration policies or of the role of Russophone voices in the democratic process.

In the aftermath of the protest, the 2008 feasibility report for the Integration Programme decried the tendency to see the Bronze Night rioters as 'the "embodiment" of the Russian-speaking population' and proposed an 'integration index' that divided Russian-speakers according to their degree of integration and 'positive connection' with Estonia (Lauristin & Vihalemm, 2008, pp. 17–18). The rioters were at the bottom of this 'integration hierarchy'. Similarly, a high-ranking public official, contrasted the 'drunk criminals' that took to the streets in 2007, to the 'thinking Russians [who] were ashamed for what happened' (Interview, 2013). While this narrative of the events allows for the recognition of 'our Russian-speaking

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[155] For accounts of the Bronze Night and of the events that preceded it, including early instances of vandalism against the Bronze Soldier and Nochnoy Dozor's sit-ins to protect it, see David Smith (2008) and Martin Ehala (2009).

compatriots' (those who 'are ashamed') as a legitimate part of society, the distinction between 'good' and 'bad' Russian-speakers has also a disciplining function (Kaiser, 2012, p. 1055). Indeed, according to Robert Kaiser's reading, this distinction carries the implication that '"our Russians" know their place and are happy with it, are loyal to the state, do not demonstrate or protest and certainly do not riot against it' (2012, p. 1055). Therefore, even if it was probably meant as inclusive, this discourse ends up delegitimising protest as a democratic form of minority political expression.

The comparison between protest episodes in Estonia and Latvia suggests that protest can potentially be an alternative avenue for the minority to enter the democratic process of decision-making, but under certain conditions. Effective mobilisation – in terms of size and duration of the protests – was key in Latvia to impose minority voices as participants in the policymaking debate. Small or one-off events of the type seen in Estonia have arguably less chances of successfully pushing policymakers to compromise and might instead elicit negative responses. Clear policy goals and a clear articulation of them by at least some of the organisations involved in the protests were also important, but they were effective only in Latvia, where they were backed by substantial mobilisation.

This is not to say, however, that the protest route to the policy process (even when successful) is in any way linear. Indeed, even in Latvia, where the protest movement arguably imposed the presence of Russophone voices in the debate, the government refused to admit to the fact that the 60/40 solution was the result of compromise. This, according to Russophone activists and representatives who took part in the negotiations, did not contribute in creating an atmosphere of mutual cooperation and understanding and made the resulting policy a bitter victory (Galbreath & Galvin, 2005, p. 456).

In addition to this, in both Estonia and Latvia there was no clear-cut distinction between civil society activists and minority politicians, which makes unpacking the relationships between the two rather difficult. In Latvia this partial overlap reflected a multiplicity of positions within the Russophone community. In Estonia, instead, the overlap seen in the case of RSE resembles co-optation by the Centre Party. Internal differentiation of the protest movement can be a facilitating condition for protest to become an alternative channel for minority access to policymaking. Indeed, it strengthens the position of minority activists and minority political representatives that are willing to enter into a dialogue with the policymakers, which makes compromise more likely. Co-optation, instead, can mean that the protest movement comes to be associated with the political interests of a party or of individual politicians. Even being *seen* as related to specific party interests can delegitimise activists as potential policy partners.

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7.1.4 The 2012 referendum on Russian as a second state language in Latvia

While referenda have become a recurrent feature of Latvia's political life, they play a very marginal role in Estonia. In Estonia only the *Riigikogu* has the right to initiate a referendum and so far – not counting the independence referendum and the one on the constitution – Estonia held only one (in 2003 for the EU accession). The Latvian constitution, in contrast, provides for more opportunities for holding referenda. The president can call a referendum for the dissolution of the *Saeima* and there is also the possibility of popular initiative referenda. Excluding the independence referendum, Latvia has so far held eight referenda on a variety of issues. Among those, two had specific minority-related content: the 1998 referendum on the Citizenship Law and the unsuccessful 2012 referendum on Russian as a second state language.

This last case is particularly interesting, as it was initiated by Russophone grassroots activists and managed to mobilise a large portion of the minority community. The referendum question asked that Russian be made the second state language of Latvia, giving it equal legal status to Latvian. This was an extremely controversial issue, as the idea of Latvian as Latvia's only state language had been from the very beginning a fundamental tenet of the country's post-independence rebuilding. The language referendum was a response to another referendum initiative – this time promoted by the nationalist party National Alliance – to make Latvian the only language of instruction in public schools (Šūpule, 2012, p. 123). While the nationalist signature collection was unsuccessful, it had the effect of increasing support for the language referendum initiative among Russian-speakers (Lublin, 2013, p. 386).

In 2012, launching a referendum in Latvia implied a two-stage process of signature gathering: 10,000 signatures had to be independently gathered in order to access the second, state-funded stage of signature collection. One tenth of the eligible voters (154,379 in 2011) had to sign in the second stage for the Central Electoral Commission to call a referendum. In the case of the 2012 referendum, the activists – coordinated by the grassroots organisations United Latvia and For Mother Tongue (later constituted into the party Zarya) – collected 12,353 signatures in the first stage and 187,378 in the second (Lublin, 2013, p. 386), and then successfully mobilised the Russian-speaking electorate to vote in favour of it on 18 February 2012.

The referendum initiative triggered a counter-mobilisation in defence of the Latvian language, led by the Latvian majority elite which presented it as a threat to the very foundations of the Latvian state (Lublin, 2013, pp. 386–387). In fact, a similar discourse of endangered nation was voiced on both sides of the dispute, as both the referendum campaigners and the national elites mobilised their communities presenting the issue as a matter of national survival (Hanov &

Tçraudkalns, 2012, p. 20).[156] The heated debate around the referendum resulted in a turnout that is very high for Latvia (70.9%). The result of the referendum, however, was predictably negative, as only about 25% of the voters were in favour of the proposed constitutional amendments. This roughly corresponds to the share of Russian-speakers in the electorate (Šūpule, 2012, p. 124).

Notwithstanding the negative result, the 2012 referendum was a successful experience in minority mobilisation. After the 2003–2004 protests, the 2012 referendum was a confirmation of the Russian-speaking community's capability for mobilising on sensitive issues and can be seen as part of an upward trend in civic activism within the minority. Soon after the 2012 referendum, its initiators started collecting signatures for a new referendum to grant automatic citizenship to all Latvian non-citizens. However, this time the referendum was judged unconstitutional by the Central Electoral Commission.[157] This spurred yet another initiative: the alternative elections to the Parliament of the Non-Represented, which has been analysed in a previous section.

The referendum also provided an illustration of how successful minority grassroots mobilisation can affect the position of mainstream minority representatives. When the first campaign to collect signatures was launched, initially Riga mayor Nils Ušakovs and the rest of Harmony Centre leadership were against the initiative. The party was in favour of some recognition of Russian, but as a minority or regional language rather than a state language at the same level as Latvian. However, when it became evident that the pro-referendum campaign was gaining steam, Ušakovs announced that he was going to sign the petition in the second stage of signature collection. This move was presented not as a change of mind but as a principled response to nationalist ministers' reactions to the initiative that, according to Ušakovs, 'separate the country's citizens into right or wrong ones'.[158] Many observers saw Ušakovs's support for the initiative as key in boosting mobilisation and gathering more than the necessary number of signatures in the second stage of pro-referendum campaigning.[159]

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[156] A difference has been noted, however, in the discourse used by ethnic Latvian and ethnic Russian internet users who commented on the referendum: while the former typically used ethnonationalist discourses to portray Russian-speakers as an ethnic threat, the latter tended to focus attacks against the Latvian government and the national elite rather than on Latvians as a nation (Šūpule, 2012, p. 131).

[157] At the time of writing this decision is being disputed in court (LCHR, 2013, pp. 46–48).

[158] 'Ušakovs pulls an about-face', *The Baltic Times*, 9 September 2011. Available at: http://www.baltictimes.com/news/articles/29933/#.U-H_5lbqJg0 (Last accessed 5 August 2014).

[159] 'Dva goda nazad v Latvii sostoialsia skandalnyi referendum o gosiazyke' (Two years ago in Latvia took place the scandalous referendum on the state language), *Delfi.lv*, 18 February 2014. Available at: http://rus.delfi.lv/news/daily/politics/dva-goda-nazad-v-latvii-sostoyalsya-skandalnyj-referendum-o-gosyazyke.d?id=44224151 (Last accessed 16 February 2015).

The referendum had also unintended results. First of all, like with the Bronze Soldier in Estonia, much of the debate after Latvia's 2012 referendum was preoccupied with Russian-speakers as 'failed integrants' and the securitisation of minority issues was also given a boost (Hanov & Tçraudkalns, 2012, p. 21; Šūpule, 2012). A reading of the events emerged in the public sphere that framed Russian-speakers who voted 'yes' as traitors (Hanov & Tçraudkalns, 2012, p. 21), and Harmony Centre's involvement in the referendum campaign as confirmation of its unsuitability for government (Lublin, 2013, p. 387). Perhaps responding to this framing as a radical party, Harmony Centre subsequently refused to support the new referendum campaign promoted by Russophone activists to grant automatic citizenship to all non-citizens. Nils Ušakovs explained this decision by arguing that such an initiative will only play in the hands of nationalist parties, while giving governing parties a useful distraction tool to move attention away from their own mistakes.[160]

Moreover, the referendum triggered a debate about the necessity to make popular initiative more difficult in order to save public money and, in the words of former *Saeima* speaker Solvita Āboltiņa (Unity party), 'so that the minority is not able to dictate rules for the majority in a democratic country'.[161] The amendments to the Law on Referenda presented by the governing parties soon after the 2012 referendum were openly aimed at thwarting the emerging use of referenda as political tools by Russian-speakers' protest movements.[162] Under the proposed law, referendum initiators were required to gather the signatures of at least 10% of the electorate (about 150,000 people) without the financial support from the state previously provided after the first 10,000 signatures. The amendments to the referendum procedure became a new battlefield between government and parliamentary opposition.[163]

7.2 The *voice/polarisation dilemma* for minority mobilisation

The analysis of minority grassroots mobilisation shows that Estonia and Latvia experienced diverging trajectories in terms of their Russophone minority's capacity for mobilisation and the

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[160] 'Latvia gears up for another national referendum', Baltic Times, 5 September 2012. Available at: http://www.baltictimes.com/news/articles/31797/ (Last accessed 3 February 2015).

[161] 'Referendum process to change', *Baltic Times*, 28 March 2012. Available at: http://www.baltictimes.com/news/articles/30881/#.U-IFbFbqJg0 (Last accessed 16 February 2015).

[162] 'Latvia gears up for another national referendum', *The Baltic Times*, 5 September 2012. Available at: http://www.baltictimes.com/news/articles/31797/#.U-IMDVbqJg0 (Last accessed 16 February 2015).

[163] After much political squabbling and after the president refused twice to promulgate the law, a slightly revised version of the amendments to the referendum law was passed. This foresees the implementation of the new system starting from 1 January 2015 and includes a transition period in which the 30,000 signatures (instead of the original 10,000) must be collected before state funding is provided. Harmony Centre asked the constitutional court to review these amendments as they might be in breach of voters' rights, but the court returned a positive assessment of the new referendum law, especially as it compensates for higher demands on the referendum initiators with provisions for online signature collection. Harmony Centre threatened to call a referendum on the new referendum procedure.

potential for the minority to gain voice and influence through grassroots activism. In Estonia, the trajectory of minority mobilisation has been generally downward. Grassroots advocacy organisations are small and underfunded, minority activists have failed to mobilise Russian-speakers in significant numbers, and Estonia's Russophone community remains isolated, with a low self-esteem, and politically passive (Berg, 2001; Heidmets, 2008).

The events that have come to be known as the 'Bronze Night' are an exception to this only in the sense that they saw an unprecedented peak of mobilisation and visibility for the otherwise silent Russophone community. The Bronze Night was, however, an isolated event and it did not signal the beginning of a new period of heightened minority activism. In fact, these events are perfectly in line with the negative trajectory described here. Powerlessness and exclusion have been indicated as central to the logics of rioting: communities that feel marginalised and excluded from institutional avenues of political influence find in riots the only way to have their voice heard (Tshimanga, Gondola, & Bloom, 2009). This does not mean, however, that rioting voices are also listened to. On the contrary, the conditions of powerlessness and exclusion that trigger rioting are heightened by the riots, which tend to provoke hostile responses from authorities and rarely elicit solidarity from the general public (Tshimanga et al., 2009, p. 43). The fact that the 2007 riots were not followed by heightened minority activism is in line with this understanding of riots not as an expression of minority empowerment, but rather as a manifestation of powerlessness. If anything, the Bronze Night events contributed in delegitimising grassroots mobilisation and protest as tools for minority political participation.

Conversely, Latvia has experienced an upward trend in minority political activism. Protests against the reform of Russian-language schools mobilised tens of thousands of Russian-speakers (Silova, 2006, p. 149). Although not all those involved consider the resulting school policy as a victory, protests showed the minority's mobilising capacities and were instrumental in pushing the government to compromise. Minority advocacy organisations have been bigger and more active in Latvia than their Estonian counterparts, and the relative success of the non-citizens' alternative elections confirms minority activists' organisational and mobilisation capacities. The 2012 referendum constituted another peak of mobilisation that made Russophone voices, if not necessarily welcome, at least difficult to ignore.

Two sets of conclusions can be drawn from the analysis of Estonia's and Latvia's experience with minority mobilisation. The first concerns the relationship between minority grassroots movements and minority representatives in formal institutions. The second has to do with the extent to which minority mobilisation has successfully functioned as an alternative channel for minority inclusion in the policymaking process.

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Three main points emerged about the relationship between minority mobilisation and minority formal representation. Firstly, the minority's capability for independent mobilisation (that is, the expectation that a minority might successfully mobilise for or against policies that concern it directly) and the size of minority mobilisation have their own impact, independent of minority formal representation. This applies in particular to protests and initiatives like alternative elections, which explicitly expose the number of the discontented. Strong mobilisation capabilities offer grassroots activists the possibility to put direct pressure both on the government and on minority representatives. On the contrary, low capability for mobilisation makes it difficult for the minority to be seen as other than a policy object by the policymakers. It also makes minority grassroots overly dependent on support by minority formal representatives. This dependency, in turn, reduces the activists' capacity to shape the agenda of minority official representatives, and contributes to their marginality.

Secondly, and following from the previous point, the relationship between minority formal representation and grassroots mobilisation must be understood as reciprocal. On the one hand, grassroots mobilisation has its own rationale and activists pursue their own independent agendas; this can affect political representation by raising issues that the representatives must address, and by putting pressure on the representatives to be responsive and stay 'on track'. Moreover, strong grassroots mobilisation can give additional strength to the minority demands that are articulated by minority representatives. On the other hand, minority representatives in formal institutions often take the role of mediating between grassroots activists and authorities (Stroschein, 2012, pp. 21–23). This mediation significantly increases the chances for minority *voice* to be translated into actual policy *influence*. Indeed, while minority mobilisation has its own logics and can have its independent genesis, high minority grassroots mobilisation in a context in which there are no official representatives to act as bridges between grassroots and institutional level runs the risk of being discounted or securitised by policymakers. The presence of minority formal representation (and the normalisation of minority voices' participation in the political debate it entails) creates the conditions for minority grassroots mobilisation to be heeded rather than ignored or (only) securitised.

Finally, the two previous points must be complemented by the understanding that the relationship between the minority's formal representation (parties, MPs, local councillors) and spontaneous grassroots mobilisation is fundamentally complex. A clear distinction between the two forms of minority participation in political life would be largely artificial, and substantial grey areas exist.[164] In both Estonia and Latvia official minority representatives (and parties) were at

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[164] For a general point about the blurry nature of distinctions between civil and political society, see Michael Foley and

the same time responding to their constituency's independent mobilisation and actively participating in mobilisation activities. Minority representatives are often in very close contact with activists, can be activists themselves, and often take part in organising protests. Some level of interpenetration is to be expected, especially given Estonia and Latvia's small size and the reduced pool of minority elite. However, when this partial overlap is tantamount to co-optation of grassroots movements into specific parties (as seen in Estonia), this might reduce the potential for minority mobilisation to serve as an independent minority channel to policymaking. In this case, 'grassroots' mobilisation becomes very difficult to distinguish from party strategy.

The second, broader conclusion concerns the potential for grassroots mobilisation to constitute an alternative channel for minority access to the policymaking debate. First of all, it must be noted that in contexts like Estonia and Latvia in which ethnic majority elites tend to dominate the political process, the very boundaries of legitimate minority grassroots mobilisation and civil society participation are at core politically contested. It has been noted that not all grassroots activities and initiatives bring positive elements to the democratic debate, and some forms of civil association can even be detrimental to democratic institutions (Chambers & Kopstein, 2001). While this might be relatively self-evident for organisations that promote violence, racism, hate, xenophobia or similar anti-democratic agendas, the distinction between 'bad' and 'good' civil society is less obvious in ethnically divided societies. In these cases, the definition of which activities and organisations fall under the bracket of healthy civil society and which ones are instead 'bad' and unhealthy becomes one of the contested issues between the majority and the minority.[165]

The definition of the boundaries of 'good' civil society is eminently political: it delineates the limits within which the democratic debate can take place and determines the voices that can legitimately take part in it. The consultative mechanisms for the drafting of the Integration Programmes (analysed in the previous chapter) are one example of how unilaterally imposed boundaries to the democratic debate can seriously undermine the democratic principle of minority inclusion. These same boundaries constrain the effectiveness of minority advocacy organisations in particular, but they apply to all forms of grassroots mobilisation insofar as grassroots policy impact is regulated by the national elites' role as democracy gatekeepers. In assessing the impact of minority grassroots mobilisation on the policymaking process, therefore, we must take into account the level to which mobilisation can successfully push beyond those

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Bob Edwards (1996) and Petr Kopecký and Cas Mudde (2003, pp. 5–8).

[165] For a discussion of the difficulties of normatively distinguishing 'civil society' from 'uncivil society' see Kopecký and Mudde (2003). For authors that extend a similar argument beyond ethnically divided societies, see Dean (2008) and Ferree (2003).

boundaries and renegotiate them. Only if it is able to challenge existing boundaries to minority democratic participation, minority grassroots mobilisation can effectively create an alternative channel for the minority to participate in the democratic process.

Speaking strictly in terms of policy outcome, only the 2003–2004 protests in Latvia can be said to have been effective in influencing policy. Sizeable and protracted mobilisation imposed the activists' voices as something to be reckoned with and pushed the government to enter in a dialogue at least with the sections of the protest movement it considered more moderate. The resulting policy, although not satisfactory for all, was a compromise. The mobilisation for the 2012 referendum on Russian language, although successful, did not achieve its stated policy goal. On the contrary, it elicited a policy backlash that will make it difficult for the minority to use citizens' legislative initiative again to promote desired policies. The alternative elections to the PNR in Latvia successfully put non-citizenship back in the agenda, and functioned as a 'reminder' for Harmony Centre. However, it is still unclear whether they will have any actual impact on citizenship policies or on non-citizens' voting rights. In Estonia, low minority mobilisation meant that the minority had little chance of having any impact on policies through the grassroots route. The Bronze Soldier riots did see a high number of Russian-speakers on the streets, but there was no possibility that this was going to affect the policy outcome of the statue dispute (the Bronze Soldier statue had already been removed). The softening of the education reform in Estonia might have partially been the government's pre-emptive response to the possibility of minority protest. It is arguable, however, whether this can be counted as a policy success for minority mobilisation, especially given that the minority had virtually no active role in the decision-making process.

If we broaden our gaze beyond policy outcome to the wider implications of these two different 'stories' of minority mobilisation, the same *voice/polarisation dilemma* observed at the level of formal representation emerges at grassroots level. Estonia and Latvia illustrate the two faces of this dilemma. As noted in the previous chapters, policy outcome is not a good indicator of the inclusiveness of the policymaking process. The education reform is a good case in point. While Estonia and Latvia ended up with rather similar education reforms in upper-secondary minority schools, they came at it through remarkably different processes in terms of minority mobilisation and empowerment. While in Latvia minority protests and the mediation of minority representatives were key in reaching a compromise solution, in Estonia the decision to ease the requirements on minority schools was not the result of a deliberative process in which the minority took part. It was rather a pragmatic decision taken by the national elites, partly as a compromise between different opinions within it, and partly as a way to weaken minority

opposition. After that, the discussion on the reform was mostly technical, focused on how to better implement the policy rather than on the policy itself. Minority representatives in parliament remained constrained within this framework and pushed for postponements rather than for a rediscussion of the policy.

In Estonia, therefore, low minority mobilisation made for a somewhat less polarised political debate and did not make a big difference if we look only at the policy outcome, but this apparent quiet came at the expense of minority voice. Low mobilisation meant that the contribution of minority grassroots' initiatives to the democratic debate was marginal and often negligible. This absence of voice had been seen until the Bronze Night riots as a signal of acquiescence on the part of the minority. The riots disrupted this picture only insofar as they showed that minority integration is not working in the way it had been expected to. However, the riots (and the 'good Russian' and 'bad Russian' discourse that followed them) also reinforced the status quo by further delegitimising grassroots mobilisation (and especially protest) as a viable tool for the Russophone minority to participate in the political debate.

Latvia illustrates the other side of this *voice/polarisation dilemma*. In Latvia, high capacity for minority grassroots mobilisation did constitute a viable channel for the minority to access the policymaking debate. Through civic mobilisation, grassroots minority activists can put pressure both on the governing parties and on minority representatives in formal institutions, and in general can impose minority voices as legitimate participants in the political debate. This, however, comes at the price of high levels of polarisation. The heated debate around the language referendum is a case in point. Polarisation poses the risk that the minority's high capacity for mobilisation might scare majority voters and the majority elite into defensive positions, which can in turn be counterproductive both in terms of policy outcome and in terms of minority voice legitimacy. In an ethnically polarised environment, high minority mobilisation can be presented to (and perceived by) the ethnic majority as a threat to the democratic fabric of Latvian society rather than a valuable contribution to its healthy development.

7.3   Conclusions: Mobilisation and quality of democracy

This chapter provided an analysis of the most relevant episodes of minority grassroots mobilisation in Estonia and Latvia. A picture emerged that reveals the different strength of minority grassroots activism in the two countries (higher in Latvia, lower in Estonia). This closely mirrors Estonia and Latvia's diverging trajectories of formal minority representation. In general, the analysis showed that grassroots mobilisation can indeed be an alternative (or additional) channel for minorities to access the policymaking process. The success of mobilisation in influencing policies, however, depends on a number of factors. First of all, the size, duration and

independence of grassroots movements. Second, the existence of minority representatives that can work as bridges and mediate between the mobilised minority and the institutions. And finally, the paradoxical effects of the *voice/polarisation dilemma* must also be taken into account, as high mobilisation can polarise society and make compromise more difficult.

All in all, looked at from the perspective of quality of democracy (where more minority inclusion in the democratic process is indication of better quality), the comparison between Estonia and Latvia suggests once again that in the latter there is more room for the minority to effectively challenge ethnocentric understandings of the democratic polity. The emergence of grassroots minority voices that claim their space as legitimate participants in the democratic debate surely creates tensions and poses the concrete risk that extreme polarisation might emerge. However, it also creates the possibility for the emergence of positive democratic dynamics. While extreme polarisation can be detrimental to inter-ethnic coexistence, the minority's emergence as a voice capable of contestation and mobilisation is a healthy democratic sign. The Bronze Night riots stand as a reminder that quietness, in the absence of genuine democratic inclusion, is not necessarily a symptom of minority contentment.

CHAPTER 8

Minority representation, inclusiveness and the quality of democracy in Estonia and Latvia

The previous five chapters analysed the ways in which minority voices could participate in policymaking through parliamentary representation, recourse to international organisations, incorporation in city governments, institutionalised consultation mechanisms and minority grassroots mobilisation. Each one of these 'channels' offers at least the potential for the Russophone minority to access decision-making and, more in general, to establish themselves as legitimate members of Estonia and Latvia's democratic polity.

This chapter pulls together the findings from the five analytical chapters, to draw attention to recurrent patterns, differences and similarities that emerge from the comparison between Estonia and Latvia. The focus will be on the risks and opportunities offered by the five access channels, the actors that make use of those channels, and the implications of this thesis's findings for the study of minority political representation and ethnic parties. This chapter ultimately assesses the level of democratic inclusiveness that has emerged in the policymaking process of the two countries, and thus their quality of democracy.

8.1   The five channels

Parliamentary representation, recourse to international organisations, incorporation in city governments, consultation mechanisms and grassroots mobilisation are by no means insulated one from the other, as explained in more detail in the next section. However, for the sake of analytical clarity they have been analysed as separate channels. The inclusiveness of the Estonian and Latvian policymaking process (that is, the extent to which minority voices have access to policymaking and can influence it) can be understood as the sum of the opportunities that these channels offer for effective minority participation. This section reviews the main findings concerning each of the five channels with regard to the possibilities they offered the Russophone minority to (a) influence the policy outcome, and (b) establish themselves as legitimate participants in their country's democratic debate.

The first channel for the Russian-speaking minority to influence policies that concern it directly is parliamentary representation. This is arguably the most direct channel as Estonia and Latvia are both parliamentary democracies, where policies are discussed and adopted by

parliamentary majorities. Members of the Russian-speaking minority have run for parliamentary seats both within mainstream (that is, not explicitly minority-oriented) parties and on ethnic party lists. Minority issues – especially concerning citizenship, education and language – were part of the Estonian and Latvian parliaments' agendas from the very beginning and constituted some of the main lines of division between the major political parties.

The analysis, in Chapter 3, of the parliamentary channel revealed that a 'minority-friendly' policy is not necessarily the result of more minority representation and of a more inclusive decision-making process. Rather, and somewhat paradoxically, under certain circumstances *less* minority representation and a *less* inclusive process created the conditions for more minority-friendly policies to be passed. This is one side of what I have called the *voice/polarisation dilemma*. This dilemma emerges from the comparison of the policymaking process on the non-citizens' local voting rights in the Estonian *Riigikogu* and the Latvian *Saeima*. Low state-level representation and the absence of electorally successful ethnic parties in Estonia led to a somewhat de-ethnicised policy debate, largely taking part between the moderate and radical components of the Estonian national elite. The policy that emerged from this debate was favourable to the minority, that is, non-citizens were granted the right to vote in local elections. In terms of policy outcome, therefore, the Estonian case suggests that minority *absence* from the process might in some circumstances facilitate 'minority-friendly' policies in the form of concessions by the majority elite. In Latvia, on the contrary, competition between mainstream Latvian parties and Russophone ethnic parties exacerbated ethnic polarisation in the party system and made compromise on the issue of non-citizens' voting rights unlikely. The case of Latvia, therefore, suggests that minority *presence* might be counterproductive in terms of policy outcome.

The comparison of the Estonian and Latvian policymaking on non-citizens' voting rights aptly illustrates the two faces of the *voice/polarisation dilemma* and it does so in particularly stark terms as the policy output was opposite: non-citizens' local voting rights were granted in Estonia and denied in Latvia. This pattern was replicated (allowing for the specificity of each case) also for other minority-related policies. For instance, the education reform in minority upper-secondary schools was very similar in Estonia and Latvia in terms of policy outcome. In Estonia, however, its implementation was delayed several times and was in general more gradual than in Latvia. In this sense the Estonian policy could be seen as more favourable to the minority than the Latvian one.[166] Also in this case, Latvia experienced a more polarised debate, which included minority mass mobilisation and street protests, whereas in Estonia minority

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[166] This might explain why protests against the reform have been much weaker in Estonia than in Latvia.

voices had a far more marginal role in the policymaking process. This would seem to confirm that minority absence (or at least limited representation and co-optation within mainstream parties) should be considered preferable in ethnically divided democracies as it makes for a less polarised debate and potentially more minority-friendly policies.

A deeper analysis, however, indicates otherwise. First of all, it was not always the case that policy output was more favourable for the minority in Estonia than it was in Latvia. For instance, in the case of the language law Estonia's policy was not more favourable than Latvia's. Especially for what concerns the powers of the language inspectors, in fact, the legislation on language requirements for employment is rather harsher in Estonia. This suggests that (relative) minority absence *might* bring about more favourable policies for the minority but this is not always and not necessarily the case. Secondly, the relative de-ethnicisation of the policymaking process in Estonia did not correspond to a de-ethnicisation of the wider political debate or to more minority integration. Several studies show that exclusionary discourses on ethno-linguistic lines persist in Estonia both at the political level (Agarin, 2010; Lagerspetz, 2001) and among the general population (Heidmets, 2007, p. 58).

Finally, and crucially, if we widen the analysis beyond the policy outcome to look at the inclusiveness of the policymaking process, the picture changes considerably. Indeed, even when the policy outcome was favourable to the minority, the policymaking process in Estonia largely excluded minority voices from the democratic debate. In the case of non-citizens' voting rights, in fact, the favourable policy outcome was achieved not *in spite of* Russian-speakers' exclusion from the policymaking process but *because of* it. Under these conditions, policy concessions reinforced the role of the ethnic majority elite as the gatekeepers of the democratic process, keeping minority voices marginal in a policymaking debate in which they were policy *objects* rather than policy*makers*. Therefore, while lack of significant minority presence did *in some instances* result in more liberal policies, it *consistently* had negative implications in terms of minority access to the democratic process.

In Latvia, on the contrary, the debate on minority-sensitive policies took place mostly between the Latvian national elite and the Russophone political elite (both with their more moderate and more radical components). On the one hand, this led to a highly polarised debate that made it often difficult to reach compromise solutions and, in the case of local voting rights, resulted in the total disenfranchisement of Latvia's non-citizens. On the other hand, however, high Russophone political presence made for a lively democratic debate in which minority political exclusion is challenged and minority voices have the chance to assert their right to legitimately participate in Latvia's democratic process. While this does not mean that in Latvia

the ethnic majority elite was not in a position of control, it does suggest that there were more possibilities for Russophone voices to challenge the majority elite's gatekeeping role and to position themselves as full members of Latvia's democratic polity rather than mere policy objects.

The Estonian and Latvian debates on minority policies happened within a wider international context. International and regional organisations, of which Estonia and Latvia were first aspiring members and later full members, issued recommendations on minority policies as part of the accession process. The EU and OSCE were particularly vocal on these themes, especially when minority issues were seen as posing hindrances to the new countries' democratic stability and consolidation. This cannot be ignored, as pressures from international organisations have been often pointed to as central in determining policy outcomes on minority issues (Gelazis, 2003; Hoffmeister, 2004; Kelley, 2004).

Recourse to international organisations can function as a channel for minority voices to access policymaking in different ways. Russian speakers can lobby international organisations to put pressure on policymakers to pass more minority-friendly policies. Furthermore, minority representatives can refer to international recommendations and adopt international organisations' language of minority rights and minority participation in order to strengthen and legitimise their claims. Indeed, especially during EU accession negotiations, international recommendations were at the centre of the Estonian and Latvian domestic debates on minority policies, and both minority and majority political actors made open reference to them in order to promote their own agenda. After EU accession, even if minority activists and civil society organisations express disillusionment with the ability of the EU and OSCE to enforce significant change, they regularly lobby those organisations in order to 'shame' their country on the international stage.[167] Although international organisations do not seem to open entirely new avenues for the minority to enter the policymaking debate, they were very relevant in providing arguments and the language to frame domestic debates.

The findings outlined in Chapter 4, where the international channel is analysed, add to the literature that is cautious about the direct role of international pressures in guaranteeing liberal minority legislation (Agarin & Brosig, 2009; Hughes & Sasse, 2003; Sasse, 2008; Schulze, 2010). It is doubtful that external pressures by themselves determined policies; indeed, on other minority policies the same kind of pressures brought about considerably different outcomes in Estonia and Latvia. The likelihood of determining policy outcomes became even more insubstantial after

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[167] This strategy was highlighted by several Russian-speaking activists in both Estonia and Latvia during my interviews with them.

Estonia and Latvia joined the EU and NATO in 2004, with pressures to liberalise minority policies significantly decreasing in both quantity and intensity. While – especially before accession – international recommendations did provide fuel for the debate, in both cases, policy outcomes were ultimately determined by domestic politics.

But the dubious effectiveness of international pressures in achieving liberal minority policies is only half of the story. The role of international organisations was also ambiguous in terms of its influence on the inclusiveness of the policymaking process. Pressures to adopt minority-friendly policies undoubtedly created additional opportunities for Russian-speakers' parties, grassroots movements and civil society organisations to support their own claims and demands. This window of opportunity, however, was limited to the years immediately preceding accession and was not consistently successful. Most importantly, policy negotiations took place between EU and OSCE representatives on the one side and the Estonian and Latvian governments on the other, largely bypassing the Russophone elite. This left the minority in the position of policy object. Seen from this perspective, the involvement of international organisations in the decision-making process did not foster minority inclusion in the process but actually contributed in reinforcing its exclusion.

The analysis of policymaking on language requirements for employment provides an example of how, by pushing for minority-friendly policies while at the same time bypassing the minority, international organisations can in fact contribute to normalising minority political exclusion. Chapter 4 also highlighted the risks of a 'dependency effect' for minority representatives and activists. Indeed, overreliance on international support to push their agenda left minority representatives in a significantly weaker position once Estonia and Latvia entered the EU and their governments could claim to have received the definitive seal of approval on their minority policies. Thus, even when some liberalisation of minority policies was achieved, international pressures had the paradoxical effect of legitimising minority exclusion from the decision-making process.

While international pressures can offer opportunities (however limited and ambiguous) for the minority to enter the policy process from above, representation in local governments can offer an alternative channel from below. In particular, the fact that Russian-speakers have gained important positions of power in the local governments of Riga and Tallinn cannot be ignored if we want a complete picture of minority representation. Because of their limited policymaking responsibilities, city governments can primarily offer influence over policies at the implementation stage. City governments do not simply receive policies from above but must also take decisions on how to interpret and implement them. Impact through this channel,

however, is limited as not all policies allow for the same level of flexibility in implementation. For instance, laws on citizenship or on non-citizens' local voting rights leave no room for reinterpretation further down the implementation line. Even on policies that are more susceptible to being modified during implementation (like the school reform or language requirements), city governments are still bound by the general terms of the state-level policy. This suggests that while city-level representation can provide an additional entry point for minority voices to influence policies, there are important limitations.

As with the other channels, policy outcome is but one aspect to be taken into account. Representation in city government can also provide the Russophone minority – which is poorly represented in state government – with an alternative route to the wider democratic debate. The comparison between Tallinn and Riga in Chapter 5 reveals that minority inclusion in local government can indeed offer a valuable channel for minority voices to take central stage in policy debates and can normalise the presence of Russian-speakers in the public arena and in positions of power. Inclusion into city government (what I have called incorporation following the US literature on the topic), however, can also function as a palliative, or 'trap'. It can offer some local returns to the minority (in the form of patronage) without opening an additional channel for minority voices to access the national democratic process or to gain legitimacy in the national political debate. Riga and Tallinn offer illustrations of these two different possibilities. Representation in city government in Riga is contributing to normalising the presence of Russian-speakers in positions of power. In Tallinn, however, it has resembled a palliative more than an occasion for empowerment. Like at the state level, minority political representation in city government is *necessary* for empowerment but is not *sufficient* by itself to guarantee either effective influence on policies or minority political empowerment.

Consultations organised by policymakers to establish minority needs and opinions on specific policies offer a fourth channel for the minority to participate in policymaking. Consultations can be organised at different stages of the decision-making process – from the initial stages of agenda setting to feedback on existing policies and their implementation – and they undoubtedly offer an important opportunity for policymaking to be opened up to minority scrutiny and participation. The analysis of the consultation mechanisms organised by the Estonian and Latvian governments to draft the Integration Programmes, however, showed that in practice consultations afforded no room for minority voices to effectively participate in policymaking *as equals*. This was mainly due to the selection bias in the organisations invited to take part in consultations and the rigid framework within which discussions could take place and feedback could be considered legitimate and acceptable. Indeed, consultations were based on

policy frameworks that had already been decided by the majority elite without significant contribution from the minority, and their focus tended to be on finding the best way to implement the policy rather than to discuss its content. This technicised approach to consultations disregarded the (inherently) political nature of minority participation and left the Russian-speakers little room to question the essence of policies. Participation on these terms was largely tokenistic, as minorities were called in to validate decisions taken by a 'core' of decision-makers from which they were largely excluded. Changes to policies through this channel have therefore tended to be cosmetic.

The findings of Chapter 6 on the Integration Programmes confirm those of other studies on other minority consultation mechanisms adopted in Estonia and Latvia (Agarin, 2011, pp. 190–191; Kallas, 2008, p. 8; LCHR, 2008, p. 43; Muižnieks, 2010, p. 117). That is, Russophone minorities have had little chance to significantly influence policies through consultations, as these have typically been box-ticking exercises on the part of the policymakers rather than genuine occasions for inclusion. In addition to this, my analysis reveals that consultation mechanisms – as applied by the Estonian and Latvian policymakers – were not only ineffective in opening up the policy process to minority influence, but had further, negative implications for the minority. Indeed, the fact that those members of the minority had been (at least nominally) involved in consultations served as a smokescreen for the exclusion of the minority from the decision-making 'core'. By formally responding to international recommendations for minority inclusion, consultations can serve as a tool for the majority elite to allow minority participation without any redistribution of power over the policy process. That is, the majority elites were open toward minority consultations only insofar as they did not question their own dominant position in the democratic process. The top-down nature of policymaking in Estonia and Latvia means that this is potentially true for all civil society consultations, not only those involving the minority. This observation, however, does not detract from the key finding that institutionalised mechanisms for minority participation – although in principle valuable ways to include minority voices – can in practice be used in ways that reinforce political exclusion rather than foster inclusion.

The fifth and final channel through which the Russophone minority can attempt to gain access to policymaking is grassroots mobilisation. Chapter 7 analysed different forms of mobilisation (from advocacy to street protests) and highlighted their potential to be an effective route for minority participation in the policy process and for the minority to claim a place in the national democratic debate. Estonia and Latvia have considerably different levels of minority mobilisation. In Estonia, minority activism remains weak, minority advocacy organisations are

few and generally small, and Russian-speakers are perhaps even discouraged and frightened from participating in pickets and street protests in the aftermath of the Bronze Soldier riots. In Latvia, minority mobilisation has been stronger and activists have on different occasions demonstrated their organisational and mobilisation capabilities. It follows from this that participation through mobilisation had more chances to be effective in Latvia than in Estonia.

Minority grassroots mobilisation can put pressure on both the government and minority representatives in parliament. The analysis of different experiences of minority mobilisation in Estonia and Latvia in Chapter 7 shows that, under certain circumstances, mobilisation can successfully serve as an alternative minority channel into policymaking. The size and visibility of minority advocacy organisations, the size and duration of grassroots protests, the independence of grassroots movements in setting their own agenda, and the mediation of minority representatives in formal institutions determined the effectiveness of the mobilisation channel. Successful mobilisation, as in the case of the education reform in Latvia, can have an effective impact on policy outcomes.

However, the relationship between minority mobilisation and minority influence on policies is far from linear. The *voice/polarisation dilemma* observed at the level of formal minority representation also occurs at the grassroots level. In Latvia, high levels of minority grassroots mobilisation imposed Russophone voices in the policymaking debates. This created room for the minority to actively renegotiate the boundaries of legitimate participation in the democratic process. However, this also comes at the risk of scaring the ethnic majority into defensive nationalist positions and reinforcing polarisation on minority issues. In Estonia, low levels of minority mobilisation ensured a quieter decision-making process and might avoid a nationalist backlash, but this comes at the price of continued minority disempowerment and marginalisation.

8.2 Where the channels overlap

Although analysed separately, the five channels for minority access to the policymaking process are intertwined. First of all, while a different policy was analysed in relation to each of the channels, no single policy is solely determined by the input from only one of them. In each case, minority voices used more than one channel, often simultaneously and in no particular hierarchical order. Moreover, the channels often interact and feed into each other – for instance, grassroots protests can strengthen the bargaining position of minority representatives in parliament.

Secondly, the same political actors can use different channels, even simultaneously. Actors who are institutionally located within one of the channels (for example the city

administration) can also actively exploit other channels, for instance by lobbying their own party at state level, organising protests, or lobbying international organisations. Russophone local councillors responsible for implementing the school reform in Tallinn and Riga, for instance, were involved with anti-reform grassroots protests, and pressured the government and their own party to change the policy.

Finally, as the policymaking process goes through different stages (from agenda-setting to implementation and feedback), different channels can offer different opportunities for minority access at various points in time. For example, while parliamentary representation allows for minority voices to be heard at the stage of policy formulation, city-level representation offers a channel into the implementation stage. Though dividing the policymaking process into a series of subsequent stages can be useful for analytical purposes, policymaking is usually less orderly in practice.[168] Lines of conflict and feedback run across the different stages, opening and closing avenues for policy renegotiation and redefinition through multiple channels. Moreover, decision-making on specific policies does not happen in a vacuum but within a larger political context: it is therefore influenced by events not directly related to the policy itself, such as elections, the formation of governing coalitions, and party bargaining on other policies.

Therefore, the channel by channel analysis simplifies somewhat the complex reality of overlapping and interdependent routes that the minorities can use to access policymaking. This simplification, however, was expedient to analyse to what extent different forms of political participation effectively opened up possibilities for the Russophone minorities to legitimately participate *as equals* in Estonia's and Latvia's democratic process. It is important to understand the risks and opportunities offered by each channel in order to properly assess their combined effect on minority political inclusion.

8.3   The actors

The existence of channels to access policymaking presupposes the existence of minority actors that can use those channels. Their interactions with the 'titular' majority elite and with their country's institutional constraints determined the role of Russophone voices in the policymaking process and, ultimately, the policy outcome. The key actors that emerge from the analysis of policymaking processes on minority issues are, therefore, the Russophone minority elite, the national elites, and the Russophone civil society. The ethnic Estonian and Latvian public do not feature in this list as they did not mobilise on minority issues. The only instance when some form of mobilisation did occur was on the occasion of the language referendum in Latvia, when ethnic Latvians mobilised to reject Russian as a second state language. The mobilisation was, however,

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[168] For this argument in the policy process literature, see Peter John (2012).

predominantly elite-led and directed by governing parties. In general, the 'titular' majorities have not felt the need to express views on minority issues outside of elections. While we can assume that political parties were to some extent responsive to the perceived opinions of their constituencies on minority issues, the 'emulation patterns' observed by Sherrill Stroschein in Slovakia, Romania and Ukraine (2012, p. 55) – in which majority 'masses' mobilised in response to minority mobilisation and vice versa – did not occur in Estonia and Latvia.

Domestic actors dominate the analysis. This is at least partially a function of the research design: a focus on national policymaking directs the attention towards political parties, domestic institutions and local civil society. This does not mean, however, that international organisations played no role in Estonian and Latvian policy processes. Rather, international organisations created a set of constraints on domestic actors that changed over time (especially before and after the EU accession). They also influenced the language of minority rights and inclusion used – in different ways and with different effects – by domestic political actors. As noted above, in addition to their (doubtful) direct impact on policy outcomes, the involvement of international organisations in debates on minority policies also had paradoxical effects on minority inclusion in the policymaking process.

My research design poses Estonia's and Latvia's Russophone minorities as actors in their own right rather than simply the object of minority policies. That does not imply that the minorities should be understood as unitary actors, with fixed and inherent interests and needs. While the positions of Russophone party representatives, grassroots activists and civil society organisations on minority issues did often converge, this was not always the case. Opinions and strategies varied from moderate and compromise-prone to radical and maximalist, and different minority actors had different priorities. For instance, minority advocacy organisations' priority has been to denounce policies that they see as creating a legal framework skewed against Russian-speakers, while Harmony Centre's priority has been to make it into the Latvian government, and Russophone MPs from Estonian Centre Party may have prioritised re-election or personal status within the party hierarchy.

Different minority actors faced different constraints and a different constellation of incentives and disincentives. The analysis revealed, for instance, that Harmony Centre's and Centre Party's different relationship with the Russophone electorate and different expectations about their role in the party system determined the way they implemented education reforms in Riga and Tallinn. Street protesters, civil society organisations and grassroots activists faced the same issue with yet again different incentives and constraints. These included their resources, their capacity for mobilisation, and their relationship (more or less cooperative, more or less

dependent) with political parties. Hence, the Russian-speaking minorities cannot be understood as monoliths with uniform interests and demands, but rather as constellations of voices that express (at times conflicting) needs and concerns on behalf of the Russophone minority. This is in line with an understanding of representation as a dynamic process of claim-making rather than a linear relationship in which representatives represent the pre-determined interests of the represented (Saward, 2006, 2010).

Different actors emerged as claiming to represent the Russophone minority. Ethnic parties, Russophone politicians within non-ethnic, minority-friendly parties, minority civil society organisations, and grassroots activists all claimed in different ways to represent the minority, and in some consultation mechanisms sections of the Russophone general public were understood as statistically representing the whole. Among these, parliamentary parties that claim to represent the Russian-speakers often tended to take central stage as they have access to the parliament (although typically not the government) and the local institutions where policies are decided. However, no single minority voice can claim to represent the totality of minority needs and demands, and the range of minority voices cannot be ranked according to representative legitimacy. It is the interaction between the different voices that creates the composite picture of the Russian-speakers' political *presence*.

Studies of substantive representation have usually understood effective minority representation as the correspondence between minority interests and either minority representatives' behaviour or the policy outcome. My findings suggest that allowing for the existence of multiple voices within the minority can reveal intra-group interactions that would otherwise be obscured by other approaches that take minorities as monoliths. For instance, as detailed in Chapter 5, the emergence of a multiplicity of minority voices in Latvia – as opposed to Estonia – facilitated compromise in the case of the education reform. Internal differentiation also had the arguably positive effect of triggering democratic debates within the minority community.

8.4   The role of Russia

An actor that makes little or almost no appearance in this study is the Russian Federation. This is partially due to the domestic focus of the research design. This, however, does not mean that the presence of a large kin state at the border of Estonia and Latvia does not play any role in their political developments with regard to their Russian-speaking minorities. In the framework of this research both the direct and indirect impact of Russia on policymaking and policy output should be taken into account.

The analysis of policymaking processes in Estonia and Latvia suggests that there is no discernible direct impact of the Russian Federation on these countries' policies with regard to the Russophone minority. Russian Federation officials have regularly spoken out against what they see as anti-Russophone discrimination in Estonia and Latvia. Interestingly, they often framed their critiques along similar lines as international organisations. However, pressures from Russia had even less chance of achieving specific policy aims than international organisations, as Russia did not have the tool of accession conditionalities to extract policy concessions.[169] As for Russia's impact on the political debate, this might be more substantial given the fact that media consumption among Estonia's and Latvia's Russian-speakers includes a large number of Russian outlets. The information divide between the minority and the ethnic majority can potentially give Russia the tools to sway Estonia's and Latvia's Russophone public opinion. While the actual impact of Russian media on public opinion is difficult to measure – especially because we cannot assume that Russian-speakers uncritically absorb information coming from Russia – this is definitely cause for concern. It must be noted, however, that the electoral choices of the Russophone voters in both Estonia and Latvia has swayed more in the direction of moderation rather than towards Russian nationalism. This also remained true during the Ukrainian crisis in 2014, when Russian nationalist propaganda was arguably at a peak.

As for indirect effects, it is important to note that in both countries there has been a tendency to securitise the Russian-speaking minority due to the real or perceived threat represented by Russia. This securitisation was at the roots of exclusionary and ethnocentric conceptualisations of the Estonian and Latvian states upon independence (Mole, 2012, p. 83; D. J. Smith, 2005, p. 308). More or less direct accusations of being Russia's 'fifth column' or the 'Kremlin's hand' in Estonia and Latvia are common, especially during electoral campaigns.[170] On the other hand, Russian-speakers' parties in Latvia and the Centre Party in Estonia often campaign on the importance of maintaining good (especially commercial) relations with the Russian Federation, an approach they expect their Russophone constituencies to support. Harmony Centre and the Centre Party also have established cooperation agreements with the

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[169] The presence of Russian (Soviet) troops on Estonian and Latvian soil at the beginning of the 1990s might have served a similar bargaining role in the years just following independence, but for a limited amount of time and still through international mediation.

[170] In fact, these accusations are not levelled only at Russophone or Russophone-friendly parties. In the October 2014 elections in Latvia, the leader of the anti-corruption party From the Heart of Latvia was also subjected to a media campaign in which she was accused of having close relations to Putin's circle and the Russian secret services. For an example of this campaign, see ''De facto': Sudraba apmeklē dziednieku centru, kas slavina Putinu' ('De facto': Sudraba attends the healers' centre that praises Putin), *Delfi.lv*, 28 September 2014. http://www.delfi.lv/news/saeimas-velesanas/zinas/de-facto-sudraba-apmekle-dziednieku-centru-kas-slavina-putinu.d?id=45029044 (Last accessed 16 February 2015).

Putin-controlled party United Russia. Although it is not clear what (if anything) this cooperation amounts to in practice, the agreements were presumably meant to please the domestic Russophone constituency. There is no evidence, however, that these cooperation agreements actually offer any direct route for Russia to interfere in Estonia's and Latvia's policymaking. As is the case for international organisations, then, the strongest impact of Russia on Estonian and Latvian politics comes indirectly, through the way in which domestic actors use this topic to advance their own agenda.

8.5 Minority representation

The theoretical framework of this study was informed by the literature on minority representation (mostly US-based) and on ethnic parties (which has a stronger CEE focus). The central questions of these debates concern whether descriptive representation is needed to guarantee substantive representation, and what role ethnic parties play in ethnically divided democracies. My approach departs from this literature in so far as it proposes to focus on the systemic issue of *inclusiveness* rather than on *responsiveness*, and on quality of democracy rather than on conflict management. Notwithstanding this, some observations on minority representation and ethnic parties did emerge in the analysis. These will be the focus of this and the next section.

With regard to the debate on minority representation, this study suggests that in Estonia and Latvia descriptive representation matters. The voices that most commonly raised minority issues were members of the Russian-speaking community, both from ethnic parties (like Harmony Centre in Latvia) and from non-ethnic, minority-friendly parties (like the Centre Party in Estonia). In the latter case, internal disagreements and differences have emerged at times in the party about the attitudes and strategies of its Russophone members, especially those in Tallinn city government.

The observation that descriptive representation matters, however, must be qualified, as not all members of the minority can be considered 'natural representatives' of minority interests. For instance, the few Russian-speaking MPs that are not from the Centre Party in Estonia or Harmony Centre in Latvia have not been specifically responsive on minority-sensitive issues, not least because their constituencies are not dominated by Russian-speakers. On the other hand, in the early discussions about citizenship and voting rights in Estonia – when Russian-speakers were not represented in the parliament – ethnic-Estonian liberals among the political elite were in effect representing the interests of the Russian-speakers against the views of the more nationalistically inclined MPs. Similarly, the ethnic-Latvian members of Harmony Centre have held liberal attitudes towards minority rights and minority inclusion in the

democratic process. Thus, descriptive representation matters for individual representatives' behaviour and commitment to a minority constituency, but is neither sufficient nor necessary to guarantee responsiveness.

With respect to the wider role of minority voices in the democratic debate my analysis confirms that substantial descriptive representation – that is, a significant minority political presence in representative institutions – has a strong symbolic effect. The relatively high number of Russophone MPs in the Latvian *Saeima* and the taboo-breaking mayorship of the Russophone Nils Ušakovs in Riga are arguably normalising the presence of Russian-speakers in the political debate and in positions of power. At a more pragmatic level, strong minority political presence also makes majority–minority debate on minority-sensitive issues inevitable. Significant presence of minority members in political institutions makes them necessary (even if not always welcome) interlocutors for the majority.

The *voice/polarisation dilemma* that emerged from my analysis complicates binary views of minority descriptive representation as either necessary or unnecessary (or even counterproductive) to achieve minority-friendly legislation. Low minority representation in Estonia meant that the policy process was relatively less polarised and occasionally allowed for concessions that resulted in more liberal policies. These came, however, at the price of minority *absence* from the policymaking process and the de-legitimisation of minority voices in the democratic debate. Although low descriptive representation in Estonia did not translate into 'worse' policies for the minority, it did reinforce the majority elite's control over the policymaking process and left Russian-speakers in the role of policy objects. Conversely, high levels of minority descriptive representation in Latvia made for a more polarised policy debate, which often did not facilitate compromise on minority issues. Nevertheless, although substantial descriptive representation did not always translate into 'better' policies for the minority, it created the conditions to establish minority voices as legitimate participants in the political debate.

In conclusion, different levels of descriptive representation in Estonia and Latvia had sometimes paradoxical effects on the policy outcome (when 'friendlier' policies were made possible by the minority's low representation). The fact that high representation can sometimes be counterproductive in terms of policy outcome, however, does not mean that lower descriptive representation is to be preferred. Indeed, the policy concessions allowed for by low representation come at a very high price, with long-term negative consequences for the minority, which remains at the margins of the democratic process.

8.6   Ethnic parties

Minority political representation in Estonia and Latvia has differed not only in terms of the number of minority representatives but also in terms of the kind of parties that claim to represent the minority and are popular among Russian-speaking voters. In Estonia, Russophone parties emerged in the 1990s but quickly lost support and all but vanished by the early 2000s. The Centre Party, a mainstream Estonian party with an overwhelmingly ethnic Estonian leadership and a relatively consistent minority-friendly outlook, succeeded in establishing a near-monopoly among Russian-speaking voters. It also became the party of choice for the Russophone elite and has accounted for the large majority of the Russian-speaking MPs in the *Riigikogu*. Russian-speakers have remained proportionally underrepresented in parliament, but the Centre Party has established itself as the main avenue for minority politicians to enter parliament and for minority needs and interests to gain some level of recognition.

In Latvia, Russophone parties increased their support throughout the 1990s. Eventually Harmony Centre, a moderate ethnic party, not only established a near-monopoly of Russian-speaking voters but also became the biggest party in parliament since the 2011 elections. This guaranteed an almost proportional descriptive representation of Russian-speakers in the *Saeima*. In spite of this, Harmony Centre has been consistently left out of government – mainly because of its association with the Russophone community. The more radical For Human Rights in a United Latvia (renamed Latvian Russian Party in 2014) has progressively lost electoral support and remained out of parliament, but has maintained a visible public profile and one representative in the European Parliament.

Five important observations emerge from the comparison of Estonia and Latvia in relation to the academic debate on ethnic parties. These have to do with how to define an ethnic party, with the often-supposed innate intransigence of ethnic minority voters and of ethnic parties, with the claim that ethnic parties foster inter-ethnic conflict, and with whether minority representation through an ethnic party (rather than through a mainstream party) makes a difference.

First, in both Estonia and Latvia, rigid definitions of what constitutes an ethnic party fail to appropriately describe reality. Traditional definitions posit that an ethnic party must serve exclusively the interests of a specific ethnic group, and that 'the boundaries of party support stop at the boundaries of ethnic groups' (Horowitz, 1985, p. 346), but they are of little analytical use for the cases of Estonia and Latvia. Harmony Centre is an ethnic party in the sense that its electoral strength rests on the Russophone electorate, its leadership is mainly (although not exclusively) Russophone, and it claims to represent minority interests. However, it has

increasingly adopted a social-democratic, anti-austerity platform, it frames minority representation within a broader discourse of social harmony, and has attracted growing (although still limited) support among ethnic Latvians.

The Centre Party, on the other hand, did not start off as an ethnic party, has an overwhelmingly ethnic Estonian leadership, and has a more diluted minority focus in its agenda. However, it has relied increasingly on the Russophone vote for keeping control of Tallinn and the local councils in North-East Estonia and for keeping a stable presence in the *Riigikogu*. It has also been consistently minority-friendly and has been responsible for most of Estonia's Russophone MPs, although still disproportionately few given the composition of its electorate. The similarities between Harmony Centre and Centre Party seem to blur the distinction between ethnic and non-ethnic parties: both can claim a near monopoly on the Russian-speakers' vote, both have a pro-minority agenda, and both are often ostracised for their connection to the minority. However, Harmony Centre is widely (and correctly) regarded as an ethnic party while the Centre Party is not. This notwithstanding the fact that, differently from FHRUL/Latvian Russian Party, Harmony Centre campaigns on a wider agenda that goes beyond minority issues and claims to represent Russian-speakers within an inclusive, non-ethnic discourse of social unity.

In Estonia and Latvia, therefore, a more flexible definition of ethnic parties is more useful to understand differences and similarities between minority-oriented parties. This must take into consideration the party leadership, and whether a party is *widely regarded* as being an ethnic party (Ishiyama, 2009, p. 64). It must also accept the possibility that an ethnic party's agenda can go beyond minority advocacy (Gherghina & Jiglau, 2011, p. 53; Van Cott, 2005, p. 3), and must distinguish between ethnic parties with more or less exclusively ethnic agendas (Ishiyama & Breuning, 2011). Moreover, the definition must recognise that parties can change over time, adapting to changing circumstances. One of the defining features of ethnic parties, according to Chandra, is 'temporality', which means that they tend to change together with the ethnic group they represent (2011, p. 155). The moderation of Harmony Centre's minority-based demands and its adoption of an inclusive, multi-ethnic rhetoric may indeed correspond to the progressive moderation and integration of the section of the Russian-speaking minority it represents.[171]

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[171] Indeed, since non-citizens are disenfranchised, Harmony Centre relies on the votes of Russophone citizens, who are generally more integrated (Muižnieks, 2010, p. 121; Smooha & Järve, 2005, p. 104), participate more in public debates (Muižnieks, 2010, p. 118), enjoy a higher socio-economic status, feel less alienated from the general society (Šūpule, 2005, p. 29–30), and tend to speak the state language better than non-citizens (Smooha & Järve, 2005, p. 99).

The second observation that emerged from the comparison has to do with the assumption – implied by the thesis of ethnic outbidding – that ethnic minority voters are innately intransigent and thus necessarily respond to radical ethnic appeals. Although Estonia and Latvia are divergent in many other respects, both disprove this assumption. In both countries, among parties that claim to represent Russian-speakers' interests, moderate parties have consistently been more popular than radical ones. It could be argued that Harmony Centre is confronted with a paradoxical trade-off situation: it can have a real impact on policymaking and thus more effectively represent the Russian-speakers only by being in government,[172] but only by 'diluting' its representation of minority interests it can have a chance to actually be included in a governing coalition (Dudzińska, 2011, p. 99).[173] However, although the party's moderate approach to ethnic issues might under specific circumstances become difficult to sustain before its minority electorate, assumptions of ethnic intransigence on the part of minority voters (implied by the polarisation paradigm) seem to be off the mark in Latvia. Indeed, so far radical Russophone parties have failed to constitute a serious challenge to the moderate Harmony Centre and the latter has managed to acquire an increasingly higher political profile without losing its Russophone electorate.

Thirdly, and following from the previous point, the comparison does not support the argument that ethnic party representatives are more prone to engage in conflict over minority-sensitive policies than minority representatives from non-ethnic parties (Diamond & Gunther, 2001, p. 24; Rabushka & Shepsle, 1972; Reilly, 2006). Indeed, the different relationship of Harmony Centre and the Centre Party with the Russophone electorate and their different positions in the party system shaped party strategies more than any attitudes inherent to being an ethnic or a non-ethnic party. Although the Centre Party is a mainstream party with a mostly ethnic-Estonian elite, it has an incentive to use the 'ethnic card', especially at the local level, to keep the Russophone voters faithful and somewhat dependent. Harmony Centre, despite being widely regarded as an ethnic party, has an incentive to position itself as an inclusive, responsible party to ease its way into government. The two parties' approach to ethnic policies has been more the function of their different incentives and aspirations than a reflection of their being or not an ethnic party. As suggested by Gherghina and Jiglau (2011, p. 52), the 'ethnic' dimension of an ethnic party does not necessarily take precedence over its 'party' dimension, that is, over the party's goal to win seats and its related strategic decisions. The Estonian and Latvian cases

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[172] Parties in opposition have few chances for direct impact on policy outcomes in Latvia: the majority of the laws discussed and approved in parliament are of governmental initiative, and factions usually vote strictly following party lines (Rozenvalds, 2007, p. 56–57).

[173] Bernd Rechel (2007, p. 353) reached a similar conclusion about minority politics in Bulgaria.

suggest that whether a party decides to take a conflictual rather than a consensual strategy on minority issues does not depend primarily on whether the party is ethnic or not, but rather on its electoral incentives and its position in the party system.

Fourth, some studies suggests that ethnic parties might have a negative effect on democratic stability by crystallising ethnic opposition and fostering inter-ethnic conflict (Diamond & Gunther, 2001; Horowitz, 1985; Rabushka & Shepsle, 1972). This expectation is not supported by the cases of Estonia and Latvia. There is little evidence that violent inter-ethnic conflict could emerge in either of these countries, irrespective of the existence of ethnic parties. Moreover, Harmony Centre – widely perceived as an ethnic party – typically avoids exclusionary language in favour of appeals for societal unity beyond ethnic boundaries. The 'ethnic card' – which is supposed to crystallise inter-ethnic opposition and trigger conflict – has been more consistently used by the non-ethnic Estonian Centre Party (especially at the local level) and by the 'titular' nationalist parties. My findings are more in line with studies that emphasise ethnic parties as an opportunity for minority demands to be voiced and for inter-ethnic divergences to be channelled into a regulated, institutionalised democratic process (Stroschein, 2001, p. 61). Seen this way, ethnic parties might actually tame rather than trigger conflicts.

The fifth and final observation has to do with whether minority representation through an ethnic party makes a difference and, if so, what kind of a difference. In other words, is the nature of minority representation through an ethnic party (as in Latvia) different from minority representation through a mainstream, minority-friendly party (as in Estonia)? The observations made with regard to descriptive representation hold true for ethnic parties. The comparison of Estonia and Latvia suggests that there is no direct correlation between representation through an ethnic (or non-ethnic) party and more minority-friendly policy outcomes. The difference is, rather, at the level of minority inclusion, where minority representation through an ethnic or a non-ethnic party evokes again the *voice/polarisation dilemma*. In Latvia, representation through an ethnic party has guaranteed stronger descriptive representation and minority presence in the political debate, but at the price of higher polarisation. In Estonia, minority representation through co-optation into a non-ethnic party made for a quieter debate on minority issues (at least at the national level), but at the price of weaker minority voice. Co-optation also increases the risk that the party becomes a patron rather than a representative of the co-opted minority. Indeed, co-optation in Estonia did guarantee some returns to the local minority, career opportunities for minority politicians, and other advantages of patronage, but did not change the status quo and has left the minority in a politically subordinate position relative to the majority.

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8.7   Inclusiveness and the quality of democracy

I started my analysis of minority representation in Estonia and Latvia from the normative assumption that the legitimacy of democratic decisions depends on the inclusion in the decision-making process of those most concerned by them (Lijphart, 1999, p. 31; Young, 2000, pp. 5–6). In this sense, the quality of a democracy can be evaluated not least by the level of inclusion its policymaking process affords to a number of disadvantaged groups, including ethnic minorities.[174] My approach focused on the *inclusiveness* of the democratic process rather than on the *responsiveness* of minority representatives to a homogeneous 'minority constituency' or the congruence of policies to pre-determined minority interests. The question of the inclusiveness of Estonia and Latvia's policymaking towards the Russian-speaking minority, therefore, should be understood as a question of quality of democracy.[175]

While a quality democracy has also been understood as a political system that can deliver effective and widely accepted policies, the understanding of democratic quality adopted in this study is procedural.[176] That is, quality of democracy is intended as primarily a question of inclusiveness of the policymaking process, rather than of 'liberality' of the policy outcome. This does not mean that the outcome of the policy process (the policy itself) is not important, but that it cannot be the focus of analysis if we want to assess democratic quality in ethnically divided democracies. Different needs, aspirations and interests are in competition with each piece of policy. Therefore, a focus on the policy outcome would 'empt[y] the political process of its main function: the determination of the content of policies' (Munck, 2012, p. 31). Moreover, the fact that representation is not a one-way relationship but rather a reciprocal process (Saward, 2006, 2010) makes it impossible to determine innate and immutable minority interests or to define the 'right policy' a priori.

The cases of Estonia and Latvia clearly confirm that in ethnically divided democracies the quality of the content of minority-sensitive policies cannot be taken as a proxy for the quality (that is, inclusiveness) of the policymaking process. In other words, liberal policies are not necessarily a reflection of an inclusive decision-making process. On the contrary, policy outcomes are not only an insufficient measure of the quality of the policymaking process, but often a misleading one. Therefore, in studying ethnically divided democracies, attention must be

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[174] For a critique of democracy and democratisation studies that use limited conceptualisations of inclusion (to the exclusion of issues of gender, race and ethnicity) see Caraway (2004).

[175] While my research focuses on the Russophone minority as a specific case of group-based political exclusion, other groups in Estonia and Latvia (not least the poor, the less educated, immigrants, sexual minorities, and women) are also often seen as policy subjects rather than legitimate policy*makers*. The exclusion of these groups from the policymaking process is as problematic for quality of democracy as that of the Russophone minority.

[176] For a summary of the debate between substantial and procedural definitions of democratic quality see Gerardo Munck (2012, pp. 28–31).

shifted from the policy *outcome* – whether certain policies are more or less minority-friendly based on a superimposed understanding of minority interests – to the policy *process*, that is, the extent to which minority voices were included as equals in the democratic processes from which the policy resulted.

The comparison between Estonia and Latvia reveals two opposing models along which democracy can operate in ethnically divided societies. In Estonia the minority is marginal to the policymaking process, which reduces polarisation and at times results in more liberal policies. In Latvia the minority has a stronger political presence; this polarises the debate on minority issues and can make compromise more challenging. Different normative assumptions about what democracy in ethnically divided countries should look like inform different preferences about which model is the most desirable. Literature that frames minority issues in terms of conflict prevention and conflict management tends to take avoiding conflict (and, by extension, polarisation) as a primary goal. My argument is that in ethnically divided democracies like Estonia and Latvia in which chances for violent inter-ethnic conflict are low, absence of conflict cannot be taken as a measure for good management of inter-ethnic relations or for good democratic practices. Preference should be given to issues of minority democratic inclusion and the focus should be on quality of democracy rather than (only) on conflict management or conflict prevention. Or, at the very least, the trade-off between low polarisation and democratic inclusiveness should be recognised in the debate.

From this perspective, high minority political presence and ethnic-party representation in Latvia is not only and not primarily cause for concern because of the associated risk of heightened ethnic polarisation. Quite the contrary, it is an opportunity for minority voices to 'access democracy' as equals and to challenge ethnocentric views of the Latvian state. Conversely, relative quiet in Estonia is not an indication of successful democratic consolidation on the path to overcoming the 'ethnic question', but it might in fact be the symptom of minority exclusion from democracy.

This does not mean that Latvia is necessarily on a quiet path to full minority political integration whereas no change is to be expected in Estonia. Rather, my findings suggest that in Latvia the democratic (although often heated) inter-ethnic political debate opens more room for change towards a more inclusive democratic process and the higher democratic quality this entails. This is by no means a smooth process or one that will not encounter obstacles and setbacks. Like any change that entails a redistribution of power, this is likely to be a conflictual process. As long as it can take place within the structures of democracy, however, a level of conflict on sensitive minority policies might in fact reflect lower barriers to the minority's

political inclusion and a healthy democratic debate rather than necessarily be a risk for democratic stability. The fact that the minority has a higher stake in the democratic process is also potentially a guarantee against other, more violent, forms of conflict.

Estonia offered more limited room for minority political inclusion. Change, however, is not impossible. The fact that other parties (notably the Social Democratic Party, SDE) have started to court the Russophone electorate more convincingly and that the government formed in 2014 included a Russian-speaker from SDE as its Education Minister could be indicators of this potentiality. So far, however, minority voices have been marginal in the political process, and none of the channels analysed above has offered an effective way to challenge the majority elite's gatekeeping role and to impose Russian-speakers as legitimate policymakers rather than only policy receivers.

8.8   Conclusions: The limits of ethnic democracy

Several other studies have approached majority–minority relations in Estonia and Latvia in terms of systemic imbalances of power (Commercio, 2008; Järve, 2000; Linz & Stepan, 1996; Pettai & Hallik, 2002; Pettai, 1998; Smooha & Järve, 2005). These studies have seen Estonia and Latvia as (sometimes imperfect) examples of ethnic democracies. These are political regimes in which minority political exclusion has been institutionalised, allowing for the contradictory coexistence of elements of participatory democracy with ethnocentric elements aimed at guaranteeing disproportionate political dominance to one ethnic group. In such systems the ethnic majority 'extends individual and collective rights to the minority but also controls the state and appropriates power and privilege' (Smooha, 2009, p. 55).

My analysis confirms the ethnic democracy thesis insofar as in both Estonia and Latvia the majority elites were found to be the gatekeepers of policymaking and, by extension, of the democratic process. The institutions of post-independence Estonia and Latvia created collective advantages for their 'titular' populations, not least through decisions regarding citizenship and language. Within these institutions, Russian-speakers tended to be seen as objects of policy rather than political subjects in their own right. My findings, therefore, confirm the usefulness of the ethnic democracy model as a framework to understand and explain the logics of state-building in Estonia and Latvia, and the appropriation of the state by the ethnic majority elites.

My analysis, however, departs from the ethnic democracy thesis in three fundamental ways. First of all, my approach assigns an active role to the minorities, which are not simply at the receiving end of majority-controlled institutions and policies, but are political actors in their own right. While it offers a valuable perspective onto the constrictions that politically active minority members encounter, the ethnic democracy model does not leave much room for

minority agency and risks brushing off instances of minority effective political action as mere imperfections of the system of ethnic control. Hence, categorising Estonia and Latvia as ethnic democracies can tell us something about the majority's dominant position in the democratic process, but does not account for the ways in which the minority can (and does) challenge such dominant position. Consequently, the model cannot account for change. By focusing on the policymaking process, my analysis allows me to look at 'democracy in action' – that is, not only at the structural deficiencies of the Estonian and Latvian democracies but also at the ways in which minorities actively negotiate the existing power structures. This makes it possible to account for change over time.

Secondly, my approach avoids putting Estonia and Latvia under the same banner of somewhat deficient democracies. Assigning the same label of 'ethnic democracy' to Estonia and Latvia usefully highlights similarities between them, but at the same time discounts important differences. By using the same yardstick of democratic inclusiveness to assess quality of democracy in the two countries, my approach reveals fundamental differences between Estonia – where few effective channels for minority political inclusion exist – and Latvia, where Russian-speakers are in a stronger position to challenge the gatekeeping role of the ethnic majority elite.

Thirdly, by rejecting the label, my analysis also rejects the temptation of bracketing Estonia and Latvia out of the family of 'normal' democracies and portraying them as unique, deviant cases that cannot be compared to other, better democracies. Arguably, the issue of inclusiveness – with regard not only to ethnic minorities but also to other groups such as the poor, the immigrants, racial minorities, religious minorities and women – is problematic in all democracies. By avoiding the label, my approach makes it possible to envisage broader comparisons and calls for a deeper questioning of the quality of new and established democracies alike. The next, concluding chapter highlights the implications of this study's findings beyond Estonia and Latvia, with reference to the potential directions that such broader comparisons and questioning could take.

Conclusions: Beyond Estonia and Latvia

This thesis has analysed the role of the Russophone minorities in the policymaking processes of Estonia and Latvia. Starting from the assumption that in a democracy no sections of society should be excluded from the decision-making process (especially on policies that concern them directly), I have analysed the access of minority voices to policymaking. The five channels through which the minorities can (at least potentially) participate in policy debates and influence policymaking are parliamentary representation, pressures from international organisations, city-level incorporation, civil society consultations, and grassroots mobilisation.

In both cases the majority elites emerged as the gatekeepers of the policymaking process: they occupied the major decision-making positions and the policy outcome ultimately depended on them. Nevertheless, there were considerable differences between Estonia and Latvia. Although these two countries are often placed under the same banner of 'ethnic democracies', a more nuanced picture emerged, which highlighted some fundamental differences between them. These differences have to do with the possibilities open to Russophone minorities to challenge the dominant role of majority elites as the gatekeepers of democracy and to affirm themselves as legitimate and equal participants in the democratic processes.

In Estonia the minority remains underrepresented in parliament, its civil society is weakly organised, and the minority's capacity for grassroots mobilisation has been low. Russian-speakers are also severely underrepresented in the governing board of the party that has a quasi-monopoly of the minority vote, the Centre Party. On the contrary, in Latvia, Russian-speakers have had substantial representation in parliament (but not in government), and at the time of writing Harmony Centre, a moderate Russian-speakers' party, is the largest party in the *Saeima*. Moreover, Russian-speakers have the possibility to vote for another – more exclusionarily ethnic – party, which is not in parliament but has one MEP (FHRUL/Latvia's Russian Union). The minority grassroots have also demonstrated relatively high organisational and mobilisation capacities. The political presence of the Russian-speaking minority in Latvia has therefore been decidedly higher than in Estonia.

The comparison between Estonia and Latvia, however, shows that the relationship between political presence, policy impact and empowerment is not linear. On the one hand, more presence meant that in Latvia minority voices have enjoyed a higher level of access to the policy debate than in Estonia. More minority access in turn meant that minority voices managed to impose themselves as legitimate (or at least inescapable) participants in Latvia's political

debate. The same cannot be said for Estonia, where the Russian-speakers enjoyed less political access and had a more marginal role in the democratic debate. On the other hand, however, more presence did not always translate into direct impact on policies. Rather, somewhat paradoxically, presence and access also had the effect of fostering polarisation, often hindering compromise on policies. Conversely, absence and lack of access did in some cases open the way to more liberal policies.

This is what I called the *voice/polarisation dilemma*. At the core of the dilemma there is the normative choice between favouring minority voice (with the risk of polarisation) and favouring limited polarisation (with the risk of limiting minority voice). While the *polarisation* side of this dilemma has been the preoccupation of much of the literature on CEE minorities, this thesis's focus on quality of democracy rebalances this tendency by showing the trade-off with the *voice* side. This is done by turning attention from issues of conflict prevention to the ways in which democratic processes include (or fail to include) existing societal diversity. Quality of democracy is thus understood in terms of the inclusiveness of the policymaking process, that is, of the chances that minorities have to participate *as equals* in decision-making. Seen from this perspective, Latvia presents a more promising picture than Estonia.

Another important observation emerges if we look at the five channels for minority access to policymaking comparatively: ethnic parties and grassroots mobilisation (especially protest) were the most effective channels for the minority to access policymaking. Other, potentially less conflictual, forms of participation such as international mediation and consultations, were often reduced to little more than smokescreens and 'box-ticking' exercises. In both countries these channels left the minorities in the passive role of policy objects and offered only tokenistic opportunities for minority presence. That is, they did not offer the minority an avenue to challenge the majority elites' role as democracy's gatekeepers. This suggests that a measure of (peaceful) majority–minority conflict is inescapable (and perhaps desirable) if the goal is for politically marginalised minorities to become politically empowered. While extreme polarisation can admittedly be a risk, this has not materialised in Latvia so far. Rather, majority–minority frictions have taken place within the boundaries of democracy and have not threatened democratic stability. Relatively more inter-group political frictions in Latvia can thus be seen not as a risk for democratic stability, but as a consequence of the fact that there is more room for the Russophone minority to challenge the Latvian elite's political dominance and to claim a legitimate role as equals in the country's democracy.

The theoretical and methodological implications of this study go beyond the Estonian and Latvian cases. First of all, the *voice/polarisation dilemma* suggests that the two competing

paradigms that often frame studies of minority politics each capture only part of the picture. The *polarisation paradigm* assumes that ethnicity is an uncompromising, zero-sum issue and so minority representation through ethnic parties tends to lead to ethnic polarisation or, worse, inter-ethnic conflict. The *presence paradigm*, conversely, sees ethnicity as flexible rather than zero-sum and considers representation as an opportunity to '"domesticate" ethnic issues' (Stroschein, 2001, p. 61). While the normative starting point of this study is closer to this second paradigm, the *voice/polarisation dilemma* suggests that more presence is not necessarily translated into 'better' policies and that potentially irreconcilable polarisation can indeed be the result of presence. At the same time, my findings also point to the fact that ethnic minorities should not be assumed to be uncompromising monoliths and that minority political presence is related to a more inclusive (hence, democratic) decision-making process. In other words, the dilemma points to the need to understand the effects of minority political presence and of representation via ethnic parties as a matter for empirical study rather than something that can be assumed one way or the other.

Such empirical approach has been more widespread in the US academic debate on Black political representation, which explicitly problematises the relationship between group presence and political outcomes, and questions the effects of a group's descriptive representation on policy outcomes and on the group's political status. This approach, however, is far less widespread in studies of Central and Eastern European minorities, where – as the present study suggests – it could be fruitfully applied. The insights from US literature can be merged with those from the literature on CEE minorities, in order to achieve a more thorough understanding of minority representation and its implications for democracy. In particular, the study of CEE ethnic parties – so far mostly preoccupied with descriptive representation and conflict prevention – can be usefully reframed in terms of the effects of descriptive representation on minority empowerment and quality of democracy. The US literature on this theme also questions the implications of minority representation (and incorporation) in city-level power structures. This same approach can be fruitfully applied in the context of CEE cities with sizeable minority populations. In general, the insights from US studies on Black and Latino representation and studies on CEE can be combined to set a research agenda that goes beyond mere presence of minority members in representative or consultative institutions, to look at its implications for the functioning of democracy.

Furthermore, some common assumptions in studies of minority politics are contradicted by the evidence from Estonia and Latvia. This is especially the case for the ethnic outbidding thesis and the expectation that an ethnic party would always be more radical on ethnic-related

issues than a non-ethnic, minority-friendly party. This does not, of course, mean that there is *never* ethnic outbidding and that is *never* the case that ethnic parties take more conflictual positions on minority issues. It points instead to the fact that these eventualities must be empirically tested rather than assumed. Minorities do not necessarily respond favourably and compactly to exclusionary ethnic messages. Ethnic parties can, under certain circumstances, have structural incentives to adopt cooperative, inclusive stances rather than conflictual and exclusive ones. Empirical studies should start from this premise and then determine *why* ethnic outbidding happens in certain cases but not in others. The findings from Estonia and Latvia suggest that one possible explanation lays in the structure of the party system and the aspirations, expectations and incentives of ethnic and non-ethnic parties.

The fact that potentially more conflictual channels (ethnic party representation and grassroots mobilisation) were the most effective in terms of minority empowerment also has important implications. Effective political participation by definition implies a redistribution of political power from the ethnic majority elite to the ethnic minority (or at least its elite). Since any redistribution of power is bound to encounter resistance and create frictions, the fact that minority empowerment is accompanied by a measure of conflict is hardly surprising. The cases of Estonia and Latvia, however, show that conflict is only half of the story. Indeed, too much emphasis on conflict and polarisation prevention risks overly discounting issues of inclusiveness and quality of democracy. Especially in cases where the risk of violent ethnic conflict is low, absence of conflict or low polarisation cannot be taken as a goal per se. Indeed, low polarisation is not necessarily an indication of a solid democracy, but can in fact be a symptom of minority political exclusion. The Estonian and Latvian cases show that a measure of (peaceful) conflict – within the boundaries of democracy – is part and parcel of any majority–minority interaction in which the redistribution of political power is at stake.

This research also demonstrates the methodological advantages of an approach that favours process over outcome and inclusiveness over responsiveness in the study of minority representation. First of all, the focus on the decision-making process opens up the possibility to look at multiple ways in which minority voices can access such process at its different stages – what I have called 'channels'. The cumulative effect of these channels can give us a full picture of whether a minority is included in policymaking and on what terms. Parliamentary representation is the channel that has received by far the most attention in the literature. However, the process-focused approach allows us to look at it in a novel way, going beyond mere *presence* or *absence* of minority representatives to look at the consequences of such presence/absence. Besides parliamentary representation, other channels are available to minorities to access

policymaking. Minorities can be represented in local governments, where presence can potentially be translated into influence over policy implementation. Civil society consultations can offer minorities a way to have their voice heard on issues that concern them directly. Minorities can mobilise, self-organise and protest, to claim legitimate inclusion in decision-making. And international organisations can push minority-friendly agendas, potentially boosting the legitimacy of minority demands. Attention to these alternative channels has been in some cases scarce (especially for local-level representation) and in others it has been mainly focused on outcomes (especially for the international channel). However, if we analyse them from the perspective of inclusiveness, the effectiveness of these channels in pushing for liberal policies is only half of the story. Each channel must also be assessed on whether it allows minority voices to be policy *makers* rather than mere policy *receivers*. In other words, channels must also be evaluated on the extent to which they empower minorities and offer them a way to be equal citizens in the democratic polity of their country.

Secondly, focusing on multiple channels into the policymaking process means that there is no need to decide a priori what the interests of a group are, and to see them as fixed and homogenous. This is what Brubaker calls 'groupism' (2004). Studies concerned with the proximity of policy outcomes or of representatives' voting behaviour to group interests – which are by necessity fixed, uniform, and pre-determined – are bound to essentialise minority interests and needs. Conversely, looking at multiple channels through which minorities can access policymaking allows us to account for in-group differences, as different minority voices can use those channels to pursue different agendas. The research strategy of looking at multiple channels makes it possible not only to account for the existence of different minority voices, but also to analyse their interactions, both with each other and with majority political actors and institutions.

Furthermore, the focus on the policymaking process problematises the link between *desirable policies* and *desirable processes*. As the *voice/polarisation dilemma* reveals, a 'good' policy can be the result of an exclusionary democratic process, and an inclusionary democratic process does not necessarily return 'optimal' policies. While the preference for process or outcome is ultimately a normative decision, questions about the inclusiveness of the policymaking process *must* be asked in order to assess democratic quality in ethnically divided societies. Indeed, the inclusiveness of democratic decision-making accounts for one of the most fundamental dimensions of democracy: the political equality of all members of society.[177] My

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[177] Robert Dahl grounds the principle of political equality on the 'belief that all human beings are of equal intrinsic worth; that no person is intrinsically superior to another; and that in making collective decisions, the good or interests of each person should be given equal consideration. Insuring that the interests of each are given equal

findings show that a 'desirable' policy outcome (whether in terms of responsiveness to supposed minority interests or based on overarching international norms) is only a very flawed way of estimating inclusiveness and can in fact be highly misleading. The most reliable way to study inclusiveness is, instead, to focus on the process of making decisions, that is, on the avenues minorities have to effectively participate in policymaking *as equals*. The process tracing of appropriately selected policymaking cases offers an optimal way to do this.

A research strategy based on this approach would proceed in four steps. First, a group must be identified that is at risk from political exclusion. Second, policies must be selected that concern directly or affect mainly that group. It must be noted that groups are heterogeneous and there can be different policy preferences within any given group, even on sensitive group-related policies. However, it can be assumed that being included in the decision-making process on policies that are going to affect them is a shared interest of all group members. Moreover, the systematic exclusion of a group from policymaking contradicts the basic democratic principle of equal citizenship. The third step is to process-trace the policymaking process on the selected policies. The focus here must be on who is included and who is excluded from decision-making, and on the existing channels for the inclusion of minority voices. The fourth and final step is to draw conclusions on the group's chances to influence policies that concern it directly and, more generally, on the extent to which the group can be a legitimate and equal participant in the country's democratic processes.

In addition to this, my research strategy of looking at policymaking processes, at the multiple channels for minority access to decision-making, and at the different minority voices that make use of those channels opens up the potential for further intersectional studies.[178] That is, studies that take into account more than one dimension of exclusion at a time – for instance considering the intersection between ethnicity and class, or between ethnicity and gender. Although this was not part of the present study, an ulterior step allowed by my research strategy would be to investigate not only *whether* minority voices can gain access to the policy process but also *which* minority voices can do it. It might be the case that class, gender, sexual orientation or other within-group cleavages determine which voices gain what kind of access, which voices are heard and which ones ignored. This also must be studied empirically. For example, a follow-up research could look at the extent to which minority women's voices are included in the political debate, through what channels, and on whose terms.

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consideration in turn requires that every adult member of an association be entitled to participate in making collective and binding decisions affecting that person's good or interest' (1996, p. 639).

[178] For an early definition of intersectionality as a Black feminist critique to both antidiscrimination and feminist frameworks, see Kimberlé Crenshaw (1989).

The approach to minority representation suggested by this thesis can be extended beyond the cases of Estonia and Latvia. First of all, a similar approach could be usefully applied to the study of minority politics in other democracies. Patterns that emerged from my analysis could be empirically verified in other contexts. For instance, the comparative analysis revealed a *voice/polarisation dilemma* that can be useful to understand trade-offs and contradictory effects of minority political presence in other countries with significant minority populations. The most obvious application would be in other CEE countries that share with Estonia and Latvia large minorities, the communist past, and the post-communist nationalising tendencies. Studies on CEE minorities have so far mostly focused on issues of descriptive representation and conflict prevention.[179] My approach proposes to shift the research agenda on CEE minorities from descriptive representation to the effects of presence, and from conflict prevention to minority empowerment and quality of democracy. Moreover, such an approach would allow different minority voices to be taken into account. This is particularly important especially in light of the emergence of multiple parties and political movements representing the same minority in several CEE countries (Szöcsik & Bochsler, 2013).

Interesting comparative examples in CEE, for instance, could be Romania and Slovakia (with their Hungarian minorities), as well as Bulgaria (with its Turkish minority). In all these three cases ethnic parties gained representation in parliament and have been included in governing coalitions (Andriescu & Gherghina, 2013; Rechel, 2007; Stroschein, 2012, pp. 86–87; Szöcsik & Bochsler, 2013). However, it remains unclear what representation in parliament and participation in governments has meant in these cases in terms of policy impact and minority empowerment (Regelmann, 2009, 2013; Stefanova, 2012; Szöcsik & Bochsler, 2013). Applying a process-focused approach to the cases of Slovakia, Romania and Bulgaria could be helpful to systematically investigate the implications of minority *presence*, extending it to presence in governing coalitions. Conversely, the limited political representation of Roma minorities across Eastern and Western Europe (Sigona & Trehan, 2009) would offer the possibility to analyse the consequences of *absence*. It would also serve as an interesting comparison to evaluate the effectiveness of alternative channels for minority empowerment, in particular international channels and the instruments for Roma inclusion put forward by European institutions.

While post-communist countries have been central in the study of minority representation in Europe (not least for the emergence in these countries of ethnic parties), issues of democratic inclusiveness are not unique to CEE or to new democracies. Indeed, racial, ethnic and religious minorities that are potentially at risk from political marginalisation can be

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[179] Examples of this focus are Sonia Alonso and Rubén Ruiz-Rufino (2007), Sergiu Gherghina and George Jiglau (2011), and John Ishiyama (2001, 2009).

found in several Western European countries. To give just a few examples, in the UK over 11% of the population belongs to an ethnic minority and 4.8% are Muslims,[180] in France there are about five million Muslims mostly of North African origins – about 8% of the total population (Laachir, 2007, p. 101), and in Germany the Turkish community composes 4% of the total population (Woellert & Klingholz, 2014, p. 27). However these minorities in West European countries are rarely studied in terms of political representation.[181] Consequently, the quality of democracy in Western Europe is usually not evaluated against the principle of inclusiveness. A flexible approach that takes into account multiple channels through which minorities can effectively take part in decision-making would be suitable to study issues of minority inclusion in and exclusion from the political processes of established democracies. Applying the same level of scrutiny on the inclusiveness of both new and established democracies would also allow to envisage broader East–West comparisons. Such comparisons would help us understand better how different democracies manage (or fail) to represent diversity.

While identity politics has usually been considered more a feature of the East than of the West,[182] the question of the equal political inclusion of all members of society pertains to every democracy. As illustration of this, my research entails an implicit comparison: findings from US-focused literature are showed to be relevant in the very different contexts of Estonia and Latvia. This suggests that the political inclusion of marginalised communities might face similar obstacles and dilemmas even across otherwise very different cases. For instance, the findings about the risks and opportunities of minority incorporation in Tallinn and Riga strongly resonate with studies of Black and Latino representation in American cities. In the same way, it might be the case that patterns of exclusion and inclusion observed in Eastern Europe can be useful to understand similar patterns in other countries.

Finally, if we want to evaluate the quality of a democracy (whether in new or established democracies) we must look at who is excluded and who is included in decision-making, and which channels are available to different groups to influence policies. This applies to all marginalised groups, beyond ethnic and racial minorities. For instance, the representation of women, sexual minorities, and the poor could be conceptualised within this same framework and studied through a similar process-focused method. Interestingly, issues of 'unequal citizenship' and political exclusion in advanced democracies have been raised in the literature that looks at the impact of high socio-economic inequality on the democratic processes (Jacobs

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[180] Data from the 2011 UK census, retrieved from the Office of National Statistics website: http://www.ons.gov.uk

[181] Some exceptions are studies of Black and minority ethnic (BME) representatives in UK institutions (Saalfeld & Bischof, 2013; Saalfeld, 2011; G. Smith & Stephenson, 2005; Sobolewska, 2013).

[182] For a review of the debate on 'Eastern' and 'Western' European nationalism and identity politics see Erika Harris (2012, pp. 339–343).

& Skocpol, 2005, p. 232).[183] Insights from this literature will also be helpful to devise a multi-dimensional research agenda that looks not only at which groups are included in policymaking, but also at which voices *within* each group stand a higher chance of being effectively represented.

To conclude, although the sheer size of the Russophone minorities makes issues of minority political representation in Estonia and Latvia particularly stark, these countries are not alone in facing issues of democratic inclusiveness. The comparison of these two cases points to a wider research agenda on democratic inclusiveness, which should look into how well 'real-existing' democracies are performing their promise of equal citizenship. Who is included and who is excluded from the democratic process? How does this inclusion or exclusion work? What channels are available to marginalised groups to claim their legitimate role as active part of the democratic polity? Similar challenges for the realisation of the principles of inclusiveness and equal citizenship are faced by all democracies. The better we understand how political inclusion and exclusion work, the closer we get to addressing these challenges.

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[183] For other examples of studies on democratic representation and inequality see Armèn Hakhverdian (2010), and Nathalie Giger, Jan Rosset and Julian Bernauer (2012).

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