

Challenged European Values: Minority Rights in Estonia and Latvia

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By
Yulia Kalinichenko

Supervisor: Dr. Markus Kaiser
European Studies Department

American University of Central Asia
Bishkek, Kyrgyzstan
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List of Abbreviations

ALDE	- Group of the Alliance of Liberals and Democrats for Europe
EU	- European Union
GUE/NGL	- European United Left – Nordic Green Left
ITS	- Identity, Tradition and Sovereignty Group
MEP	- Member of the European Parliament
PSE	- Socialist Group in the European Parliament
PPE-DE	- Group of the European People's Party (Christian Democrats) and European Democrats
TEU	- Treaty on European Union
TFEU	- Treaty on the Functioning of the European Union
UEN	- Union for Europe of the Nations Group
Verts/ALE	- Group of the Greens–European Free Alliance

Abstract. Challenged European Values: Minority Rights in Estonia and Latvia

We devote the paper to the study of the place of common European values within the European Union. The core of the work is based on the analysis of two cases - the displacement of the Monument to the Liberators of Tallinn, which happened in Estonia in April 2007; and the situation that unfolded in Latvia around the national citizenship policy and the protection of the linguistic rights of the Russian minority. There are three goals in the research. First, we are to find out what values are reflected on the community level of the European Union and what their legal status is within the Community Law. Second, we will identify whether European values are reflected in the policy- and decision-making process on the national level. We conclude by examining the link between values of the European Union and the protection of minority rights in the EU.

Résumé. Débat sur les valeurs européennes: droits des minorités en Estonie et en Lettonie

Nous dédions ce mémoire à l'étude de la place des valeurs européennes communes au sein de l'Union européenne. Ce travail sera basée sur l'analyse de deux cas - le déplacement du monument aux libérateurs de Tallinn, qui a eu lieu en Estonie en Avril 2007 et la situation qui s'est déroulée en Lettonie autour de la politique de la citoyenneté nationale et la protection des droits linguistiques de la minorité russe. Les objectifs principaux de la recherche sont de savoir quelles sont les valeurs reflétées sur le niveau de la communauté de l'Union européenne quel est leur statut juridique en cadre du droit communautaire. Nous allons apprendre aussi si les valeurs européennes trouvent la réflexion dans les orientations politiques et le processus décisionnel au niveau national. Nous terminons ce mémoire par l'examen des liens entre les valeurs de l'Union européenne et la protection des droits des minorités dans l'UE.

Introduction

i.1. Problem and objectives

In 1950s, when European integration started, there were not many discussions on European identity and its place in the process of integration. Citizens of the first six member-states – France, Germany, Italy, Belgium, the Netherlands, and Luxembourg – simply had not thought much of whether they were pro- or anti-European then. The only thing that bothered people was if Europeans would be able to maintain peace after the World War II and if yes than how (Michalski, 15-16). Time changed everything. Nowadays a lively political and academic debate has emerged around the issue of European identity: what holds Europe together? What is this force that may ensure longevity of the idea of European integration? Some are giving a very distinct answer - these are common European values (Michalski, 94-97).

One of the main ideas behind European integration is formulated in the motto of the European Union (EU) - United in Diversity¹. The official interpretation of the motto is the following: “The motto means that, via the EU, Europeans are united in working together for peace and prosperity, and that the many different cultures, traditions and languages in Europe are a positive asset for the continent” (“The Symbols of the EU - United in Diversity.”). The statement may be given a broader sense. European community is brought together by the will to maintain commonly shared approaches to politics, economic development; and, as well, by the wish to promote and cherish the values shared across the region. Notably, one of the fundamental ideas for the European Union is to ensure and protect diversity. The idea can be illustrated by the wish to support minorities, to safeguard languages and traditions, to commemorate commonly shared history, to guarantee that every voice is

¹ The motto was first unofficially adopted by the European Parliament in May 2000 as a result of a student contest that involved 80 000 students from 15 countries of the European Union; since then the motto started to be widely referred to by officials of the European Union (Rouch).

heard and answered, to provide Europeans with the relevant education that is to empower them with the background to ensure continuity of the ideas while the member-states of the European Union grow in number through years.

Community law² prescribes for each and every member-state of the European Union to bring its national legislation in conformity with the Treaties of the EU. It requires a country that entered the EU to entirely accept the present course of the community. The same is presupposed with regard to common values, reflected in the Treaties. Principles of direct applicability and precedence should ensure the full and uniform application of the rules of the Community law in all the member-states. Values are such a delicate matter that differences in interpretation sometimes occur, though.

We devote the paper to the study of the place of common European values in the decision-making process within the European Union based on the analysis of two cases - the displacement of the Monument to the Liberators of Tallinn, which happened in Estonia in April 2007 and the situation that unfolded in Latvia around the national citizenship policy and the protection of the linguistic rights of the Russian minority.

The principal goal of the research is to answer the following questions: what values are reflected on the community level of the European Union and what is the legal status of the values? Do European values get reflection in the policy- and decision-making process on the national level? Is there a link between values of the European Union and the protection of minority rights in the EU?

² Community law encompasses:

1. Sources of primary law - the founding Treaties, the amending EU Treaties, the protocols annexed to the founding Treaties and to the amending Treaties, and the Treaties on new Member States' accession to the EU;
2. Sources of secondary law -unilateral acts and agreements;
3. Sources of supplementary law - case law, international law, and the general principles of law ("Sources of European Union Law.").

We are to answer the raised questions in the course of our research using the following approaches: we will examine primary sources of the European legislation and a couple of legally non-binding community documents with the use of content analysis; and review official written statements of cases-relevant EU actors by applying thematic analysis.

i.2. Structure of the paper

In Chapter 1 we make necessary clarifications on conceptions, to which there will be made references further on in our paper; and settle down all topic-specific conditions. In the first part of Chapter 1 we will explore what a value is, what minority and minority rights mean, what the principle of precedence of the European law implies. We will consider as well the difference between the letter of the law and the spirit of the law and what impact it has on our study. In the second part of Chapter 1 we discuss European integration theories that are relevant to our research when examining the legal status of common European values within the European Union and as well when conducting analysis of the chosen cases. In this part of the chapter we will take a look at the multi-level governance theory and the spillover effect of the neo-functionalism theory of European integration.

In Chapter 2 we address the values that are reflected in the European legislation, specifically in the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), and the Charter of Fundamental Rights of the European Union. We will consider as well the Copenhagen Criteria, the Commission Opinion of 19 February 2003 on the applications for accession to the European Union by the Republic of Estonia, the Republic of Latvia and eight other countries that makes part of the official documentation package on the accession of 2003. Besides the documents of the obligatory nature, we take as well the Schumann

Declaration of 1950 and the Declaration on the occasion of the 50th anniversary of the signature of the Treaties of Rome.

With the aim to continue questioning the place of common European values within the European Union, in Chapter 3 we will address two cases connected to the protection of the rights of minorities - one on the displacement of the Bronze Soldier Monument in Estonia and another - on the citizenship and linguistic rights of the Russian minority in Latvia. We will scrutinize official statements of the EU authorities, looking in particular for their perspectives on the role of European values in the defusing of tensions or probably in the solutions of the problems. First, we will make an overview of the Soviet past of Estonia and Latvia; then we will take a look on how the story of the monument displacement was unfolding in Tallinn in April 2007. Then we will turn to the discussion of the second case on the linguistic and citizenship rights of the Russian minorities in Latvia. More precisely, first we will make a flashback to the history of the Russian minority in Latvia, afterwards we will turn to the status of the Russian minority in nowadays Latvia and as well to the current Latvian linguistic and citizenship policies and the Referendum of 2012. When examining the first incident of the displacement of the Bronze Soldier Monument in Estonia we will explore the reactions of the EU institutions and officials to the conflict that appeared at that time in the form of declarations, articles and other official public statements using thematic analysis approach. We will end up the section of our work, as in the case study of the Bronze Soldier Displacement, with the examination of the official statements of the parties to the case for identification of their perspectives on the role of European values in the resolution of the currently tense situation. Chapter 3 will be concluded by our reflections upon the role of

common European values in the two previously mentioned cases according to EU authorities.

The work will be concluded by our reflections on the link between common values of the European Union and the protection of minority rights in the EU.

Chapter 1. Fundamentals of Investigation

With the aim to prepare ground for the forthcoming examination of the essence and the role of common European values in the European Union, particularly with regard to the previously mentioned case examination of Estonia and Latvia, the first part of Chapter 1 provides background information on the conceptions to which there will be made references further on in our paper. Besides this, here we settle down all necessary topic-specific conditions in order to avoid possible ambiguity and vagueness of presentment. In such a way, we will explore what a value is, what minority and minority rights mean, what the principles of precedence implies. We will discuss as well the difference between the letter of the law and the spirit of the law.

In the second part of Chapter 1 we discuss European integration theories that are relevant to our topic. We will settle down what implications, in our opinion, the theories have on the role of common European values on the community and national levels of the European Union. More specifically, we will have a look at the multi-level governance theory and the spillover effect that is a concept belonging to the neo-functionalism theory of European integration.

1.1. Definition of terms

1.1.1. What a value is

Perhaps the most influential definition of values traces back to Clyde Kluckhohn, an American anthropologist and social theorist: "A value is a conception, explicit or implicit, distinctive of an individual or characteristic of a group, of the desirable, which influences the selection from available modes, means, and ends of action" (Hitlin and Jane Allyn Piliavin 362). In other words, according to Kluckhohn, value is a idea that serves like a role model for a person or a group of people.

Another way of defining values was presented by Shalom Schwartz and Wolfgang Bilsky, where they made a résumé of five characteristics of values often recalled in various definitions: “According to the literature, values are (a) concepts or beliefs, (b) about desirable end states or behaviors, (c) that transcend specific situations, (d) guide selection or evaluation of behavior and events, and (e) are ordered by relative importance” (ibid). Besides this Schwartz makes a notice that values are “cognitive representations of three universal human requirements: (a) biologically based organism needs, (b) social interactional requirements for interpersonal coordination, and (c) social institutional demands for group welfare and survival” (ibid). In such a way, we may summarize that values are concept or beliefs that preside over and direct human estimations and assignment of importance to desires, goals, behavior or certain situations or events; the concepts or beliefs are dependent on some biological, social, or other premises.

In search of what a value means one may as well refer to philosophy. In metaphysics, for instance, “the study of the kinds of things that exist in the universe” (Internet Encyclopedia of Philosophy), there are two general approaches to identification of what a value is. As according to the Internet Encyclopedia of Philosophy, a peer-reviewed academic resource, first approach states that moral values are eternal truths that exist in a spirit-like realm, another - that they are purely human conventions (ibid). We may use as well a definition by Plato, one of the world’s best known philosophers. As according to him, “moral values also are absolute truths and thus are also abstract, spirit-like entities” (ibid).

When attempting to find philosophical explanations for the conception of value, we may find it important and quite relevant to our research to bring up such a theory as value pluralism. Value pluralism is not saying that there exist different value

systems or viewpoints, it rather states that there are many different moral values ("Value Pluralism."). As according to the Stanford Encyclopedia of Philosophy "common sensically we talk about lots of different values—happiness, liberty, friendship, and so on. The question about pluralism in moral theory is whether these apparently different values are all reducible to one super value, or whether we should think that there really are several distinct values"(ibid).

In value pluralism there are different ways of thinking about what a value is. Consequentialists (Consequentialism is “the view that normative properties depend only on consequences” (“Consequentialism”)) tend to see value as residing in goods in the world, such as friendship, knowledge, beauty and so on. Deontologists, while deontology is “a normative theory regarding which choices are morally required, forbidden, or permitted” (“Deontological Ethics.”), usually see value more as something in terms of rules and principles rather than in terms of goods ("Value Pluralism."). Monists (monism states that the universe is one rather than dualistic or pluralistic (“Monism.”)) claim that there is only one ultimate value ("Value Pluralism."). Followers of utilitarianism, which “is generally held to be the view that the morally right action is the action that produces the most good” ("The History of Utilitarianism."), usually argue that there is only one value “and that is welfare or pleasure or happiness”, or something else same way global in its nature ("Value Pluralism.").

In order to define what values mean in the context of the European studies it may be interesting to consider the definition used for the famous European Values Study, a survey research project the aim of which is to examine the fundamental value patterns of the Europeans. As according to the definition,

“Values are prime guidelines in people's life. People are guided not only by their passions and self-interest, but also by values, norms, and belief systems. Values are deeply rooted dispositions, orientations, or motives guiding people to act or behave in a certain way. They are believed to be more complex, more basic, and more enduring than attitudes, opinions, and preferences” (Halman ix).

Undoubtedly, there exist a considerable number of ways to define what European values are. In order to get an insight into what may be considered under the term “European values” we will mention a few more definitions. We may as well address sayings of experts, politicians and other personalities active on the European and international arena.

Thus, here is proposed an opinion of Cardinal-Archbishop of Mechelen-Brussels Godfried Danneels, who believes that European values have a Biblical foundation. As for him, European values are “the result of a historic miracle, the revelation, and as such they are an inexplicable, historical phenomenon. Asking whether we would have had the same set of values without Judaism or Christianity is asking Why is the grass green? ... We cannot say more other than that the values are here” (Arts, Jacques Hagenaars, and Loek Halman 16). The explanation of the foundation of European values by Cardinal Danneels goes further - he recalls as well the principle of human dignity as fundamental for the European idea: “Europeans put the human being first... From that fundamental religious principle of human dignity all other values can be deduced: respect for life, brotherhood, et cetera” (*ibid*). In such a way, as according to Cardinal Danneels, European values are based on the fundamental principles of the Judeo-Christian tradition that are putting the respect for human life and dignity to the fore.

Ruud Lubbers, the UN High Commissioner for Refugees, who was in office from January 1, 2001 to February 20, 2005 is largely of the same opinion as Cardinal Danneels when it comes to the definition of European values. Firstly, he mentions the Christian background of European values, “in which the Christian values include both Catholic influences, a focus on ‘we,’ the community, and Protestant influences: a focus on ‘I’ and individual responsibility” (Arts, Jacques Hagenaars, and Loek Halman 60). Besides the religious origins of European values, he mentions as well humanistic idea: “The first millennium was perhaps the most prominent stage in European history for creating European values: individualization is coming of age and humanism breaks through. From that moment on the human being has been put first” (ibid).

Thus, multiple definitions of “value” coincide in the idea that it is a particular view or belief that defines a person’s or a society’s attitude, expectation and desires directed towards particular situation or behavior. European values, in their turn, appear to be based, as at least for some, on the respect of the human being as an individual and idea of mutual respect.

In this paper, referring to values, we mean more over the other explanations that a value is a moral principle or/and a commonly accepted standard of behavior of a society, in our case of those composing the European Union - bodies of the European Union, national governments, and the citizens of the European Union. It should be pointed out that in the paper when referring to common European values or just to European values we presuppose uniquely those values that are attributed to the European Union either in written form in European Community law, or in the oral form from the words of the EU’s officials. As it will be seen in the upcoming chapter, the values prove to be largely the same as we have discussed in Chapter 2, though.

Still it may be useful to clarify that when addressing European values we do not imply here any values beyond the European Union, like, for instance, those inscribed by the Council of Europe, or referred to as such by some scholars who regard as well Europe outside the borders of the European Union.

1.1.2. What minority and minority rights mean

Very generally speaking, the term “minority” refers to a group with a society that possesses certain characteristics that render them different from the majority of the society’s population (Allen 559-560). But if one looks for a more detailed definition, he may consider a very comprehensive explanation of what a minority means provided by Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities Francesco Capotorti. The definition states that it is

“a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.” (Minority Rights: International Standards and Guidance for Implementation).

Nevertheless, there may be named another characteristic, relevant to the definition of a minority: it could be as well a group that is different by its political status from a larger group of the society to which it belongs (“Definition of Minority”). This particular characteristic is significant in the context of case examination in Chapter 3. In the course of the chapter we will see how the political substance does influences the status of a minority group.

The term “minority rights” embodies two separate concepts: first, individual rights as applied to members of racial, ethnic, class, religious, linguistic or sexual minorities (“Individual Rights.”); and second, collective rights accorded to minority groups (“Collective Rights.”).

Within the context of our research when referring to minorities we suggest ethnic groups that are different from the titular nation that permanently reside in the country or have the country’s citizenship and possibly have different needs and/or beliefs.

In the paper we refer majorly to the collective rights of minority groups that are in one way or another recognized by the European Union as a whole and its member-states separately. For instance, examining the two cases of our paper we will refer to the rights of minorities that are fixed in the European Union law and, consequently, expected to be fixed in the national legislation of the member-states.

1.1.3. Principle of precedence of European Law

In order to lay down foundations for the further discussion of the role of common values in the European Union, we will need to address fundamentals of European law, namely the principle of precedence.

According to the principle of precedence, European law is superior to the national legislation of the member-states of the European Union (Europa. Summaries of EU Legislation). The precedence of European law over national laws is absolute being applicable to all European acts with a binding force both of primary and of secondary legislative nature (*ibid*). Therefore, Member States may not apply a national rule which contradicts to European law. It is the task of both national courts and the Court of Justice of the European Union to ensure that the principle is entirely respected by the member-states (*ibid*).

1.1.4. Spirit of the Law vs. Letter of the Law

With the same aim of preparing background for the discussion of the nature of common European values within the EU in Chapter 2 here we have to make reference to the difference between the spirit of the law and the letter of the law. It is needed to be clarified, meanwhile, that in this work under a "law" we uniquely understand a legislative statute.

There is a fundamental difference between the letter of the law and the spirit of the law, while those two conceptions are antonymic in their nature. When one obeys the letter of the law, he is obeying the literal interpretation of the legislation (the "letter"), though, his actions may diverge from the core idea brought in by the law (Hropanyuk 285-286). Oppositely, the one, who obeys the spirit of the law, is doing what the law intended, though not necessarily adhering to the literal wording (*ibid*). For instance, an employment law says that an employer should provide equal opportunities for people of all age categories to get employed at his enterprise. If the employer does not create obstacles for youngsters to postulate their candidatures, he follows the letter of the employment law. The work conditions at the enterprise of the employer put young workers in disadvantage, though. The employment law says nothing about special requirements for work conditions, so the employer does not break the law. Nevertheless, he does not respect the spirit of the law as youngsters are still somehow discriminated.

1.2. Topic Relevant Theories

1.2.1. The multi-level governance theory

As according to the glossary of Michelle Cini's European Union Politics, multi-level governance is "an approach to the study of the EU politics which

emphasizes the interaction of the many different actors who influence European policy outcomes" (Cini and Borragán, 448).

Bringing more explanations to the definition, we should say that the multi-level governance theory emphasizes that the policy-making process in the European Union is complex and has multiple actors, like bodies of the European Union, national, regional, local governments, lobby groups, NGOs, etc (Cini and Borragán, 115-116).

The theory is quite relevant to Chapter 2, where we will discuss special mechanisms ensuring successful establishment of values of the European Union on all the levels: European, national, and subnational. If applying the multi-level governance theory, the role of different levels of governance within the European Union in the promotion of common values may be presented in the following way:

- EU policy-making happens is rather a complex process that originates at different levels of governance, though, mostly at the supranational and national levels (Cini and Borragán, 115);
- common European values are attributes of the EU as a whole, as they are distinctively inscribed into the European Law, for instance, into the Charter of Fundamental Rights of the European Union;
- as according to the principle of precedence, values inscribed into the European legislative provisions make part of the binding legislation that should be entirely followed by the member-states;
- the role of the European level – namely institutions of the European Union – is to ensure that common values are clearly communicated and maintained at all the levels of the governance;

- the role of member-states is to ensure the respect for the common values on their territory again as according to the fundamental principles of the European Law.

1.2.2. Neo-functionalism: Spillover effect

Neo-functionalism is one of the first theories on regional integration that appeared as an attempt to explain European integration (Cini and Borragán, 72). One of the fundamental ideas of neo-functionalism is that all the countries that get involved into economic and later political integration process finally benefit from the participation in it (75). The theory of Ernst Haas, not anymore largely supported by nowadays scholars, though, may be of an interest for us as one of the central concepts of the theory is spillover effect.

Spillover effect refers to the expansion of integration from the originally planned areas into other areas that were not clearly intended to be integrated (75). For instance, European integration started with the European Coal and Steel Community, the aims of which were to ensure economic reconstruction and security after the World War II. But then, after the first successes, the Community began to incorporate other areas into the integration process growing in number of members and policy-areas being covered. The selection of policy-areas was not random - those incorporated policies aided to achieve newly-established economic goals (76).

The most relevant idea for our research that is connected to the spillover effect of neo-functionalists is that once integration has started in one sphere it should gradually come to closer integration in another. Surely, neo-functionalists related the idea generally to the gradual expansion of economical integration to political integration. We may presuppose, though, based on the theory of neo-functionalists that the effect could be equally applied to other spheres of integration. Thomas Risse has presented a similar point of view in his article “Neofunctionalism, European

identity, and the puzzles of European integration”, where he discusses the spillover effect with respect to the consolidation of the European identity.

In this article Risso reminds that Ernst Haas himself considered identity-related concepts at the early stage of the development of his theory and presupposed that “when the new supranational institutions acquire ‘the symbolic significance of end values,’ socialization appears to be complete in that actors have internalized its values and norms as part of their collective identities” (294). Thomas Risso draws attention to that the neo-functionalism theory received its development in 1950s, when European integration was not deep and vast enough for the occurrence of socialization processes, that is why, possibly, Ernst Haas left developing the idea of the spillover effect to the sphere of common identity (304). Mentioning that “European institutions might well exert some identity pull toward European élites and citizens” Risso, nevertheless, notes that Haas gave not much importance in his theory to the loyalties of the average European population believing European integration to be more an élite-driven process. This idea is much relevant to our case, as we presuppose only that there should appear a spillover in integration from political matters to the sphere of common values³ on the level of nation-states - exactly the political élite. And we find support for this our supposition in the words of Risso, who states that “specific support for the institution’s output leads to increased diffuse support for the institution as such”, naming this phenomenon an ideational spillover process (294).

Within the context of our research we allow ourselves to assume that once integration was successfully launched in the area of economics and politics it should subsequently switch to a more subtle area - to culture. At here we mean not only integration of cultural policies, but as well a unity of values.

³ We consider that the article of Thomas Risso, which discusses the spillover effect with regard to the identity of the European Union, as relevant to our research, because values are largely considered to be a composite of collective identities (Ashmore, Kay Deaux and Tracy McLaughlin-Volpe 94).

Common values have been long ago incorporated into the core European legislation, like the Treaties on European Union and on the Functioning of the European Union. Nevertheless, quite often there appear cases in decision-making, particularly on the level of nation-states, where the respect for common values of the European Union is questioned. Two cases of that kind would fall under our scrutiny in Chapter 3. Exactly with regard to those cases we apply the conception of spillover.

Now, after having discussed the most often addressed conceptions of our research, we proceed to Chapter 2, in which we take a look at values that are reflected in the European legislation and some other community documents; and on their role in the European policy-making.

Chapter 2. Common Values Reflected on the Community Level of the European Union

History of European integration has started in 1950s with one of the first treaties uniting six European countries - with the Treaty of Paris. The Schumann Declaration of May 9, 1950 that preceded the introduction of the Treaty was already then laying foundation for the identification of the common values meaning peace and solidarity as key concerns of that time ("Declaration of 9 May 1950.").

The Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, in other words the Lisbon Treaty, the current version of the fundamental European legal text, was adopted as recently as in 2009 still is largely based upon the same principles as those inscribed into the first treaties defining the early stages of the European integration. The Lisbon Treaty would be one of the major sources providing first-hand information on the values that we will consider in the course of our paper.

The first mentions of common EU values one may easily find just opening the Treaty on European Union, as its Preamble states:

“... Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law,

Recalling the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,

Confirming their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law,

Have decided to establish a European Union..."

("Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union" 15).

It is fair to note that preambles as opening statements of documents do not usually considered having clear binding effect. Nevertheless, while preambles do not state law and therefore are not judicially enforceable, they are used to determine legislative intent when interpreting statutes (Bekyashov 215). In such a way, we may state that being not binding in the quality of the letter of the law common values inscribed in to the preamble of the Treaty on European Union still have implication in the form of the spirit of the law.

Further coming articles of the TEU, however, create legal obligations for all the 27 member-states of the European Union, empowered by the previously discussed principle of precedence. In such a way, authorities of the European Union may persecute member-states on the grounds of not respecting common values proclaimed by the fundamental documents, namely the TEU, within the framework of EU competences.

Article 2 TEU pronounces that

"[the EU] is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality

between women and men prevail" ("Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union" 17).

Here it is important to underline the particular notice made with regard to minorities, which basically means that the European Union explicitly fixes on the community level the obligation of member-states to take into account interests of their minorities. This statement is of particular significance for the analysis of the role of European values in the two cases that will be covered in Chapter 3.

Article 3 TEU in its turn specifies the primary aims of the EU making again a reference to the common values:

“1. The Union's aim is to promote peace, its values and the well-being of its peoples.

2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers...

3.... It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations...

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, ... solidarity and mutual respect among peoples, ... and the protection of human rights...

6. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties" ("Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union" 17).

Here we should give attention to the mention of solidarity and mutual respect among peoples, as the statements inscribed into a legally binding document of the EU will contribute to the construction of our argumentation in Chapter 3 for the case of the Bronze Soldier monument displacement in Estonia.

Article 167 of the Treaty on Functioning of the European Union addresses the issue of diversity by laying down that "the Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore" ("Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union" 121-122). Article 167 also provides us with important remark for the cases examination in Chapter 3 giving references to the respect of the Union's cultural diversity.

Another official EU document of binding status, the Charter of Fundamental Rights of the European Union contains multiple references to common values of the European Union. In the very Preamble we find the following:

"Conscious in its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of the rule of law. It places the individual at the heart of its activities, by

establishing the citizenship of the Union and by creating an area of freedom, security and justice” (4).

Respect for linguistic diversity is another core EU value: Article 21 of the “Charter of Fundamental Rights of the European Union” forbids discrimination on several grounds (specifically including language), while Article 22 guarantees respect for cultural, religious and linguistic diversity (13).

While the Consolidated Treaties and the Charter of Fundamental Rights of the European Union are the EU documents that extend their binding effect over the already accepted member-states, there exist as well other obligations fixed on the community level that apply to the states-candidates for the accession to the European Union, namely the Copenhagen criteria.

The Copenhagen criteria, the rules that define whether a country is eligible to become a member of the European Union, were laid down at the European Council at Copenhagen, Denmark, on June 21-22, 1993 (Presidency Conclusions). Among other requirements for potential member-states identified during the Council meeting, there were the following: “Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” (Presidency Conclusions). Though there is no clear notice that those requirements correspond to common values of the European Union, we would rather classify them as such as they are evidently the same as recalled, for instance, in the Article 49 TEU, which exactly establishes the obligation of the candidate countries to ensure their adherence to the values of the Union. More precisely, the Article reads: “...any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of

the Union..." ("Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union" 43).

It is important to note that compliance of the national legislation with the whole legislative body of the European Union known as *acquis communautaire*, which includes the previously discussed Articles of the TEU and the TFEU, as well as the fulfillment of the Copenhagen Criteria, are among the primary prerequisites for those countries that are being accepted to the European Union. The Commission Opinion of 19 February 2003 on the applications for accession to the European Union by the Republic of Estonia, the Republic of Latvia and eight other countries that makes part of the official documentation package on the accession of 2003 give an explicit description of the obligations of ten new member-states including Latvia and Estonia: "The political criteria require applicant States to ensure the stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities; these requirements are enshrined as constitutional principles in the Treaty on European Union and have been emphasized in the Charter of Fundamental Rights of the European Union" ("Commission Opinion of 19 February 2003 on the Applications for Accession"). Thus, it is a duty of all member-states to commit to European values inscribed into the official documents of the European Union, providing them with the due respect and promotion.

Besides all the previously mentioned legally binding EU documents that refer to common values, we may address as well other, the compliance with which is not mandatory. For instance, Declaration on the occasion of the 50th anniversary of the signature of the Treaties of Rome of 2007 contains several references to common European values:

1. “For centuries Europe has been an idea, holding out hope of peace and understanding” (“Declaration on the occasion of the 50th anniversary of the signature of the Treaties of Rome”).

2. “In the European Union, we are turning our common ideals into reality: for us, the individual is paramount. His dignity is inviolable. His rights are inalienable. Women and men enjoy equal rights” (*ibid*).

3. “We are striving for peace and freedom, for democracy and the rule of law, for mutual respect and shared responsibility, for prosperity and security, for tolerance and participation, for justice and solidarity” (*ibid*).

4. “We preserve in the European Union the identities and diverse traditions of its Member States. We are enriched by open borders and a lively variety of languages, cultures and regions” (*ibid*).

In such a way, the Declaration delineates generally the same scope of the common values that is presented in the binding texts of the EU like the Lisbon Treaty or the Charter of Fundamental Rights of the European Union.

In order to classify common European values that we have detected in the official documents of the European Union, we compile two tables. Table 1 organizes the values according to the document, in which they were underlined, indicating as well the legal status of the source.

Table 1: Common European Values according to the source and the legal status of it

Legal Text	Values (in alphabetic order)	Legal Status
Treaty on European Union	cultural and linguistic diversity, democracy, equality, freedom, human rights including the rights of persons belonging to minorities, justice, liberty, mutual respect among peoples, non-discrimination, peace, rule of law, security, societal pluralism, solidarity, tolerance	binding

Legal Text	Values (in alphabetic order)	Legal Status
Treaty on the Functioning of the European Union	common cultural heritage, national and regional diversity	binding
Charter of Fundamental Rights of the European Union	equality, freedom, human dignity, justice, rule of law, security, solidarity	binding
Declaration of 9 May 1950	peace, solidarity	not binding
Presidency Conclusions. Copenhagen European Council (Copenhagen Criteria)	democracy, human rights, respect for and protection of minorities, rule of law	binding
Commission Opinion of 19 February 2003 on the Applications for Accession to the European Union...	democracy, human rights, respect for and protection of minorities, rule of law	binding
Declaration on the Occasion of the 50th Anniversary of the Signature of the Treaties of Rome	cultural, linguistic and regional diversity, democracy, diverse identities of the member-states, equality, freedom, human rights including human dignity, justice, mutual respect, participation, peace, prosperity, rule of law, security, shared responsibility, solidarity, tolerance, understanding	not binding

Table 2 is organized in such a way that in it each of common European values gets a status - legally enforceable or not, as according to the document, in which it is inscribed. If a value is mentioned in more than one source, then it is assigned a status of being legally enforceable, if at least one of the sources is legally binding. Denominations of values that are very close in meaning or make part of each other are grouped. For instance, we have grouped “human rights” and “human dignity” as one incorporates another; and “mutual respect” and “mutual respect among peoples” as they are much similar in meaning.

Table 2: Common European Values according to their legal status

Value	Enforceable	Not Enforceable
cultural and linguistic diversity (common cultural heritage)	✓	
democracy	✓	
equality	✓	
freedom	✓	
human rights (including human dignity and the rights of persons belonging to minorities)	✓	
justice	✓	
liberty	✓	
mutual respect (mutual respect among peoples)	✓	
non-discrimination	✓	
participation		✓
peace	✓	
protection of and respect for minorities	✓	
prosperity		✓
rule of law	✓	
security	✓	
shared responsibility		✓
solidarity	✓	
tolerance	✓	
understanding		✓

Now after having identified what values are attributed to the European Union and what their legal status is, we proceed to the study of the two cases announced earlier in the Introduction section - the displacement of the Bronze Soldier Monument in Estonia and the linguistic and citizenship rights of the Russian minority in Latvia.

Chapter 3. Analysis of Cases. Minority Rights in Estonia and Latvia through the Prism of common European values

In this chapter we examine the displacement of the Monument to the Liberators of Tallinn, known as well as the Bronze Soldier, which happened in Tallinn, Estonia in April 2007 and the situation that unfolded in Latvia around the Latvian citizenship policy and the protection of the linguistic rights of the Russian minority. The examination is conducted with regard to the role assigned by the authorities of the European Union to common European values in the process of discussion of our two cases on the community level of the EU.

The chosen cases differ in their nature by purpose. The Bronze Soldier monument displacement is an event that has rather clear termination and outcomes, while tensions between the Latvian government and the Russian minority of Latvia, concerned with ensuring their linguistic and citizenship rights, is more an ongoing process. The Bronze Soldier event of Estonia was taken as a case with explanatory power to be compared with the situation of the Russian minority in Latvia over a certain period of time.

The first part of Chapter 3 makes a short overview of the Soviet past of Estonia and Latvia with the aim to find out what the situation in those two Baltic countries was like after the end of the World War II, what the attitude towards the Soviet authority appeared to be and how this may have influenced the feelings of Estonians and Latvians about the abundant Russian minorities and the signs of the Soviet influence on their post-war countries, to which the Monument to the Liberators of Tallinn belongs. Next we will consider the facts concerning the displacement of the Monument to the Liberators of Tallinn as well as the reaction of the parties to the

case. Then the discussion of the current status of the Russian minority in Latvia will follow, as well as the overview of the Latvian linguistic and citizenship policies.

In the next part of Chapter 3 we will discuss our approach to the further analysis of the interpretation of the European Union's authorities of the role of common European values within our two cases. There we will formulate our hypothesis and the preliminary expectations of the results of analysis. The chapter will be terminated with the analysis itself and our interpretation of the results of it.

3.1. Background Information for the analysis of case on the historical past of Estonia and Latvia

The minorities issue was not an acute one for Estonia and Latvia during the period of their independence in the first half of the 20th century. The ethnic composition of the two Baltic countries before World War II was the following:

- Estonia, according to census of 1934: 88 per cent Estonians, 8.2 per cent Russians, 1.7 per cent Germans, 0.7 per cent Swedes and 0.4 per cent Jews;
- Latvia, according to census of 1935: 73 per cent Latvians, 12.5 per cent Russians, 5.2 per cent Jews, 3.9 per cent Germans, 2.8 per cent Poles, 1.3 per cent Livs and 0.4 per cent Estonians (Uibopuu 109).

The post-war period brought significant changes into the ethnic composition of these two states. Sovietization of the governments, deportation of the local population and massive industrialization influenced the increase of non-Baltic population in Estonia to approximately 40 per cent, while in Latvia the increase reached almost 50 per cent (*ibid*). As according to Henn-Jüri Uibopuu, the establishment of the Soviet regime in Latvia and Estonia appeared to be more a Russification process than anything else; moreover, the harshly imposed Soviet policy

caused Baltic people to regards Russians, whom they identified with the Soviet authority and occupation, as enemies (*ibid*).

The influx of non-Baltic immigration continued steadily until the last years of the existence of the Soviet Union: by 1989 the percentage of non-Estonian population in Estonia equaled nearly 39, while in Latvia it was around 48 per cent (Poleschyuk 10-11, 108-109).

With the acquisition of independence in 1990 Estonia and Latvia both restored the legal order they had before the World War II by bringing back into power their ancient constitutions (Uibopuu 110). The problem with this act was that those ancient constitutions did not take into consideration the existence of the large Russian minority within both states. Latvian and Estonian were named back the only official languages in their respective countries. Besides this, after the fall of the Soviet Union many people residing permanently on the territory of Estonia and Latvia found themselves in need of claiming new citizenship from the newly formed states. There would not have been many problems unless the new national citizenship laws required passing a test on the state language, while the knowledge of the titular language of the representatives of the Russian minority was not sufficient (Järve 81). Here it is important to underline that the question of citizenship plays a significant role in ensuring minority rights, which will be discussed later with regard to the Russian minority in Latvia.

Thus, it is not hard to imagine what the situation in the Estonian and Latvian societies was. After the acquisition of independence, quite logically titular populations were given a more important place in the state supported by the language- and citizenship-related political initiatives of their governments. The local Russians, in their turn, found themselves enjoying much less political and linguistic rights, as well

as restricted employment opportunities due to the new citizenship policies of the Baltic states after the fall of the Soviet Union. Russophobia on one side of society (Järve 81) was answered by the claims of being discriminated on the other side.

3.2. Displacement of the Bronze Soldier Monument

The Bronze Soldier had been initially put in place in 1947 to commemorate soldiers of the Soviet Army, who gave their lives for the liberation of Tallinn during the World War II, thus officially known as the Monument for the Liberators of Tallinn. The monument has always been controversial: many ethnic Estonians considered it to be a symbol of Soviet occupation and repression, while Estonia's Russian community believed the monument to represent the Soviet victory over Nazi Germany in the World War II ("Tallinn Tense after Deadly Riots.").

The debate around the symbolism of the Bronze Soldier steered to the large extend in 2006, after a commemoration of 9 May held by Tallinn's Russians in front of the monument (Onken 37). The event provoked multiple discussions, which finally resulted in the Estonian government's decision to develop a plan of the monument removal with the intention to resolve the problem. Commenting the intentions of Estonian government, Dr. Eva-Clarita Onken, an Estonian researcher specializing on the Russia-Estonia relations, stated that the attitude of state's political leaders is rather more to "ignore or avoid, rather than deal with the diverse memories that exist among the countries' citizenry" (*ibid*). Besides this, Dr. Onken adds that if Estonia wants to be regarded as a democratic and pluralist society, it should start considering that its biggest minority group adheres closely to values and memories, which radically differ from those of the majority of population (*ibid*).

The case on which we would like to concentrate in the paper concerns the political controversy and riots in 2007 surrounding the relocation of the Monument

for the Liberators of Tallinn and reburial of the remains of Soviet soldiers (Tõnismägi burial site) that were initially buried under the monument. Disagreement over the suitability of these actions led to mass protests, which lasted for two nights and involved arrests of some 800 people, 153 injuries and death of one person ("Tallinn Tense after Deadly Riots.").

Despite the evident disapproval of a significant part of the Estonian population, on April 27, 2007 the Bronze Soldier was urgently and secretly removed and later placed at the military cemetery in Tallinn ("Estonia memorial move 'blasphemy'."). Besides this, on July 3, 2007 the Estonian Ministry of Defense executed reburial of the excavated remains of the Tõnismägi burial site at the cemetery of the Estonian Defence Forces ("Reburial service set for 3rd July.")

Immediately after the April events the Estonian Ministry of Foreign Affairs issued an official newsletter stating the position of the Estonian authorities on the Bronze Soldier monument relocation. The newsletter underlined that the relocation of the memorial complex was executed in the wish to reduce ideological tensions connected with the memorial's location and to ensure that the Bronze Soldier monument acquired the only appropriate meaning – respectful treatment of the historical heritage and commemoration of those fallen during the World War II ("Pamyatnik Pogibshim Vo Vtoroy Mirovoy Voyne v Tallinne."). Authorities of the Russian Federation held another opinion, particularly, that time's Russian President Vladimir Putin "stressed the unifying power of the May 9 commemoration - and criticized those who attempt to "belittle" it" ("Putin Warns Against 'Belittling' War Effort.").

3.3. Russian Minority in Nowadys Latvia

The population of Latvia is notably heterogeneous: as for January 2008 it consists of 59,1 per cent of Latvians; 28 per cent of Russians; 3,7 per cent of Belarusians; 2,5 per cent of Ukrainians; 2,4 per cent of Poles; 1,4 per cent of Lithuanians and 0,4 per cent of Jews (Poleschyuk 11). Representing almost 30 per cent of the whole Latvian population, the Russian minority appears to be the biggest Latvian minority group, the abundance which is often disregarded when it comes to the national linguistic and citizenship policies of Latvia.

Articles 4 and 114 of the Constitution of Latvia state that Latvian is the only official state language, nevertheless, affirming the rights of ethnic minorities to preserve and develop their languages. Besides this, in 2005 Latvia has ratified the Framework Convention for the Protection of National Minorities of the Council of Europe. There exists as well a particular Latvian law that goes together with the Convention, though. The law stated that within the framework of the Convention Latvia only those are considered national minorities, who hold the Latvian citizenship, differ from the titular nation in their language, religion or culture, lived on the territory of Latvia over a period of several generations, consider themselves belonging to the Latvian state and society, and wish to preserve and develop their language, religion and culture (Poleschyuk 15). At first sight, the law seems to be quite appropriate unless we consider the status of the majority of the Russian population of Latvia.

As on January 1, 2008 the number of non-citizens of Latvia equaled 372 421 (Poleschyuk 33), around 320 000 of which were of Russian ethnic origin ("Russian Speakers in Latvia Prepare for Referendum."). With regard to this, the European Commission against Racism and Intolerance expressed its concern with the situation

and underlined that “the number of differences between Latvian citizens and non-citizens remains significant as far as some political, civil, social and other rights are concerned.” These concerns have serious reasons for existence as the state of non-citizen imposes multiple restrictions on its holders.

Latvian non-citizens, if belonging to a minority group, cannot claim the protection of their rights as according to the law following the Framework Convention for the Protection of National Minorities. Besides this, there exist at least 75 more restrictions connected with the status of an alien in Latvia, which include inability to elect and to be elected; occupy certain posts in public and private sector, for instance, to be advocates, patent agents, judges of all categories; fund political parties (Poleschyuk 66).

The big number of non-citizens in Latvia is largely connected with the current national citizenship policy. The policy required applicants wishing to go through the process of naturalization, regardless of other requirements, to pass special naturalization examinations that include a test on Latvian language (Poleschyuk 30-31). Even though since 1995 until 2008 the number of non-citizens significantly decreased from 731 078 to 372 421, it is not like such a big part of non-citizens went through the naturalization process (Poleschyuk 33). The decrease in number of non-citizens may be easily explained by the waves of emigration and the acquisition of citizenships of other countries. In fact during the period from 1995 until 2008 130 790 persons went through the naturalization process, while the number already includes children of the naturalized persons (*ibid*). It is not hard to guess that many of those, who found themselves in need of applying for a citizenship after the fall of the Soviet Union, faced the problem of passing the language examination, as during the Soviet times Russian had a status of the second official language and non-Latvians by their

ethnicity never had an acute need to learn Latvian, as they did not use it much in the everyday life.

The national language policy of Latvia, first adopted after the acquisition of independence and later amended several times, currently regards all the other languages except for Latvian as foreign languages (Poleschyuk 26-27). Another curious fact one may spot with regard to the Latvian linguistic policy is that the Latvian state generally admits that national minorities may use other languages than Latvian in their private lives, however it reserves the “proportionate” right to intervene into the issues of usage of languages in private life, if it is regarded as being of “legal community interest” (Poleschyuk 27). In addition to this the Latvian education policy basically states that no one is to guarantee creation and ensure existence of educational institutions in minority languages (Poleschyuk 66).

Answering to all these government provisions, Russians of Latvia, a project developed by the Institute of Russian Cultural Heritage of Latvia, places a statement on its website noting that “the ruling Latvian parties never take into account the opinion of the local Russian minority in the decision making process related to the issues of citizenship, language or the future of minority schools. Democracy in Latvia is limited and is ethnic in character” (“Political Challenges for Russian Minority of Latvia.”).

There exist an opposite point of view to that of the Russian minority. Finnish journalist, who wrote a lot on the issues of the Baltic states, Jukka Rislakki, underlines that no one imposes restrictions on speaking Russian in Latvia in private and public places, as well as in media and in educational institutions, pointing out that Russian is “probably the most used language in the country – simply because there are many more courteous, bilingual Latvians than there are Russians of analogous skills

and motivation" (Rislakki 54). As for him, "Latvia's bilingualism has already been realized in practice, and in daily life, that means russification. Usually Latvians bow to their predicament and speak Russian to "their" Russians." (Rislakki 55).

The situation around the protection of linguistic rights of the Russian minority got new portion of the media and public attention in February 2012. Having collected 187,378 signatures in favor the granting Russian the status of the second official language by the activists of the action "For the Native Language", on February 18, 2012 Latvia held a constitutional referendum ("Latvian Constitutional Court to Rule on Legitimacy of Russian Language Referendum."). Latvians rejected Russian as the second language. Nevertheless, the referendum brought even more evident the problematic situation of the Russian minority, underlining the helplessness of 320 000 non-citizens in front of the national legislation, as people holding the alien passport cannot realize their right to vote.

3.4. Hypotheses

In this part of Chapter 3 we place the two previously discussed cases within the context of common European values that find reflection in the European Union Law. Our intention to identify whether the values have implications in the circumstances of the displacement of the Bronze Soldier in Estonia and the situation with the protection of the rights of the Russian minority in Latvia.

3.4.1. Displacement of the Bronze Soldier in the Context of European Values

Under Article 3 TEU there inscribed an obligation of the member-states to foster solidarity and mutual respect between generations and peoples and ensure that European cultural heritage is safeguarded and enhanced ("Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European

Union" 17). Additionally, Article 167 TFEU lays down that the member-states should respect their national and regional diversity, "bringing the common cultural heritage to the fore" ("Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union" 121-122). The Charter of Fundamental Rights of the European Union and the Copenhagen Criteria underline as well the urge for solidarity of European peoples. Other documents, like the Berlin Declaration, being of the legally non-enforceable nature, emphasize the role of understanding, tolerance, solidarity and mutual respect.

Thus, the authorities of the European Union should have paid attention to noncompliance of the actions of Estonian authorities with European values. The act of displacement of the Bronze Soldier infringed rights of the Russian minority for the respect and protection of their cultural and historical heritage and undermined the spirit of solidarity and tolerance towards their feelings in Estonian society. The Monument for the Liberators of Tallinn recalls in the representatives of Estonia's Russian minority strong sentiments for and attachment to the memories of the World War II and the victory over Nazism. As the European Union places peace, solidarity and the experience acquired from the historical lessons of the past in the core of its principles ("Declaration of 9 May 1950"; "Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union" 15), EU officials should have at least pointed out the violations in their official statements.

3.4.2. Protection of the rights of the Russian minority Soldier in the Context of European Values

Each of the documents discussed in Chapter 2 makes a stress on ensuring the human rights, while Article 2 TEU clearly pronounces that the protection of the rights should cover as well representatives of minorities. If to consider the situation with the

protection of rights of the Russian minority in Latvia, it could be revealed that the members of the minority deprived of some basic human rights, like the right to vote, to elect or to be elected due to their quite unclear status from the point of view of the international law. We cannot claim that there is a definite violation of suffrage in this case of Latvian so-called aliens as they are not officially citizens of the Latvian state; but at the same time their unique status makes to question whether it is fair to prevent them from taking part in the political life of Latvia, especially as the European Union is based upon the principles of non-discrimination and equality.

As for the linguistic rights of minorities, it is rather clear that the national provisions disregard the abundant Russian-speaking part of the population and, if no, at least do not create a legal framework for the provision of the state support to the development of the cultural and linguistic heritage, as, for instance, the state does not guarantee creation and does not insure existence of educational institutions in minority languages. It is, therewith, possible to refer to the spirit of the European integration fixed on the community level of the EU. The respect of diversity is a core principle of European integration, references to which exist in nearly each and every document of the EU. In such a way, it may be claimed that the Latvian government does not take into consideration the spirit of the European Union law, abstaining from creating more favorable conditions for the representatives of Latvia's large minority of the Russian origin.

3.5. Methodology

In the next section of Chapter 2 we are to get a picture of what the position of the European Union was on the place of European values in the identification or possibility solution of the problems related to the event of the Bronze Soldier displacement in Tallinn and the introduction of the new linguistic policy in Latvia. In

order to do so, we will select different statements officially published by the European Union's representatives of different institutions concerning our two cases.

Under the official statements we will consider various publications that appeared only on the official web-sites of the European Union and its institutions, like recommendations, press-releases, articles, and answers of the European Commission to the oral or written questions of the members of the European Parliament. It should be mentioned that the selected statements either belong to the period after the accession of Latvia and Estonia to the European Union or directly connected with the implementation of the EU requirements for the candidate countries. Surely, there exist other publications that are covering the issue of linguistic diversity of Latvia and the protection of minority rights in Estonia. It is intended not to take those publications into account as in our research we concentrate primarily on the role of European values inscribed into official documents of the EU in the protection of minority rights within the European Union.

In order to analyze the statements we will apply thematic analysis approach. In such a way, when scrutinizing the statements we will look for the verbal formulations that would indicate references to any of common European values that we have discussed in Chapter 2.

Our general hypothesis is that the authorities of the European Union should have paid attention to that the actions of the Latvian and Estonian governments contradicted with the core principles of the European Union. Thus, they should have indicated the discrepancy of the decisions of the two member-states and of the values indicated in both legally binding and non-binding documents of the EU in their official publications of different kinds.

After conducting thematic analysis of selected official statements of the EU authorities on the Bronze Soldier displacement in Tallinn and the linguistic policy of Latvia, we expect to get an understanding of the role of common European values in the protection of minority rights within the European Union based on two examples of Estonia and Latvia.

3.6. The perspective of EU officials on the role of common European values in the resolution of the conflict that aroused in Estonia due to the relocation of the Monument for the Liberators of Tallinn

With the intention to identify what role EU officials assign to common European values in the solution of the problem that aroused in Estonia due to the relocation of the Monument for the Liberators of Tallinn, we have selected several documents for examination:

- European Parliament Resolution of 24 May 2007 on Estonia;
- Several questions addressed by members of the European Parliament (MEPs) to representatives of the European;
- Answers to the question of MEPs by representatives of the European Commission;
- An article, summarizing a plenary session of the European Parliament held on May 7, 2007
- Debate (minutes) on the conflict around the relocation of the Monument for the Liberators of Tallinn held by the European Parliament of May 9, 2007.

After examining the previously declared official statements of the EU authorities, we have identified multiple references made in the course of the statements to common European values. Some of the references contained clear information on what particular value of the European Union the author cites, while in other cases it was rather the subject matter or the action described in a document that

directed us towards associating it with a distinct value (see Appendix I for the summary table of the statements made by EU officials and the corresponding values).

Before coming to the discussion of our findings, we propose a list of the values that were referred by the EU officials with regard to the Bronze Soldier issue in the previously mentioned documents:

- Democracy and the human rights;
- Historical heritage;
- Mutual respect and understanding;
- Protection of and respect for minorities;
- Solidarity.

It should be mentioned that besides common European values that we have discussed in Chapter 2, there was one more value addressed in some of the documents. Several EU officials referred as well to sovereignty of a state as one of the principles of the European Union.

One of the most often named values that is, moreover, addressed literally in all the sources that we have examined is solidarity. For instance, during the parliamentary debate of May 9, 2007 each of the speakers felt his or her duty to underline the unconditional solidarity of all the members of the EU with the Estonian state. One of the most vivid statements with regard to the issue belongs to Joseph Daul, the leader of the EPP-DE, who in his speech pronounces that "today, we are all Estonians", in such a way manifesting the sole move of the European Parliament to support the Estonian government ("Wednesday in Plenary: EU's Relations with Russia Centre Stage."). The European Parliament resolution of 24 May 2007 on Estonia contains as well a declaration of solidarity: "the European Parliament... Expresses its support for, and solidarity with, the democratically elected Estonian

Government in its efforts to ensure order, stability and the rule of law for all residents of Estonia" ("European Parliament Resolution of 24 May 2007 on Estonia.").

Besides, many references were made towards the differences of historical heritages of Estonia and its Russian minority. "...While many Russian soldiers came as liberators, they did bring with them a regime under which the same liberators remained as an occupying power and that many peoples... I hope that all citizens on either side of the former border with the Eastern bloc accept that this dual truth was once the case," notes Hannes Swoboda, on behalf of the PSE Group ("Statement by the President (Estonia)."). In other words, the MEP underlines that the symbolism of the Russian Soldier is interpreted differently by different peoples of the Baltic state and call for the mutual respect and understanding as both interpretations have their right to exist. Nevertheless, not all the MEP supported such point of view. MEP Gabriele Zimmer approached the issue of historical heritage from another perspective, bringing to the attention of the European Parliament that "...it was the Red Army which effectively stopped the mass murder conducted by the Nazis and their local collaborators on Estonian soil until the final day of its occupation by Nazi Germany. Thus, the removal of the monument from the centre of Tallinn by the government reflects a regrettable lack of sensitivity to the depth of Nazi criminality and is an insult to its victims" ("Statement by the President (Estonia).").

Multiple remarks were made as well with regard to need to foster mutual respect and understanding among representatives of different groups of Estonian population. For instance, the answer given by Mr. Frattini on Behalf of the Commission to the questions of Tatjana Ždanoka (Verts/ALE) and Giulietto Chiesa (PSE) on the Bronze Soldier displacement, contained condemnations of "the violent character of those demonstrations that followed in Tallinn and other Estonian cities",

in such a way calling for peaceful resolution of the conflict ("Joint Answer given by Mr Frattini on Behalf of the Commission."). Besides this, in its resolution of May 24, 2007 the European Parliament stressed the need "to be able to see and understand the tragedies of others" and called for the enhancement of the internal dialogue between the parties to the case in order "to bridge existing gaps between the different communities and to create new opportunities to integrate Russian-speaking countrymen in particular" ("European Parliament Resolution of 24 May 2007 on Estonia.").

Notably, Tatjana Ždanoka (Verts/ALE) was the only one EU official, figuring in the documents selected for examination, to bring up the opinion "of violation of the principle of democracy, when accepting a decision on the removal, as well as violations of freedom of assembly, prohibition of cruel, inhuman and degrading treatment and of excessive use of force" with regards to the Bronze Soldier case ("Written Question by Tatjana Ždanoka (Verts/ALE) to the Commission."). No one else of those appearing in our selected statements explicitly referred to the principles of democracy and the protection of human rights.

Nevertheless, quite a few MEPs recalled protection and respect of minorities with regard to the Estonian case. Daniel Cohn-Bendit, on behalf of the Verts/ALE Group and Gabriele Zimmer, on behalf of the GUE/NGL Group, both reminded the European Parliament that Estonia still has a problem with the rights of the Russian minority ("Statement by the President (Estonia).").

As we have already mentioned in the beginning of the section, a couple of times EU officials referred as well to sovereignty of a state as to one of the principles of the European Union. While it is not inscribed into the Community Law as one of the principles of the European Union, Mr Frattini as a representative of the European

Commission and the European Parliament as a whole made notices of the sovereign rights of Estonian government to act freely within the framework of Estonian law ("Joint Answer given by Mr Frattini on Behalf of the Commission.").

3.7. Perspective of EU officials on the place of common European values in the resolution of the problem around the protection of citizenship and linguistic rights of the Russian minority in Latvia

In order to find out what role EU officials assign to common European values in the resolution of the problem around the protection of citizenship and linguistic rights of the Russian minority in Latvia, we have selected several documents for examination:

- Declaration and Recommendations of the EU-Latvia Joint Parliamentary Committee, 11-12 September 2003, and the Recommendation on the Application by the Republic of Latvia to Become a Member of the European Union issued by the European Parliament on March 25, 2003;
- Several written and oral questions addressed by members of the European Parliament (MEPs) to representatives of the European Commission and the Council of the European Union in different years;
- Answers to the question of MEPs by representatives of the European Commission and the Council of the European Union;
- Debate (minutes) on the voting rights for non-citizens of Latvia in local elections (held by the European Parliament on February 3, 2009).

After scrutinizing the previously declared documents we have found multiple references to common European values made both explicitly or implicitly (see Appendix II for the summary table of the statements made by EU officials and the corresponding values). First of all, we should note that in each document that we have

considered there were statements that more or less clearly referred to one or several following common European values:

- cultural and linguistic diversity
- justice and the rule of law
- democracy
- participation
- equality, non-discrimination
- protection of and respect for minorities
- human rights (right to elect and to be elected)

Secondly, it should be mentioned that even though many representatives of EU authorities evoke the same common values in their statements the context, in which they apply them, is often different or even absolutely opposite.

One of the most often referred values is the cultural and linguistic diversity. In "Declaration and Recommendations. 10th Meeting" by EU-Latvia Joint Parliamentary Committee and in "Recommendation on the Application by the Republic of Latvia to Become a Member of the European Union" by the European Parliament as the whole (both issued in 2003 right before Latvia's accession to the EU) the cultural and linguistic diversity is mentioned with regard to the successful attempts of the Latvian government to approach the compliance with the Copenhagen Criteria. In general, that these two documents leave the impression that the EU is satisfied enough with the situation in Latvia with regard to minorities. Documents belonging to the later period include more diverse points of view on the role of diversity principle in the Latvian case.

The paper summarizing the debate that took place in February 2009 in the European Parliament on the voting rights for non-citizens of Latvia gives us a glance at two perspectives. According to MEPs Willy Meyer Pleite and Proinsias De Rossa, the Latvian government should assign more significance to the European Union's principle of cultural and linguistic diversity by permitting the Russian minority to

enjoy more rights with regard to the usage of the Russian language ("Voting Rights for Non-citizens of Latvia in Local Elections (debate) O-0007/2009."). MEP Rihards Pīks, on the contrary, believes that the principle of diversity should prevent Latvia from russification and provide the country with a background for development of its own national identity (*ibid*).

As of democracy, equality, justice and human rights within the framework of the same debate opinions of MEPs diverged as well. Alexandra Dobolyi, David Hammerstein, Willy Meyer Pleite and Tatjana Ždanoka declaimed against discrimination on ethnic and linguistic basis and stood up for granting non-citizens of Latvia the right to elect and to be elected (*ibid*). Csaba Sándor Tabajdi in his turn denounced the unjust policies of the Latvian state towards the Russian minority, calling them "historical revenge" (*ibid*). Nevertheless, far not all the MEPs shared this point of view on the place of common European values in solution of the Latvian case. Christopher Beazley, Georgs Andrejevs and Inese Vaidere, for instance, evidently opposed the earlier stated interpretations. As according to them, justice and equality have more to do with been granted equal rights and duties as the other member of society (*ibid*). In such a way, the MEPs consider it to be necessary to stick to the current linguistic and citizenship policies. In addition to this, Inese Vaidere notes that "Latvia's citizenship law is one of the most generous in Europe. Any non-citizen can acquire full rights, including the right to vote, by becoming a citizen" (*ibid*).

Far not all the participants of the debate shared such a positive perspective on the protection and respect of minorities in Latvia. Many have expressed their concern with the lack of participation of members of minorities, particularly of those who hold alien passports, in the life of Estonian society. Proinsias De Rossa, for example,

argued that “we have to make people welcome and incorporate them into our political process, not keep them out of it” (“Voting Rights for Non-citizens of Latvia in Local Elections (debate) O-0007/2009.”). In other words, the principle of participation should serve for the benefit of Latvia’s minorities and non-citizens.

While many MEPs clearly expressed the opinion that the EU should get involved in the solution of the problem with ensuring protection of minority rights in Latvia, Jacques Barrot, the Vice-President of the Commission, totally failed the proposal of the Parliament by making a reference to the Community Law: “The Commission cannot talk to Latvia regarding the issue of these people’s [not nationals’ of an EU country] participation in local elections... We need to leave it to Latvia itself to take care of this problem, which the Union is not in a legal position to resolve” (“Voting Rights for Non-citizens of Latvia in Local Elections (debate) O-0007/2009.”).

Other sources that we have examined are the parliamentary questions addressed to representatives of the European Commission and the Council of the European Union and their answers in different years. For instance, the question addressed by MEP Alexander Mirsky (S&D) to the European Commission and the respective answer given by the Commission itself belongs to the time when Latvia was already a member-state of the EU. In his question MEP Mirsky tackles the issue of non-citizens in Latvia, which in 2010 made up 15% of the entire Latvian population (“Question for Question Time to the Commission. Part-session: December 2010. Rule 116. Alexander Mirsky (S&D).”). Stating that the majority of the non-citizens were born in Latvia and have spent there all their lives, he draws the attention of the Commission to the policies of the Latvian state that deprive holders of the alien passport of several human rights – the right to vote and to be elected for the local

governmental positions (*ibid*). Rasing the question of infringement of human rights and inequality, Alexander Mirsky gets nearly the same answer from the Commission, as the one that will be given to the European Parliament by Jacques Barrot in 2009: the control over conditions of either obtainig or loosing a citizenship of any of the EU member-states cannot be executed by the EU authorites, as it is not a competence of the Union (*ibid*).

The second question-answer publication of the post-accession period dates of 2007 and discusses whether the European Commission has evidence of discrimination against ethnic Russians in Latvia. The question raised by MEP Robert Kilroy-Silk was answer by a representative of the European Commission, Mr. Frattini in the following way: speaking on behalf of the Commission he avoided giving any critical definitions to the situation of the Russian minority in Latvia at the same time providing argument for what Latvia actually did in order to ensure protection of the minority rights. Mr. Fattini noted as well that “the Commission is convinced that all stakeholders, including the minority themselves, have a contribution to make to this complex process” (“Answer given by Mr Frattini on Behalf of the Commission.”).

One more parliamentary question-answer publication that we have considered were published in 2001, thus belonging to the time when Latvia was not yet a member-state of the EU, while still being an official candidate for accession. The issue raised in the document concerns the compatibility of Latvia with the requirements of the EU for the candidate countries. MEP John Joseph McCatrin asked the EU Council to clarify whether Latvia could be considered as a future EU member-state while it still had problems of national minorities (“Annex - Questions to the Council. Question No 41 by John Joseph McCartin. H-0415/01.”). The answer given by a representative of the Council is generally the same as the position of the

European Parliament of 2003 and the European Commission in 2001 and the European Commission in 2001 that we have discussed earlier, underlining that “significant progress has been achieved regarding the treatment of minorities in Latvia” (*ibid*).

3.8. Findings Based on the Examination of Cases

Having examined the two cases, we may declare the following findings.

Our general hypothesis before the examination of cases was that the authorities of the European Union should have paid attention to that the actions of the Latvian and Estonian governments contradicted with the core principles of the European Union. Thus, they should have indicated the discrepancy of the decisions of the two member-states and of the values indicated in documents of the EU in their official publications of different kinds.

More precisely, with regard to the Bronze Soldier displacement we have presupposed that the authorities of the European Union should have drawn attention of Estonia to its obligation as a member-state to foster solidarity and mutual respect between generations and peoples, to ensure that European cultural heritage is safeguarded and enhanced, while the historical heritage is respected.

In fact, the examination of selected sources has revealed that the officials of the European Union actually referred to the values in their statement but in a different context form that we have expected. Our presupposition was rather that the authorities of the EU should have paid attention to noncompliance of the actions of Estonian authorities with European values and consider the act of displacement of the Bronze Soldier as an infringement of the rights of the Russian minority for the respect and protection of their cultural and historical heritage.

But, on the contrary, the majority of the statements made public by the EU invoke for solidarity and support towards the Latvian government, rather than towards the Russian minority. Putting stress on the need to find grounds for the peaceful resolution of the conflict, EU officials support the relocation of the Monument for the Liberators of Tallinn recalls, not denying at the same time the reasons of the representatives of Estonia's Russian minority for their strong sentiments towards the memories of the World War II and the victory over Nazism. Consequently, we should admit that our hypothesis was proved only partly, as the officials of the EU clearly identify the place of common European values within the discussed Estonian case, but their perspective on this place diverges from the one we have earlier presupposed they would stick to.

As of the situation with the protection of rights of the Russian minority in Latvia, we have presupposed that non-citizens belonging of the minority were deprived of such basic human rights as the right to elect or to be elected due to their quite unclear status. So, as the European Union is based upon the principles of non-discrimination and equality we considered that the EU officials might claim that the Latvian government did not take into consideration values of the Union and, moreover, abstained from ensuring more favorable conditions for the members of its largest minority group.

The same position we had with regard to the linguistic rights of Latvian minorities. As the respect of diversity is a core principle of European Union, we believed that the EU authorities would stand for the greater protection of the linguistic rights of the Russian minority of Latvia.

The results of the Latvian case examination have shown that the opinions of the EU officials are predominantly divided. On the one hand, there is a point of view

that the Latvian government should work on the improvement of the social inclusion and raise participation of minority groups and non-citizens in the political life of the country. It should as well abandon its policies of ethnic discrimination and infringement of linguistic rights of minorities for the benefit of more democratic policies that foster mutual respect and support diversity. On the other hand, there exist an opinion, which is expressed mostly by the EU officials coming from the Baltic states or the neighboring countries, that Latvia already ensures enough respect for the core values of the European Union, such as rule of law, democracy, justice, and equality by proving equal opportunities for the acquisition of citizenship and by setting up equal rights and duties for all the member of the Latvian society. Thus, again we can neither claim that our hypothesis on the Latvian case was proven, nor that it was not, as one part of the EU officials hold with the position expressed by us, while the other provides another point of view of the issues of the protection of rights of Latvia's Russian minority.

Generally, despite the fact that our hypotheses were proven only partially we found out the answer to the question whether the EU officials grant common European values any role in the defusing of tensions and in the solutions of the problems aroused by the Latvian and Estonian cases.

Conclusion

Starting from 1950s Europeans began to lay documented foundations of their common values. Inscribing them into both legally enforceable and non-enforceable documents they have compiled an abundant body of treaties, charters, declarations and other papers that referred to common values. After having a look at a certain number of such documents in Chapter 1, we have identified the core values of the EU, which include, but are not limited to democracy, justice, rule of law, solidarity, tolerance, protection of minorities, linguistic, historical and cultural diversity.

We have found out that according to the principle of precedence of the European Union Law the values inscribed into binding documents of the EU are equally enforceable in their nature to the extend of EU competences. Nevertheless, we should admit that the case analysis revealed to us that the key part of the issue is made exactly by EU competences. Answers given by the European Commission and the Council of the European Union to questions of MEPs that we have considered it Chapter 3 clearly state that if an issue is beyond the EU competence, then there is no way the EU can influence it. The cases of Estonia and Latvia that we have considered belong to the policy-areas beyond the sphere of EU control. In such a way, none of the institutions of the European Union can exercise direct control over, for instance, national citizenship policies, as in the case of Latvia. Undoubtedly, the examination of statements made by multiple EU officials let us notice that not all the problems connected to the protection of minority rights can be solved just on the political arena of the European Union.

In the beginning of the paper we have presupposed that as European values have been long ago incorporated into the EU legislation and there has been a significant progress in economical and political spheres since the establishment of the

European integration, there should have appeared a spillover to the area of common values. Now we should admit that the presupposition was not clearly proven.

Surely, many EU officials refer to the values in their speeches. Nevertheless, it is not enough to talk of the spillover effect to the area of common values. Analysis of cases conducted by us has clearly shown that as long as there is a significant portion of the sovereign rights in hands of member-states there will often appear divergences in interpretation of the core values, as representatives of national governments sometimes tend to interpret the values for their benefit.

It should be made clear that our research has limited validity. For instance, in the course of the paper it became clear that it is not enough to consider only relations between the Russian minorities and governments of Latvia and Estonia. The role of the relations of the Baltic states and the Russian Federation in the relocation of the Monument for the Liberators of Tallinn as well as in the current situation of the Russian minorities in Latvia should also be taken into account. The further research on the role of the Russian Federation in escalation of conflicts between the Baltic governments and the Russian minorities would clarify many more issues connected to the protection of minority rights in Estonia and Latvia.

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Appendix I

The perspective of EU officials on the role of common European values in the resolution of the conflict that aroused in Estonia due to the relocation of the Monument for the Liberators of Tallinn

Value	Source	Statement
Democracy and the human rights	<p>Written Question by Tatjana Ždanoka (Verts/ALE) to the Commission</p> <p>Written Question by Giulietto Chiesa (PSE) to the Commission</p>	<ul style="list-style-type: none"> • “What is the Commission's view of violation of the principle of democracy, when accepting a decision on the removal, as well as violations of freedom of assembly, prohibition of cruel, inhuman and degrading treatment and of excessive use of force?” • “Was it appropriate to start the excavations and remove the monument despite clearly expressed public protests and dissent by the relatives of the buried persons?” • “Does the Commission agree that, given the ‘existence of a serious and persistent breach by a Member State’ of the principles on which the European Union is founded, the conditions for the application of Article 7 of the Treaties are met?”
Historical heritage	Statement by the President (Estonia). Debate	<ul style="list-style-type: none"> • “We remind ourselves that controversies on matters of history must never be an occasion for violence, and we firmly condemn affray and looting.” • “...while many Russian soldiers came as liberators, they did bring with them a regime under which the same liberators remained as an occupying power and that many peoples... I hope that all citizens on either side of the former border with the Eastern bloc accept that this dual truth was once the case.” Hannes Swoboda, on behalf of the PSE Group • “...it must never be forgotten that it was the Red Army which effectively stopped the mass murder conducted by the Nazis and their local collaborators on Estonian soil until the final day of its occupation by Nazi Germany. Thus the removal of the monument from the centre of Tallinn by the government reflects a regrettable lack of sensitivity to the depth of Nazi

		criminality and is an insult to its victims.” Gabriele Zimmer, on behalf of the GUE/NGL Group
Mutual respect and understanding	<p>Joint Answer given by Mr Frattini on Behalf of the Commission</p> <p>European Parliament Resolution of 24 May 2007 on Estonia</p> <p>Statement by the President (Estonia). Debate</p>	<ul style="list-style-type: none"> “Commission strongly condemns the violent character of those demonstrations that followed in Tallinn and other Estonian cities” “... there is a need to be able to see and understand the tragedies of others, and who furthermore reminded all parties concerned that, for that purpose, the Estonian domestic dialogue must be enhanced so as to bridge existing gaps between the different communities and to create new opportunities to integrate Russian-speaking countrymen in particular.” “What we in Europe need is dialogue and conversation rather than attacks on embassies or demonstrations in front of them, because it is this dialogue itself that is of the essence of Europe.” Hannes Swoboda, on behalf of the PSE Group “Admittedly, given the enormous sacrifices subsequently made by the Russian army, the humiliation felt by the Russian minority and, above all, by the former soldiers, is understandable.” Bruno Gollnisch, on behalf of the ITS Group
Protection of and respect for minorities	Statement by the President (Estonia). Debate	<ul style="list-style-type: none"> “At the same time, though, whatever our solidarity, we have to acknowledge that the Baltic states do have a problem with the rights of the Russian minority. What history teaches us all is that social conflict arises when a minority – and that is what 30% of the population amounts to – wants to belong but feels deprived of their rights.” Daniel Cohn-Bendit, on behalf of the Verts/ALE Group “...we in this House also share in responsibility for this, for having expressed too little opposition to the discrimination against the Russian minority in the Baltic states.” Gabriele Zimmer, on behalf of the GUE/NGL Group

Solidarity	<p>Wednesday in Plenary: EU's Relations with Russia Centre Stage</p> <p>European Parliament Resolution of 24 May 2007 on Estonia</p> <p>Statement by the President (Estonia). Debate</p>	<ul style="list-style-type: none"> • "today, we are all Estonians" Joseph Daul, leader of the EPP-DE • "The European Parliament... Expresses its support for, and solidarity with, the democratically elected Estonian Government in its efforts to ensure order, stability and the rule of law for all residents of Estonia" • "The European Union is founded upon values, the protection of which is our common task. Putting a Member State of the European Union under pressure constitutes a challenge to all of us, and Estonia can count on our solidarity." • "What we expect is a strong EU commitment to unconditional solidarity." Tunne Kelam, on behalf of the PPE-DE Group • "...I would like to join my colleagues in firstly giving our solidarity and support to the Estonian Government and to the Estonian people..." Brian Crowley, on behalf of the UEN Group
Sovereignty	<p>Joint Answer given by Mr Frattini on Behalf of the Commission</p> <p>European Parliament Resolution of 24 May 2007 on Estonia</p> <p>Statement by the President (Estonia). Debate</p>	<ul style="list-style-type: none"> • "The Commission considers the relocation of the Tõnismäe grave marker (Bronze Soldier) and the transfer of the remains of soldiers buried on Tõnismäe to a war cemetery as sovereign decisions of the Estonian Government based on Estonian law" • "Estonia, as an independent Member State of the EU and NATO, has the sovereign right to assess its recent tragic past" • "...the question is not only about solidarity; the key word is the 'sovereignty' of the new Member States of the European family." Tunne Kelam, on behalf of the PPE-DE Group

Appendix II

The perspective of EU officials on the role of common European values in the resolution of the problem around the protection of citizenship and linguistic rights of the Russian minority in Latvia

Value	Source	Statement
Cultural and linguistic diversity	Answer given by Mr Frattini on Behalf of the Commission Declaration and Recommendations. 10th Meeting, 11-12 September 2003 Riga Voting Rights for Non-citizens of Latvia in Local Elections (debate)	<ul style="list-style-type: none"> • “Significant efforts have been undertaken in recent years … in order to … continue to ensure sufficient flexibility in reforming education” • “… the Ministry of Education announced the adoption of a Plan for Support to Minority Schools, in order to facilitate the transition to Latvian as the predominant language of instruction in minority secondary schools as of 1 September 2004.” • “…no citizens of the European Union are prevented from expressing themselves in their mother tongue, in their own language, which should share equal official status with any other language that can be used in that state.” Willy Meyer Pleite • “Firstly, it means the retention of privileged status for people who came to Latvia from Russia, and secondly, it would be the signing of a [death] sentence for the Latvian language and culture since, behind the Russian speakers, there are 140 million more in Russia, with increasing nationalistic ambitions.” Rihards Pīks, on behalf of the PPE-DE Group • “Finally, we joined the European Union not in order to retain the divided society created by the Soviet occupation, but in order to overcome it and to retain our own identity.” Rihards Pīks, on behalf of the PPE-DE Group • “I thought he [Commissioner] might have said that he would do what he could to encourage change in Latvia in the spirit of the European Union’s principle of diversity.” Proinsias De Rossa, on behalf of the PSE Group

Democracy	Voting Rights for Non-citizens of Latvia in Local Elections (debate)	<ul style="list-style-type: none"> • “Democracy cannot flourish without civil society, and there is no civil society without participation. Participation begins at local community level.” Alexandra Dobolyi • “...Latvia’s liberal law has allowed anyone to testify to their loyalty to the Latvian state and Western democratic values.” Girts Valdis Kristovskis, on behalf of the UEN Group • “I am convinced that fundamental values of the EU, such as non-discrimination on the grounds of ethnic origin and participatory democracy, must take precedence over national competences.” Tatjana Ždanoka, on behalf of the Verts/ALE Group
Equality, non-discrimination	<p>Declaration and Recommendations. 10th Meeting, 11-12 September 2003 Riga</p> <p>Recommendation on the Application by the Republic of Latvia to Become a Member of the European Union</p> <p>Voting Rights for Non-citizens of Latvia in Local Elections (debate)</p>	<ul style="list-style-type: none"> • “... the Ministry of Education announced the adoption of a Plan for Support to Minority Schools, in order to facilitate the transition to Latvian as the predominant language of instruction in minority secondary schools as of 1 September 2004... This is ... to promote a harmonic and integrated society...” • “Latvia is making progress towards taking ... developing social inclusion and intensifying the fight against discrimination...” • “Membership in the EU will seal Latvia’s successful political and economic transition. For this and other reasons, it should help to inspire confidence and thereby facilitate harmonious development of inter-ethnic relations.” • “This is an aberration because the European Union is based on the concept of non-discrimination, on the principle of equality, which today is being negated in that country: it is failing to recognise those people’s rights and is subjecting a group to historical discrimination purely on account of its ethnic origin. This is not acceptable.” David Hammerstein • “I am convinced that fundamental values of the EU, such as non-discrimination on the grounds of ethnic origin and participatory democracy, must take precedence over national competences.” Tatjana Ždanoka, on behalf of the Verts/ALE Group

Human rights (right to elect and to be elected)	<p>Question for Question Time to the Commission. Part-session: December 2010. Rule 116. Alexander Mirsky (S&D)</p> <p>Voting Rights for Non-citizens of Latvia in Local Elections (debate)</p>	<ul style="list-style-type: none"> • “At present 335 000 non-citizens in Latvia, making up 15% of the population, the majority of whom were born in Latvia and have lived there all their lives, are deprived of their basic rights: non-citizens of Latvia are not allowed to vote, or to stand as candidates, in local elections.” • “These people are called non-citizens... they are citizens who do not enjoy their legitimate right to be able to vote or be elected...” Willy Meyer Pleite • “Latvia’s citizenship law is one of the most generous in Europe. Any non-citizen can acquire full rights, including the right to vote, by becoming a citizen.” Inese Vaidere (UEN)
Justice and the rule of law	Voting Rights for Non-citizens of Latvia in Local Elections (debate)	<ul style="list-style-type: none"> • “Our aim is to ensure that all inhabitants of Latvia can apply for citizenship and enjoy their rights fully and effectively. Latvia aims to have citizens with full rights, instead of having non-citizens with many rights.” Georgs Andrejevs, on behalf of the ALDE Group • “There was a Palestinian exile who took Latvian citizenship. If he could learn the language, I am sure that those Russian-speaking Latvians can do the same. Of course we are reminded that the great majority have taken citizenship. If you are part of a country, I think you have rights and duties.” Christopher Beazley (PPE-DE) • “I understand all the historical injuries of our Latvian friends, since they were subjected to terrible assimilation during the Stalinist Soviet era. I am well acquainted with the practice, but nothing can justify historical revenge.” Csaba Sándor Tabajdi (PSE)
Participation	Answer given by Mr Frattini on Behalf of the Commission	<ul style="list-style-type: none"> • “Significant efforts have been undertaken in recent years ... in order to promote the naturalisation and integration of such persons” • “The Commission is convinced that all stakeholders, including the minority themselves, have a contribution to make to this complex process.” • “Latvia is making progress towards taking ...

Participation	<p>Declaration and Recommendations. 10th Meeting, 11-12 September 2003 Riga</p> <p>Recommendation on the Application by the Republic of Latvia to Become a Member of the European Union</p> <p>Voting Rights for Non-citizens of Latvia in Local Elections (debate)</p>	<p>developing social inclusion and intensifying the fight against discrimination..."</p> <ul style="list-style-type: none"> • "Increased funding would also permit expansion of Latvian language training and other measures to promote better integration of the ethnic minorities into Latvian society." • "The Commission has repeatedly emphasised that all the parties involved, including the minority themselves, need to contribute to this complex process and to come up with solutions." Jacques Barrot, Vice-President of the Commission • "Democracy cannot flourish without civil society, and there is no civil society without participation. Participation begins at local community level." Alexandra Dobolyi • "The Commission is aware of the specific circumstances in which the Russian-speaking minority in Latvia find themselves. A great deal of effort was made as part of the pre-accession strategy to promote the naturalisation and integration of these people..." Jacques Barrot, Vice-President of the Commission • "The Commission has repeatedly emphasised that all the parties involved, including the minority themselves, need to contribute to this complex process and to come up with solutions." Jacques Barrot, Vice-President of the Commission • "...we have to make people welcome and incorporate them into our political process, not keep them out of it." Proinsias De Rossa, on behalf of the PSE Group • "Latvia needs our support, not our condemnation, in order to be able to encourage its non-citizens to apply for citizenship." Henrik Lax (ALDE) • "Compulsory schooling, as we understand it, helps people to live together in harmony. If you live in a country, it is clear that you must also be able to understand the language of the country. This is the purpose served by a good compulsory schooling system." Paul Rübig (PPE-DE)
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Protection of and respect for minorities	<p>Annex - Questions to the Council. Question No 41 by John Joseph McCartin</p> <p>Voting Rights for Non-citizens of Latvia in Local Elections (debate)</p>	<ul style="list-style-type: none"> • “As the honourable Member is aware, the Copenhagen European Council in June 1993 laid down the political criteria for accession ... that candidate countries must have achieved stability of institutions guaranteeing ... protection of minorities. Against this background, the Council has closely followed the question of national minorities in Latvia.” • “...significant progress has been achieved regarding the treatment of minorities in Latvia...” • “...there is little evidence of Latvia having demonstrated respect for its largest minority...” Alexandra Dobolyi
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