

National minorities/ New minorities. What similarities and differences in contemporary Europe?

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Résumé de l'article

La question des minorités et de leur protection est aujourd'hui un thème brûlant en Europe. Mais de quelles minorités parle-t-on et à lesquelles d'entre elles doivent s'appliquer les nombreux instruments juridiques – nationaux et internationaux – développés au cours de ces dernières décennies ? Parmi les États de la "nouvelle Europe", la Lettonie offre un exemple éclairant de la problématique minoritaire actuelle. L'étude de ce pays permet de mettre en relief les principaux problèmes rencontrés et notamment de faire apparaître pourquoi la tendance actuelle consiste à étendre la portée du concept de "minorité nationale". Si des raisons objectives militent en ce sens, une analyse objective de la situation montre que certains États s'efforcent aussi de transformer "leurs" minorités dans des États voisins en instruments politiques.

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'Cultural diversity, Multilingualism and Ethnic minorities in Sweden'

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National minorities/New minorities. What similarities and differences in contemporary Europe?

YVES PLASSERAUD

Abstract: The Minorities question is currently a hot issue in Europe. But what are the concerned minorities and to which of them should the existing – national and international – legal instruments apply? Amongst the States of the New Europe, Latvia, with its important immigrant population, offers a striking example of the current minority problematics. The study of this Baltic country reveals the main issues about this question and shows why there are currently reasons to broaden the traditional concept of national minorities. I also shows how some countries have undertaken to instrumentalize this trend to turn “their” minorities in neighbouring states into political instruments.

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National minorities/New minorities. What similarities and differences in contemporary Europe?

Yves Plasseraud¹

La question des minorités et de leur protection est aujourd'hui un thème brûlant en Europe.

Mais de quelles minorités parle-t-on et à lesquelles d'entre elles doivent s'appliquer les nombreux instruments juridiques – nationaux et internationaux – développés au cours de ces dernières décennies ?

Parmi les États de la "nouvelle Europe", la Lettonie offre un exemple éclairant de la problématique minoritaire actuelle. L'étude de ce pays permet de mettre en relief les principaux problèmes rencontrés et notamment de faire apparaître pourquoi la tendance actuelle consiste à étendre la portée du concept de "minorité nationale". Si des raisons objectives militent en ce sens, une analyse objective de la situation montre que certains États s'efforcent aussi de transformer "leurs" minorités dans des États voisins en instruments politiques.

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In international circles dealing with minorities issues (International Organizations² and NGO³ essentially), one of the current issues is the necessity (and correlatively the possibility) to assimilate up to a certain point – in the perspective of their protection/support – the traditional national minorities (autochthonous minorities) with the new groups created by "recent" immigration. The latter being often more conspicuous (and more problematic) in the eyes of the general public, the question is harshly disputed. To take familiar examples, in a country like Sweden, should the Moroccans be treated the same way as the Finns or the Sami and in France, should the Tamuls or the Capo Verdans enjoy the same cultural and political rights, as the

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² Advisory Committee of the European Framework Convention, European Commission for Democracy through Law (The CoE Venice Commission) the Human Rights Committee, the UN Working group on minorities and the OSCE High Commissioner on national minorities.

³ Particularly the Minority Rights Group International and – its affiliates.

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Basques or the Corsicans. The practical issue behind this questioning is the nature of the rights to be conferred by the authorities for the two groups. The question is indeed a complex one.

The first difficulty stems from the fact that – up to recently – for various reasons, the international organizations have never been able to agree on a common definition of the concept of minorities. Until a few years ago, a sort of “soft” consensus nevertheless existed in Europe on the notion of minority. A minority was considered to be:

“A group of citizens of a State, constituting a numerical minority and holding a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive, and whose aim it is to achieve equality with the majority in fact and in law.” (Jules Deschênes definition 1985)

A second difficulty is due to the fact that among the members of the “new minorities” some are citizens of their new home country and are in the process of integration, while others (because they are newcomers or for other reasons) are neither citizens nor assimilated. All sorts of other combinations can be found (see below the case of Latvia).

In recent years, the traditional approach of the concept of minority has been challenged by a number of experts who advocate dropping the citizenship requirement from the list of criteria defining a minority. In view of the determination and earnestness of the parties involved and of the number of individuals concerned (tens of millions), this is far from being a minor issue. The purpose of the present paper is to cast some light on this complicated and controversial issue.

In order to keep away from any national subjectivity and because I have been working on the question for years, I chose to examine the case of a little known central European country, confronted to an important immigrant Russian population : Latvia. I shall hereafter focus on the question of the new minority in this Baltic country.

Latvia: an emblematic but paroxystic situation

Since the break-up of the Soviet Union and the reappearance of the Baltic States, the Western press (“informed” by local Russian activists and Moscow media) periodically raise the issue of the alleged mistreatment of the Russian “minorities” in the Baltic Republics. The information about this issue is indeed not very widespread and the general public tends to think that since “there is no smoke without fire” the Balts are probably not very “clean” in this respect.

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The question is all the more relevant since among the new members of the EU, Latvia offers an interesting example of a democratic country⁴ confronted with a serious national "minority" integration problem. This situation, already rather delicate in itself, is furthermore complicated by frequent interventions from Moscow, which tries to influence Latvia through various channels, including of course the "levy" of the local Russian (i.e. Russian speaking) community.

One of the major issues in this connection revolves around the extent of the very notion of *minority*. The Latvian authorities, in accordance in this respect with the traditional position of most European Intergovernmental Organisations (see above), regard as belonging to minorities the citizens of the state who constitute a minority in number and can rightfully claim a cultural difference.

Concerning these people, the legislation of the Latvian state more or less corresponds to the accepted European standards. But Moscow, followed to a certain extent by the OSCE⁵ and more recently by the Council of Europe (CoE), has adopted a more ethnic approach according to which the quality of member of a minority is solely based on ethnicity, regardless of citizenship. Since the major problem in this respect in Latvia (as well as in Estonia and to a lesser extent in Slovenia) precisely concerns non-citizens, this enables Moscow to present the integration problem as a question of Human Rights.

The Latvian integration policy: a slow start

Whereas before the Second World War the Latvian speaking population of the Latvian Republic was close to 76%⁶, after half a century of integration in the Soviet Union, due to more or less free immigration in the Republic, this percentage had dropped to 49% (1989). These Russian "Migrants" (as the Russian Speakers were then called by the Latvians) in their majority were never really integrated (lest assimilated) in the Latvian society. They mostly considered that as they were living in their own country, the Soviet Union, and speaking the main language of this State, they did not have to bother with learning the local idiom, all the more so since practically all the "locals" were more or less fluent in Russian (a situation usually referred to as asymmetric bilingualism)⁷. This position was reinforced by the fact that in many cases these migrant workers were only there for a few years... until they were sent elsewhere in the USSR.

⁴ It must be kept in mind that the three Baltic States are the only real democratic nations amongst the former Soviet Republics.

⁵ Organization for Security and Cooperation in Europe.

⁶ In 1935, the Russians represented only 12% of the total population.

⁷ In 1989, only 23% of all non-Latvians could speak Latvian.

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The consequence of this migratory policy was a clearly unfavorable demographic position⁸ for the titular population⁹. The local Russians, locally perceived as instruments of Moscow, were naturally blamed for this situation. In these conditions, when the country regained its independence and found itself with an important "stranded" alien population, one of the immediate preoccupations of its new leadership was to "protect" the ethnicity and the language of the titular population of the country, thus disfranchising most of the Russians.

The choice of a "restricted" Citizenship

The practical objective in this respect was to depart from the principle of automatic granting of citizenship to all interested residents who (at the time of independence) requested it, as prompted by Moscow and adopted by most ex – USSR Member States including Lithuania¹⁰(the so called "zero option").

The solution adopted by Estonia and Latvia was on the contrary to recognize as original citizens of the country only the people who were nationals before the Soviet annexation (June 17th 1940) and their direct descendants (though regardless of ethnicity) living in the country and having been registered as such prior to July 1st 1992¹¹.

In these conditions, the Russians were initially divided into two groups : on the one hand the heirs of pre-war Russians (among them many Old-believers) who were well integrated, spoke Latvian and had a feeling of local belonging, and on the other hand the others. These "others" had often arrived after 1970 (one third of current Russian Speakers were born out of Latvia), mostly lived in "Russian suburbs", spoke only Russian and considered Latvian as a minor "foreign" Language.

From the Russian standpoint, the main result of this measure was that one third of the resident population suddenly found itself deprived of any citizenship. It is in this group that most problems (among others social ones) were to be found. This solution was embodied in the temporary citizenship resolution passed by the Supreme Soviet of the Republic of Latvia on October 15th, 1991 "*On the Restoration of the Rights of Citizens of the Republic of Latvia and the Basic Regulations for Naturalization*"¹² and confirmed much later after many debates, crises and

⁸ Ethnic Latvians are a minority in the seven principal cities of the country.

⁹ And, consequently on the part of the Latvians, a strong feeling of victimization and the conviction that their beloved language and culture were on the brink of vanishing.

¹⁰ With more than 80% of Titulars, Lithuania was of course in a much simpler situation.

¹¹ The so-called "Legal restorationist" approach initially worked-out by the Citizens Committee Movement.

¹² Actually modeled on that of 1919.

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hesitations in the definitive Act on Citizenship of June 22nd, 1994¹³ which came into force on August 25th, 1995¹⁴. The acquisition was submitted to a number of criteria comprising:

- An examination: Proficiency in Latvian, some knowledge of the history, law, etc. of the country,
- The payment of a tax,
- Plus the fulfillment of the conditions to apply i.e. 10 years of residence + 3 years of residence after the promulgation of the Act, age quotas...

During these 4 years of "transition", the integration mechanisms were practically inactive¹⁵ since the unconfessed aim of the authorities was to see as many "Migrants" as possible leave the country¹⁶. Of course this attitude was hardly coherent with the proclaimed principle of a "shared citizenship" and of a "Latvia for all residents" promised during the glorious years of the "Singing Revolution"¹⁷. But times had changed and, from 1992 on, the unfriendly attitude of Moscow raised not entirely unjustified fears of the transformation of part of the Russian speaking population¹⁸ into a third column on the occasion of the forthcoming legislative elections.

It is true that allegedly, this choice of leaving so many people out of the state citizenship was initially based on the assumption that Moscow would automatically grant the citizenship of its new Federation to all the residents of the new "near abroad" who would be willing to accept it. Unfortunately, for various reasons, this was not the case and the Russian Federation, although clearly the main successor State of the Soviet Union, left millions of Russian "compatriots" in a situation of statelessness.

During the first years of existence of the reborn Latvian state, it was legally impossible for non-citizen residents to apply for citizenship and the situation was thus practically "frozen" until the date when naturalizations became possible¹⁹.

At the beginning of 1995²⁰, when the process started Latvia was confronted with at least three groups of residents :

¹³ One must keep in mind that the last (they were initially 12 000) Russian soldiers did not leave the country until August 1st, 1994.

¹⁴ There were 740 231 non-citizens, out of a total population of 2 516 517 persons at that time.

¹⁵ The Naturalization Board was created on the Basis of a Decree of the Cabinet of Ministers N° 463 of October 1994.

¹⁶ More than 180 000 individuals left during the year 1994 alone.

¹⁷ Cf. para. 2.4 of the electoral program of the Popular Front adopted in October 1989 and the Declaration of the Supreme Soviet of the SSR of Latvia dated May 4th, 1990. See also in bibliography in Kolsto (Nation Building and ethnic integration) p.86.

¹⁸ 200 000 of them were former Soviet servicemen having retired in the Baltics.

¹⁹ Under the new law, 3 years of residence after the promulgation of the Act were necessary to be allowed to file an application.

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- The citizens of the Latvian Republic,
- The citizens of another State (mostly CIS and predominantly Russia),
- and
- Stateless individuals, themselves falling in different categories whether they had requested and obtained a residence permit or not.

The issue of non-citizens immediately took a controversial character owing to the conjunction of the protests of the local Russian Activists and of the Moscow propaganda which used the tool of the “sufferings” of the compatriots in Estonia and Latvia to destabilize the two “new” States. The problem was furthermore complicated by the fact that rightist nationalist parties came to power after the legislative elections of September 1995 in these two countries, thanks – among others – to the electoral disfranchising of part of the adult resident population.

Nevertheless, the naturalization process started on February 1st, 1995, although extremely slowly, owing both to an “age windows system²¹” established to slow down the process and to the lack of enthusiasm of most Russian speakers who did not see why they should now apply, pass an exam and pay a tax for a citizenship which they had never wanted, lest requested. In 1995-1996, out of the 93 000 legally possible requests, only 7 170 applications had been filed! At the same time, irritation grew among the Russian speaking population, causing the OSCE High-Commissioner for National Minorities (Max van der Stoep) to intervene more and more actively in the legislative and bureaucratic processes²².

Integration finally becomes a Political aim

From 1997 on a heated debate took place in Latvia, regarding the objectives of the integration process. The positions were then far from being consensual and transparent. For instance, whereas the government and the President now clearly favored a Western style integration aiming at the building-up of a civil society, a substantial part of the opinion and of the *Saeima* (Parliament) kept more or less in mind the model of an ethnic Latvian State. The general population, still unclear about the consequences of these respective choices, awaited further information.

In 1998, a serious diplomatic crisis with Moscow and the subsequent menace of economic sanctions, shook the Latvian political circles, and, considering that the feared “flood” of naturalizations had failed to take place, the Government decided to accept the requests of OSCE

²⁰ At the time, minorities approximatively represented 43,5% of the population, split-up into 30% Russians, 4,3% Bielorusians, 2,8% Ukrainians, 2,55 Poles, etc.

²¹ Which itself had replaced the stricter initial quota system.

²² The long term monitoring OSCE mission was established in Riga on November 13th, 1993.

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and give up the “windows” system in order to speed-up the process of integration²³. This had a positive effect on the naturalization rhythm which rapidly jumped to 10 000 a year. It nevertheless remained markedly insufficient in view of the 650 000 persons still out of reach who most of the time did not care at all about this question.

In the following year, with assistance and financial support from Intergovernmental European Organizations as well as Western public or private contributors, the situation continued to improve, and the number of yearly naturalizations reached 20 000 in 1999. In June 2000, some 30 000 individuals had been granted citizenship since the opening of the process on February 1st, 1995 but at the same period, 73 000 people remained not only stateless but without any identity documents, which entailed numerous practical consequences such as limitations on travel possibilities, pensions, etc.

At that stage, the situation of the Russian community was indeed complex.

There were in fact 6 types of Russian residents in Latvia:

- Very old Russians (mostly Old-believers), whose presence dated back to the 17th century, absolutely integrated, possessing the citizenship and considered as a national minority
- Old Russians, descendants of pre-World War II citizens (often arrived in the aftermath of the Soviet revolution), well integrated,
- Naturalized Russians (new citizens), in the process of integration,
- Documented residents (holders of non-citizens passports called *fioletevi* because of their purple color),
- Stateless persons (undocumented),
- Nationals of another state (mostly Russia)

Conscious of the risk entailed by this situation while the request for membership in the UE had already been filed, the authorities of Riga worked – out and published a *National Framework Integration Program* (March 10th, 1999). The integration question being finally taken seriously by the authorities, the Integration Program was adopted by the Council of Ministers on February 6th, 2001. In January, considering that serious progress had been made, the CoE decided to discontinue its monitoring activity in Latvia²⁴. In June 2001, the naturalization taxes were substantially lowered. The reasons for this sudden and significant change of attitude are to be found in the following facts:

- EU member States were becoming more and more critical vis-à-vis Riga,
- No more massive departures of Russians were to be expected,
- Moscow exerted a more and more effective pressure,

²³ Law of June 22nd, 1998 confirmed by a referendum on October 3rd, 1998.

²⁴ It was in fact continued until December 31st.

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- Ultra-conservative Latvian parties tended to lose ground vis-à-vis more realistic ones,
- Public opinion was showing decreasing interest in politics and more concern over economic issues, which brought more openness towards Russophones.

The acceptance of multiethnicity remains distant

In 2001, the situation was the following: The number of stateless persons had decreased by 360 000 persons, from 940 000 in 1991 to 580 000. During the same period, the number of Latvian Citizens had increased by 50 000 persons, from 1 730 000 to 1 780 000. The discrepancy came from the fact that only 40 000 persons had acquired citizenship by naturalization while 320 000 had emigrated or... died.

Unfortunately, in the same year 2001, the naturalization process slowed down again, raising new tensions between the two communities. Thanks to an information campaign carried-out by the authorities and to the creation of a Fund for the Integration of Society, an agency responsible for supporting integration related projects, the number of naturalizations rose again in 2002, reaching 10 000 persons. 2003 saw a certain improvement of the situation and, on February 12th, 2004, a celebration was organized to mark the 70 000th naturalization. At the end of 2003, one half of the Russophones (323 000 individuals) possessed Latvian' citizenship.

When the country became a member of the EU on May 1st 2004, the number of applications was seriously boosted, but the situation still remained rather unsatisfactory. In July 2004, Latvian citizens numbered 1 805 156, non-citizens 470 220 and aliens 33 963. These figures represented a clear progress but also showed that there remained a long way to go until integration was more or less achieved. From February 1st, 1995 to 2005, 84 827 naturalization applications had been received and 74 540 persons had been granted the citizenship of Latvia²⁵.

These figures were obviously insufficient and they gave Russia's Parliamentary Chairman Boris Gryzlov an opportunity to put pressure on OSCE's Parliamentary Assembly to pass a Resolution (supported by France and Germany) chiding Latvia for insufficient progress in promoting Minority Rights (July 2004). The two focal points of this Resolution were the ratification of the Framework Convention and the possibility for non-citizens to vote in local elections, two items already accepted by Estonia²⁶.

²⁵ Applicants include 67,7% Russians, 10,3% Belorussians, 8,6% Ukrainians, etc. It is interesting to note that 68,8% of the total are women!

²⁶ The slow pace of naturalizations was also criticized by Elisabeth Schroedter's Report for the Euro Parliament in February 2004 and, in February by Alvaro Gil-Robles, Council of Europe Commissar for Human Rights.

Two Communities living side by side

Generally speaking, the inter-personal relations between the Locals and the “Migrants” are rather good or at least peaceful. There has practically never been any violence. One counts even 20% mixed marriages between Latvians and Russians. And yet, as groups, the two communities remain way apart. Latvians speak their language, read the Latvian press and Latvian books, listen to Latvian Medias and usually keep a strong patriotic feeling. Russian Speakers only speak Russian in their everyday life, read the local Russian press²⁷ and imported Russian books, watch Russian TV and – in many ways – belong “elsewhere”.

But still, both groups share a feeling that their home is where they live and want to stay and, as time passes, the Russians are becoming closer to their Baltic neighbours than to their compatriots in the former homeland. When they travel to Russia (which they still do a lot), most of them tend to feel they no longer belong there.

Whereas one can fairly easily understand the problems of the first years of Independence, the continuation of these difficulties now that the Naturalization process is quite open and the country has been a member of the EU since May 2004 and doing extremely well economically until it was struck by the world crisis in 2008 can seem strange. In fact, these difficulties appear to come from both sides.

The Latvian authorities have been slow in making their position clear vis-à-vis the integration issue. The day to day history of the period shows many failed attempts, hesitations and step backs. This has not induced many Russian Speakers to leave the country but has failed to give them a chance to clearly position themselves as a minority group in a new State which is there to stay. The money spent in explaining the issues and teaching the Latvian language to adults has – despite substantial foreign help – too often been scarce and the State has allowed the development of two parallel societies which, albeit economically interactive, largely ignore each other culturally.

The local Russians and the Moscow authorities also bear their parts of responsibilities. The former for remaining split up between a passive majority who in many ways retains its Soviet mentality and does not feel concerned by Latvian affairs and a small fringe of activists, either pro-Latvian (little heard) or anti-Latvian (sometimes too conspicuous). The Russian press²⁸, the Duma and the Moscow Ministry of Foreign Affairs regularly re-interprets and instrumentalizes the Integration question to try and retain a certain dose of control over the Baltic Republics and particularly to impose Russian as a second language in Latvia, as has been done in Belarus and Moldova.

²⁷ *Tchas, Sevodnia...*

²⁸ *Izvestias, Pravda...*

The lessons of experience

Quite a lot of interesting information can be drawn from the situation described above and from that of some other European countries.

What is the scope of the notion of minority?

When examining the nature of communities in order to determine whether or not it deserves the qualification of minority, several criteria are usually taken into consideration. Among those, several appear essential:

- The objective (size wise) situation of minority: This criterion is obviously fulfilled in the case of the Russians in Latvia,

- A sufficiently different identity from that of the dominant population: Latvian Russians undoubtedly have a different culture from that of the Latvians. The same observation can to some extent be made about Alsatians or Kabyles in France and Turks or Sorben (Lusace Serbs) in Germany

- A subjective conviction on the part of the members of the concerned group that they belong to a minority and want the group to survive (self-identification). This attitude generally goes together with a sense of solidarity on the part of the members of the relevant group. There is no doubt that this is the case here concerning all minority groups of Latvia. The same would be true in the West for groups like the Scots in the UK or the Valdostains in Italy.

- An enduring presence in the relevant territory: It is usually the main criterion taken into account in "Old Europe". Owing to their long-lasting presence on the French territory, Armenians are seen as a real minority in France while Sri Lankans, as new arrivers, are not. We have seen that, as far as the Russians of Latvia are concerned, the situation is ambiguous. Albeit subjectively important, the length of actual presence on the national soil is not officially taken into account, except, as we have seen, for those of the "Russians" who were present on the territory of the Republic of Latvia, prior to the first Soviet annexation of June 17th, 1940

- A non-dominant position. In this respect, in South Africa under apartheid, the Whites were not considered to be a minority. However, this point of view is not absolutely general and, for instance, the CoE PACE Recommendation 1201 does not mention this criterion. In Latvia, Russians are currently often *de facto* economically dominant!

- The question of citizenship²⁹. This is indeed THE big issue in Latvia, as well as in most post-Soviet states (what Moscow calls the *Near abroad*). To be considered as belonging to a minority

²⁹ According to international norms, the following categories of people are normally excluded from citizenship: aliens, refugees, permanent residents, migrant workers and stateless persons.

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(i.e. to be able to enjoy the corresponding rights), a resident, member of a differentiated group, has to possess Latvian citizenship³⁰. Although, as we have seen, this does not contradict the traditional European norm (ex: Germany), focusing on this unique criterion is not frequent in Europe as a whole, and usually corresponds to states where it is most difficult for non-EU citizens to acquire citizenship.

Among the reasons which can be quoted to explain the Russian position and subsequently the evolution of the attitude of the IGO and NGO, one is clearly political and pertains to the geopolitical attitude of the Kremlin. In order to be able to fully use (some would say instrumentalize) the community of "compatriots abroad" (some 20 million individuals in all the non-Russian, post-Soviet area) as a lever in its international policy, Moscow has to be able to present the integration policy of the new states as violating human rights in general but also the especially sensitive corpus of minority rights. The recognized concept of minorities has thus to be enlarged to encompass the mass of non-citizens.

However, apart from the political approach to the question of the nature of "protectable" minorities, there are sociological reasons which have to be examined carefully.

All minorities have common characteristics and claims

Latvia is home to a number of territorial traditional (old) minority groups. Among these populations one can mention a tiny group, the Liivs³¹, who are the most ancient. One can also cite the Roma, the Belorussians and Poles of Latgale, the Estonians, as well as a number of other small groups.

Whether comparatively huge (Russian citizens of the Latvian Republic) or minute (Liivs), these old minority groups share a certain number of basic elements of identity and claims with the representatives of the "new minorities". These elements are essentially:

- The fact of being a numerical minority,
- A distinct cultural identity,
- The feeling of being in a position of minority,
- An enduring presence in the relevant country (100 years or 3 generations),
- A non-dominant position in the relevant state.

³⁰ The "Russians" who are citizens of Latvia (a group of growing significance) are on the contrary fully entitled to enjoy the minority cultural rights provided for by the Constitution (*Satversme*) and by the special Act on minorities (March 19th, 1991).

³¹ A Finno-ougric people descending from the original inhabitants of the Latvian provinces of Courland (Kurzeme) and Livonia (Vidzeme).

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Taking these elements into consideration, one author who seems to be in favour of the assimilation of the two groups³² proposes the following inclusive definition of minorities in general:

“A minority is a group of persons, (i) resident within a sovereign state on a temporary or permanent basis, (ii) smaller in number than the rest of the population of that state or of a region of that state, (iii) whose members share common characteristics of an ethnic, cultural, religious or linguistic nature that distinguish them from the rest of the population and (iv) manifest, even implicitly, the desire to be treated as a distinct group.”

Such a definition, omitting the citizenship requirement and thus embracing both the historical and the new minorities, is supposed to benefit the immigrant groups (by granting them a new series of rights) while not being detrimental to the native ones.

New and old minorities also show different characteristics and sometimes express diverging requests

As seen above, the main claim of the new Russian minority is full integration, acceptance of all permanent residents and full participation in Latvian mainstream society (while keeping their language and culture alive). Except for the traditionally discriminated against group of the Roma, this preoccupation is not shared by other minority groups who are *de facto* rather well integrated and are on the contrary asking (like the national minorities in the West) for the effective possibility to keep and sustain their historic specificity.

– In most European countries, migrant groups do not object to the requirement that they speak the official language of the host country. Nobody among the *émigrés* in France seriously objects to the obligation of learning French. In Latvia and Estonia, it is different and many (mostly elderly) Russians refuse to learn Latvian, considering it to be useless.

– Along the same line, another request initially frequently expressed by the representatives of the Russian group was to see their language enjoy equal status with Latvian in official life in Latvia. In view of the fact that the widespread use of Russian in Latvia is a relatively new phenomenon (circa 1970), this request appears unjustified.

– On the contrary, in many Western countries autochthonous minority groups object – as a matter of principle – to the obligation of knowing the language of the state (Tyrolians of the Alto-Adigio, Catalans...). In Latvia, it is the opposite, all the “small” minorities accept the state language. These differences stem from the fact that Latvia is seen as a “small” nation, not taken entirely seriously by the Russians belonging to what they see as an important and “old” nation.

³² Roberta Medda-Windischer, *Old and new minorities: Reconciling diversity and cohesion, A human Rights model for minority integration*. Bolzano/Bozen, Nomos, 2009. p.63.

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– In most countries of Europe, old minorities, alleging their occupant right, resist assimilation with more energy than new ones whose members – having initially chosen to emigrate – are more willing to assimilate. In Latvia, it seems to be the opposite. National minorities appear to be progressively dying-out by assimilation while the Russians tend, on the contrary, to defend their language and customs with energy and determination. The reason is apparently the numerical weakness of traditional minority groups as opposed to the importance of the Russian community and its support by Moscow.

If we now leave Latvia and take a look at the European situation in general we see that among the discrepancies between the two types of minorities, one must also mention the fact that national minorities claim (and sometime enjoy) a set of rights which are totally irrelevant speaking of immigrant communities. Among those rights one can cite the right to territorial autonomy on a land historically connected with the people in question (ex: *Euskadi*, Wales, Val d'Aoste...) or the possibility to follow particular ways of managing land or natural resources.

On the contrary, the claims of new minorities usually revolve around the following points:

- The right to existence as a distinct group,
- The quest of non-discrimination,
- The possibility to enjoy full citizenship rights (equality),
- The right to an effective participation of the community in the public life of the country where they live,

To make a long story short, one can sum – up the situation by saying that old minorities are looking for a form of particularism while their new counterparts are aspiring to equality and dignity.

If we consider that minority rights are an important part of human rights and have to be efficiently applied whenever appropriate, a solution must be found to the question of to whom the corpus of minority rights should apply.

In search of reasonable solution

What we have seen above shows that new and old minorities actually share a number of characteristics which derive from their minority status on the one hand and from the requirements of the basic corpus of human rights on the other hand (non-discrimination, equal opportunities, cultural freedoms...). The temptation to assimilate the two is thus a normal attitude, particularly in view of the well known fact that unity is strength!

However, it appears that complete assimilation of the two types might in the long run entail two types of difficulties:

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– Too broad an approach of the concept of minorities would in practice probably “dilute” and weaken the modest, but effective, results already achieved in the last 50 years in favor of traditional minorities (mostly language rights).

Old minorities have often obtained specific cultural and linguistic franchises (school system in their own language, access to the administration in their language).

These rights would be mostly inappropriate in the case of new minorities.

Indeed, old minority groups and their country of residence generally belonged to the same cultural area and their habits and *ethos*, not very far apart from those of the titular inhabitants of the country, did not shock the majority.

This is not necessarily the case with new minorities whose traditions and religions can be utterly different from those of the titular. The “normal” requests of the former, sometimes extremely shocking for the “locals”, might quickly jeopardize all minority rights including those of the traditional groups. Not to mention the fact that some “traditional” cultural and/or religious unacceptable practices of extra-European groups (Tchador, women's sexual mutilations, polygamy, among others...) would open the gate to endless and probably counterproductive debates.

– The fact that the bulk of the members of the new minorities – often originating from non-democratic countries – lag behind the titular population in the civic and cultural fields might create problems in the implementation of a set of rules established for a more civic, rooted and democratic population.

– The geopolitical context and the extreme violence of some extra-European “minority representative organizations” (Sri Lanka's Tamil Tigers, Palestinian Hamas...) would immediately be used in Europe (currently the only area of effective legal minority protection!) by their opponents and opponents of the minority cause (who are numerous, from nationalists to centralists and sovereignists of all kind) to discredit and disfranchise minorities in general.

Some will object that Basque (ETA), Corsican (FLNC...) and Irish (IRA) ultra – nationalists have already resorted to such practices. That is true, but is this a reason for going further along the same counter-productive line?

– Granting the new minorities the same type of community rights autochthonous groups claim and have sometimes obtained (Wales, Friesland in the Netherlands, Samis in Scandinavia...) has already been partly experienced in some countries under the appellation of “identity politics” or “collective integration”. This “culturalism” has been found rather counter-productive inasmuch as it too often tends to hinder the integration process which is the basis of a stable state and is generally longed for by a majority of the members of the group (Canada, the United Kingdom...).

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Furthermore, it often ends-up isolating the members of the community in a sort of ethnic ghetto (communautarism) which – in the long run – favors the arousal of extremist feelings (ultra-nationalism, heterophobia...) and the emergence of self-proclaimed leaders who often tend to abuse the gullibility of their "compatriots". The Hamas Palestinian movement is the product of such a process in the refugee camps of Jordan, Lebanon and Gaza.

It would thus probably be wiser to adopt a more flexible approach. Such a policy – often referred to as the "tolerance policy" – could be based on the two following observations:

- The majority of the immigrated residents of current western countries, suffering from a "democracy deficit", are, above all, looking for equality of rights, respect and dignity,

- In our modern world, the ethnic or national group has been recognized by sociologists and politologists alike as constituting a natural mediator between the individual and the society.

Acknowledging the fact that all minorities, new and old, share a number of essential common characteristics and claims, a realistic solution could for instance be of the following type³³ :

1-Establish a general minority rights "platform" including both the ancient negative (don'ts) and the more recent positive (do's) provisions of the internationally recognized corpus. Among these rights, one might include: on the one hand equal treatment and non-discrimination, the recognition of particular identity, the right (and actual possibility) to create minority representative organizations, the freedom to openly exchange with kin people in neighboring states, to vote at local elections, to enjoy cultural and language rights, etc on the other hand.

2-At the same time, maintain and improve the existing set of measures which exclusively concern national minorities and which have been experienced and have proved helpful for a number of years in several western countries³⁴. Among these elements those concerning autonomy, both territorial (Aland islands, Crimea, Corsica, Sicily, Scotland...) and extra-territorial, i.e. cultural (Estonia, Hungary, Russia, Serbia...) and the right to maintain an original way of life, are obviously central. These non-territorial rights could be extended as we have seen it in the case in Latvia – to immigrants who have acquired the citizenship of the State, thus showing a clear intention to integrate (not necessarily assimilate) and follow the general habits of their residence state.

3-Creating a set of specific measures and rights adapted to the real requirements of immigrant communities aiming at their integration in the relevant society. Among these rights, one could for instance include:

³³ With some variations these solutions are currently advocated by liberal-communitarian thinkers such as Charles Taylor, Michel Wierviorka or Denis Lacorne.

³⁴ The CoE Framework Convention on national minorities is the best-known internal instrument but there are many others.

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- information about the political and social structures of the host country (Sweden seems to have proven particularly efficient in this respect),
- specific help to social integration such as culture and language courses in national and possibly regional (Catalan is a good example) societies,
- introduction to the language and culture of origin of the country of origin of the migrants etc.

The aim of all these measures being of course to make immigrants reintegrate their human dignity and feel as comfortable as possible in the host society.

Conclusion

For human societies as well as for nature, diversity is now fully recognized as crucial to adaptability and thus to survival³⁵. As is the case for animal and vegetable species, every culture that dies-out means the disappearance of a whole world of possibilities and freedoms. We must always bear in mind that our differences are our common treasure and that saving them is for each and every one of us a moral responsibility.

As now recognized by UNESCO, minorities are thus an essential asset for the world, and it is justified to grant all of them a sufficient degree of protection/promotion, but it also appears wise to treat new minorities and old ones in different manners. Indeed, if – as seen above – the indiscriminate promotion of new minorities might prove dangerous or detrimental for the civic peace of the concerned countries, supporting the old ones offers few drawbacks and might on the contrary prove a good idea for the future of some countries.

³⁵ Yves Plasseraud, *L'identité*, LGDJ, Montchrétien, coll. Clés, 2003.

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