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ETHNIC RUSSIANS IN THE BALTIC STATES

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CONTENTS

WITNESSES

| | Page |
|--|------|
| Paul A. Goble, Senior Associate, Carnegie Endowment for International Peace | 2 |
| Dr. Vladimir Averchev, <i>Cultural Works Counselor</i> | 6 |
| Dr. Heino Ainso, Counselor at the Estonian Mission to the United Nations | 9 |

APPENDIX

| | |
|---|----|
| Paul A. Goble, Senior Associate, Carnegie Endowment for International Peace, prepared statement | 33 |
|---|----|

ETHNIC RUSSIANS IN THE BALTIC STATES

MONDAY, AUGUST 10, 1992.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Washington, DC.

The briefing was held in room 226, Rayburn House Office Building, U.S. House of Representatives, Washington, DC, at 10 a.m., Ambassador Samuel Wise, Staff Director of the Commission, presiding.

Present: Ambassador Samuel Wise, Staff Director, and John Finerty, Jr., Staff Assistant

Mr. FINERTY. Good morning.

My name is John Finerty, I'm on the staff of the Helsinki Commission, and I'd like to thank you for coming today.

I'd like to introduce to you our staff director Ambassador Sam Wise and then we will introduce our guests today on the subject of this briefing.

Thank you.

Ambassador WISE. Thanks, John.

Welcome to all of you who have come here to hear this briefing. I think it's a very interesting subject and one that is getting more and more attention and holds, I'm afraid, a great positive potential for another difficult scene in the post-Communist era. The New York Times has a piece on the subject this morning, as a matter of fact.

Recently the Russian government has been charging that Russians in non-Russian countries in the former Soviet Union have been or may be subjected to human rights violations as a result of laws passed or being considered. These governments have responded that the rights of non-national residents, including Russians, are guaranteed but that some adjustments are necessary for the reestablishment of statehood after decades of Communist domination.

Obviously, the issue of human rights and civil rights for ethnic minorities has taken on a new urgency in the post-Soviet era of Europe. All the new nations of the former Soviet Union are members of the Conference on Security and Cooperation in Europe and as such have accepted certain norms and principles regarding human rights for ethnic minorities.

At the CSCE Helsinki Review meeting that concluded with a summit in Helsinki July 8 and 9, the heads of the summit agreed to a document in which the post of high commissioner on national minorities was created in response to the concern over minority questions in the post-Communist era.

As I think most of you know, the Helsinki Commission is mandated by law to monitor and encourage compliance with the Hel-

sinki Accords of 1975 and succeeding documents. It is for this reason we have decided to hold this briefing today.

We have, we believe, an excellent panel of experts and I will introduce our first speaker and then we will have the two successive speakers make introductory statements. I'll give them a brief opportunity, if they wish, to respond to the others before we go on to questions from the floor. And I would appreciate when the opportunity for questions from the audience comes up, that you ask questions and don't make long statements. I think it would contribute better to our proceedings here and be more informative for all of us.

So, the first speaker is Paul Goble, who is a prominent specialist on national minorities in the former Soviet Union. And Paul had positions with State Department and is now currently with the Carnegie Endowment for Peace.

Mr. Goble.

**TESTIMONY OF DR. PAUL A. GOBLE, SENIOR ASSOCIATE,
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE**

Mr. GOBLE. Thank you.

Because I have prepared testimony and it's available to you over there, I will be very brief.

The collapse of the Soviet Union has presented far more problems for the international community than most people anticipated because most people didn't want to think about the possibility to begin with. But perhaps the most dangerous, and the one that we're focusing on today, is the simultaneous presence in the 14 non-Russian successor states of some 25 million ethnic Russians and a million and a half troops under Russian command. Separately each of these are issues that can be dealt with under existing international law. The international community, including CSCE, has elaborated a large number of very carefully defined standards of human rights and even begun to create mechanisms for their enforcement. And the international community over a far longer period of time has established a highly ramified set of rules governing the basing of troops outside of their home country, namely that they can be based there only with the permission of their host government.

But the combination of the two, the bringing together of military force and ethnic minority politics, represents a kind of threat which is extremely difficult for the international community to deal with. We already saw that in the pre-World War II setting with a combination of force and ethnicity in the Sudetenland crisis which led to the second World War. I hope very much we're not headed toward a third world war, but I will suggest to you that unless we focus on what's going on in these countries, we are going to see massive conflicts. And the frightening thing is that there is an increasing assertion in Moscow of exactly this linkage between military force and the defense of ethnic minority rights.

Last Thursday Russian Foreign Minister Andrei Kozyrev called in the three Baltic Foreign Ministers to tell them Russia was prepared to withdraw most of its forces by 1994 if the Baltic States conceded a whole bunch of military and political points, but most

importantly changed any and all legislation affecting the political and economic rights of Russians and Russian-speaking residents of their countries, which is an assertion of Russian power back over what had been independent countries.

Now, this linkage, which Kozyrev went out of his way on Russian TV the same day to deny was interference in the international affairs of a sovereign state, hasn't gotten a lot of attention. It rated two paragraphs inserted on page 3 in a story in The New York Times and was not covered, unfortunately, at all in either of the Washington papers on the following day.

This morning I'd like to mention three things. First, the actual status of Russian minorities in the three Baltic States and the Baltic legislation concerning residency and citizenship; second, the nature of Russian claims and demands both those generated locally and those emanating from Moscow, and finally, the international community's role on both of these issues.

The basic fact in the Baltic countries is that Russians and Soviet troops were introduced for the purpose of control, for taking over militarily occupied territories and maintaining Soviet power there. Something on the order of 60 percent plus of all Russians outside of Russia were introduced there as a result of direct Soviet political decisions rather than because of economic movement, as admitted by the Russian government itself.

Moreover, those people enjoyed a protected status. Until recently Russian troops did not even pay to ride on streetcars in these countries and Russians didn't have to learn the local language. They were a protected minority. An Estonian or Latvian or Lithuanian who lived in Russia had to learn Russian, even those living in their own countries had to learn Russian, but the Russians did not have to return the favor.

Now that the suggestion of equality looks like a diminution of rights to the group that formally enjoyed privileges. The agreements between Russia and each of the Baltic States, the treaties of 1991, mandate that each country has the right to control its own citizenship legislation and that each has the possibility of setting the standards.

Now, I'd like to make three quick points. First, we must get our facts right. Only two of the three Baltic countries have citizenship laws at this point; the Latvians don't have one. The fact that the American press and the Moscow leadership claim that there is one doesn't necessarily make it true.

Moreover, there have been virtually no complaints about the Lithuanian citizenship law and many people who are involved in human rights, including the Council of Europe, have described the Estonian law, which requires only 2 years of residence and 1,500 words of the Estonian language, which isn't very much—my 18-month-old almost speaks that many words—and require some knowledge of Estonian political institutions. That is not unusual. But we must realize that we've got to know what the facts are.

Second, all three governments have elaborated statutes for the protection of the rights of permanent resident aliens. Lots of countries have people living in them who are not citizens. The notion that you only have rights if you are a citizen is an absurdity. It's simply not true.

The United States has millions of people living here who are not citizens but who, nonetheless, enjoy a great number of rights.

And third, the West and the United States in particular has been reluctant to acknowledge precisely what the situation is because to do so would force the acknowledgement that the Baltic States were occupied territory and that they have been colonized. Were we to acknowledge that fact, which is simple reality, it seems to me, we would have to back away from our claims that the Balts are jointly and severally responsible for the Soviet debt, which is pathetic, but there we are.

Now, the Russians have made a great number of claims; and there indeed are a lot of Estonians, Latvians, Lithuanians who don't like Russians very much. It's not terribly surprising. The Russian claims, though, receive far less detailed attention other than there are abuses against them. And if we look in fact what is being said on the ground, it is terrifying.

A Russian newspaper in northeastern Estonia has called for the creation of a "Dniester-like situation" in Estonia and urged violence for the purpose of drawing in the Russian army to restore a Russian state. The commander of an underground Russian militia there, arguing that Estonia could only exist if it's part of Russia, and a group of Russians were recently told in Riga that the best Russians in this area should be pulled out and the rest of the Balts should be nuked for "their crimes against the Russian people and the Russian army."

I put it to you: had an Estonia, a Latvian or Lithuanian said the same thing about Russians, we would have heard about it. This didn't get covered in any of the western media. It's a little frightening.

And, that the Russian communities there are not all dedicated to human rights is reflected by one of the leaders in something called Baltic Russia whose leader Nina Ignatieva appeared on Estonian television recently and she told the Estonian TV viewers that "the Jews are responsible for destroying the U.S.S.R. and that they should suffer the consequences of this." Not surprisingly, a few days after her remarks a Jewish cemetery in Tartu was desecrated. Not by the Estonians, but by local Russians.

Now clearly not all Russians in Estonia or Latvia feel abused. But they are being encouraged to think so both because of western coverage and because of pressure from Moscow. There has been a series of articles repeating usually false information about the Baltic States, especially that Latvia has a citizenship law which. And these articles are raising the stakes: in June there was a denunciation of the Estonians for not letting non-citizens vote; in July the Russians said if the Estonians don't back down on a whole variety of things, they would seek an economic blockade of the Republic through the United Nations. That is enormous pressure. There have been repeated violations of the agreements that do exist between Russia and these countries on military bases.

Now, a lot of people just simply think the Russians are abused. If the people who feel that way had been similarly concerned about the abuse of rights of other people in earlier times, I would take them more seriously. But in general they weren't. And that Moscow's attacks in this area are motivated by human rights concerns

ought to be questioned. The fact is that two senior Russian officials have recently said that the decisions about what to attack and what to say on this issue are motivated far more by domestic politics and calculations than they are by the facts in the case.

In a Petersburg newspaper, *Smena*, Yeltsin's nationality advisor Galina Starovoitova noted that Moscow was making a terrible mistake in this area and that using force, as many were arguing, would simply make the situation worse by increasing distrust of Russians. But most pointedly she noted that in the Moldovan case Russian nationalist in Moscow and, indeed, the Russian government have seemed more concerned about the fate of Russians on the left bank of the Dnestr than about those Russians living on the right, even though that there are vastly more Russians living on the right bank, which suggests there are real interesting questions about commitment. And Starovoitova's remarks were echoed by Gavrii Popov, the leader of the Russian Movement for Democratic Reform, who told a press conference on July 29 that the Russian military industrial complex is pushing for more ethnic conflicts in the new countries and looking for claimed human rights abuses precisely in order to justify the existence of the military industrial complex. So it's not terribly surprising that Mr. Kozyrev, who actually has a pretty good record on a lot of these issues, was under such pressure on August 6.

Now, what should we do? First, we need to get our facts right. We shouldn't just rely on one side of the story, but that is what we've done.

Russian materials are easily accessible. They're usually available in Moscow. Non-Russian materials, and this goes beyond the Baltic, are not available and therefore people don't tend to read them or know what's said. It's far harder, as you'll see in my sources, to track down statements having to do with Russian abuses than it is to find Baltic abuses. Both exist: I'm not saying we should white-wash anybody—we should hold up both to high standards.

Second, we have to realize that both Russia and the new countries need us to adopt a position of tough love. You remember some years ago it was pointed out that the worst thing you could do when someone was behaving badly is to make concessions to them. The fact is that the democratic government of President Yeltsin, who has a tremendously good record overall in dealing with the non-Russian countries—far better than his predecessor, Mr. Gorbachev—needs us to take a tough position on the use of Russian force abroad, not simply to cave in. Failure to take such a stand would mean that Yeltsin would inevitably have to come to agreement with the very worst forces in the Russian government, and there are some very bad people around.

It also means we have to take a tough love position with respect to the new countries. We have to insist that they meet international standards of human rights and that they do not abuse anyone's minority rights. That is not something we have done in the main. We've been far more concerned with making sure that our debt is repaid and that the economic price reforms go forward. I think that is sad.

And the last thing I would say is that we need to put our own intellectual house in order.

Several years ago I was asked to write an article for the Cornell Law Review having to do with federalism and human rights in the Soviet Union. I was shocked when I was starting this how little had been done on the issue of the relationship between federal structures and human rights. And I concluded the article in this way, and I'd like to read you the last paragraph, "Increasingly in Soviet society two sets of rights are coming into conflict: The individual rights of citizens and the collective rights of nationality groups to self determination. In the past we in the West have been better able to defend individual rights because they are familiar and the basis of our liberal civilization. Now in defending those very rights in the current Soviet context we may find ourselves sometimes allied with those who want to deny ethnic groups the right to choose their own destiny. It won't be easy to balance these two sets of rights, but unless we are conscious of the need to constantly consider both and to understand how Soviet federalism interacts with human rights, we almost certainly will end by betraying our most important values."

If you make allowances for the terminological need to drop the reference to the Soviet Union, I'd like to suggest that exactly the same intellectual and political challenge remains with us right now.

Thank you.

Ambassador WISE. Thank you, Mr. Goble.

Our next speaker will be Dr. Vladimir Averchev, who was a Counselor at the Russian Embassy here in Washington.

Dr. Averchev?

TESTIMONY OF DR. AVERCHEV, CULTURAL WORKS COUNSELOR

Dr. AVERCHEV. Yes. I recently got the position of Counselor in the diplomatic service.

Before that I was, for almost 20 years, with the USA/Canada Institute in the Academy of Science of Russia.

I later worked for one year and a half with the Supreme Soviet of the Russian Federation. So I was involved from the very beginning of the present Russian parliament and I have some understanding of what's going on in this absolutely new Russian democratic situation.

My task is much easier because of this very good presentation by Paul Goble. It may be, from my point of view, a little bit biased; but, nonetheless, it's a very good presentation of the problem especially.

I will begin with his last point, that there is one crucial and most difficult problem that has arisen from the collapse of communism in general. It's not only Russian. It's a phenomenon that—Yugoslavia has faced this problem, Czechoslovakia (in a different form) and Russia too.

It's the issue of ethnic minority rights versus universal human rights. Because if you look at the Estonian law on citizenship, it's pretty good by the standards of universal human rights. But the question is what to do with Russian minorities.

And I want to begin with the problem of Russians outside the Russian Federation. It's only part of the very serious legacy of the former Soviet Union.

It's not only Russians. It's Lezgins, the ethnic group that is also divided between Azerbaijan and Russia. It's Ossetians and we see the consequences there.

It's less known but nonetheless very serious—potentially very serious ethnic conflicts derived from the arbitrary borders that are in our Central Asia. So it's a very serious, very large problem.

Of course I understand you concentrate on the situation in Baltic States and it's a special case, of course, because of the history of including Baltic States in the Soviet Union, but nonetheless I want once more to say that the problem with Russian minorities is part of the legacy of the former Soviet Union.

Once more, I want to stress that it's not just the Baltic States, but the borders between the republics were established arbitrarily. Sometimes they were established in such ways in order to artificially enlarge the Russian speaking population in some of these republics just to change the population mix and it has created a problem for Russia.

When the Russian parliament adopted the declaration of sovereignty and recognized the sovereignty of other states of the former Soviet Union, we declared that we accepted the borders between republics as they are. We did not make claims on the territory of other states on the basis of a predominance of Russian speaking population.

Of course you will cite for me many Russian politicians who say otherwise, but the Russian political scene now is quite pluralistic. So, if you quote Starovoitova, you may get inaccurate perception of the Russian policy despite her official position and title.

And the second point. Russia, I want to stress, is one of the newly democratic states on the ruins of the totalitarian communist Soviet Union.

Russia took upon itself a large part of the responsibility for the consequences of what has been done under the totalitarian communist regime, but it is not that we have inherited an imperial policy. We inherited mostly problems and we see our responsibility to facilitate the formulation of a community of independent democratic states on the territory of the former Soviet Union, states that are absolutely sovereign and have a full right to define their own destiny.

But it is the former Soviet Union, like it or not. People who lived in that country see themselves as Soviet citizens. Whether or not there was a specially intended immigration policy toward the Baltic States, people who came there, they came basically for job opportunity, housing opportunity. They did not move to Estonia to occupy Estonia, I mean the civilian population.

It's not a sort of specially established migrant group like, by the way, Germans did when they occupied some territories in Russia during the war. It was not that kind of policy.

And these people are there. To recognize that is the first step in what we consider absolutely essential for establishing this stable, friendly community of independent states. Each country has its right to define its own allegiances, and so forth. But to have a

stable network of states that respect each other, we should begin with the simple thing. People are there.

We flatly and emphatically reject the principle of collective guilt. It's the principle of Stalin. It's the principle of Hitler. And when we hear that the Russian people who were brought there, they have collective guilt by the very fact of their presence in the Baltic States.

And we appeal to all states—I want to stress, to all states, Baltic States, Kazakhstan, Uzbekistan, any state—let's begin with that zero point. Every person who is on your territory has a right to be a loyal citizen. He has a right to demonstrate his intention if he wants to choose your citizenship and if he's living there.

By the way, it's the principle that actually was adopted by the Lithuanian government. We have no problem with it.

It's the same story, for example, with Kazakhstan. You could easily expect that the Kazakhs could consider themselves threatened by the presence of a huge Russian population, but Nazarbayev has declared that Kazakhstan is a multi-ethnic state and that's important and every resident there has a right to be a citizen if he wants to be, if he lived there on a particular date, the date when the declaration of independence was adopted.

And that's why Russia does not have any universal ideological approach to the rights of the Russian speaking population in the territory of the former Soviet Union.

We are dealing with this problem on a case by case basis. It's one thing when we talk about the situation in Kazakhstan, Uzbekistan, and Tajikistan. They have ups and downs. But it's a different story with the Baltic States. We understand that it's a special case. Nonetheless, we face a situation when people are there, and they want them deprived of the right of citizenship. We hear that it's a right that has not been granted before in the universal bill of rights. That's true.

But either they take a position close to the position of Lithuania or we'll face a situation in which the growing tension between ethnic groups may easily result in an explosion. I hope not, but I'm really scared by looking at this situation in Yugoslavia.

And it's not a provocation from Moscow. When we faced that situation in the TransDniester region, it was not provoked from Moscow. Actually, Moscow did its best to ease the situation and we had very serious progress. Still I am really afraid of possible consequences in other places.

I would like to finish my short presentation with what I began with. Yes, there is a problem with the rights of national minorities. And I do not see easy answers. It's an issue that should be addressed very seriously.

When people hear in Estonia nowadays "you will get your citizenship rights in a couple of years and during this time you will not participate in shaping the Estonian constitution and you will not participate in privatization," that is exactly what constitutes a second rate population.

What is more, I would like to remind you, that in each and every republic, Ukraine, Baltic States, Kazakhstan, everywhere, Russian speaking populations voted for sovereignty of these states. In

voting they actually claimed, "Yes, we are ready to be loyal citizens." They actually helped these states to become independent.

And after that, they hear, "no, you are not allowed to participate in the building of our new state." I don't want to blame anyone. I understand the problem, but I invite everyone in the Baltic States to address this problem by looking from this angle. It's all very emotional.

Ambassador WISE. Thank you, Dr. Averchev.

Our next speaker is Dr. Heino Ainsu, who is Counselor at the Estonian Mission to the United Nations in New York.

TESTIMONY OF DR. HEINO AINSO, COUNSELOR AT THE ESTONIAN MISSION TO THE UNITED NATIONS

Dr. AINSO. Thank you.

I'd like to start out by thanking the Commission for providing us an opportunity to answer a publicity campaign charging that Estonia is violating human rights of the Russian speaking population.

I begin my remarks primarily to address two press releases issued by the permanent mission of the Russian Federation, press release number 26 and number 27.

In number 26 the press release charges that one-third of the population was disenfranchised and consequently wrongfully concludes that this constitutes discrimination against the non-Estonians on ethnic grounds.

Press release 27 presents the statement of the Supreme Soviet of the Russian Federation charging gross violations of human rights. Since these violations are not specified, it's almost impossible to respond to those. However, the main thrust of that statement or that resolution is to allege that Estonia violated the treaty of January 12, 1991, which was concluded between the Russian Soviet Federal Socialist Republic and the Republic of Estonia.

I think for the historical record, it's helpful if we review how the present controversy got started. As most of you know, Estonia fell victim to the Soviet aggression as a result of the Molotov-Ribbentrop pact. The Soviets occupied and incorporated Estonia into the Soviet Union and did not provide Estonians a choice about citizenship. People who didn't accept this had to leave.

During the Soviet occupation, massive population transfers across the borders took place in contravention of Article 49 of the Fourth Geneva Convention which states, and I quote, "The occupying power shall not deport or transfer parts of its own population onto the territory it occupies." Further on, "Individual or mass forcible transfers are prohibited regardless of motive."

Now, how were the Soviet arrivals in Estonia accommodated? Well, there were five different mechanisms.

Estonian citizens were forcibly deported to remote areas of Siberia, at least 70,000 out of a population of a million experienced this fate. A great number of them perished. And some of the apartments of the deportees were claimed by the occupiers.

Number two, all homes were nationalized by the state without any compensation and every person was allotted about 100 square feet of floor space. For example, if a family of three persons had a modest home of 1,200 square feet, that family was entitled to 27

square meters or about 300 square feet of space. Russian families were brought in and the family was forced to give up the excess space of his home to accommodate the settlers. It didn't matter that that home had one bathroom and one kitchen. It's still common to have two to four families sharing one apartment.

The third technique was facilitated by creation of special privileges for the foreign settlers. Typical inducements included free apartments, monetary bonuses, preferential work and study opportunities all to the detriment of the local people.

Fourth, we have uncovered secret Soviet decrees which limited the number of apartments that were given to Estonians in newly built apartment blocks, and that percentage was 20 percent.

And finally, when all of these methods did not meet the speed of colonization, the Soviets started to create unneeded military industrial plants in Estonia. Since these plants were far from the source of raw materials and the labor supply, both of them had to be imported and the finished products, not needed by the local population, were exported to Russia.

Entire developments were built to house the unskilled labor force brought in. And if you check the percentage of Estonians in these developments, it ranges from two to ten percent.

Now, all of these policies changed the number of non-Estonians from about 120,000 to 600,000.

Since the Estonian laws were suspended by the Soviets, there was no mechanism for Estonia to check the in-flow of the illegal aliens having the citizenship of the Soviet Union.

However, once Estonia reestablished its independence, the Estonian Supreme Council readopted the 1938 law of Estonian citizenship with only minor modification.

This law can, therefore, not be construed as an instrument of discrimination created by today's Estonian legislators in order to disenfranchise the Russians, since this law came into force long before the present situation evolved.

Moreover, all Soviet citizens and other foreign nationals who since March 30, 1990, were permanent residents in the territory of the Republic of Estonia have had the right since April 1, 1992, to submit an application for Estonian citizenship.

Applicants' ethnic origin has never been considered relevant. Foreign citizens residing in Estonia include ethnic Estonians and part of the Estonian citizenry are ethnic Russians. The difference, therefore, is between the legal status of an Estonian citizen and foreign residents residing in Estonia and it's based on legal, not ethnic grounds.

I believe that all states recognize the difference in the legal status of national and foreign citizens. However, universally recognized human rights are guaranteed and apply equally to the former as well as to the latter category.

It must be stated that the Estonian readoption of its 1938 citizenship law restored Estonian citizenship to all the people who had previously had Estonian citizenship, but did not affect the citizenship of Russians who had the citizenship of the U.S.S.R. until the dissolution of that state.

We understand that the Russian Federation considers itself to be the legal successor of the U.S.S.R. Therefore, it appears that the

laws of succession should be applied to the citizenship issue unless the Russian Federation wants to disenfranchise its people.

On June 28, 1992, the citizens of Estonia approved a new Estonian constitution. Note that the newly adopted constitution provides permanent residents the right to vote and elect officials in local and district elections. Again, I'd like to point out that this is a practice that's found in very few countries.

It's natural for every state to protect its citizens, but it's difficult to understand the demands of the Russian Federation that former Soviet citizens be granted immediate Estonian citizenship and be allowed to vote in national elections in addition to the privilege of voting in local and district elections.

A state which based its foreign policy and territorial ambition on the concept of ethnicity was Nazi Germany in the years of 1933 to 1938. As Paul mentioned, the Sudetenland, I'd like to add Saarland and Memel/Klaipeda area. Those areas were absorbed into Germany after a campaign that sounds very similar to the present campaign now advanced by the Russian Foreign Ministry. I hate to say that.

What really worries us is that the Russian Federation has taken over the Nazi concept of foreign policy based on ethnicity and extended this policy to people who are, and I quote from Press Release No. 26: "culturally linked with Russia."

In a draft called "Fundamentals of Russian Military Doctrine", we read, and I quote, "The special task of military forces and those of other states may be a joint defense and ensuring peace provided for in the U.N. charter and international treaties; defense of naval communications, important economic zones, struggle with piracy and smuggling and—" note "—defense of rights and interests of Russian citizens and persons abroad connected to Russia ethnically and culturally."

If this line of thinking prevails, all international centers of Russian culture and ethnicity could be placed at risk. However, people in Brighton Beach might rejoice since now they're under the protection of two super powers.

We find it extremely threatening that Hitler's foreign policy principles are espoused by Yeltsin's Foreign Ministry. These are principles one expects to hear from Yeltsin's hard line opponents.

On one hand, Russia is demanding that the Estonian government give immediate citizenship to all ethnic Russians currently residing in Estonia. On the other hand, Russia says that it's prepared to use military force in order to protect the rights of ethnic Russians and persons culturally connected with Russia regardless of citizenship. Therefore, it shouldn't matter whether they are Estonian citizens or not.

Estonia is being placed in a no win situation. If the government would violate its citizenship law and give all Russian speakers immediate citizenship, then Russia reserves itself the right to invade Estonia because the rights of Russian speaking part of our citizenry might need defending.

Next I would like to examine the charge that Estonia has violated the treaty "On the principles of interstate relations between Russian Soviet Federal Socialist Republic and the Estonian Republic" of January 12, 1991.

Let me state unequivocally that Estonia considers this treaty one of the most important legal basis for developing relations between our two states, and we believe that Estonia has adhered to its principles.

I'd like to state the pertinent paragraph of Article III and IV of this treaty which pertain to citizenship.

In Article III, both states agree that all the people have the right to retain or obtain citizenship of the Russian Soviet Federal Socialist Republic or the Republic of Estonia according to their free expression of will.

And in Article IV, both contracting parties declare that citizens of the other party living on their territory as well as stateless persons, regardless of their nationality, shall have—and I quote only the pertinent section: “the right to choose citizenship according to the legislation of their country of residence and the treaty between the Russian Soviet Federal Socialist Republic and the Republic of Estonia on questions of citizenship.”

As we already stated, everybody is given a choice as specified in Article III and citizenship is granted in accordance with local law as specified in Article IV of the treaty and if the applicants have a knowledge of the national language, as Paul Goble said, about 1,500 words and are familiar with Estonia's history. Such requirements are standard for naturalization in many countries.

For new immigrants the waiting period, as Paul Goble said, is three years. But again, in order to recognize the long time residency of many Russians, the clock for them was started on March 30, 1990. Thus, all long time residents who do desire Estonian citizenship could obtain it by March 30, 1993, not many years hence, as was alleged by Mr. Ayerchev.

It should be also noted that many former citizens of the U.S.S.R. now living in Estonia might not want Estonian citizenship. Indeed, as of June 1, 1992, more than 10,000 of them have applied for Russian citizenship, while only 6,000 have applied for Estonian citizenship; and, out of those 6,000, 3,000 have been ethnic Estonians.

It appears to us that Russia's pressure on Estonia in the matter of citizenship is a violation of Article I of the very same treaty that the Russian Foreign Ministry accuses us of violating. I won't read that section, since Paul Goble covered it adequately.

In conclusion, I would like to say a few words about the human rights in Estonia. Prior to World War II Estonia had the most enlightened human rights record in the world. Russian, German, Swedish and Jewish minorities received state support for their cultural and educational institutions.

All these institutions were abolished by the Soviets and Russian schools and cultural institutions expanded at the expense of all other nationalities.

All internationally accepted human rights, plus some like the right of noncitizens to vote in local elections, are fully enshrined in the new Estonian constitution.

The pool of voters that voted for this constitution included those Russians and their descendents who had Estonian citizenship prior to the occupation and those who had applied for Estonian citizenship by March 1990, a long time before the putch in the Soviet Union.

All permanent residents are guaranteed the same civil liberties, pensions, medical care and social benefits as are available to citizens.

Education is also guaranteed to all Russian children in their native language through post-secondary level, again, something that's matched in a few other states.

All permanent residents are given full rights to travel, to engage in trade, commerce or any form of business activity. These benefits were never available to Russians or other minorities under the Soviet rule and are a significant benefit bestowed upon non-Estonian communities by independence.

The only exception is the owning of real estate. The noncitizens may not own land, but they may own the buildings thereon. They're welcome to lease the land for lengthy periods. Thus, the practical importance of the ban of ownership is minimal.

In fact, the greatest obstacle to free enterprise in the Baltic states remains the shortness of capital, regardless of the nationality of the particular entrepreneur.

Thank you, Mr. Chairman.

Ambassador WISE. Thank you, Dr. Ainso.

And now, as I said, we'll have brief opportunities for each of our speakers to respond or make comments on what he's heard from the other speakers. And I'll start with Mr. Goble.

Mr. GOBLE. Thank you.

I'd like to begin by saying that I very much agree with Dr. Averchev on three major points.

First, there should be no such thing as collective guilt. Second, every country has a right to expect a loyal citizenry. And third, that the question of the dealing with ethnic minorities and human rights is a serious and complicated problem. Unfortunately, I think that the problems in each of these cases are not all on one side.

There have been many suggestions made by a variety of people, and I take Dr. Averchev's point, that in a more pluralist Moscow it's difficult to ascribe to everyone what anyone says. We don't do that here and we shouldn't do it there. But there have been a lot of suggestions that somehow the Balts, per se, are guilty as Balts. It's wrong for either side to it; I quite agree with you.

Second, I think it's important that countries do have a right to loyal citizens, but what we see is that in a number of cases the Russians in some of these countries, and not only Russians but the so-called "russko-iazychny" or Russian language speakers, have told pollsters that they consider themselves to be citizens of the U.S.S.R.

The current American President thought he could visit the U.S.S.R. after January 1 of this year. It's probably not absurd that some people think the U.S.S.R. still exists, but the fact is there are a lot of people who are asserting that there is a U.S.S.R. entity.

The very article which I cited by Mikhail Lysenko, who describes himself as the commander of the liberation forces of Estonia, and who says we Russians are being discriminated because they are being deprived of Estonian citizenship, in the very next paragraph, says, "I consider myself to be a citizen of the U.S.S.R." Now, you cannot have it both ways. I mean, you have to make a choice, and

governments of these successor states have a right to insist that that choice be made.

And third, this is a serious problems. It requires discussion, but the discussion should not take place with threats. People should not be told "if X doesn't happen, Y will happen." Big countries living next door to little countries should not act that way, although all too often they do.

Now, if I want to agree with Dr. Averchev, which you probably didn't expect, I would now want to disagree with Dr. Ainsö.

Dr. AVERCHEV. Unexpected.

Mr. GOBLE. It is very important that we not assume that the Russian government has come to some final position and that Foreign Minister Kozyrev's statement of August 6th is the last word. If you track the history of where Russia has been on these issues over the last six or eight months, what you see is that it moves around a great deal.

Today is the 229th day since the end of the Soviet Union. That is a very short time, and I suppose you have all heard the wonderful anecdote from Moscow that one woman can have a baby in nine months, but nine women working together cannot do it one month. And this is not even human term, okay?

The point is, this is complicated and the struggle is not over.

My fear by simply identifying the worst things that are said in Moscow, and we can find terrible things said in lots of capitals, in Tallinn, Riga, Vilnius, Chisnav, Washington, and a few other places, that we not assume that the struggle in Moscow is over. There is a struggle going on. The reason I was so grateful to the CSCE for having this meeting and inviting me is that there is a struggle in Moscow on this issue. Quite clearly what Kozyrev said on the 6th is not what Kozyrev said a month earlier. He is being moved in certain directions. What that means is that we have an obligation and an opportunity to try to change where the Russian government is. And the most dangerous thing we could do would be to conclude that Russia's position on this issue is set in stone, because I don't believe it. I think Dr. Averchev is right that there are many people talking and it's necessary to find some kind of a balance. And we ought to try to be players rather than hopped out, you know, either praising or condemning, but we really have to get in.

On the other hand, I would like to say that I also agree with Dr. Ainsö on his——

Dr. AINSO. You don't have to agree.

Mr. GOBLE. Well, one has to. I have to agree with both of you. I am a very agreeable person, as is well known. Kak izvestno, as the Russians say, which is what you say when you're making an assertion that's obviously not the case.

I think it's very useful the summary of information about the way in which there was a policy having to do with relocation, and it is not just in Estonia, it is a lot of places. Moreover, Russia has a problem inside Russia that it will have to deal with as well with minorities. And none of these problems are going to be easy, and they should not be discussed in the context of force.

Ambassador WISE. Thank you.

Dr. Averchev, do you have some remarks?

Dr. AVERCHEV. Yes, I also have a strong urge to agree with everyone.

[Laughter]

Dr. AVERCHEV. I just want to make some brief comments. I have a different interpretation from what Paul Goble said about the recent statement of Kozyrev.

Kozyrev did not tie the issue of the pull out of forces with guaranteeing human rights of minorities; at least according to the statement I got from Moscow.

There are four points, all different.

The first point. We are urging them to take measures to ensure equal rights and dignity of ethnic Russians and other nationalities in the Baltic States. There are some subpoints.

The second point. Territorial issues.

The third point. We are prepared to complete the withdrawal of Russian troops from the territory of Latvia, Lithuania and Estonia in 1994.

The fourth point is on abandoning of the practice of unilateral discriminatory measures. It's four different points—at least in the statement I have.

There is no open, direct, any kind of linkage between the two basic issues. Everyone interpret, but officially I think the position is clear.

Second, I agree, of course, with Paul Goble that it's very important to understand the issue of Russian speaking minorities outside Russia as not only a bilateral foreign policy issue, but also a difficult domestic issue in Russia. And it is an issue around which different factions of the Russian domestic political scene are clashing.

It is extremely important to understand, if you make parallels between the policy of the Russian Minister of Foreign Affairs Mr. Kozyrev and, excuse me, Hitler's policy, that Mr. Kozyrev is one of the most compromising persons on the present political Russian scene.

I speak not only as a representative of the Russian Embassy but also as a person who understands and participated to a degree in Russian politics.

If Estonia and Latvia do not enter into negotiations, into serious high level discussions, if they consider them closed like sometimes it sounds from the Estonian side; in that case after September 20 when our Supreme Soviet considers the situation according to the statements they issued recently you may easily have an absolutely different set of people on the Russian side and you will have no one to talk to and to reach a compromise with.

I think it's the responsibility of the Estonian government before the Estonian people and the Estonian future to try to establish a dialog with those politicians in Russia who are ready for such dialog, who are open and who are ready for compromise.

Now I'm afraid we have less and less time for quickly establishing such kind of a dialog.

I want once more to stress that I accept many of your arguments, but at the same time I want to say that the Russians, the Russian speaking populations, are there and they perceive the situation with their rights as they perceive it.

And I have friends in Estonia and Latvia and Lithuania who want to live there and to be citizens.

I know that the strain between the two ethnic groups is growing and it is also a fact, regardless of any legalistic argument.

And if it comes to a point of explosion, no appeals will help.

I want once more to repeat, do not consider this issue to be closed. Do not think that it is possible that Russia will accept your present formulas for the Russian speaking minority in Estonia as the final word. Please, let's talk.

Ambassador WISE. Thank you.

Dr. AINSO, you had a comment.

Dr. AINSO. Yes. It's unfortunate I had to draw the analogy between Hilter's policies and Kozyrev's. If you noted, I limited my remarks to the official statements of the Russian Federation's U.N. Mission and the Foreign Ministry which state the need of having to protect people who are ethnically and culturally linked with Russia. That is a quote, and that's from a Foreign Ministry publication. We are not quoting some rabble rouser in Moscow, since I purposely avoided those quotes.

I think for defusing the situation maybe the following is needed: in view of the intense pressure to Russify Estonia for the last 50 years which only stopped maybe, effectively in 1988-89, Estonians need to be assured that there is not going to be any more pressure and the Russian intentions have changed.

And if those assurances are given, I'm sure the Estonian side will change its tactics and might consider changing its 1938 citizenship rule.

But to pressure us to change an old Estonian law will be perceived as a continued attempt to grab additional lands and this, of course, is what we feel and what we fear.

So, if that pressure changes, I don't think anybody is unwilling to talk about these issues.

Ambassador WISE. Thank you.

Now, as I said, we're going to move to questions. I would repeat that I would hope we would have questions rather than statements. I think we've had an interesting presentation of different ideas here.

I am informed on the record that the questioner has to speak into a microphone. So, I would ask that they go up to the microphone there and give the question first.

COMMENTS OF MARI-ANN RIKKEN, ESTONIAN AMERICAN NATIONAL CONGRESS

Ms. RIKKEN. Mari-Ann Rikken with the Estonian American National Council and delegate to the Congress of Estonia.

My question would be directed to Mr. Goble and to Mr. Averchev regarding defusing of tensions and what the respective governments could do to help? In other words, one glance at a world map shows what Estonia and Latvia and Lithuania are up against; it's like three little mice trying to negotiate with an elephant who may not be too careful about where its feet go and who has a lot of means to exert pressure.

What could the U.S. Government do, in your opinion, Mr. Goble, to help this situation. By over-seeing the careful elucidation of the problem; the historical aspects, the fears, the very real fears on both parts?

And the same question to you, Mr. Averchev. What could the Russian government do? Your opinion is you don't want to see some sort of explosion. Why then do we see that kind of constant cranking up by the Russian side of allegations that have no basis in fact? Could this be changed? Could you attempt to reach out to the Russian population in the Baltics and inform them the situation is not as bad as they perceive it to be, perhaps?

Thank you.

Mr. GOBLE. I think the first thing that has to be recognized is that there are certain geo-political realities and that if Estonia were to take a position which was totally hostile to its large eastern neighbor, there is very little anyone else could do to prevent Estonia from having problems. So one wants to see that Estonia and Russia will live together in a peaceful way.

Now, clearly there should be conversations on both sides and there should be recognition that there are statements that have been made by individual Estonians, just as there have been statements made by individual Russians, which don't contribute to the possibility for such conversations.

Moreover, many of the issues have not always been that well explained. There is a paucity of a Russian media in Estonia to explain what is going on to the Russian community.

I personally think the Estonian law on citizenship is a not unreasonable one and that some knowledge of the local language, some residence and some commitment to being there ought to be a principle that everyone can accept. I think it's also important that people who choose to be citizens of another country should be allowed to live there under norms that are not dissimilar from norms everywhere else. And I think that there should be a principle of reciprocity; that what is true for Russians in Estonia should be true of Estonians in Russia. This is a normal practice internationally.

I would like to see a far clearer statement from the international community and from the United States, in particular, about the use of force and the dangers of having armies or at least armed personnel outside of Russia being used in the wrong way. I think that most people in Moscow have no interest in seeing more Trans-Dniesters, but there are people who do. And the general in command of the 14th army in the Trans-Dniester region, General Lebed, has denounced the Moldovan government as a "fascist clique" and has announced he has intention of obeying people there or in Moscow if they try to interfere with his actions. Now, that is a very, very frightening thing and, therefore, it seems to me that we in the West should be very clear about the need for as rapid repatriation of Russian forces as possible. That is something which falls under international law where we have a position.

So far, however, we have not put much pressure on that issue. We are, as I pointed out in an article recently, more concerned about price reform in Moscow than we are about the presence of Russian armies outside of Russia. I think that's a mistake. And I

think that we are undercutting the very people in Moscow we would like to see supported by the fact that the United States continues to be the only major power in the world whose foreign ministry still deals with this region as if the Soviet Union were still in existence. That is, we have the Office of Soviet Affairs at the State Department is now called the Office of Independent States and Commonwealth Affairs. The last people who believe in the Commonwealth are around Mr. Stankevich and, apparently, down at 22d and C.

The thing is we've got to realize there are 15 countries out there and that all of them have to play by international rules, non-Russians as well as the Russians. But the most dangerous threat to peace is any linking up of the military and the ethnic questions. The military question is something we should be talking about with the Russians. And the human rights question is something we ought to be talking about with both. We must start by acknowledging that there are 15 real countries, not Russia plus branch offices.

Ambassador WISE. Dr. Averchev?

Dr. AVERCHEV. I'd like to join Paul Goble in saying that it's extremely important not to link the issue of armed forces and the issue of the status of the rights of national minorities.

Russia could say, first, it's not an issue of the relationship between the Russian minority in Estonia and Russia. It's the relationship inside Estonia.

Nobody will relieve Estonia of the burden of solving that problem.

What Russia insists on is the model accepted by Vilnius: Zero option.

And, of course, if a person did not explicitly express his desire to be a loyal citizen, of course one doesn't have such kind of a right. But a person who lives there in that territory and whose children already are born there, who was there maybe in the 1950's or 1960's—what can these parents say to their children? "They are a product of intended policy of colonization." That we will never accept.

The minimum that could be done is that Estonian law accept everyone honestly on an equal basis, regardless of their nationality, at this point in time. Then we will consider deferring.

I could repeat the same in different other states—and I do not want to differentiate between them. I don't see any problems with 11 million Russians in Ukraine. We have a very complicated relationship in many other spheres with Ukraine; but on this point, no problems.

Ambassador WISE. In the back there.

COMMENTS OF TOOMAS ILLVES

Mr. ILLVES. My name is Toomas Illves. Two points of information before I get to my question.

One, it is not true that the Russians in Estonia supported Estonian independence. I have followed the polls every since 1987 and not one poll has showed that more than about 37 percent of the non-Estonians supported independence. And that is constantly repeated in these discussions that look at these poor suffering people,

they all support independence. That is simply a canard. It is not true.

The other point about citizenship, which has not been discussed here at all, is that if you look in the immigration statistics since the time in which the clock began to run, that is March 30, 1990 in Estonia, immigration to Estonia has been around 6,000 to 8,000. It's not exactly clear. That means that if you take the 600,000 Estonians, not Russians in Estonia, subtract the 100,000 who are Estonian citizens already, leaving 500,000, then there's about one percent has come into the country since the citizenship law began ticking and therefore do not apply, that is 99 percent of the people there in fact could apply for citizenship if they wished to do so. In other words, there is no problem with residency.

The problem is only with language knowledge, which is 1500 words. Richard Scarry's Best Word Book Ever, which is for 3 year olds, is 2800 words. So we're not dealing with a very difficult situation here. The issue really is are these people willing to learn a language—I mean, a very minimal amount of language? I think discussions on residence requirements really are not to the point if we're discussing Estonia.

But the question is, in terms of what is the future of Russian foreign policy if we do this Gedanken experiment or thought experiment, say, okay, the Estonians give in. You just said that the Russian government does not see that the decisions of a legislature are fixed, another country's legislature, are fixed.

What essentially Russia wants is that Estonia will make all Russian citizens. But will Russia then remove from its military doctrine, as is currently as of June 1992 which foresees the defense of ethnic Russians and people who identify with Russia?

There's this sort of logical problem that the Russians are demanding, which is you have to give these people your citizenship and we are defending these people, we are going to fight for them because they're Russians, but there must come a point in which Russia says we take it back. We no longer care for these people because they're your citizens. Do you foresee that happening?

If you don't see foresee that happening, I don't do see how you can expect another sovereign government to give citizenship to people who have been claimed as subjects by a foreign country, which is what Russia has done.

Dr. AVERCHEV. So what is the question?

Mr. ILLVES. What is Russia going to do? I mean, how is Russia going to treat the Russians abroad when and if these other governments knuckle down or give in to Russian demands, that is that they give them citizenship?

Will Russia renounce its claims or will it continue to use them as the Sudetens, as the Memel Germans and so forth? I mean, will Russia formally renounce their claims to these people's loyalties?

Dr. AVERCHEV. Frankly speaking, I didn't catch your question, because if people claim that they want to be citizens I will refer once more to the Lithuanian model. As the recent history of our relationship with other states on the territory of the former Soviet Union shows the problem just doesn't exist. Because, if other persons choose not to apply for citizenship and not to be a citizen, then

of course they may choose to be non-citizens who permanently reside and have permanent residence.

But the whole issue has arisen just because Russian people in the Baltics, in Estonia, and Russian politicians—and I agree with them by the way—perceive that what is put in law is actually an attempt to build a monoethnic state as much as possible and to effectively exclude as much as possible all people of other ethnicities, not only Russians.

And, second, already a couple times mentioned was the published military doctrine. It was not military doctrine. It was published in 1992 in a newspaper and this is discussion. I have never seen an official statement with the title, "Russian Military Doctrine."

Mr. ILLVES. Then—I can quote Rutskoi from The Nezavisia Gazeta then?

Dr. AVERCHEV. You may quote anybody. It's Russian politics nowadays. In my country, every minister has his own idea what the Russian policy is. It's a problem for our president—to keep discipline inside his government. It's a different issue.

But, regretfully, even what Rutskoi says is still not the official policy.

COMMENTS OF MAIDO KARI, PRESIDENT ESTONIA WORK COUNCIL

Mr. KARI. I'd like to hear the panel members—I'm Maido Kari, President Estonia Work Council—to comment on two short and easy questions, I hope.

One, is citizenship a human right?

And, two, the people who have come into the Baltic countries during the last 50 years, can they be considered an ethnic minority in the way the Helsinki Act and conferences have used that term?

Thank you.

Ambassador WISE. Who wants to go first? Paul?

Mr. GOBLE. I'll go first on these real easy questions.

I do not think that citizenship in any particular country is a human right as normally understood. And you have to caveat it that way, because there is a large body of international law having to do with stateless persons.

That is a different question, however, than whether someone who has citizenship can be deprived of it and the processes by which that occurs. And that denial of citizenship is, I think, definitely—you know, taking someone's citizenship away from them is a violation of human rights. So that it's not an easy question.

On the issue of whether the people who have come in are an ethnic minority: first off, as you know, there were Russians in Estonia, a lot fewer but Russians in Estonia prior to 1940. Presumably, we would consider them an ethnic minority.

Presumably, also we would include some kind of their natural increase as being without question an ethnic minority.

The issue of whether someone coming into a country joins that as an ethnic minority I think is true. Whether it has legal consequences is another matter.

One of the things that this all rests on is that the Soviet state was based on politicized, territorialized and then repressed ethnic-

ity; that citizenship was relatively unimportant; and that it was ethnicity which defined your access to things. And what we're doing is trying to move to where ethnicity is depoliticized, deterritorialized and no longer repressed.

So, my view would be that it is an ethnic minority in sociological terms, but that the best thing that could happen is for it be treated—you know, for the people who are part of it, to be treated as citizens if they wish to be citizens of Estonia.

And I think one of the things we have not heard, and it's a point of information I don't have in my notes; is how many Russians have applied for citizenship and been turned down? You know, how many ethnic Russians have applied for citizenship and been turned down?

Dr. AINSO. None yet.

Mr. GOBLE. None yet. Of course, you could argue that if they felt there was no possibility of getting it, they would not apply.

But, presumably, those are the people whose human rights would be violated in terms of what we've been discussing today. But that's different than the issue of ethnic minorities. We have to get out of the Soviet trap, which is the way, unfortunately, all too many countries now think about ethnic minorities.

Ambassador WISE. Dr. Ainsou, would you like to comment?

Dr. AINSO. I'd just like to respond in this sense, that there is an old Roman maxim which says that "no legal rights shall arise out of wrongdoing." And I think this is the basic position that Estonia relies upon. And I think that is, you know, what has motivated us to readopt our old citizenship laws which, as a lot of experts with whom we have consulted on this issue have agreed, are one of the more liberal citizenship laws that there are. So we don't think we're really hurting anybody by this.

And, again, by pressing the point and forcing us to change the 1938 citizenship law, Russia is violating the treaty where they agreed that everybody shall get a choice and the procedure is according to the laws of the country of residence. And that's exactly what was agreed in the January 12th treaty between the Russian Federation and Estonia. So we don't think we're in violation of anything.

Ambassador WISE. Did you have a comment?

Dr. AVERCHEV. Well, only brief. Because all of a sudden I hear very well grounded legalistic arguments. I just want to remind you that it's not a situation like in the United States in which each person comes of his own free will and on an individual basis and he's accepted according to the law.

If it was the case for Russians in Estonia that after you adopted the law, they arrived in your country, then it would be one thing.

But people were already there and you effectively divided the population into two parts: those who were before 1940 and after. That's the issue. They're already there and one day they woke up and discovered—like the New York Times today wrote, they discovered that the freedom they fought for together with the Estonians means they are effectively deprived of the right to participate in building Estonia.

Ambassador WISE. You wanted to say something?

Dr. AINSO. I just wanted to respond that our citizenship law was suspended by the Soviet Union. So we didn't suspend that law for that duration. So that law was there and since Estonia was recognized as an international entity by many countries, that law was in effect but we had no means to apply it.

Thank you.

Ambassador WISE. Lady over there.

COMMENT OF JOAN EICHROFT, VOICE OF AMERICA

Ms. EICHROFT. Joan Eichcroft, Voice of America.

I'd just like to make a comment before asking a question. I think the issue here that is perhaps not being addressed is you're talking about, in essence, people feel as if they have been deprived of citizenship. It's not a question of granting people citizenship, but the psychological effect of losing citizenship and having no other to replace it. I think that plays a role here that one has to address.

My question to Mr. Goble has to do with the Latvian law, which you say doesn't exist. Some people say—excuse me—I know it doesn't exist. But some people have said, and I'd like you to comment on this, that the absence of a citizenship law is even worse than having one. In other words, there are a lot of people who have already got it; but those who are sort of waiting around to find out what their status is, in the meanwhile, they can't participate.

And the second question to Dr. AinsO has to do with the territorial claims that Estonia has made. Don't you think that that perhaps, however legitimate that claim may be, may also exacerbate the situation and that the Russians in those provinces may wonder what's going to happen to their citizenship if Estonia ever does get that territory that it wishes?

Thank you.

Mr. GOBLE. Well, Latvians can't win. If they have a citizenship law, it's discriminatory. If they don't have one, it's even worse.

The Latvians don't have a citizenship law. What they have was they passed a resolution which stated the principles upon which such a law would be drafted.

What they have been doing for the last two months is writing laws—and these are not issues that can be dealt with in a single legal act—that have to do with the protection of rights of all permanent residents of Latvia. Those laws exist. There's one of June 9. There's another one, I think, on June 24th. These laws say that everybody who is here enjoys a variety of rights. OK? You cannot be deprived of these: You have them regardless of citizenship.

The infamous Latvian law on citizenship was only a resolution, not a formal law. When it reached the consciousness of the western media and the Moscow media, it was not pointed out that the country's President, Prime Minister and Foreign Minister had disowned the act and said they would resign if this was the direction things were going.

Now, are you in trouble without having citizenship? Yes, you are. I mean, it's useful to have citizenship wherever you are. It is a universal thing, but there are lots of people in the world who don't have clearly defined citizenship.

And there are lots of issues we haven't touched on. The most serious perhaps is the question of dual citizenship, which is the issue of whether somebody can behave like a citizen of one country one day and another country like another.

It is not U.S. policy but it's my personal view that dual citizenship is a very bad idea. And it is an especially bad idea when you have a large number of people in a country who have dual citizenship.

There are a lot of other things we haven't talked about as well.

On territorial claims, let me make one quick remark. The whole point of this exercise this morning ought to be that you shouldn't go around linking one issue to another. The idea that the territorial issue should be discussed in the context of human rights is a very dangerous thing. Each tends to subvert the other.

I think the piling on of issues that the "terrible Baltic countries" have done to Russia is unfair, even though we must acknowledge that there are people in the Baltic countries who would love to deport Russians, who would like to see all Russians put on trains and sent east. That is not, however, Estonian, Latvian or Lithuanian government policy.

And I think to say what Dr. Averchev has said; that you've got to look at what government policy is. But this piling on of any complaint the Balts ever had about anything and linking it into human rights is just not an appropriate strategy.

Ambassador WISE. Dr. Ainso, did you—

Dr. AINSO. Yes. I'd like to just mention that we're not asking for any Russian lands, but the restoration of Estonian borders which were established by the Treaty of 1920 between Estonia and Russia. So, we're not asking for any Russian lands, but I do believe that this issue is negotiable. I don't think it's set in stone.

Insofar as the declaration of citizenship, I thought I had dealt with that issue. When Estonia declared its independence, then all the people there had the citizenship of U.S.S.R. and, as far as we see, they continue to have that citizenship.

Now, whatever happened as a result of the legal evolution of U.S.S.R., that's their decision how they handle the citizenship issue, but we're not taking away anybody's citizenship.

COMMENTS OF CHRIS SIDDALL, INTERNATIONAL FOUNDATION FOR ELECTORAL

Mr. SIDDALL. Chris Siddall with the International Foundation for Electoral Systems.

Dr. Ainso, given that the elections are coming up September 20 and tensions seem to be high at least in Moscow and the West, what do you think the international community and the U.S. can do to either observe the elections or to provide assistance, prior to the September 20th elections, to make sure that either there's not a large disenfranchised population or if there are suggestions that a sector of the population was disenfranchised and that is not the case, that there is some impartial authority that is able to make that statement?

Dr. AINSO. The Estonian government would welcome any observers who would like to come Estonia. So I don't think there is a

problem. And if your group would like to send somebody over, I think we'll be pleased to have it.

Now, insofar as the issue of disenfranchisement is concerned, I think the facts are as I stated: only Estonian citizens would be allowed to participate and those who do not have Estonian citizenship, this constitutes about a third of the current population, they will not be able to participate. So we're not hiding that fact. Noncitizens are not going to have the opportunity to vote, but anybody is welcome to observe that, if they so desire.

Ambassador WISE. In the back there.

Mr. KOMOLOV (Russian Embassy). Well, basically speaking, I just wanted to make a legalistic point. I'm from the Russian Embassy and I'm a little bit of a lawyer myself. That's in reference to Dr. Ainso's statement that there's a legal principle that no legal consequences will arise out of wrongdoing. Well, that's an important legal principle, but it's a principle of civil law. No Romans and nobody after them would ever think to apply it to international relations, constitutional or international law. Romans themselves constantly conquered somebody.

And if we apply this principle to international relations, historically speaking, we'd have to disown most of the European countries which arose through wrongdoing, war, whatever. So we should be very careful with that, I think.

Ambassador WISE. Any comment?

[No response.]

Ambassador WISE. OK.

TESTIMONY OF IVARS OZOLINS

Mr. OZOLINS. Ivars Ozolins from Riga.

Well, I have a very simple question to Mr. Averchev. When meeting with the representatives of the American Baltic community in the beginning of June before the President Yeltsin's visit here, you and Mr. Chetverakov claimed that you had a certain list of certain violations of Russian's human rights in the Baltics. And, unfortunately, you didn't have that list at that time, but you've promised to send it to the joint Baltic-American Committee.

Well, as far as I know, they haven't got that list and I haven't seen it here, too, today.

So, do you still maintain your claim that you have that list? And if you have, may I have it, too?

Dr. AVERCHEV. I have some information on particular cases, but I didn't handle those particulars. Also, I requested such kind of information from different people, of course from the Russian government, and I got some information back. But, regretfully, in some cases, people are afraid to mention their names. How can I put specific cases on an official list if they are not with full names?

Mr. OZOLINS. Why aren't they?

Dr. AVERCHEV. Huh?

Mr. OZOLINS. Why aren't they?

Dr. AVERCHEV. I think the best way—if such claims do exist—it's to have some international recognized group have some fact finding mission in those states.

Because, for example, some people came to me and told that in Riga, especially in Riga—I have friends in Riga and they told me that according to the law they should only use inside enterprises the official language, the Latvian language.

And in some cases of small enterprises, private enterprises, they were closed down just because they used the Russian language, but 100 percent of workers there were Russians.

It's information I got from a prominent leader of the democratic Russian movement who has good connections in Riga and he promised me he'd send names of such enterprises. But there are such cases.

Mr. OZOLINS. There is no list?

Dr. AVERCHEV. Huh?

Mr. OZOLINS. There is no list?

Dr. AVERCHEV. No. No.

Mr. OZOLINS. Thank you.

COMMENTS OF MARTIN ZVANERS, AMERICAN LATVIAN ASSOCIATION

Mr. ZVANERS. My name is Martin Zvaners and I'm with the American Latvian Association.

I just wanted to say that it seems a little disingenuous on the part of Dr. Averchev to state that Mr. Kozyrev's statement had no linkage of force to minority rights in that the most explicit demands that are made in this statement are tied directly to the preservation of the Russian military position in the Baltic States.

And that stating—it seems interesting that this statement can assert that Russian military power will be withdrawn from the Baltics by 1994 if at the same time the statement goes on to say that troop rotations must be preserved for the various units.

A statement that was made by a northwest group of forces official in the newspaper Deneb about two or three months ago said that the Balts shouldn't even wish for immediate withdrawal because this would tie up every single road in Latvia for the next 2 months.

Can any kind of information be offered by anyone of the panelists as to how this kind of a withdrawal can take place in 1994 if troop rotations are to continue up until the point of withdrawal, meaning that these units would be at full or something close to full strength? And I open that up to the panel.

Mr. GOBLE. I'll take that, because I think it's important.

If, for example, Russian troops were pulled back, if you said that no Russian troops could ever come back once they'd left, you would hope you had somebody else who had trucks and drivers.

So that statement in and of itself could either be a very neutral thing or it could be very threatening. And one of the things that we will have to see is whether Mr. Kozyrev and his colleagues push very hard.

If you took a very narrow view of things, this could be wrong. I have a copy of the statement in Russian and I'm absolutely convinced there's linkage. I mean, it was certainly that was read by all the participants in the meeting.

I hope that Dr. Averchev's position is in fact where the Russian government is going. If that linkage can be denied, wonderful. It'll make it a whole lot easier to deal with both problems.

TESTIMONY OF ASTA BENONIS, DIRECTOR OF GOVERNMENT AFFAIRS FOR THE LITHUANIAN AMERICAN COMMUNITY, INC.

Ms. BANIONIS. Asta Benonis, Director of Government Affairs for the Lithuanian American Community, Incorporated.

First, to Dr. Ainsio, I wanted to state that we as an organization find Estonian laws on citizenship very liberal, far more liberal than the Lithuanian laws or the American laws on citizenship. So, we would support your government's statements that the Russians living in Estonia certainly shouldn't see any problem.

To Mr. Goble, I'd just like to tell my good friend Mr. Goble that I disagree with him about collective guilt. Being one American who was raised with a sense of collective guilt, and I can tell you Jewish American mothers have nothing on Lithuanian American mothers in that respect, that it doesn't hurt people sometimes to reflect about their role in the world and the responsibilities of people as groups to humanity and to civilization.

Now, to Mr. Averchev, I did want to seek clarification on this very important point for us, because we intend as Americans to hold Mr. Kozyrev and the Russian government responsible and accountable for their August 6th position, which we believe to be their first public negotiating position on troop withdrawals since Mr. Yeltsin's public statements in Munich a month ago.

And reading Mr. Kozyrev, I don't believe that any Westerner can possibly not understand Mr. Kozyrev and the Russian government's position to be one of non-linkage between rights of Russian residents in the Baltic States and the withdrawal of the former Soviet and now Russian army.

If this was your personal opinion, that's fine, but I want to seek that clarification. If it is, in fact, true that this is not the Russian government's opinion, then I would ask you to state that solidly for us.

Dr. AVERCHEV. Sure. Two points. First, I never read about explicit statements of the official position of Russia that we do link the issues now.

Second, reading the text—and we all share the same text, I also do not see any explicit—I repeat, no explicit linkage between these two issues frankly.

That's all.

Mr. GOBLE. Could I speak to the question of collective guilt? I think people should reflect every day about their responsibilities as individuals and as members of groups. But one of the reasons why some of us engaged in the struggle against communism was the rejection of the notion that membership in a group could be the basis of punishment.

That's what I meant by collective guilt in the sense that both the Nazi principles that membership in a group was sufficient to get you punished, killed, or Soviet principles under Stalin, particularly, but not just under Stalin, that membership in a particular category justified punishment.

But, on the other hand, to say that one should feel responsible is not to say one should subscribe to the principle of collective guilt. That's how I was using the term.

Dr. AINSO. I'd also like to address the issue of collective guilt and I'd like to just go on record that, in spite of the many differences I have with the Russian colleague here on the panel, I agree with him that there shouldn't be any collective guilt. I don't think we have enforced that. I think we are in agreement on that one issue.

Mr. GOBLE. We're going to find all this agreement.

COMMENTS OF LISA JAMESON, SENATE FOREIGN RELATIONS COMMITTEE

Ms. JAMESON. Lisa Jameson from the Senate Foreign Relations Committee.

I would just like to ask, particularly Mr. Averchev, or anybody else who would like to comment on this, maybe Mr. Goble as well, about what Russia's own plans are in its draft constitutions, of which there are a number of versions and none of which has been yet adopted, for citizenship laws for Russia?

Dr. AVERCHEV. About the drafts of Russian constitution, it's a difficult issue, because we have a constitution nobody's seen as a body with all amendments, and so forth. And recently amendments were put forward by President Yeltsin and I personally haven't seen them. My friend from Moscow promised me he'd bring them. And if you're interested, I can provide it for you.

But, as to citizenship, basically the Russian law on citizenship provides for dual citizenship. The Russian side can grant it, but it also requires additional bilateral agreements with other states. If we grant an American, for example, some Russian-American, Russian citizenship, it should be according to formal agreement between our two countries. If such an agreement doesn't exist, it's just a statement of intentions and nothing more.

Ms. JAMESON. Well, I didn't really finish the question. I really meant to relate it to the position of non-Russian minorities living within the territory of Russia.

Dr. AVERCHEV. It is not in the constitution. It's an issue that is not constitutional. It's an issue of policy.

Ms. JAMESON. All right. What do you see as the policy now and in the future with regard to the question?

Dr. AVERCHEV. Excuse me, but if I attempt to even briefly answer your question, it will take another half an hour.

Mr. GOBLE. Could I speak to one point?

Ambassador WISE. Yes, go ahead.

Mr. GOBLE. One issue that is of concern and it's not resolved is whether or not the 14 successor states will be dealt with through the Foreign Ministry as being foreign countries or whether they will be dealt with Mr. Stankevich's idea of some kind of ministry for the successor states.

Dr. AVERCHEV. It's his idea.

Mr. GOBLE. I'm saying it's his idea; it has not been adopted. But there are people who would like to take away the dealing with the 14 successor states from the Foreign Ministry precisely because his-

torically Kozyrev has been, according to a number of Moscow newspapers, too permissive on the question of Russians.

But all of this is up for grabs.

We all are trying to act as if the world has somehow settled into a new steady state; it hasn't. This is not a new order. This is something else. This is chaos and it's going to change. And I think even Dr. Averchev, if he had his half an hour, would probably say something that within 24 hours he would want to modify slightly because things are changing so fast.

Dr. AVERCHEV. I hope not in 24 hours.

[Laughter]

COMMENTS OF ANN SMITH, SENATE FOREIGN RELATIONS COMMITTEE

Ms. SMITH. I'm Ann Smith with the Senate Foreign Relations Committee.

We've just discussed very briefly the question of the elections in Latvia—I mean, excuse me, in Lithuania and Estonia. But I think that the question that's begging to be asked, and I wanted to get the opinion of the three panelists, is what the probability of violence taking place on or around the election time?

And then specifically I'd like to ask Mr. Averchev whether the Russian government, given the fact that many members of the Russian government, namely Mr. Gravchev and also Mr. Rustkoi, have issued statements that the Russian government will not be responsible if local forces take actions? I believe Mr. Rustkoi has said that there would be a shoot to kill order if anyone came near a Russian base.

Obviously, this sets up the possibility that there really could be violence and there could be an excuse for violence. Will the Russian government take responsibility if there is an act or will they take the position as the position in the trans Dniester region that it's the local commanders and we'll have Mr. Lebed in the Baltic States addressing the Dniester Republic parliament that the Russian army is there to defend these rights?

Dr. AVERCHEV. You want me to make some predictions?

Ms. SMITH. Probability, one to 10.

Dr. AVERCHEV. I think that anything can happen. I sincerely hope that there will be no violations, but for sure it will be a strain and for sure the Supreme Soviet of the Russian Federation will convene on September 20 because the resolution adopted by our Supreme Soviet demanded it.

The Supreme Soviet will convene on September 20 to discuss the situation in Baltic States with the rights of minorities and this resolution.

The resolution states that in case we do not see progress in the situation, they may demand or request the Russian government to take some economic measures.

And also it's in the power of the Supreme Soviet to attempt to suspend the state treaty between Estonia and Russia. It's a fact. And all this will happen for sure.

But, as to participation of Russian military forces, I don't think it's possible.

Dr. AINSO. I'd like to respond.

Ambassador WISE. Oh, you do too? All right.

Dr. AINSO. I think because it affects Estonia, we do feel that the resolution by the Russian parliament which set the date which coincides with the date of elections in Estonia is a mechanism to egg on the Russian speaking population in Estonia and give them a base and a justification for actions since they know that they have been barred from the elections.

Nobody can predict what the former U.S.S.R. citizens might do, but I think it is setting it up for trouble.

Thank you.

Mr. GOBLE. One point.

Ambassador WISE. Go ahead.

Mr. GOBLE. One point of fact. There is an order from the Russian command from Moscow down through the command throughout the 14 successor states where there are Russian forces that the guards of these forces, both at bases and in the process of being moved from one point to another, are now (a) armed, and (b) authorized to reply with lethal force to any effort at interference.

Now, that order raises the temperature and lowers the threshold for violence, thus making it, unfortunately, more likely. It's a very dangerous thing. It does exist. It's been published in Moscow. It has been published locally in the Baltic countries and probably elsewhere as well.

That is one of the risks of violence. There are others and, you know, there has been some violence. Ellamar most recently, for example, in Estonia.

Ambassador WISE. This gentleman here. I'm still calling on people that have not had a chance to ask a first question.

Mr. MOBAYED. Joe Mobayed from Radio Liberty.

Mr. AVERCHEV, there has been a lot of discussion about reciprocity and seeing to it that everyone's legal rights are observed. That's all well and good. That's proper. But in reality Russia's situation is not unlike Germany's, surrounded by smaller neighbors who are uncomfortable with her.

Over the last 40 some years Germany has gained more tolerance from her neighbors by accepting nonreciprocal restrictions on her citizens in those countries. What restrictions would you feel Russia could and should accept on those she considers to be her's living in countries which are incapable of placing a garrison near Moscow?

Dr. AVERCHEV. I want to stress one point: that the situation is complicated; that it is not Russia that decides what it accepts and what it doesn't. Ask people who live in Estonia and ask people who live in Latvia what they will accept and what they will see as fair.

Mr. MOBAYED. What would you encourage them to accept?

Dr. AVERCHEV. We will encourage them to accept everything that is consistent with the universal standards of human rights.

And, second, what we need is prerequisites of—existence of stable democratic states in the territory of former Soviet Union. One of the prerequisites is granting citizenship to those people who, for different reasons, happen to be settled on this particular territory.

Mr. MOBAYED. Do you believe the Germans settled on Austrian or Dutch or Danish territory at the end of World War II were entitled to Dutch, Danish or Austrian citizenship?

Dr. AVERCHEV. I don't accept that analogy between—

Mr. MOBAYED. I understand that.

Dr. AVERCHEV. That's why I will not discuss this anymore.

Mr. MOBAYED. Yes, but why not discuss it even if you don't accept it?

Ambassador WISE. Was there someone in the back? Well, you had a question before.

Audience MEMBER. No, not me.

Ambassador WISE. Oh, not you?

Mr. POSPELOV. I'm also from the Russian Embassy. I wanted to make some clarification.

There was a lot of talk about this bilateral treaty of January 1991. And, actually, the resolution, which was adopted by Russian parliament, calls for suspension of this treaty. The reason is the violations of Article III and IV, which Dr. Ainsso cited.

But I was fascinated with his interpretation because in Article III it was the clear obligation of both sides to provide citizenship to all citizens of the U.S.S.R. who were residents of the two republics at the time of the conclusion of the treaty.

And Article IV clearly states that both countries, both republics at that time, will provide equal political, economic and social rights to all residents of these two republics.

Now the allegations in our parliament are made that at that time, December or January 1991, the political situation was such that it was in the interest of the Baltic leadership to conclude a treaty with Yeltsin and they made some promises and took some obligations. But now when the situation has changed, what is going on is that this treaty is interpreted and implemented very selectively to the advantage of one party.

So, the response from the Russian parliament is that, since these treaties are implemented by the Baltic States selectively, they should be suspended because the same treaties provide the basis for special economic relations with these countries.

So there should be some equality if you interpret very liberally these provisions on equal rights to all residents, equal political rights, then of course there should be room for free interpretation of these economic issues.

Dr. AINSO. In the interest of time, I skipped reading the whole Article IV. For the record, I'd like to do it now.

Mr. POSPELOV. Read Article III first.

Dr. AINSO. Okay.

Mr. POSPELOV. The first paragraph of Article III.

Dr. AINSO. I'll read the whole thing.

"The Russian Soviet Federal Socialist Republic and the Republic of Estonia accept the mutual responsibility to guarantee to those individuals who, at the time of the signing of the present treaty live on a territory of the Russian Soviet Federal Socialist Republic or the Republic of Estonia and are permanently citizens of the Union of Soviet Socialist Republics, the right to retain or obtain citizenship of the Russian Soviet Federal Socialist Republic or the Republic of Estonia according to their free expression of will."

Further on, "The contracting parties grant the equal rights and freedoms to their citizens regardless of nationality or other distinctions. Concrete questions of citizenship which are of mutual interest shall be agreed upon separately in a bilateral agreement based on the norms of international law.

Article IV: "Both contracting parties declare that citizens of the other party living on their territory, as well as stateless persons regardless of their nationality, shall have:

1: Civil and political rights and freedoms as well as social, economic and cultural rights in accordance with the universally recognized norms of international law regarding human rights;

2: The right to free development and ethnic culture;

3: The right to choose citizenship according to the legislation of their country of residence and the treaty between the Russian Soviet Federal Socialist Republic and the Republic of Estonia on the question of citizenship. The parties shall conclude a separate bilateral treaty for the protection of the rights of their citizens living on the territory of the other party."

Now, the bilateral treaties have not been concluded and the blame for not having them cannot be laid on Estonia. Estonia has asked since the early days of their independence that they'd like to negotiate all these issues. They'd like to have agreement on troop withdrawal and all the delay has not been on our side.

Ambassador WISE. I'm afraid we're going to have to stop there because we've exceeded our time and our panelists have other commitments.

I thank all of you for coming. I found it an interesting morning. There's some agreement and some disagreement, but the airing was useful.

I thank the panelists.

[Whereupon, at 12:09 p.m. the briefing was concluded.]

APPENDIX

ETHNIC RUSSIANS IN THE BALTIC STATES: SOME DANGEROUS IMPLICATIONS

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Remarks Prepared for CSCE Briefing
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The collapse of the Soviet Union presents numerous problems for the international community. Beyond any doubt, the most immediately explosive is the simultaneous presence in the 14 non-Russian successor states of 25 million ethnic Russians and 1.5 million troops under Russian command. Separately, each of these can be dealt with. The international community--including the CSCE--has developed an elaborate system of international standards on human rights and a variety of mechanisms to enforce these standards. And it has elaborated an even more highly ramified set of rules about the stationing of any state's armed forces abroad. Together, however, these two presences represent an explosive combination, one all too similar to the Sudetenland crisis that helped ignite World War II and one with which the international community is far less well prepared to cope.

Unfortunately, this combination is precisely what we now face in the Baltic states and the eleven other post-Soviet successor states.

On August 6, Russian Foreign Minister Andrey Kozyrev called in the three Baltic foreign ministers to tell them that Russia was prepared to withdraw most of its troops from their countries by 1994 but only if the Balts gave Russian forces temporary legal status and certain basing rights, dropped all damage claims against Soviet forces, built housing for Russian officers in Russia, allow for rotation of forces into the Baltic states during withdrawal, pay for all infrastructure left behind by Russian troops and for the social costs of relocation, drop all territorial claims against Russia, and change any and all legislation affecting the political and economic rights of Russians and Russian-speaking residents of their countries.(1)

While this was the most blatant official Russian linkage yet of the twin issues of ethnicity and the military, Kozyrev went out of his way to tell Russian television after the meeting that "we don't regard this as interfering in the internal affairs of another country." And despite its explosive implications, the meeting was virtually ignored by the American press: the next day, the New York Times carried two paragraphs on page three, and the Washington papers ignored it altogether.(2) Consequently, it is particularly important that we take up this issue here.

This morning I would like to consider both how we got to the

current impasse and what may happen in the future. To do so, I want to examine three sets of issues: first, the actual status of Russian minorities in the three Baltic states and of Baltic legislation concerning residency and citizenship; second, the nature of Russian claims and demands both generated locally and emanating from Moscow; and third, the role the international community and particularly the United States should play in defusing this explosive issue.

The Russians in the Three Baltic Countries

Most Russians in the Baltic states were introduced for the same reason that Soviet troops were: as a means to control the region and to guarantee that it would remain within the Soviet Union. Prior to the Soviet occupation of the Baltic countries during World War II, Russians formed only a small percentage of the population: fewer than ten percent in Estonia, for example. And Russian troops were not present at all.

From the end of World War II until the collapse of the Soviet Union in 1991, Moscow dispatched Russians and Soviet troops to the Baltic republics as part of its occupation régime, and the percentage of Russians in the local populations increased dramatically. Russians enjoyed special privileges: they did not have to learn the local languages and cultures--and seldom did. And Soviet troops behaved as occupiers. Not surprisingly, relations between Balts and Russians, relations which had won the praise of the League of Nations in the 1920s, deteriorated.

With independence, all three Baltic governments expected that they would have international backing for the rapid withdrawal of Soviet, now Russian, troops and that they could establish their own rules for citizenship and permanent residency status as long as they conformed to treaties and international standards. While the international community has been somewhat supportive on the former, it has shocked the Balts by its generally and remarkably pro-Russian position on the latter.

In their treaties with Russia, the Baltic states explicitly dealt with the problem of citizenship. The Estonian-Russian treaty is typical. Signed on January 12, 1991, the treaty grants "the right of permanent residents of both sides to retain or to obtain Russian SFSR or Republic of Estonia citizenship according to their freely expressed wishes" and "the right to choose citizenship in accordance with the laws in force in their country of residence."⁽³⁾ Since that time, in Estonia alone, more than 8,000 Russians have applied and received Russian citizenship, while continuing to live in Estonia.⁽⁴⁾ And in Russia, Estonians have sought Estonian citizenship.

The critical issue, however, remains the question of how non-indigenous residents of a new country can become citizens and what will happen to them if they do not obtain citizenship. This is where there have been the greatest number of Russian complaints and

the greatest amount of misinformation and even disinformation in the Western press. Three points are in order.

--First, only two of the three Baltic countries have a citizenship law at this point. There have been few complaints about the Lithuanian citizenship law. The Estonian law--which allows citizenship applications after two years of residence, 1500 words of Estonian language knowledge, and some familiarity with Estonian political arrangements--has been described by the general secretary of the Council of Europe as one of the more liberal in Europe, despite Russian complaints.(5) But it is a law which does not exist that has excited the most comment. Latvia does not have a citizenship law; it has only a draft resolution on the principles of citizenship law--and these principles have been rejected by the Latvian government. Nonetheless, Russians routinely complain and Western journalists and human rights observers routinely accept that Latvia has a punitive law with 16 years of residency and fluency in Latvian required.(6)

--Second, all three governments have elaborated statutes for the protection of the rights of permanent resident aliens. Russians who choose to be Russian citizens and to remain resident in the Baltic countries, under the terms of these laws, have all civil rights; and limitations on their economic activities, such as definitions about how much of certain kinds of property they can hold are consistent with international standards. The only serious limitations on non-citizens are that they cannot vote, hold office, serve on juries, or serve in the military--the same limitations that are inflicted on resident aliens in the United States.

--Third, the West has been reluctant to acknowledge that the Baltic states were occupied and colonized by Moscow. To do so would undercut the demands of the Bush administration that the Baltic states as components of the former Soviet Union are "jointly and severally" responsible for the Soviet debt. But more importantly here, such an acknowledgement, which would seem natural given both our longstanding non-recognition policy and the facts on the ground, would require us to put the Baltic countries in a different category. We did not insist that French nationals be given citizenship in Algeria or that British subjects be given citizenship in India after those territories gained independence--even though many of both groups had lived there for several generations and felt that these regions remained in some important sense theirs.

A similar set of observations could be made about the Soviet, now Russian, military. Again, Moscow initially promised that it would move quickly on this point, but it has backed off in the absence of any serious Western pressure and under pressure as we shall see from Russians both in the Baltic countries and in Russia itself.(7)

Russian Demands--Local and Muscovite

While practically it is extremely difficult to separate locally generated Russian demands in the Baltic states from those emanating from Moscow, analytically it is useful because it highlights both the way in which the picture in the Baltic states has been distorted and the ways in which Moscow has sought to use this issue to continue to rein in the Baltic countries. In this section, I thus want to consider three aspects of the problem: Russian claims in the region, Moscow's increasing pressure, and some remarkable concessions by Russian officials that human rights issues are being manipulated by Russian conservatives in order to undercut Russian democracy and to restore a Moscow-dominated empire.

Russian communities in Estonia and Latvia have generated some remarkable statements which deserve more attention than they have received so far. At the end of July, to cite but one example, a Russian newspaper argued that Russians in northeast Estonia must use a referendum as the first step toward the creation of "a Dniestr-like situation in Estonia," a situation in which the Estonian army's actions would necessarily draw in Russian military force and allow the restoration of the Russian empire. (8) (That this may be part of a general Russian plan was suggested by former Estonian Prime Minister Savisaar, who wrote last week that Gorbachev and Lukyanov as early as the beginning of 1991 had planned to have Trans-Dniestr in all republics which resisted Gorbachev's approach. (9))

A far more chilling and detailed exposition of this point of view comes from Mikhail Lysenko, the head of the Strike Committee of Estonia and the self-styled commander of the workers militia there. (10) Stating that "I consider myself a citizen of the USSR" and that Estonia "can develop only in a single state with Russia," Lysenko argues that the formation and secession of a "Narva republic" cannot be excluded and that his own underground Resistance will fight for it. According to Lysenko, Estonia is counting on violence to bring in Western support, but he adds, Estonia is wrong--such violence will only work to the benefit of the Russians there. Sooner or later, he concludes, "the Soviet Union will reemerge stronger and more frightening to its enemies than it was before." And he explains this as follows, we will be stronger precisely because "we will have been cleansed" of the "trash" that earlier dominated us--a particularly frightening locution in the context of Serbian actions in Bosnia.

Just how frightening is suggested by the representative of an organization called Baltic Russia, Nina Ignatyeva. She told Estonian television viewers earlier this month that Jews were responsible for destroying the USSR and that they would suffer for this. Not surprisingly, a few days after the formation of her group, the Jewish cemetery in Tartu was desecrated. (11)

But the clearest statement so far comes from Vladimir

Zhirinovskiy, leader of the Liberal Democratic Party. In a speech in Narva on July 11, he said that Soviet bombers "will fly over Narva for acts of retribution against rabid nationalists," (12) and reportedly added that Russians there should make lists of Balts to be deported once the Russian empire was reestablished. In another connection, he said that "the supertask of our foreign policy" must be the restoration of a "single state" on the territory of the former Soviet Union. (13) His views were echoed at two recent meetings in Riga. There, a speaker calling for a nuclear strike on the Baltic states to punish them "for the damage they have done to the Russian army and the Russian people" after "the best Russians" had been pulled out won applause. (14)

Clearly not all Russians in Estonia or Latvia feel this way, but many do--according to one recent poll reported by Radio Free Europe on June 16, one-third of all Russians felt they and not the Estonians were the ethnic majority in Estonia!--and the fact that Western coverage picks up only their complaints and not the reality of comments by people like Zhirinovskiy and Lysenko only encourages them to accept this particular Russian vision of reality.

Moscow has been stepping up the pressure on the question of citizenship as well. An article in Pravda on June 4 was typical of the first stage of this pressure. Entitled "Will the Baltic Pot Boil?" the article said Russians in the three Baltic countries had become "tenth-rate citizens" and that Estonia in particular was becoming "a state of nationalist-totalitarian persuasion." Moreover, the article picked up on the Narva question, noting that Estonia could retain this Russian-dominated region only if it stayed close to Russia. If it tried to go on its own way independently, Pravda concluded, Estonia would have to give up the Narva region immediately. Similar and more detailed articles--all in the same vein--appeared on the citizenship laws of each country. Significantly, they all appeared in the central Russian press and all were translated by the US government, a clear contrast in both cases with Russian chauvinist articles like many of those cited above. (15)

More seriously, both the military and the political establishments in Moscow have sought to pressure the Balts via this issue. Russian Presidential Counselor Sergey Stankevich has been arguing that there should be a special ministry--not the foreign ministry--to deal with the former Soviet republics because of Russia's "special" interests in what he and many others in Moscow are calling the "near abroad." (16) And a draft statement of the "Fundamentals of Russia's Military Doctrine" pointedly argues that it is "a special task" of the Russian army to come to "the defense of the rights and interests of Russian citizens and persons abroad connected to Russia ethnically and culturally," a virtual carte blanche for intervention to restore the empire. (17)

This summer, Moscow has turned up the heat. On July 1, the Russian Foreign Ministry denounced Estonia for not allowing non-citizen Russians to participate in the country's referendum; and on

July 17, the Russian Supreme Soviet issued a statement on "Human Rights in Estonia," denouncing Tallinn for "gross violations" of human rights and threatening that Russia would renounce its treaty with Estonia and seek international economic sanctions against Estonia if it failed to change course. (18) Not surprisingly, Tallinn rejected these charges, pointing out that they were both baseless and inflammatory. In this, it was joined by Vilnius and Riga who naturally views the Russian statement as directed at them as well. (19)

That Moscow's attacks are motivated more by politics than by reality is suggested by the comments of two well-placed Russian officials. In comments to the Petersburg paper *Smena*, Yeltsin's nationalities advisor Galina Starovoytova noted that Moscow was making a big mistake in its comments about Russians in the republics. Using force, she argued, would not only lead to more violence but would generate even more distrust against the Russians there, thus making any problems worse. But most pointedly, she noted that Russian nationalists in Moscow seemed terribly concerned about the fate of Russians on the left bank of the Dniestr rather than those on the right, even though there are far more of the latter than the former--a clear suggestion that Moscow is choosing its targets for political reasons rather than human rights ones. (20)

Starovoytova's remarks are echoed by Gavriil Popov, the leader of the Russian Movement for Democratic Reform. He told a press conference on July 29 that the Russian military industrial complex is supporting ethnic conflicts in the new countries in order to justify its existence. (21) Not surprisingly, the August 5 *Megapolis-Ekspress* reported that Andrey Kozyrev was under pressure to take a tough line in his August 6 meeting with the Baltic foreign ministers.

What Should We Do?

Our task in this situation would seem obvious. First, we need to get our facts right, making sure that we don't accept the claims of either side--and especially of the more easily accessible Russian media. Second, we need to take a position of "tough love" on these questions, demanding that the Baltic countries continue to live up to international human rights standards and that the Russians remove their troops and drop their inflammatory attacks on the Balts. Unless we take a tough line in Moscow, we will be playing into the hands not only of the enemies of Yeltsin and Russian democracy but of peace and stability as well.

And third, we must recognize our own difficulties in getting this issue right. More than two years ago, I was asked to write an article about federalism and human rights in the former Soviet Union. I was surprised that so little had been done on this issue, and I concluded my article with the following passage:

"Increasingly in Soviet society, two sets of rights are coming

into conflict: the individual rights of citizens and the collective right of nationality groups to self-determination. In the past, we in the West have been better able to defend individual rights because they are the basis of our liberal civilization. Now, in defending those rights in the current Soviet context, we may find ourselves sometimes allied with those who want to deny ethnic groups the right to choose their own destiny. It will not be easy to balance these rights, but unless we are conscious of the need to consider both and understand how Soviet federalism interacts with human rights, almost certainly we will end by betraying our most important values."(22)

Making allowances for the terminological changes resulting from the end of the Soviet Union, I see no reason to change my basic conclusion.

NOTES

- 1 Kozyrev statement in Russian provided by Embassy of Estonia, Helsinki.
- 2 Celestine Bohlen, "Why are Russians Still Here? the Free Baltics Ask," New York Times, August 7, 1992, p.3.
- 3 Estonian Foreign Ministry statement, July 1, 1992.
- 4 Postimees, August 5, 1992, citing statement by Russian charge d'affaires Oleg Popovich. Here and below I am grateful to Mari-Ann Rikken for providing translations from Estonian-language sources.
- 5 Catherine Lalumiere in Ohtuleht, February 20, 1992.
- 6 For examples of such uncritical acceptance of Russian claims, see among others the Helsinki Watch reports last spring on Baltic citizenship laws and Fred Hiatt, "2 Baltic Nations Bar Most Russians," Washington Post, July 25, 1992, A15-16.
- 7 See Urmas Salo, "Foreign Troops in the Baltic States," Postimees, June 15, 1992; and my "The Russians Aren't Leaving," Washington Post Outlook Section, July 19, 1992, pp. 1 and 4.
- 8 Ivangorodskiye novosti as quoted in Eesti Aeg, August 5, 1992.
- 9 Rahva Haal, August 4, 1992.
- 10 "Our Resistance to Estonian Fascism will Grow with Each Passing Day," Narodnaya Pravda, May/June 1992.
- 11 London IPS, August 3, 1992.
- 12 Baltfax, July 12, 1992, in FBIS-SOV, July 13, 1992, pp. 82-83.
- 13 FNS, June 22, 1992.
- 14 JBANC Press Release, August 6, 1992, "Russian Forces Threaten to Nuke the Baltics".
- 15 G. Sapozhnikova, "All Will Leave. Only Old Toomas will Remain," Komsomol'skaya Pravda, March 24, 1992, p. 5, in FBIS-USR-92-053, May 4, 1992, pp. 65-67; Yu. Gribachev, "Overboard: The Fate of Russians in the Former Republics," Literaturnaya Rossiya, no. 6 (February 7, 1992), pp. 6,11, in FBIS-USR-92-053, May 4, 1992, pp. 1-7; and Yu. Stroganov, "The 'Russian Question' in Lithuania," Rossiiskaya gazeta, April 16, 1992, p. 7, in FBIS-USR-92-055, May 8, 1992, 119-120.
- 16 For a review of these moves, see Suzanne Crow, "Russia's New Approaches for the 'New Abroad,'" RFE/RL Research Institute Draft Paper, August 4, 1992.

17 "Fundamentals of Russia's Military Doctrine," a paper distributed to western military experts in Moscow, June 1992.

18 Russian Federation Permanent Mission to the UN press releases, July 8 and July 21, 1992.

19 The Estonians rejected this. For Lithuanian and Latvian statements of support, see FBIS-SOV, July 21, 1992, p. 53; and Embassy of Latvia, Washington, D.C., press release, July 22, 1992.

20 Smena, May 6, 1992.

21 FNS, July 30, 1992

22 "Federalism and Human Rights in the Soviet Union," Cornell International Law Journal, 23:2(1990) at 404.

