

## REGULATION OF ETHNIC RELATIONS IN POST-SOVIET COUNTRIES: THE CASES OF LATVIA AND MOLDOVA COMPARED

*This article compares legislation towards national minorities in two post-Soviet countries, Latvia and Moldova. The article argues that though the road of Moldova to independence was muddled by inter-ethnic violence while Latvia achieved its independence in the conditions of impressive political stability and peaceable inter-ethnic relations, in the post-independence era the ruling elites of Moldova consistently pursued more generous policy towards national minorities than did the ruling elites of Latvia. The article argues that the reasons for these differences are to be found in the fateful decisions on granting the citizenship of the new states to its residents adopted in the first years of independence, as well as in some other peculiarities of the Moldovan political culture.*

Keywords: ethnic relations, regulation of ethnic relations, Moldova, Latvia, post-Soviet period.

UREJANJE MEDETNIČNIH ODNOSOV IN POST-SOVJETSKIH DRŽAVAH: PRIMERJAVA MED LATVIJO IN MOLDOVO

*Članek primerja zakonodajo, ki ureja položaj narodnih manjšin v dveh post-sovjetskih državah, Latviji in Moldaviji. Zagovarja stališče, da so moldavijske vladajoče elite kljub temu, da je bila pot Moldavije v neodvisnost zaznamovana z medetničnim nasiljem, medtem ko je Latvija dosegla svojo neodvisnost v pogojih impresivne politične stabilnosti in miroljubnih medetničnih odnosov, v obdobju po doseženi neodvisnosti dosledno izvajale bolj velikodušno politiko do narodnih manjšin od vladajočih elit v Latviji. Dokazuje tudi, da je treba razloge za te razlike iskati v usodnih odločitvah o podeljevanju državljanstva novih držav svojim prebivalcem, ki so bile sprejete v prvih letih neodvisnosti, kakor tudi v nekih drugih posebnostih moldavijske politične kulture.*

Ključne besede: etnični odnosi, urejanje etničnih odnosov, Moldavija, Latvija, post-sovjetsko obdobje

## INTRODUCTION

A number of reasons explain why Latvian and Moldovan records in the sphere of inter-ethnic relations are singled-out for comparative analysis here. To begin with, there are important similarities in the countries' recent history. Both of them were part of the Russian empire until the 1917 Revolution and Civil War in Russia, both stayed out of the Soviet framework in the inter-war period and both were forcibly incorporated into it in 1940 when the Soviet Union was a de-facto ally of Nazi Germany.<sup>1</sup> Latvia and Moldova were heavily Russified after World War II and obtained independence in the aftermath of the Moscow August 1991 aborted coup. They are quite comparable in terms of both their population size, Moldova having at the time of the last Soviet census in 1989 4.3 and Latvia 2.7 million people, and their ethnic composition. So, in 1989 titulars<sup>2</sup> constituted 64.5 per cent of the overall Moldovan and 52.0 per cent of the overall Latvian population, followed by 13.8 per cent Ukrainians, 13.0 Russians, 3.5 Gagauzis, 2.0 Bulgarians and 1.5 Jews in Moldova and 34.0 per cent Russians, 4.5 Belorussians, 3.5 Ukrainians and 2.3 Poles in Latvia (*Natsional'nyi sostav...*: 16). To this it should be added that as in the other Soviet republics the non-titular populations in Moldova in Latvia heavily relied in their day-to-day activity and carrier prospects on the Russian language as their primary means of communication (this is why non-titulars has been quite often referred to as the "Russian-speaking population").<sup>3</sup>

However, despite these differences, the two countries present very different records of inter-ethnic relations and treatment of minorities. In the last years of the Soviet Union Latvia was among the pioneers, together with other Baltic countries, of national revival movements, while Moldova was relatively late in joining this trend. When, nevertheless, the Moldovan national movement finally appeared on the political scene in the spring of 1988 (then under the name of the "Democratic Movement for the Advancement of Perestroika"), it gained momentum and this, in turn, provoked a strong reaction on the part of the non-titular population. Strikes and other public actions of non-titulars against the introduction of the Moldovan (Romanian) language as the sole "State" (i.e., official) language during 1989 summer signaled a considerable worsening of the inter-ethnic relations in Moldova. After the proclamation of the sovereignty of the Moldovan Republic in June 1990,



1 Moldavian SSR, created by Moscow fiat in August 1940, comprised the bulk of the historical province of Bessarabia (a territory between the Pruth and Dniester Rivers) and a tiny strip of land along the left, i.e. eastern, bank of the Dniester which in the inter-war period belong to the USSR being part of the Ukrainian SSR.

2 In the late Soviet as well as post-Soviet jargon the common appellation of those population(s) after whose ethnic name the relevant republic(s) were called, in our case ethnic Moldovans and Latvians.

3 And also a (tiny) number of those titulars who indicated Russian as their mother tongue. On all the complexities connected to "Russian-speakingness", their identity formation and political role cf. seminal book of David Laitin (*Laitin* 1998).

two regions, Transdnistria in the east and Gagauzia in the south with predominantly non-titular populations announced in August- early September their secession ("independence") from Moldova.<sup>4</sup> Attempts by the Moldovan authorities to forcefully suppress Transdnistrian secession led to the bloody conflict in 1991-1992 with hundreds of deaths. Intervention of the Russian 14th Army in June 1992 and diplomatic and other pressure exerted by Moscow led to a cease-fire agreement and the deployment of a Russian (later also Ukrainian) peace-keeping force in the demarcation zone (King 2000: 120-223).

By contrast, Latvia's move to independence was relatively smooth and non-violent. There were numerous accounts of Russian speakers' loyalty to or even active support of Latvia's move to independence. For instance, when in January 1991 the Soviet OMON police force tried to seize important state institutions in Riga, Latvia's capital, among their defenders were not only ethnic Latvians but Russian-speakers as well (Karklins 1994 and Kolstø 2002).

Independent observers of the political scene of those two countries during the turmoil of late 1980 - early 1990 could have expected the aggravation of inter-ethnic problems in Moldova and non-existence of them in independent Latvia. In fact, the opposite happened. After the tragic events referred to above inter-ethnic relations steadily improved in Moldova. Citizenship was granted to virtually all inhabitants of the new country, languages legislation which had made Moldovan the only official language of the state was applied liberally, the Gagauzi problem effectively solved by granting territorial autonomy to the region predominantly populated by this ethnic group, and even in Transdnistria, though no tangible progress was achieved in the reintegration of the country, tension subsided, free circulation was restored between both banks of the Dniester river and no danger of violence has been eminent since the cease-fire agreement reached in July 1992. Significantly, independent Moldova was never subject to criticism by international human rights or minority rights organisations, either governmental or non-governmental, for its treatment of minorities.

On the other hand, Latvian citizenship legislation is restrictive and requires that the non-natives, i.e. those immigrants who came to settle in the country during the Soviet era from other parts of the USSR and their descendents to go through a complicated process of naturalization. Language legislation is quite strict as well. Since early 1990s Latvia was subjected to criticism for its treatment of minorities

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4 Transdnistria, also known as Transnistria in Romanian/Moldovan or Pridnestrov'e in Russian is a part of the Moldovan territory lying on the left bank of the Dniester River (see note 2 above) plus a right-bank town of Bender (Tighina in Moldovan/Romanian). In this region Russian-speaking Slavs, mostly Russian and Ukrainians, predominate. Gagauzi are small-numbered Turkic people of Orthodox religion living compactly in the Southern part of Moldova.

by various human rights watchdog bodies and though recently this criticism became more muted, the problems remain. (OSCE High Commissioner on National Minorities 1993 and United Nations Human Rights Committee 2003).

Those differences between the records of the two countries become even more striking against the background of continuous economic difficulties in Moldova, which is now one of the poorest countries in Europe with the highest ratio of economic emigrants and remittances from the people working abroad (Mansoor and Quillin 2007: 6). In the first decade following the acquisition of independence the Moldovan economy went through a period of unprecedented decline compounded by quasi-permanent political instability and though since 2000 the situation has improved somewhat, the prospects do not seem particularly bright (see Solonari 2003 and Quillin 2006). On the other hand, the Latvian economy experienced a much shorter period of decline and since 1993 it has been growing more rapidly than other European economies (though as of now it is still on the bottom list of the UE members in terms of per capita income) (see World Bank 2007). Since after obtaining independence Latvian political institutions demonstrated remarkable stability and efficiency.

So, what accounts for these differences in the treatment of minorities? Why did the country which started its independence by having inter-ethnic bloodshed on its territory then move to a rather benign treatment of its minorities despite heavy economic problems, unresolved territorial dispute and a protracted period of political instability while another country, which was never a scene of inter-ethnic violence and has a very impressive record of economic performance and institutional stability, continues to be criticized for its treatment of minorities?

In trying to answer this question this paper will analyze in a comparative perspective legislative provisions concerning minorities in the spheres of constitutional fundamentals, citizenship and naturalization, use of languages in the public sphere, in education and in mass media, and in the registration of non-titulars' names in official documents. This analysis will yield a better understanding of the general principles by which the political elites of each of the two countries are guided in pursuing their policies towards national minorities. And finally, the paper will proceed to explain the origin of the differences in the governmentality of the two countries elites by considering various available explanatory perspectives.

## MOLDOVAN AND LATVIAN LEGISLATION ON MINORITIES-RELATED ISSUES COMPARED

### A) CONSTITUTIONAL PROVISIONS

Presently the Constitution of 1922 (Satversme) is in force in Latvia, which was reactivated after the proclamation of independence in 1991 and variously amended afterwards. In 1998 a new Chapter VIII "Fundamental Human Rights" was added to it, which contains the only Article 114 directly dealing with the issue of minorities. (Discrimination "of any kind" is prohibited under article 91). It reads "Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity". Noteworthy is the weak nature of this provision; it grants this right to representatives of minorities, but it in no way obliges the state to guarantee or even facilitate its enjoyment. On the other hand, article 4 of the Satversme envisages that, "The Latvian language is the official language in the Republic of Latvia". No other language or languages is/are mentioned in this context.

The Moldovan Constitution first refers to the problem of minorities in its Preamble by expressing the "striving" of the Moldovan constituent legislator "to satisfy the interests of those of its citizens who, while being of a different ethnic origin, form, together with the Moldovans, the people of the Republic of Moldova"<sup>5</sup>. Article 10 "The unity of the nation and the right to national identity" reads: "1. The State has as its foundation the unity of the people of the Republic of Moldova. The Republic of Moldova is the common and indivisible motherland of all its citizens. 2. The State recognises and guarantees all its citizens the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity". Article 13 "The national language, use of other languages", while establishing Moldovan as the (sole) official ("State") language, simultaneously states in par. 2 that "the Moldovan State acknowledges and protects the right to preserve, develop and use the Russian language and other languages spoken within the territory of the country". Discrimination "as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin" is proscribed by Art. 16. Article 35 "The right of access to education", par. 2 provides that "the State shall ensure, under the conditions laid down by the law, the right of the persons to choose their language of education and instruction". The study of the "State" language in all educational institutions of the country is assured under par. 3. Note the strong wordings of the provisions referred to above, their presenting not



5 The author has to check and correct, accordingly, the official translation. So, in the quotation above the official English version reads "Moldovan people" which does not correspond to the Moldovan original.

only the rights as such of persons belonging to national minorities, the enjoyment of which should not be impeded by the State, but also positive obligation on the part of the State to ensure those rights in practice.

Note also that in some respects, such as the right to choose the language of education and instruction, Moldovan constitutional provisions go substantially further than the internationally recognised minimal standards in the respective domains. This last observation is equally applicable in respect to the provisions of Article 118 of the Constitution: "Language used in the [judicial] procedures and the right to use an interpreter". "1. Judicial procedures shall be held in the Moldovan language. 2. The persons who do not possess or do not speak the Moldovan language shall have the right to become acquainted with all documents and items on file and to talk to the court through an interpreter. 3. Under the conditions laid down by the law, judicial procedures may also be held in a language acceptable to the majority of persons participating in the process." These provisions are applicable in both criminal and civil law proceedings. It should be recalled in this context that the International Covenant on Civil and Political Rights, Art. 14(3) (f) guarantees to the accused person (i.e., in criminal proceedings only) the right to an interpreter if he/she does not speak the language used by the court and, according to an authoritative interpretation of the UN Committee on Human Rights, under no other circumstances this provision provides for the use of any other language but one used by the court. This interpretation is quite commensurate with the case law of the Strasbourg Court on Human Rights in respect of Art. 6(3)(e) of CEDO.

## B. CITIZENSHIP

The Moldovan June 5, 1991 Citizenship Law<sup>6</sup>, in spite of the fact that it was approved under the conditions of high inter-ethnic tension and contrary to the widespread apprehension of the content of the future legislation among non-titulars, turned out to be quite liberal (N 596 from 05.06.1991, M. O. N. 006 from 05.06.1991). It granted citizenship to virtually every resident of the Republic who was not a citizen of another State. Article 2 granted citizenship to: 1. Persons who resided on the territory of the Republic "as of now" until June 28 1940 (the date of Soviet take-over of Bessarabia and Northern Bukovina) and their descendents in case they resided permanently on the territory of the Republic on the date of the adoption of the Law. 2. Persons who were residents of the territory of the Republic in case they were born or at least one of their parents or ancestors was born on



<sup>6</sup> All Moldova legal acts referred to below are rendered in the author's translation into English from the original in Moldovan as published in *Monitorul Oficial* (hereinafter referred to as M.O.) and other official editions.

the said territory provided they were not citizens of another State. 3. Other persons who, until the adoption of the Declaration of Sovereignty of the Republic of Moldova, were permanent residents of it and had jobs or other legitimate source of income. Those persons had to apply for citizenship during a period of one year from the moment of the adoption of the Law. In that case they were granted citizenship from the moment of deposition of the application. (Decision of the Parliament of 4 August, 1992 N 1138, in Monitorul Oficial, hereinafter referred to as M.O. N 008 from August 30, 1992). Later on this term was prolonged until 1 September 1993 (Decision of the Parliament of June 09, 1993 N 1477, M.O. N 006 from 30 June 1993).

There is no doubt that in reality this was the so called “zero option”, though at the time of the adoption of the Law the Moldovan legislature was unwilling to openly recognise this fact, thus providing for the categories cited above. In fact, however, every legal resident of the Republic intent on becoming a citizen of it was able to do so without any major difficulty. More than this, the naturalization procedure, initially intended to be quite complex and difficult (domicile of no less than 10 years, except when he/she is married to a Moldovan citizen, in such case three years domicile being required, legal source of income, proficiency of the State language in a measure sufficient for the integration into the social life of the country, knowledge of the fundamentals of the Constitution of the country, evidence of attachment to the country, renunciation of previous citizenship, if the case be, oath of loyalty, Art. 15 of the Law) in practice was applied very liberally in respect to knowledge of State language and Constitution requirements. Amendments to the Law led in the same direction. So, by the Law N 961 of July 24, 1996 (M. O. from 10.24.1996 N 069) three years domicile requirement for naturalisation (instead of ten years as a general rule) was extended to parents coming for reunite with their children and children coming to reunite with their parents. The new Citizenship Law of June 02, 2000 N 1024 (M.O. from 08. 10. 2000 N 098) confirmed this tendency by making the language knowledge requirement less stringent.

Provisions concerning the acquisition of citizenship by birth were also progressively made more libera, so that nowadays Moldovan legislation on this issue closely approaches *ius soli* principle. Thus, Art. 11 of the 2000 Citizenship Law provides that Moldovan citizenship is automatically granted to a child born on Moldovan soil not only if at least one of his/her parents is Moldovan national, or both of them are stateless persons, but also if both of them are foreigners or one is a foreigner and another a stateless person, in case the respective state does not grant citizenship to the child.

Latvian citizenship legislation gives a completely different picture. First of all, Latvian citizenship Law was adopted after the citizens of the inter-war Latvian

Republic and their descendents were registered as the citizens of the reactivated State according to the October 15, 1991 Decision of the Parliament of Latvia "On the Restoration of the Rights of the Citizens of the Republic of Latvia and General Conditions of Naturalisation." In June 1993 national elections only registered citizens qualified to vote, i.e. between 66% and 75% of Latvian residents (Kotov 1999 and Council of Europe. Parliamentary Assembly 1994).

The Latvian Citizenship Law was adopted on July 22, 1994.<sup>7</sup> Art. 2 of this Law granted citizenship automatically to the following categories of persons: 1) persons who were citizens of Latvia on 17 June 1940 and their descendants, who have registered according to the procedures established by law, except for persons who have become citizens (subjects) of another state after 4 May 1990 (i.e. date of the declaration of independence); 1.1) Latvians and Livs permanent residents of Latvia, who have registered by 31 March 1996 according to the procedures established by law and who have no other citizenship or who have received an expatriation permit from the country of their former citizenship, if required by laws of that country; 1.2) women permanent residents of Latvia who, in accordance with Article 7 of the 23 August 1919 Republic of Latvia Law on Citizenship had lost their Republic of Latvia citizenship, and their descendants, if these individuals have registered according to the procedures established by law, except for those individuals who have acquired the citizenship of another country after 4 May 1990; 1.3) persons permanent residents of Latvia, who have registered according to the procedures established by law and who have completed a full educational course in a general education Latvian language school or have completed their general education in groups with Latvian as the language of instruction in general education schools with both Latvian and Russian languages as languages of instruction, if these individuals are not citizens of another country or they have received an expatriation permit from the country of their former citizenship, if such permit is provided for by the laws of that country. Simultaneously, the citizenship was granted to their children who are less than 15 years old and reside permanently in Latvia.

Effectively, the Latvian approach could be called "culturalist" as opposed to a "civic" one according to the classification proposed by David D.Laitin. It means that "membership in the nation is effectively controlled by racial, linguistic, or religious criteria", while in the second case legislation would have emphasised "territory, work, loyalty" (Laitin 1998: 350, 351).

This same "philosophy" is also observable in the very harsh requirements for naturalisation provided for by Art. 12 of the Law. Candidates for naturalisation



7 Available at the website of the Latvian Naturalization Board, [http://www.np.gov.lv/en/faili\\_en/Pils\\_likums.rtf](http://www.np.gov.lv/en/faili_en/Pils_likums.rtf).



had to be registered in the Residents' Register and to meet the following conditions: to have on the submission date of their application for naturalization resided permanently in Latvia for no less than five years counting from 4 May 1990 (for persons who arrived in Latvia after 1 July 1992, the five-year term shall be counted from the date of the issuance of their permanent residence permit); 2) to know the Latvian language; 3) to know the basic principles of the Republic of Latvia Satversme (Constitution) and the Constitutional Law "On The Rights and Obligations of a Citizen and a Person"; 4) to know the National Anthem and the history of Latvia; 5) to have a legal source of income; 6) to have taken an oath of loyalty to the Republic of Latvia; 7) to have submitted a statement of renunciation of their former citizenship and have received an expatriation permit from the country of their former citizenship, if such a permit is provided for by the laws of that country, or have received a document certifying the loss of citizenship, but the citizens of the former USSR who on 4 May 1990 permanently resided in Latvia - a certificate that they have not received another citizenship; and 8) not to be subject to the naturalization restrictions listed in Article 11 of this Law. This last article contains a vast list of exclusions like several categories of Soviet military, former employees, informers, agents or those in charge of a safehouse of the former USSR (Latvian SSR) KGB or other foreign security service, persons who through the use of anti-constitutional methods have acted against the Republic of Latvia's independence, its democratic parliamentary state system or the existing state power in Latvia, after 4 May 1990 have propagated fascist, chauvinist, national-socialist, communist or other totalitarian ideas or have stirred up ethnic or racial hatred or discord, if such has been established by a court decree etc. Note that this exclusion is not limited in time.

Article 20 laid down the following requirements in respect to the knowledge of the Latvian language: the person concerned is able to completely understand information of an everyday and official nature, to freely talk, carry on a conversation and answer questions on topics of an everyday nature; to freely read and understand any instructions of an everyday nature, directions and other texts of an everyday nature, to write an essay on a topic from everyday life given by the commission ( this last provision was not to be applied to persons who reached the age of 65, Art. 21.3 ).

It should be noted that initially the Law contained a so-called "age window system", according to which the right to apply for naturalisation was governed by a criterion of age. More precisely, the population was divided up into various age brackets, each of which was entitled to apply during a specific year, applications from persons in the last of these brackets only being acceptable in 2003.

The combined effect of the restrictive provisions cited above was to severely limit the usefulness of the naturalisation procedure from the point of view of the political integration of the non-titular population.

Latvian Citizenship Law in general and the “age window” system in particular were seriously criticised for their excessively restrictive nature by a number of international fora, and in particular by Mr. Max van der Stoep (see OSCE High Commissioner on National Minorities 1993 and 1997). Under international pressure, the Saeima finally voted to abolish the “age windows” system at an extraordinary session on 22 June 1998. At the same time, the Saeima amended the Law by granting Latvian citizenship to stateless children born in Latvia since 21 August 1991 (the date on which independence was proclaimed) with the application for naturalisation being made by either the parents or the child on reaching the age of 15 years (in this latter case he/she should have gone through the languages test had he/she not been educated in Latvian-language educational institution) and to simplify the language tests for persons aged over 65 years.

36 members of the Saeima called for a referendum on these amendments, which was won by their proponents by a majority of 53 per cent. Even though the voters approved the amendments, naturalization procedure proved to be too cumbersome or humiliating or both to the majority of non-titulars. Since the start of this procedure in 1995 and until the end of 1998 only around 11, 576 people acquired Latvian nationality (Council of Europe. Parliamentary Assembly 1999).

On 12 April 1995 the Latvian Parliament adopted the Law “On The Status Of Former USSR Citizens Who Are Not Citizens of Latvia or Any Other State.”<sup>8</sup> Article 2 of this Law stipulates that a non-citizen has the human rights and obligations stipulated in the Satversme of the Republic of Latvia. Along with the rights stipulated in the Satversme of the Republic of Latvia a non-citizen holds the rights: to preserve his/her native language and culture within the frame of cultural national autonomy, should they not contradict with Latvian legislation; not to be expelled from Latvia except if the expulsion takes place according to the procedure, stipulated by law, and if another country has agreed to admit the person to be expelled; expulsion to a country where this person is persecuted due to his/her race, religion or ethnic origin shall not be admissible.

Non-citizens of Latvia do not possess political rights, including those, which in some countries are granted to permanent residents who are not citizens of the respective countries, i.e. the right to vote in local elections. Notwithstanding the high-sounding wording of Article. 2 of the Law on the status of non-citizens



8 Available at the website of the NGO Human Rights in Latvia, <http://www.humanrights.lv/doc/latlik/noncit.htm>.

cited above, these persons were deprived of some other rights, which fall in the domain of social rights, such as property rights. Some of those provisions were either abrogated or declared null and void (also due to the international pressure), however, others were added by new laws and regulations, so that the overall number of those differences in rights had hardly changed by 1999, when it was 66 (in 1999 they numbered 57) (Latvian Human Rights Committee 1999).

### C) USE OF NON-OFFICIAL LANGUAGES IN PUBLIC SPHERE

Article 7 of the Title VII Final and Transitory Provisions of the Moldovan Constitution stipulates that the Law of September 1, 1989 regarding the use of languages spoken throughout the territory of the Republic of Moldova may be amended over the seven years ensuing from the date when the Constitution has come into force, if it has been passed by a two thirds majority. It was this same Law, which in 1989 provoked the most furious reaction on the part of non-titulars who considered it to be “discriminatory” (N 3465-XI of 01.09.89, *Veștile* nr.9/217, 1989). Ironically, it was the representatives of minorities in the 1994 Parliament who insisted on the transitory provision cited above.

While establishing Moldovan as the sole “State” language of the country, the Law simultaneously made Russian “the language of inter-nationality communication” alongside with Moldovan. It provided for the extensive use of Russian alongside with Moldovan in the public sphere (the private sphere went unregulated, Art. 4, with the exception of advertisements which had to be designed in Moldovan and only later on translated in Russian, if the case be, Art. 29). In communication with public bodies a private person had the right to use the language of his preference and to receive response in that language (Art. 6). The Russian language could be used both orally and in written as a language of official records-keeping within public bodies and enterprises (the Law was silent as to private enterprise, which was non-existent at the time) and in correspondence between them. Acts of public authorities<sup>9</sup> were to be elaborated in the State language and afterwards translated in Russian (Art.10). All official documents had to be issued in one of those two languages at the decision of the person concerned. Article 2 provided for the free use of the Gagauzi language in the localities where majority of the population comprised Gagauzi people.

Article 7 envisaged that persons employed in public bodies as well as in all organisations, institutions and enterprises, which in their official business communicate with the general public had to possess both the Moldovan and Russian



9 And of “social organisations”, but mind that those were Soviet-type trade-unions, Komsomol, etc.

language. In June 1994 the Moldovan Parliament adopted a Decision “On the provision of State language learning...” whereby it effectively interpreted Article. 7 of the said Law making it applicable exclusively to persons employed in the public sector and making it mandatory that the employment thereby be conditional on the knowledge of the State language starting from 1 January 1997. However, this provision was rather infrequently applied in practice. It was never requested, for example, that candidates elected to public office possess Moldovan, so that several mayors of villages and even Balți, second largest city of the country where Russian-speakers predominate (not counting Tiraspol which is in Transnistria and thus outside of Moldovan authorities control), often barely speak Moldovan. More than this, according to Article 3 of the Law N 344 of December 23, 1994 “On Special Legal Status of Gagauzia (Gagauz-Yeri)” (M.O. N 003 of January 14, 1995), official languages in this autonomous region are Moldovan, Gagauzi and Russian, but Russian in practice clearly predominates.

The Latvian May 1989 Law on the State Language closely resembled provisions of Moldovan Law referred to above (in fact, the Moldovans followed the Baltics, including the Latvian example). Its Preamble referred to Russian as “the second most widely used language in Latvia, and one for inter-nationality communication”. Art. 3 recognised Russian as the language of the Supreme Soviet of the USSR, border guards, and railroad police stationed in Latvia. Acts of organs of State power and government were to be adopted and published in Latvian. They were to be published in a Russian translation as well “in cases defined by legislation” (Art. 6). Those employed in government and State institutions, and those institutions which are in contact with the citizens (unspecified) were to possess both the State and Russian languages. According to one observer, if the 1989 law was aimed at bilingualism and provided for the functioning of Russian in some spheres, the 1992 law was explicitly aimed at further consolidation of Latvian as the sole language of the State (Kamenska 1995: 7-10; cf. Druviete 1998: 158-160, 167-171).

It is not in the content of the Law, but rather in the practice of its application that the real difference between Moldovan and Latvian Languages policies lies. Unlike the Moldovan law, the Latvian Law was relentlessly and systematically applied, and the general evolution was not in the direction of liberalisation, but, to the contrary, of stiffening of the languages legislation. On 21 December 1999 the Saeima adopted a new State Language<sup>10</sup> Law, Article 1 of which states: “the purpose of this Law shall be to ensure: 1) the preservation, protection and development of the Latvian language; 2) the preservation of the cultural and historical heritage of the Latvian nation; 3) the right to use the Latvian language freely in any



10 Available at the website of the NGO “Minorities Electronic Resources”: <http://www.minelres.lv/NationalLegislation/Latvia/latvia.htm>.

sphere of life in the whole territory of Latvia; 4) the integration of national minorities into Latvian society while respecting their right to use their mother tongue or any other language; 5) the increase of the influence of the Latvian language in the cultural environment of Latvia by promoting a faster integration of society.” Besides Latvian, the State committed itself to ensure the protection, preservation and development of the Liv language as the language of the indigenous population (autochthons) (Art.4 ). All other languages the Law considered to be foreign in Latvia (Art.5). “Culturalist” philosophy is manifested here in its pure and undiluted form.

While ostensibly trying to avoid interfering in the use of languages in the private sphere, the 1999 Latvian Law defines that sphere in the narrowest possible way (“the unofficial communication of the residents of Latvia, the internal communication of national and ethnic groups, the language used during worship services, ceremonies, rites and any other kind of religious activities of religious organisations”, Art. 2 ) while at the same time defining the public sphere as widely as possible, i.e. “ state and municipal institutions, courts and agencies belonging to the judicial system, state or municipal enterprises and companies in which the state or a municipality holds the largest share of the capital” (Art. 7 et al. ). Employees in all those entities have to know and use the state language to the extent necessary for the performance of their professional and employment duties. But even in the private sector the State language is to be known and used by employees if their activities relate to legitimate public interests (public safety, health, morals, health care, protection of consumer rights and labour rights, workplace safety and public administrative supervision) (Art. 6).

“Formal meetings” in the public sector have to be in the State language, and when a foreign language is used, translation into the State one has to be provided. In all other cases (unspecified) when a foreign language is used at formal meetings and other business meetings, the organiser shall provide translation into the state language if so requested by at least one participant of the meeting (Art. 7). Record-keeping in the public sector has to be effected in the State language while all companies have to keep correspondence with public entities in the State language and to have record-keeping in the State language if their activities relate to legitimate public interest (Art. 8). Contracts of natural and legal persons about the provision of medical and health care services, public safety and other public services in the territory of Latvia are to be in the State language. If the contracts are in a foreign language, a translation into the state language shall be attached (exceptions are provided for emergencies, etc.). Any institution, organisation and enterprise (or company) has to ensure acceptance and review of documents prepared in the state language. Documents submitted by persons in a foreign language are to be accepted if they are accompanied by

a translation verified according to the procedure prescribed by the Cabinet of Ministers or by a notarised translation (Art. 9-10). All legal proceedings are to be conducted in the State language with only very limited exceptions (Art. 13). Public bodies have to issue documents and other information intended for the general public only in the State language, and information on signs, billboards, posters, placards, announcements and any other notices have to be in the state language if it concerns legitimate public interests and is meant to inform the public in places accessible to the public with limited exceptions established by the Cabinet of Ministers (Art. 21).

#### D) EDUCATION

The Moldovan 21 July 1995 Education Law (M.O. N 062 of 11 September 1995), in its Article 8 stipulates that the State ensures, in conformity with the Constitution and Languages Law, the right to choose a language of instruction at all levels of education. The right of citizens to education in the mother tongue, the article goes on, is ensured by the creation of a necessary number of educational institutions, classes, groups, as well as conditions for their functioning. Learning of the State language is obligatory in all educational institutions. Requirements in respect of its teaching and appropriation are established by the State educational standard. Responsibility for guaranteeing the appropriation of the State language lies with the Ministry of Education.

Despite a quite vague regulatory base and notwithstanding periodic complaints about nonobservance of the provisions of the Law in respect to education in the Russian language, in practice general education is available in Moldova for free in public educational institutions in both the State and Russian languages. Art. 25 par. 3 of the Education Law explicitly provides for the possibility to establish institutions of higher education with the language of instruction other than the State one. In public educational institutions at the secondary and higher levels sections in Russian are often available as well. Besides, Art. 18 and 20 of the Languages Law oblige the State to “create conditions” for the education in languages of “other nationalities residing in the Republic,” meaning in languages other than Romanian and Russian; some progress was achieved in this respect since after the independence.

The Latvian 1998 Education Law, Art. 3 provides that “every Latvian citizen and a person who is entitled to the alien’s passport issued by the Republic of Latvia, a person who has received a permanent residence permit... as well as their children shall be equally entitled to acquire education irrespective of his/her social or

financial status, race, nationality, sex, membership in religious and political organisations, status of health, occupation and the place of residence.”<sup>11</sup>

Article 9 stipulates that State and municipal education institutions shall work in the State language. Simultaneously, it provides that education may be acquired in another language: 1) at private education institutions; 2) at State or municipal education institutions, which implement education programs of national minorities. The Ministry of Education and Science shall determine the subjects of these programs which have to be taught in the State language; or 3) at education institutions prescribed by special laws. Note that this is a very “soft” provision and that the State in no way is committed to provide facilities necessary for the persons who so desire to be educated in minority language(s). Simultaneously requirements concerning the knowledge of the State language are much stricter in Latvian than in Moldovan law. So, par. 3 of the same article stipulates that any person, in order to acquire primary or secondary education, has to master the State language and take examinations on the knowledge of this language to the extent and in accordance with a procedure set by the Ministry of Education and Science. Examinations for professional qualification have to be taken in the State language.

Par. 9 of the Transitory provisions provides that since 1 September 2004 higher education in the State and municipality educational institutions is to be conducted in the State language and starting from the same date the State and municipal general education institutions with other language of instruction have to start implementing the programs for national minorities or to pass to the education in the State language. According to art. 19, it is the responsibility of the municipalities to provide children residing in their territory with a possibility to acquire pre-school and primary education as well as to provide youth with a possibility to acquire secondary education. Given that the majority of non-titulars are bereft of the right to vote in the municipal elections, the future of public education in minority languages (in the majority of cases in the Russian language) appears to be precarious.

#### E) NAMES OF THE NON-TITULARS IN THE OFFICIAL DOCUMENTS

The Moldovan 1989 Languages Law established very strict rules concerning registration of the names of the persons of Moldovan nationality in official documents, but it explicitly refrained from regulating the form of the names of non-titulars. The December 1994 Identity Documents Law in its Article 3 prescribed that



11 Available at the website of the NGO “Minorities Electronic Resources”: [http://www.minelres.lv/NationalLegislation/Latvia/Latvia\\_Education\\_English.htm](http://www.minelres.lv/NationalLegislation/Latvia/Latvia_Education_English.htm)



the names (and surnames) in Moldovan identity cards be indicated in Moldovan, Russian and English (par. 5). If a person belonging to a national minority so desired, than his/her patronimic may be indicated in Russian (par. 6). If in the mother tongue of a person another script than Latin is used, than transliteration of the said person's name and surname in the Moldovan and English languages must be effected in conformity with the orthographic norms of the Moldovan language in respect to names of foreign origin (para. 7). (Paras 6 and 7 were introduced by amendment in July 1996).

The Latvian 1999 State Language Law in its Article 19 stipulates that personal names be reproduced in accordance with the Latvian language traditions and be transliterated according to the accepted norms of the literary language while observing the requirements of paragraph 2 of this article. In a person's passport or birth certificate, the person's name and surname reproduced in accordance with Latvian language norms may be supplemented by the historical form of the person's surname or the original form of the person's name in another language transliterated in the Latin alphabet if the person or the parents of a minor so desire and can provide verifying documents. Mind that the "main" official name of a person must be rendered in accordance with the norms and traditions of the Latvian Language and that the use of any other script than Latin is not provided for.

#### F) MINORITY LANGUAGES IN ELECTRONIC MASS MEDIA

The Moldovan October 1995 Radio and Television Law initially did not contain any restriction on the use on non-official languages either in private or in public sphere (in reality, National Radio and TV broadcast Russian and other minority language programmes about 20 per cent of all broadcasting time due to internal regulations). In October 1999 amendments to Article 13 were introduced, which provided that Radio and TV stations, both private and public, broadcast at least 65 per cent of their emissions and programmes in the State language. This provision does not apply to the TV emissions and programmes translated via satellite and cable, as well as to foreign stations and stations which broadcast over the territory populated by national minorities. This rather vague formula led to different interpretations, inter alia as to whether those Moldovan Radio and TV stations which retranslate Radio and TV signals from abroad (in reality, it was signals from Russia and in Russian that were implied) must broadcast 65 per cent of all their time in State language or this requirement applies to only the time during which they broadcast their own programmes and emissions inserted over those of the primary broadcaster. In September 2000 a group of Moldovan citizens sued Radio and TV Broadcasting Council for what they considered "too liberal" application of the Law, i.e. in the latter rather in the former sense. Appeal Court upheld their



case and ruled that the licenses of several Radio and TV stations broadcasting in Russian language be withdrawn.

The Latvian 1990 Radio and Television Law<sup>12</sup> allows to broadcast in other than the State languages up to 20% of broadcasting time on the second public channel (the first public channel can broadcast in Latvian only) and 25% on private TV and radio channels. In fact, the regulations look much more complicated, for there are also rules stemming from the EU orders about the percentage of broadcasts produced in Europe, and among them certain share is reserved for broadcasts produced in the Latvian language, etc. There were several cases when those companies, which violated these criteria were punished (warned, fined, and even temporarily suspended) by the National Radio and TV Council.

Besides, Article 17 of the Latvian 1999 State language Law, reads: "Feature films, videofilms or their excerpts shown in public shall be provided with a voice-over, dubbed in the State language or shown with the original sound track and subtitles in the State language while observing accepted norms of the literary language. In the cases mentioned in this article, subtitles in a foreign language are also permissible. Subtitles in the State language shall be placed in the foreground and shall not be smaller in size or less complete in content than the subtitles in the foreign language". It is clear that this provision cannot but create very serious technical difficulties for retranslating of signals from abroad in minority languages in Latvia.

#### CONCLUSIONS: A DYNAMIC OF "CULTURALIST" AND "CIVIC" PROGRAMMES

We compared minorities-related provisions of Moldovan and Latvian constitutions, legislation in the fields of fundamental rights and rights of minorities, citizenship, use of languages in public sphere, education, preservation of names of non-titulars in their original form in the official documents and the use of non-State languages in electronic mass media. In all those domains we ascertained quite substantial differences both in the letter and spirit of the legal texts of those two countries. These characteristics form up what David D. Laitin called civic and culturalist types of programmes of the ruling elites of Moldovan and Latvian nationalising states<sup>13</sup>. Why then did the ruling elite of Moldova opt for the former, while Latvian for the latter type of programme?



12 The text of this Law is not available in a language that the author possesses. All information contained in this paragraph was kindly supplied by Mr. Boris Tsilevich.

13 The notion of nationalizing state was successfully introduced by Rogers Brubaker. (Cf. Brubaker 1996).

One possible explanation belongs to Latvian political leaders themselves and tends to emphasise a negative demographic dynamic in Latvia during Soviet occupation. In 1935 Latvians comprised 75.5% and Russians 12% of Latvia's overall population, in 1959 62% and 26.6%, and in 1979 53.7% and 32% respectively (cf. Brubaker, Rogers). Seen in this perspective, the Latvian nation appears to be endangered by the influx of immigrants, and the Latvian language as being in need of urgent protective measures. According to this logic, one could expect a much less dramatic demographic dynamic in Moldova<sup>14</sup> and then take it as an explanatory hypothesis.

Such an approach would, however, overlook the fact that demography alone is an extremely poor predictor of a type of policy a nationalizing state opts for. One could refer to the example of Kazakhstan, where titulars comprised in 1989 only 39.7 per cent, while Russians 37.8, Germans 5.8, Ukrainians 5.4 etc. of the population as a whole (Natsional'nyi sostav: 13); the Russian language clearly dominated in everyday business, and nevertheless the elites opted for civic programme, granting citizenship to all residents of the Republic and making Russian the second official language. One should also bear in mind that in Moldova itself there were and are groups (in the early 1990s they even dominated political scene and for a short while government) which use the same kind of reasoning ("foreign invasion", "domination", etc. in favour of more vigorous "culturalist" approach). The real question then would be not why a "culturalist" agenda was never put forward in Moldova (to affirm this would be simply incorrect), but rather why the political elite refused to accept and promote it, choosing instead a more inclusive "civic" one.

One could be tempted to employ what could be called "essentialist" arguments invoking "national character", "inherited cultural traits", like the supposed "kindness" of a given people or their inability to consequently promote a necessary and beneficial though harsh programme, etc. This kind of reasoning, though still current in political discourse and media coverage, is now (rightly) considered utterly discredited.

It may be useful to restate the problem and to put the question thusly: "Why did the Moldovan political elite, which at the turn of the 80s and 90s was clearly in favour of a quite "radical" solution of inter-nationalities issues, then refrain from continuing radical policies and why did it opt in favour of a more "civic" program, while Latvians relentlessly promoted a "culturalist" agenda, despite strong international pressure?" The answer seems to be twofold.



14 In fact, this is to an extent true. In 1940 Moldovans comprised approximately 70 per cent of the overall population of the Republic, while in 1989 63,5 per cent, the proportion of Russians and Ukrainians increased respectively.

Firstly, one has to consider reasons and consequences of the fundamental difference between Moldovan and Latvian citizenship legislation. The apparent generosity of the Moldovan 1991 Citizenship Law, which was in clear contradiction with the radical discourse and initially radical intentions of its authors, can be easily explained. It was due to the sheer impossibility of implementing “restorationist” strategy in the case of a new State, which previously never existed.<sup>15</sup> It was neither psychologically, nor technically possible to “restore” the citizenship of inter-war Romania and then to “use” it as a basis of a new State. Even more absurd would have been to try to do it in respect to citizens of the former Soviet Union and their descendents in Transdnistria, a region not under control of Moldovan authorities already in June 1991. Finally, insurmountable difficulties would have arisen in respect to residents of those parts of Bessarabia and Bukovina, which previously belonged to Greater Romania, and in August 1940 were incorporated into the Soviet Ukraine.

In the absence of any alternative, Moldovan politicians had, though grudgingly and surreptitiously, to accept territorial principle as a basis for granting nationality of the newly independent republic. In the longer term, this decision could not but have far-reaching political consequences. By enfranchising the national minorities of the new State, the Moldovan political elite had henceforth to reckon with them as with a serious factor, given their numerical strength.

Secondly, shortly after obtaining independence Moldovan leaders became divided over the issue of the future of a new State. While the majority of the political elite opted in favour of consolidation of it, a small but vociferous and potentially powerful minority wanted immediate or gradual reunion with Romania. Eager to isolate and marginalise this pro-unificationist minority, the pro-independence elite came to see in national minorities, which were feverishly anti-unionist, as their important allies, smaller partners in a pro-independence coalition (see King 2000: 145-177, 224-230). This, in its own right, strengthened the ability of the minorities to have their voice reckoned with.

But if the reasoning exposed above is correct, one could probably not illegitimately extend it. And more precisely, if a choice in favour of a “civic” or a “culturalist” program is rationally explainable, and if in Moldova a decision to grant citizenship on a territorial basis determined to a large measure the future dynamics of Moldovan politics, than in Latvia opting in favour of “culturalist” agenda could not but create its own inertia, entrenched interests and clichés which would make a change in Latvian minorities policies ever more difficult in the future.



15 During several months of 1917-1918 Moldovan Democratic Republic existed in Bessarabia, but it was never internationally recognized and no citizenship enacted. See Levit 1997 and 2000.

## ADDENDUM:

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The above text had been written by the summer of 2001 and since then I moved to another country and subsequently developed a different research agenda. I have not been following developments in Moldova and Latvia as closely as I was doing before though I never lost my interest in them. This short addendum is not intended to provide a complete update on these developments since it would require a more intimate knowledge with the politics and social dynamics in the two countries and would also take more space than provided. However, even without a more detailed and thorough analysis there is still no denying that the basic patterns remained the same as they were described in my 2001 paper.

In particular, in Latvia, despite strong international pressure, no revision of the citizenship law, which would make naturalization easier for non-citizens was enacted, nor was the procedure itself made free of charge for the applicants. Other recommendations of the international human rights bodies, such as the facilitation of the acquisition of Latvian citizenship by the children born from non-citizens and stateless persons after the proclamation of independence, and simplifying the tests on the knowledge of Latvian language, history and legislation for the elderly and the people with disabilities were not acted upon. There indeed was an increase in the number of requests for naturalization after 2004 so that 16 064 individuals were naturalized in 2004, 19 169 in 2005 and 15 794 in 2006 as compared with 10 046 in 2003, but this increase is attributable to Latvia's accession to the European Union, an accession that resulted in Latvia's citizens becoming citizens of the EU, with all the attendant rights and privileges, among which the freedom of travel is by far the most important. Since Latvia non-citizen residents do not have these rights, this fact became a serious incentive for the non-citizens to go through the complicated naturalization process. But the slowing down of the pace of the acquisition of citizenship in 2006 in comparison with 2005 might suggest that the increase is not sustainable and represents a spike rather than a long-term trend. As of April 1, 2006 Latvia comprised 1 836 609 citizens and 411 054 non-citizens, i.e. almost 18 per cent of the population among whom ethnic Russians constitute 66.5%. Among the non-citizens, 38.1 per cent are between ages of 41 and 60, and 28.9 per cent are over the age of 60 (Council of Europe 2007). Barring the substantial revision of the citizenship law and naturalization procedure, the prospects of which seem to be rather poor, these people will probably never become Latvian citizens – a situation which is without precedent in Europe.

Nor was there any progress achieved in such spheres as the use of minority languages in public administration, either at the local or national levels, the participation of non-citizens in political process, in particular elections, at the local and municipal levels, or the right for the electronic media to broadcast in languages

other than Latvian: the application of restrictive legislative provisions remains as strict as it was back in 2001. In 2001 and 2002 Latvia lost two cases, before the UN Human Right Committee and the European Court of Human Rights respectively, against her citizens belonging to national minorities whose names were removed by the central electoral commission from the lists of candidates of political parties on the grounds of their insufficient command of the Latvian language. On the other hand, education reform envisaged by the 1998 law proceeded as foreseen, despite numerous protestations of members of minorities, in particular the Russian minority, and the international human rights bodies' recommendations to the government of the country to initiate consultations with those affected by the reform. To cite a recent memorandum of the Council of Europe Commissioner for Human Rights, "the reform was carried out as scheduled without any genuine dialogue" (Council of Europe 2007; Cilevičs 2007).

The situation in Moldova also largely remained the same, though at the beginning of the current decade events seemed to be taking a very different direction. The Party of Communists, which won the February 2001 parliamentary elections with more than 50 per cent of the popular vote and 71 seats in the 101-strong Parliament, initially appeared as a radical pro-Russian and anti-Western force. During the election campaign of that year it promised to make Russian the second official language of the state and to bring the country into an economic, political and military alliance with Russia and Belarus. It also was confident that it would be able to settle the Transdniestrian issue speedily by undercutting popular support for the separatist regime in the region and thus forcing it to sign a deal with Chişinău while making dramatic gestures towards Russia on the international arena and towards Russian-speakers in Moldova.

Though the party ditched its most radical slogans immediately following its advent to power, in early 2001 its government sparked a wave of nationalist protests in the capital, Chişinău, by adopting an ill-conceived decision to make the study of Russian an obligatory subject in all schools with the language of instruction other than Russian and to replace the history of Romanians as subject matter in all schools by the history of Moldova. Since to many nationalists this smacked of the Soviet-era forced Russification and cynical manipulation of their national identity, nationalist mobilization was so powerful that it was reminiscent of the street protests of the late 1980 and early 1990s. The situation provoked the intervention of the Council of Europe, which expressed its strong concern and requested that both decisions be suspended. Having found itself under the strong pressure from within and from without the Government backed off (see Council of Europe. Parliamentary Assembly 2003 and Skvorţova 2003).

The Party's policy towards Transdniestria underwent radical revision as well. Having encountered the stubborn refusal of the separatist authorities to negotiate

in good faith the government adopted a more confrontational approach towards them already in the fall of 2001 and since then there was no progress in this respect. Disappointed by what they consider as a duplicitous policy of Moscow leaders toward the Transdnistrian issue, the party, which won reelection in 2005 parliamentary elections, gradually moved away from its pro-Russian and towards a more pro-European and pro-Western stance, though to what extent this foreign policy reorientation is sincere and long-lasting is open to doubt (see Solonari 2003 and *The Economist* 2005).

This shift in the party's domestic and foreign policy orientation resulted in its pursuing a policy in the sphere of inter-ethnic relations which is barely distinguishable from the *modus operandi* established in the first decade after independence. In July 2001 the parliament adopted a law "On the Rights of Persons Belonging to National Minorities and the Legal Status of Their Organizations." The draft of this law was elaborated by the previous parliaments but the vote on it was constantly postponed while its substantial provisions were integrated into various particular legal acts as shown above. The law, in effect, repeated all already existing constitutional and legal provisions in the areas related to the rights of minorities, in particular the use of languages, but added two provisions, which were substantially novel in their content. The first (Art. 10), stipulated that all names of localities, streets, public institutions and buildings had to be indicated in the Moldovan and Russian language while in the localities to which a special autonomy status was accorded it could be indicated in other official languages having this status by law. The second (Art. 11 par. 1), provided for the same for all information "which has a direct relevance to the health protection, guaranteeing public order and security, as well as [for all] visual information [available for public use] in the Ministries of Internal Affairs, Justice, Public Prosecutor's offices, in medical establishments, in [public] transportation vehicles, on the auto-, railway and fluvial stations, in the airports, [and] along the highways." However, in May 2002 Constitutional Court declared the sintagma "and Russian" in both articles unconstitutional and the parliament changed these provisions in December 2005 by granting to the local authorities the right to provide such information "also in other language, in accordance with the legislation in force." This provision makes little sense in so far as the Ministries of Internal Affairs and Justice, as well as Public Prosecutor's offices are concerned since local authorities have no jurisdiction over their premises. Thus the situation returned to the status quo before the advent to power of the Party of Communists.

The Party's unwillingness to risk a new confrontation with the nationalists over its policy towards the minorities was even more evident in its handling of another controversial piece of legislation, titled "Concept of the State National Policy." Adopted as an organic law in December 2003, it was primarily intended to affirm the Party's devotion to the ideology of "Moldovenism" as opposed to

“Romanianism”: while the former affirms separate (national) identity of ethnic Moldovans, the latter sees them as being the same as ethnic Romanians though having some regional cultural differences. At the same time the document contains several provisions, which bear on the policy toward national minorities in the country, mostly when it emphasizes the values of multiculturalism, mutual tolerance and respect which are allegedly characteristic to the “people of the Republic of Moldova” (which is distinguished from the “Moldovan people” understood as an ethnic nation, see also Solonari 2002). In the initial redaction, par. 6 of part I read: “The Russian language, which, in conformity with the legislation in force, has a status of the language of inter-ethnic communication, is also used [alongside Moldovan] in various domains of the state and societal life.” Though this draft provision was not, as the rest of the document, directly applicable and constituted rather a pious aspiration than an article of law *stricto sensu*, its psychological and possibly political consequences could be far-reaching. This is why it became the main focus of criticism of the opposition in the debate on the draft and was eventually dropped from the text (M.O. N 001 of January 1, 2004, with rectification in M.O. 6-16/01.01, p. 103; Flux, December 19, 2003 and BASA-PRESS January 5, 2005)<sup>16</sup>. Since that moment no changes in the legislation and law-applying practices in the spheres relevant to the national minorities intervened.

This summary analysis of the developments after 2001 validates the basic conclusions reached in 2004. The only rectification I would like to introduce concerns the use of Laitin’s dichotomous terms “civic” and “culturalist.” While Latvian elites’ governmentality can certainly be designated as a case of the latter type, it would be a mistake to unqualifiedly use the former term in reference to the guiding philosophy of Moldovan political elites. In fact, they are, too, beholden to thinking about the nation in ethnic terms, a mental habit that makes them, in their great majority, whether supporters of “Romanianist” or “Moldovanist” conception of Moldovan identity, closer to culturalist rather than to the civic paradigm (see Solonari 2002). But, as the record of the Moldovan communists government indicate, and in particular the rhetoric of toleration, mutual respect and multiculturalism enshrined in the Concept of State National Policy cited above suggests, the partisans of “Moldovanism” tend to pursue more inclusive policy toward Russian-speaking minorities than their political opponents, the Romanianists.



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Moldovan Ministry of Justice, Legislation: [http://lex.justice.md/index.php?search=true&current\\_page=1](http://lex.justice.md/index.php?search=true&current_page=1). This site is an excellent source for Moldovan laws and regulations (in Moldovan and Russian) in force.

NGO "Minorities Electronic Resources": <http://www.minelres.lv/>. Contains English translations of the bulk of the relevant Latvian laws and regulations on minorities as well as other important information on the country (reports and opinions of International bodies, US Department of State, international and national NGOs).

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