Winter 2-1-2023

Colonial Enclaves in the 21st Century: A Study of Ethnic Russians in Estonia and Afrikaners in South Africa

Emma Jane W. Konkoly
Fordham University

Recommended Citation

Colonial Enclaves in the 21st Century: A Study of Ethnic Russians in Estonia and Afrikaners in South Africa

Emma Jane Konkoly

Fordham University International Studies
Global Track Senior Thesis

Advised by Sarah Lockhart
Instructed by Stephanie Szitanyi

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Abstract

Despite decades of disempowerment, some ethnic enclaves of colonial powers –termed colonial enclaves– remain in the decolonized country they once controlled. In international law or UN resolutions, there currently are no special distinctions between colonial enclaves and other types of ethnic enclaves or non-state actors. This thesis analyzes the social dynamics of ethnic enclaves and the existing laws that govern non-state actors to then investigate two cases of colonial enclaves: ethnic Russians in Estonia and Afrikaners in South Africa. Based on this case study research, it can be concluded that colonial enclaves have unique social and political dynamics that give reason to distinguish them from other non-state actors in international law.

Introduction

In the early 1990s, a major wave of decolonization occurred as the Soviet Union collapsed and apartheid failed, coupled by a new age of independence for Soviet satellite countries and South Africa. This decolonization marked a turning point in international law and international lawmaking bodies established after World War II. In particular, the United Nations' 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples reached a major success in "bringing colonialism in all its forms and manifestations to a speedy and unconditional end, and in this context, declared, inter alia, that all people had the right to self-determination."[1] However, populations of once-oppressive colonial rulers remained despite the decolonization of their "host country." Despite decades of disempowerment, some ethnic enclaves of former colonial powers – termed colonial enclaves[2] – remain intact in the 21st century.

This thesis aims to determine whether colonial enclaves should be distinguished from indigenous, nomadic, and immigrant enclaves in international law. Pulling from the details of two major cases of colonial enclaves: ethnic Russians in Estonia and Afrikaners in South Africa, colonial enclaves will be reviewed through historical, cultural, ethnic/racial, and economic lenses to understand their structure and role in their "host country."[3] The dubious ethics and social dynamics that surround colonial enclaves make it difficult to comfortably apply international law that traditionally protects ethnic enclaves (e.g. self-determination and autonomy).

The term "ethnic enclave" is not explicitly defined in international law, as it is a sociological term that denotes "an area where a particular ethnic group numerically dominates, and has spawned corresponding religious, cultural, and linguistic services and institutions."[4] However, international law recognizes states and "entities legally approximate to states."[5] The latter term is vague and therefore leaves room for case-by-case discretion: "individuals are in certain contexts regarded as legal persons, yet it is obvious that they cannot make treaties, nor (if only because of lack of any available fora) can they be subjected to international claims—outside the limited field of international criminal law applicable in international tribunals. The *context* remains paramount."[6] Non-state actors, ethnic enclaves included, thus have very limited applicability in international law. Because of the minimal international law that explicitly applies to non-state actors, this thesis will focus on the right to self-determination, an international legal tool historically used by non-governmental players during the decolonization process when international borders may be redrawn and new national identities may be formed.

Cases of large colonial enclaves are not very common because of gradual ethnic integration as time passes and ethnicities merge. For the purpose of illustrating modern colonial

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[1] "About | The United Nations and Decolonization." n.d. the United Nations. https://www.un.org/dppa/decolonization/en/about.
[2] See pages 11 and 12 for the theory section.
[3] In this thesis, the term "host country" denotes the post-colonial country in which the colonial enclave resides.
[4] Qadeer, Mohammad, and Sandeep Kumar. "Ethnic Enclaves and Social Cohesion." *Canadian Journal of Urban Research* 15, no. 2 (2006): 2.
[5] Brownlie's Principles of Public International Law, 9th Edition by *Crawford, James* (9th July 2019), Main Text, Part II Personality and recognition.
[6] Ibid, Part II Personality and recognition.

enclaves that are still ethnically separate from their host country, the two cases of colonial enclaves that will be discussed in this thesis are ethnic Russians in Estonia and Afrikaners in South Africa. Both groups gained political power in their host countries in the mid-20th century and lost political power in the early 1990s. Enclaves of the former colonial powers still remain in each country today. Despite the similar timelines in their rise and fall of power, these colonial enclaves each have different histories within the host country, different relationships with the country of ethnic origin,[7] and different relationships with the ethnic majority in the host country. In these cases, the striking differences in the degree of linguistic, economic, and political separation from the ethnic majority in their host country reveal that the complex social dynamics of colonial enclaves cannot be encompassed by the current and limited international law that applies to all non-state actors.

Ethnic Russians in Estonia are geographically concentrated in the northeast region of the country, close to the border with Russia. These enclaves dominate several Estonian cities, with Narva being one of the most well-known and studied.[8] The research presented in this thesis will center around data collected on Narva. Narva is located in the region labeled "East Estonia" in Figure 1.
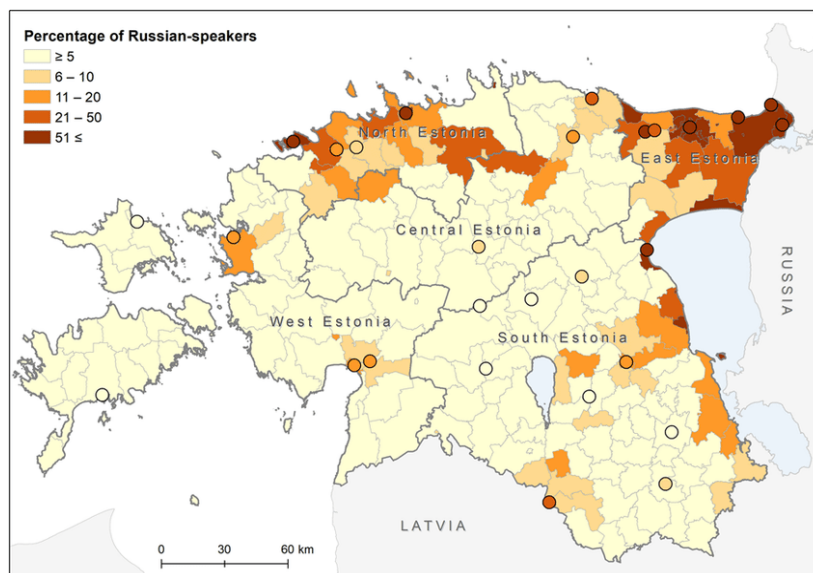

Figure 1 - Percentage of Russian-speakers in Estonia by region [9]

Afrikaners, the ethnically Dutch group in South Africa responsible for apartheid, also have a geographic concentration in the post-apartheid, democratic country. Afrikaans-speaking South Africans now predominantly inhabit the western half of the country, which is less densely populated than the eastern half.[10] The ethnic separation manifests physically in South African

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[7] In this thesis, the term "country of ethnic origin" characterizes the former colonial power to which a colonial enclave traces their origin.

[8] Upadhyay, Archana. "Borderland Geopolitics In Estonia: The Case of 'Narva' – The Russian Majority Enclave" *World Affairs: The Journal of International Issues* 21, no. 3 (2017): 161.

[9] Mooses, Veronika, Siiri Silm, Tiit Tammaru, and Erki Saluveer. 2020."An ethno-linguistic dimension in transnational activity space measured with mobile phone data." *Springer Humanities and Social Sciences Communication* 7, no. 1 (November): 4. https://creativecommons.org/licenses/by/4.0/

[10] "Statistics South Africa." 2022. https://www.statssa.gov.za/.

cities where Afrikaners make up the majority of the population, such as Durbanville[11] and Bloemfontein.[12]
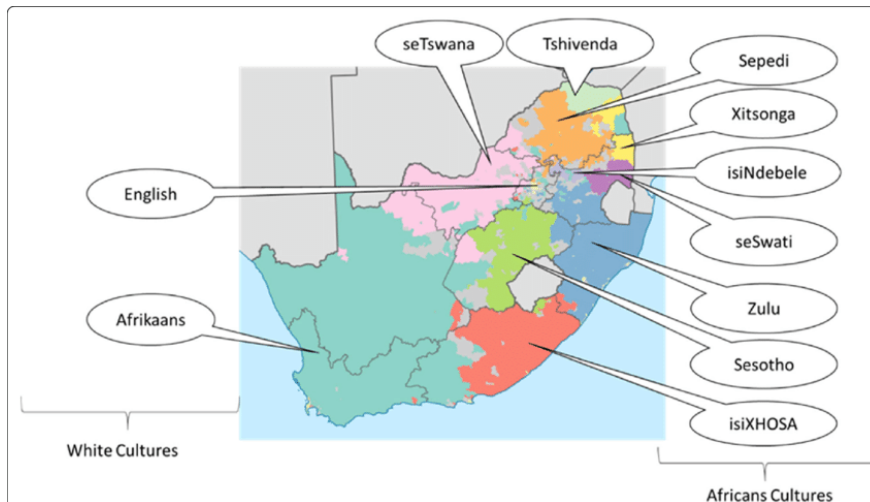

Figure 2 - Linguistic majority by region in South Africa [13]

This thesis will begin with a literature review of qualitative research that defines ethnic enclaves, their sociology, and their status according to international law. Then, a theory section will define a typology of colonial enclaves, including what factors determine their nature and how they might be addressed by policy. Next, a methodology section will detail the approach taken in the research, which will be followed by a qualitative review of each colonial enclave case. Finally, the cases will be analyzed and a conclusion will be drawn about whether colonial enclaves should be categorized as separate from other types of non-state actors in international law.

Literature Review

Existing qualitative literature on colonial enclaves and the laws that surround them is sparse if not nonexistent; there is no official typology that defines them. Colonial enclaves are more of the exception than the norm in ethnic enclaves because they are outnumbered by indigenous, nomadic, and immigrant enclaves. Nonetheless, researching pre-existing literature about these other types ethnic enclaves, the sociological theories of social capital and social networks, and enclave international rights is productive towards establishing a methodological framework for specifically addressing colonial enclaves in international law.

Defining Ethnic Enclaves

Mohammad Qadeer and Sandeep Kumar define an ethnic enclave as "an area where a particular ethnic group numerically dominates, and has spawned corresponding religious,

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[11] Van der Westhuizen, Christi. "Afrikaners in post-apartheid South Africa: Inward migration and enclave nationalism." *HTS Theological Studies* 72, no. 4 (2016): 4.

[12] Verwey, Cornel, and Michael Quayle. "Whiteness, Racism, and Afrikaner Identity in Post-Apartheid South Africa." *African Affairs* 111, no. 445 (2012.): 557.

[13] Phasha, Lethabo. 2020. "Influence of cultural practices on food waste in South Africa-a review." *Journal of Ethnic Foods* 7, no. 37 (October): 7. https://creativecommons.org/licenses/by/4.0/

cultural, and linguistic services and institutions."[14] Particularly in cities, there are "spatial and functional differentiations by class, income, ethnicity, lifestyle or family type and activities."[15] Ethnic enclaves therefore tend to separate themselves from the ethnic majority both culturally but also geographically (at least by neighborhood in cities). Qadeer and Kumar importantly note that enclaves struggle with social cohesion, which is "an attribute of the quality of social bonds and institutions in a society or community. It is the basis of social order and nationhood. It is essentially a societal process and individuals or groups contribute to it but are not its primary agents."[16] From this struggle for social cohesion comes the dilemma that ethnic enclaves might not benefit from the same social and political advantages that ethnic majorities experience. A second layer of the concern is that state social and political advantages are available to varying ethnic identities, as the process of social cohesion "is not meant to counter diversity and homogenize identities but to build institutions that create a common ground of civil, economic, and political rights enabling individuals and [ethnic] communities to fulfill their full potential."[17] It can then be concluded that for ethnic enclaves to exist and thrive, they need social systems that do not require them to conform to a different identity.

Ethnic enclaves may, however, be able to thrive without policy-backed social cohesion. The sociological tools associated with social capital and social networks are non-governmental agents that may influence policy and increase social cohesion. Social capital in the form of networks, norms, and trust may "facilitate coordination and cooperation for mutual benefit. Social capital enhances the benefits of investment in physical and human capital."[18] Therefore, when communities have this capital, they are more likely to work together through civic engagement. Without accessible capital, there is an "absence of coordination and credible mutual commitment… [so] everyone defects, ruefully but rationally, confirming one another's melancholy expectations."[19] Ethnic enclaves use their own social capital and networks to preserve their identity, but this may eventually put them at risk of segregating themselves from the community. Strong ethnic social networks may create ethnic boundaries, which are "patterns of social interaction that give rise to, and subsequently reinforce, in-group members' self-identification and outsiders' confirmation group distinctions."[20] Social capital, therefore, is essential for the preservation of identity in ethnic enclaves but may inhibit social integration with the ethnic majority if enclaves are not part of social networks beyond their community.

Ethnic segregation is often a consequence of coexistence, but separation along ethnic lines is not entirely intentional. Qadeer and Kumar argue that ethnic segregation occurs from a combination of social factors: "People settle where they can afford to live and where services they want are convenient and accessible; their choice is not determined by a pull or push towards

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[14] Qadeer, Mohammad, and Sandeep Kumar. "Ethnic Enclaves and Social Cohesion." *Canadian Journal of Urban Research* 15, no. 2 (2006): 2.
[15] Ibid, 2.
[16] Ibid, 4.
[17] Ibid, 5.
[18] Putnam, Robert D. "Social Capital and Public Affairs." *Bulletin of the American Academy of Arts and Sciences* 47, no. 8 (1994): 7.
[19] Ibid, 7.
[20] Sanders, Jimy M. "Ethnic Boundaries and Identity in Plural Societies." *Annual Review of Sociology* 28 (2002): 327.

their ethnic group only."[21] The social opportunities present in different neighborhoods and regions give people the choice to prioritize certain desires or aspirations that serve groups differently. This logic of thinking parallels the term *ethnic constructivism*, which argues that "individuals choose identities in the marketplace, 'constructing' one from those available in society."[22] The degree to which people can make a flexible choice about their ethnic identity "is a function of both socio-economic status (which is neither independent from, nor strictly determined by, the identity of one's parents) and the freedom of the society in which the individual lives."[23]

Viewing ethnic enclaves through the lens of constructivism helps to understand the significance of social networks while also emphasizing the agency that individuals have within their networks. According to David Carment and Patrick James, constructivism also helps explain the sources of tension in ethnic strife: "Loyalties will be divided when a state has underdeveloped system maintenance functions, weak institutions, and political parties based on ethnic groups."[24] Ethnic enclaves—which are made up of individuals actively choosing to participate in their networks—are thus likely to be peaceful if their access to government and public services provides social capital that is equal to the ethnic majority.

Enclaves and International Policy

As described above, the term "colonial enclaves" is rarely found in dialogue on enclaves and international law because they compose a small minority of ethnic enclaves around the world. Arguably, the behavior or actions of minority ethnic groups is typically not prioritized in states' domestic or international agenda. As a result, the United Nations specifically has little legal framework for addressing enclave rights. As Carment and James distinguish, "The United Nations is an organization of states, not ethnic groups, and therefore has difficulty in relating to sub-state actors."[25] Moore points out that "ethnic ties impact foreign policy and international politics in certain ways, but there is little evidence that minorities are specifically to blame."[26] Because ethnic enclaves do not have the same degree of influence as state actors in the world, there is little international legislation that pertains to them.

Ethnic enclaves do however receive international attention when they begin to politically or militarily mobilize against their host country and when there are ethnic affinities[27] or ethnic ties[28] with bordering nations. Ethnic affinities "increase conflict in diplomatic interactions; they influence the extent to which a country will support insurgent groups; and they exacerbate international crises."[29] Though enclaves themselves are rarely the reason state actors enter

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[21] Qadeer and Kumar, "Ethnic Enclaves and Social Cohesion," 10.

[22] Moore, Will H. "Ethnic Minorities and Foreign Policy." *SAIS Review (1989-2003)* 22, no. 2 (2002): 78.

[23] Ibid, 78.

[24] Carment, David, and Patrick James. "The United Nations at 50: Managing Ethnic Crises. Past and Present." *Journal of Peace Research* 35, no. 1 (1998): 66.

[25] Ibid, 63.

[26] Moore, 85.

[27] Term as used by Carment and James that denotes a parallel in ethnic identities across adjacent borders.

[28] Term as used by Moore that denotes the same definition as Carment and James' "ethnic affinities."

[29] Moore, 82.

conflict, they might be used as a bargaining tool or persuasive point from which one state justifies intervention in another state. Because enclaves "have neither diplomats nor armies and therefore may have to escalate their demands through violence,"[30] they are less predictable and more difficult to negotiate with than state actors. When an ethnic enclave has an ethnic tie that is a national actor, they become more militarily powerful, but also acquire new diplomatic capacities.

While the status quo for ethnic enclaves has historically been a state of peace, the media often presents ethnic groups as being in conflict with their host countries.[31] While these ethnic conflicts are horrific, "countries appear to be unwilling to invoke punitive measures in support of victimized groups, even in the presence of an ethnic tie."[32] Ethnic violence normally evokes action from the United Nations, which is internationally responsible for enforcing humanitarian laws that often protect ethnic minorities from threats such as genocide. Carment and James argue that UN intervention[33] in ethnic conflict is not always successful, as "collective efforts to manage ethnic conflict tended to thrive only when disputes were scattered and relatively unconnected to global concerns."[34] Ethnic intervention either manifests in indirect involvement through UN General Assembly resolutions or direct involvement through peacekeeping and mediation techniques.[35] Neither of these techniques are used to alleviate inter-ethnic tensions in a country until violence ensues.

The Self-Determination and Autonomy Discussion

The most prominent international legislation that pertains to the protection and rights of ethnic enclaves is the right to self-determination. Self-determination emerged in the 20th century as a tool for decolonizing the world after World War II.[36] Undoubtedly, the international legal system must however confront the fact that the dynamics of global politics are in a continuous state of change. Self-determination, once mobilized to protect ethnic groups from colonizers, now must serve colonial enclaves that remain in post-colonial countries. Carment and James also argue that self-determination is no longer effective because there is a paradox that underscores an issue with self-determination: "How does [the United Nations] maintain the integrity of the state system from which its political existence is derived and also promote and protect the interests of minorities for whom it was created?"[37]

This tension between maintaining a state system while protecting the rights of ethnic groups is palpable in the self-determination clauses from UN Resolution 1514, which states that:

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[30] Carment and James, "The United Nations at 50," 79.
[31] Moore, "Ethnic Minorities and Foreign Policy," 88.
[32] Ibid, 82.
[33] According to Carmet and James, UN intervention in ethnic conflict includes "good offices, mediation, peacemaking, peacekeeping, protection of human rights, humanitarian assistance, and stigmatization of rogue governments" (64).
[34] Carment and James, 64.
[35] Ibid, 64.
[36] Hilpold, Peter. "Self-Determination and Autonomy: Between Secession and Internal Self-Determination." *International Journal on Minority and Group Rights* 24, no. 3 (2017): 302.
[37] Carment and James, 63.

> All peoples have the right to self-determination; All armed action or repressive measure of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and fully their right to complete independence; Any attempt at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the United Nations.[38]

Though ethnic groups have the right to self-determination, they may not "attempt at the partial or total disruption of the national unity and territorial integrity of a country." This language is commonly viewed as contradictory and convoluted.[39] External self-determination is therefore highly difficult to legally execute. According to Hipold, there is also "a series of pre-conditions and caveats that have to be respected"[40]: groups must consider who is eligible to vote, how the costs and benefits of separation would affect regional peace, and the possibility of human rights abuses that could result from self-determination (e.g. ethnic cleansing). In the context of external self-determination, these "pre-conditions and caveats" add another legally complex and daunting layer to the already confusing UN Resolution 1514.

Alternatively, Hipold suggests that ethnic enclaves may opt for internal self-determination. Internal self-determination is understood as "the systemic involvement of all groups in the national democratic process, thereby allowing for the preservation of their cultural identity and their development on an equal footing with the majority population."[41] To achieve internal self-determination, the ethnic majority is required to systematically involve the minority in social, political, and economic opportunities. With "consociational democracy" as the end goal, states may "introduce preference rules for minorities, so-called 'positive measures' '(positive discrimination')."[42] Consociational democracy occurs when a central government makes "deliberate efforts to counteract the immobilizing and unstabilizing effects of cultural fragmentation."[43] Like internal self-determination, consociational democracy allows ethnic minorities to participate in centralized state activities without compromising their own identity. However, there is a great deal of inter-ethnic cooperation that is required for consociational democracy; because the internal right to self-determination (with consociational democracy as the aim) requires action (positive discrimination) from the ethnic majority, it is unlikely to occur if inter-ethnic relations are tense.

Hilpold's second suggestion is autonomy, which is the action of "conceding to a minority the right to deliberate about issues that are of immediate relevance for the conservation of their identity is tantamount to to creating a framework system guaranteeing the systematic participation of these groups in pivotal societal decision processes."[44] Autonomy gives the ethnic minority more agency than internal self-determination would and "the territory acquires the role of a constitutive element of the whole protective mechanism without putting into question the basic sovereign rights of the territorial state."[45] Nonetheless, there are no guidelines in

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[38] General Assembly Resolution 1514 Declaration on the Granting of Independence to Colonial Countries and People (14 December 1960).
[39] As alluded to by Carment, James, and Hilpold.
[40] Hilpold, "Self-Determination and Autonomy," 308-09.
[41] Ibid, 327.
[42] Ibid, 327.
[43] Lijphart, Arend. "Consociational Democracy." *World Politics* 21, no. 2 (1969): 212.
[44] Hipold, 328.
[45] Ibid, 329.

international or humanitarian law that clearly cut out a precedent or an ideal for ethnic enclaves to follow. The highly unrepresented status of non-state actors in international law leaves few options for the realization of legally separating colonial enclaves from their host country.

As Carment, James, and Hipold reveal, the United Nations in particular has inadequate policy that addresses ethnic enclaves. However, because ethnic enclaves are not state actors, it is difficult to expect international lawmaking bodies to account for them. This research will delve into the social and legal implications of ethnic enclaves, distinguishing colonial enclaves as particularly complex cases. The conclusion of this thesis will synthesize the sociological and legal components of colonial enclaves, along with considerations of typology of ethnic enclaves versus the typology of colonial enclaves.

Theory: A Typology of Colonial Enclaves

In order to evaluate the efficacy of current enclave policies as potentially applicable to colonial enclaves, it is necessary to build a typological framework that defines colonial enclaves. A typology of colonial enclaves highlights unique traits that distinguish them from other types of ethnic enclaves, which may inform the gaps in international law about ethnic enclaves. It is also necessary to distinguish colonial enclaves from exclaves, which are "part[s] of the territory of one country entirely surrounded by the territory of another country."[46] Colonial enclaves reside in the territory of their (ethnically different) host country, not their country of ethnic origin, and are unique in the way that they are partly kept intact by social dynamics alongside territorial rights.

As mentioned earlier, self-determination emerged as a tool for decolonization after World War II to enable enclaves to democratically organize themselves.[47] This tool is effective for maintaining the rights of ethnic groups around the world in cases of indigenous, nomadic, and immigrant enclaves because it empowers these ethnic minorities to mobilize against potentially oppressive state ethnic-majority governments. Thus, there is a pronounced relationship between the goals of self-determination with the goals of decolonization and reinforcement of democracy. How, then, should international law on self-determination apply to enclaves of colonizers leftover in independent and democratic countries?

Unlike indigenous, nomadic, and immigrant enclaves, colonial enclaves may encounter a sense of shame tied to the colonial past in their host country and an ethnic affinity to a major (formerly colonial) world power. Nonetheless, all colonial enclaves grapple with the reshuffling of social capital during the democratization of their host country, which leads to their disempowerment. This three-part definition of colonial enclaves provides a starting point for determining the efficacy of current policy that pertains to them.

The level of shame, proximity to the country of ethnic origin,[48] and the degree of social reshuffling that colonial enclaves experience varies by case. Other factors such as language and race play into the integration of colonial enclaves in their host countries. Because of the high potential for variation among colonial enclaves and the social dynamics that keep them intact, it

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[46] Robinson, G.W.S. "Exclaves." *Annals of the Association of American Geographers* 49, no. 3 (1959): 283.
[47] See pages 9 and 10.
[48] The geographic proximity but also the political/cultural relationship to the country of ethnic origin.

is difficult to imagine a law or set of laws that could effectively apply to all of them. Nonetheless, the aim of creating a policy that pertains to the rights of colonial enclaves would be to reduce ethnic tensions that might prohibit one group from participating in political and economic opportunities within the host country. Though unlikely, withstanding inter-ethnic tensions between colonial enclaves and their host countries also could escalate to violence, even involving outside-of-state actors such as the colonial enclave's ethnic affinity. Suggestions for the formation of policy surrounding colonial enclaves are drawn in the conclusion of this thesis.[49]

Methodology

Even though every type of ethnic enclave falls under international law that pertains to non-state actors, the social implications of colonial enclaves make their cases very different from other ethnic enclaves or non-state actors. It is therefore necessary to understand the social dynamics that occur in these enclaves in order to apply the law to them and understand how the law helps or harms these dynamics. As suggested by the literature review above, social networks, social capital, and ethnic constructivism are useful frameworks for analyzing how social dynamics keep colonial ethnic enclaves intact after the disintegration of the colonial empires that facilitated the origin and growth of the enclaves.

This theoretical framework is essential to understanding the ramifications—socially and legally—of what it means to be a colonial enclave in the 21st century. Through a synthesis of sociological terms from existing qualitative literature about ethnic enclaves and international legal document analysis (i.e., UN resolutions), the aforementioned ramifications will be addressed more holistically than much of existing literature. It is rare to find academic writing in the existing literature that combines social science with law on the intersections of ethnic enclaves and international law. In "The United Nations at 50: Managing Ethnic Crises. Past and Present," Carment and James begin to accomplish this synthesis through their characterization of ethnic strife and how it influences the effect of international law on ethnic enclaves.[50] However, my research aims to study colonial enclaves that are "peaceful" in that they are currently non-violent and thus not in ethnic strife. Emanating the structure of Carment and James' UN resolutions - particularly those that discuss the right to self-determination - will be used to complement the sociological analysis of the two cases of ethnic enclaves leftover from colonialism: Afrikaners in South Africa and Russians in Estonia.

The cases were chosen because they contrast but also inform each other. Afrikaners in South Africa are arguably the most well-known ethnic enclave leftover from colonialism because of their connection with apartheid. As such, there is a robust body of research on the history of Afrikaners and their presence in South Africa after the nation's transition to democracy in 1994. It is worth noting, however, that the bulk of this research was done in the 1990s when the post-apartheid social status of Afrikaners was still changing. Now, Afrikaners are seen in media not only because of their relationship to apartheid, but because of a rising Afrikaner nationalist movement.[51] In contrast, Russian enclaves in Estonia are less discussed and researched in terms of their legal status. Nonetheless, the Russian enclave case is highly relevant for modern

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[49] See page 27.
[50] Carment and James, "The United Nations at 50," 64.
[51] See here for an example: White Nationalism Moves Into South African Mainstream Politics (voanews.com)

international politics given Putin's 2022 invasion and ongoing war with Ukraine. Other former Soviet satellites have become concerned that any ethnic ties to Russia could result in an invasion justified by parallel reasoning for the 2014 invasion of Crimea and current war in Ukraine. Estonia was the first European country to block Russian tourism visas in August 2022, a political decision that also reflects the Estonian government's attitude towards ethnically Russian inhabitants who are not officially Estonian citizens.[52]

Both cases explore enclaves that emerged during the early 1990s during periods of decolonization in their host countries. Since then, the colonial enclaves have encountered challenges that influence their relationship with the ethnic majority of their countries. The nuances between the two cases shed light on the fact that despite similar circumstances, no two cases of a phenomenon will be exactly the same. Factors such as history, ethnography, culture economics, and laws vary the status of each case. Through an analysis of both cases pulling from existing qualitative literature about the specific characteristics of each enclave, this research aims to reveal that despite the nuances between cases, colonial enclaves possess unique characteristics that differ from other ethnic enclaves in international law. A third, non-colonial, enclave case was not chosen to contrast the two colonial enclave cases because the theoretical literature about ethnic enclaves already only draws examples from indigenous or immigrant enclaves. However, a comparative analysis of a colonial and a non-colonial enclave may prove fruitful for future research, as it may provide valuable insight on how international law may or may not be effectively applied to ethnic enclaves as a whole.

To create a comprehensive image of each of the two case studies, the history, ethnography, culture, economics, and laws that construct the physical and social spaces of colonial enclaves will be explored. This research will come from a collection of qualitative literature, some of which pull from interviews of enclave habitants. These interviews will parallel my emphasis on understanding the social dynamics of colonial enclaves. Like much of law, international legal texts about ethnic enclaves tend to be all-encompassing, which means that nuances about certain social groups can get overlooked.

This research on the legal nature of colonial enclaves will be supplemented by already-published interviews of colonial enclave or host country residents in Estonia and South Africa. In 2009, scholar Külliki Korts published data from a qualitative study she conducted in Estonia. Korts gave the essay prompt "My good and bad experiences with Russians/Estonians" to ethnic Estonian and ethnic Russian 11th graders aged 16-17. Kids at this age had only experienced Estonia post-Soviet Union and experienced a daily environment at school that was more ethnically segregated than the adult work environments because of linguistic differences[53] between schools in Estonia.[54] The information sourced from other qualitative literature about the Narva enclave will be supplemented with quotes from students' essays to convey the real-world implications of the discussion about the case. Similarly, in 2012, Cornel Verwey and Michael Quayle surveyed middle-class white Afrikaners who were living and working in Bloemfontein

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[52] See here for a reference article: Estonian minister defends visa ban against Russian tourists (yahoo.com)
[53] At the time of the published research, many schools in Estonia conducted lessons either entirely in Estonian or entirely in Russian; now the Estonian government is working to legally require all school settings to use Estonian.
[54] Korts, Külliki. "Inter-ethnic Attitudes and Contacts Between Ethnic Groups in Estonia." *Journal of Baltic Studies* 40, no. 1 (2009): 124.

(surveys were completed in participants' homes) mostly around the age of 28-32, meaning that they had experienced the shift in Afrikaner identity during and after apartheid. The interviewees were asked three questions: "'How would you define an Afrikaner?' 'How would you define an African?' And 'What do you make of the fact that 'Afrikaner' is the Afrikaans word for 'African'?'"[55] Like Korts' interviews, these interviews of Afrikaners shed light on the day-to-day inter-ethnic relationships and tensions that colonial enclaves face in their host countries.

The research that pertains specifically to the cases will not draw from quantitative data gathered from surveys other than national censuses, with the aim of focusing on the social implications of colonial enclaves through an understanding of individual experiences. Pulling from quantitative data may lead to a generalization about an enclave experience, which will be avoided. An exception will be made for demographic data pulled from national censuses because that information is vital to encapsulate the population size, racial/ethnic divide, language preference, and religious preferences among the colonial enclaves. This information is also useful to contrast the census data of the ethnic minority (the colonial enclave) with the ethnic majority (the country they still inhabit although they are ethnically the same). The combination of quantitative demographic data with qualitative information from historical analyses, political discourse, and existing interviews will create an image of each enclave that can be viewed from both a distance and up close to be understood and then analyzed.

Case Studies

Ethnic Russians in Estonia

Along with Latvia and Lithuania, Estonia was occupied in 1940 by the Soviet Union. Tsarist Russia ruled Estonia for centuries before; modern Estonia only had one brief moment of independence from Russia from 1917-1940.[56] In this period of independence, a distinct and strong Estonian national identity was formed, characterized by nationalized song and dance.[57] Before the Soviet occupation, ethnic Estonians made up 88 % of the population of the country, ethnic Russians 8%, and other nationalities 4%.[58] However, the Soviet Union's political agenda led to an ethnic shift in Estonia starting with data from 1945, as it attempted to make Estonia an integral part of the Soviet Union. Russian speakers in Estonia grew to 602,000 from the previous 26,000 due to a migrant worker initiative that brought ethnic Russians into Soviet Estonia.[59] Ethnic Russians in Estonia - once 8% of the country's population - then comprised 39% in 1945.[60]

This new group of ethnically Russian migrant workers contributed to an ethnic and socioeconomic divide between ethnic Russians and ethnic Estonians that traces back to wounds from Russian rule over Estonia throughout modern history. The Soviet system of migrant workers devoted special privileges to the ethnically Russian workers in Estonia, from prioritizing

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[55] Verwey and Quayle, "Whiteness, Racism, and Afrikaner Identity," 558.
[56] Upadhyay, "Borderland Geopolitics In Estonia," 161.
[57] Waren, Warren. "Theories of the Singing Revolution: An Historical Analysis of the Role of Music in the Estonian Independence Movement." *International Review of the Aesthetics and Sociology of Music* 43, no. 2 (2012): 439.
[58] Upadhyay, 163.
[59] Ibid, 163.
[60] Ibid, 163.

their housing preferences over Estonians and cultivating a personalized Russian-speaking education system in Estonia ensuring migrants would not have to learn a new language. According to Upadhyay (2017), "Such policies resulted in a high degree of segregation between the migrant Russian and local Estonian communities," especially because the lack of language integration facilitated very isolated ethnic Russian communities that never had to interact with Estonian-speaking communities.[61] Russian migrants were coined the "Soviet people" by Estonians, implying that ethnic Estonians did not culturally or socially conform to the Soviet identity.[62] Nonetheless, Narva's inhabitants do not like being identified as "migrants"[63] because they view their city as a "paradise"[64] because it is the only place where they truly belong. When these ethnic Russians moved to Narva, the city was undeveloped; the Russian industrial workers sent from the Soviet Union essentially rebuilt the city that became an economic hub.[65] This "rebuilding" of the city brought pride to its inhabitants— "Russian-speaking Narvans have invested a lot of time, work and energy in making Narva a familiar and comfortable place to live… home becomes saturated with emotions, memories, and symbols of many kinds."[66] Narva arguably has its own subculture that makes it an enclave, but also a home to its inhabitants. However, from the ethnic Estonian perspective, this subculture is a product and reminder of the traumas of Soviet domination of Estonia.

Culturally, Estonia's national identity is more similar to northern than eastern Europe, which exacerbated ethnic tensions during the Soviet rule. The Estonian language traces back to Finno-Ugric, which sounds more similar to Finnish; Estonian is not derived from the same Indo-European as Russian.[67] In Narva, even the architecture stands out from the rest of Estonia, as the city was completely destroyed during World War II and was rebuilt as a "model Soviet city for new Soviet migrant workers."[68] Therefore, like language, the architecture of Narva illustrates a very tangible divide between traditional Estonian customs and the wave of Soviet Russian customs that pervaded Narva's culture. Now, Narva has a population of about 64,000; 90% of which are Russian Speakers.[69]

Despite this majority, the national Estonian government swiftly de-Sovietized the entire country, including Narva, after the disintegration of the Soviet Union. Jaanika Kinguments, a scholar who grew up visiting her Estonian grandparents every summer, observed that:

> The Soviet street names were replaced by Estonian ones and street signs appeared in Estonia with the Russian printed below in smaller letters; checkpoints were erected along the banks of the Narva River, as the river became the international border with Russia… the atmosphere between native Estonians and Russian-speakers was become hostile in the whole of Estonia.[70]

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[61] Upadhyay, "Borderland Geopolitics in Estonia," 163-164.
[62] Ibid, 163.
[63] Kingumets, "From Paradise to the Town of no Hope : Home-making among the Soviet-era Russian-speakers in Narva, Estonia." *Suomen Antropologi* 46, no. 2 (2022): 86.
[64] Ibid, 88.
[65] Ibid, 86.
[66] Ibid, 87.
[67] Upadhyay, 160.
[68] Ibid, 166.
[69] Ibid,166.
[70] Kingumets, 85.

Narva was an economic hub during the Soviet Union and since the disintegration, has experienced a general decline in its economy. It was even known as the "industrial and natural resource heartland of Estonia,"[71] with major oil shale deposits, electricity plants, and chemical factories. Now the city faces higher rates of unemployment, crime, drug abuse, and HIV/AIDS.[72] However, Narva is isolated through both cultural and legal mechanisms in Estonia, making solutions to these problems difficult. The city's isolation poses another great risk: "Minority issues, if left unaddressed could have destabilizing consequences resulting from the radicalization of an otherwise politically passive minority population."[73] Connecting ethnic Russians to the ethnic majority, therefore, may be thought of as a preemptive peacemaking measure.

These physical and economic changes in Narva reflect the change in attitude of native Estonians towards the Russian-speaking minority from tolerant to hostile. Likewise, one third of native Estonian students from Korts' qualitative analysis about the inter-ethnic attitudes in Estonia expressed "overtly negative attitudes" towards ethnic Russians in Estonia.[74] Students with this attitude had less direct contact with ethnic Russians and thus based their opinions on experiences that were mostly negative, occurring mostly in shops, on public transport, or with gangs of aggressive Russian youngsters, all situations that involve language barriers.[75] One male student from Tallinn expressed that "[he] consider[s] it strange, if [ethnic Russians who refuse to learn the Estonian anthem] don't like it here, why don't they go to their wonderful Russians in Russia, but they are here and only complain when they are treated wrongly…"[76]

While negative opinions of ethnic Russians are quite common, one third of native Estonian students were ambivalent and another third were open to and positive about interactions with ethnic Russians in Estonia.[77] These students tended to have friends or peers from sports and extracurricular activities who belonged to the other ethnic group, using phrases such as "I don't see a difference in socializing with people, whether Russian or not"[78] and "You cannot categorize people as if Estonians are friendly and Russians arrogant… Every nation is made up of all kinds of people."[79] Ethnic Estonian attitudes therefore vary strongly depending on the type and frequency of contact with ethnic Russians. Comments that speak positively of ethnic Russians (especially younger generations who are not directly connected to the Soviet Union) tend to view them as "humans" instead of "Russians"[80] which allows ethnic Russians in Estonia to shed the negative connotation associated with their ethnic identity and participate in the activities of the majority culture.

In addition to the cultural and ethnic isolation of Narva from the rest of Estonia, a series of post-Soviet domestic laws has reinforced Estonia's anti-Russia attitude. These Estonian

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[71] Upadhyay, "Borderland Geopolitics in Estonia," 161.
[72] Ibid, 161.
[73] Ibid, 168.
[74] Korts, "Inter-ethnic Attitudes," 129.
[75] Ibid, 129.
[76] Ibid, 130.
[77] Ibid, 129.
[78] Ibid, 129.
[79] Ibid, 129.
[80] Ibid, 129.

domestic laws are influenced by the fear of annexation of Estonian territory. As Upadhyay notes, "The memory of the occupation and subsequent Soviet rule continues to shape the security discourse in the Baltic region and is clearly the single most important factor in determining political, economic, and military agendas [in Estonia]."[81] For one, the Language Law of 1989 declared Estonian as an official State language (while still a Soviet Satellite) and in 1995 (after the fall of the Soviet Union), Estonian became the only official language, officially eliminating Russian.[82] This language divide has further segregated school systems between ethnically Estonian and ethnically Russian children. The Language Law is frowned upon by Estonian Russians, who view it as a tool for marginalization.[83] From Korts' research data, she concluded that "a lack of knowledge of the Estonian language is regarded as arrogance or disrespect for the Estonian state or hindering the communication between the two nationalities."[84] Not knowing the Estonian language was a recurring concern because ethnic Estonians viewed it as disrespectful to the country. Participants stated, "If I see in shops or bus Russians who don't know a word of Estonian, I am a bit sad,"[85] and, "I have friends who have told that at their school Russians refused to learn the Estonian anthem, reasoning that 'why do we need the anthem of the morons.'"[86]

Perhaps even more notably than the Language Law, in 1992 the Estonian Parliament re-adopted a Citizenship Law that existed at the height of Estonian nationalism in 1938. The law defined Estonian citizens as residents (and their descendants) who lived in Estonia on June 16, 1940, very shortly before Soviet Occupation. As a result, almost 500,000 Russian-speaking people who had remained in Estonia after Soviet disintegration were declared "aliens" and were thus disallowed from voting in the first parliamentary election of independent Estonia in 1992.[87] Non-citizens cannot vote in national elections, run for public office, or form political parties. Despite the lack of rights for non-citizens, mostly Russian-speakers, the majority of ethnic Russian students from Korts' research expressed positive feelings towards native Estonians, which were products of positive experiences in organized activities where politics and language could be put aside: "We can always find common language, it is not as big a problem as it seems. All Russians should integrate into the society, but keep their own culture."[88]

Nonetheless, the Citizenship Law unapologetically reflected the attitude of native Estonians towards Russian-speakers that "the Soviet migrants, not knowing the Estonian language, having a foreign culture and no roots in Estonia, had better leave the country and head to where their real homes were."[89] Currently, the only method of obtaining citizenship through naturalization for these non-citizen Russians consists of two years of residency, a one year waiting period, a loyalty oath, and most importantly, knowledge of Estonian language.[90] Many

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[81] Upadhyay, "Borderland Geopolitics In Estonia," 161.
[82] Ibid, 164.
[83] Ibid, 165.
[84] Korts, "Inter-ethnic Attitudes," 129.
[85] Ibid, 129.
[86] Ibid, 130.
[87] Upadhyay, 164.
[88] Korts, 131.
[89] Kingumets, "From Paradise to the Town of no Hope," 85.
[90] Upadhyay, "Borderland Geopolitics in Estonia," 164.

ethnic Russians have thus left Estonia to obtain Russian citizenship.[91] In 2008, only 50% of Russian speakers opted to become Estonian citizens.[92] The remaining 50% remained non-citizens or became Russian citizens.[93] These statistics reflect those of Narva, where 96% of the population speak Russian and half live without Estonian citizenship.[94] Estonia's strong national identity aims to protect it from post-Soviet Russian influence. In 1995, Estonian became the only national language, reinforcing the fact that any form of Russian influence in Estonia was no longer tolerated.[95] The rejection of Russia in Estonia is not only a way of preserving its national culture, but also a tool for national security. Kingumets cites researcher Alina Jašina-Schäfer's take on the general experiences of both ethnic Estonians and ethnic Russians after the re-nationalization of Estonia in 1992:

> The independent Estonian state empowered its core ethnonational group— Estonians—by reviving their national identities, cultural symbols, and language, and by giving them political hegemony over their new successfully independent state. But for Russian- speakers, it was the beginning of political and sociocultural struggles that they have experienced as significantly worsening their legal, political, and socioeconomic situation in the country.[96]

Independence in Estonia thus shifted empowerment from native Russians to native Estonians and hardship from Estonians to Russians, in a starkly zero-sum manner.

These conflicts that are the result of strife in the 20th century have also manifested in 21st century issues in Estonia. In 2007 and 2008, Estonia experienced its first sharp fall in economic growth since its independence, which gave rise to national uncertainty and insecurity.[97] Estonia experienced its first riot since independence in 1991 over the government's decision to remove the Soviet War Memorial from the center of Tallinn [the Bronze Soldier crisis in April-May 2007].[98] For ethnic Estonians, this statue represented a continual Soviet pervasion of Estonian culture. For ethnic Russians, the statue represented the heroism of soldiers who fought against fascism; the act of tearing the statue down sparked fears[99] of a potential return of fascism amongst the Russian-speaking community.[100] The Bronze Soldier crisis thus carried a significant politically symbolic meaning that affected both ethnic groups. According to a survey done in 2007, "one third of ethnic Estonian respondents considered an increase in the participation of Estonian Russians in the political and economic spheres harmful."[101] Nonetheless, attitudes towards the "other" ethnic group are influenced by factors such as age, region, and level of

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[91] Ibid, 164.
[92] Ibid, 164.
[93] Ibid, 164.
[94] Kingumets, "From Paradise to the Town of no Hope," 87.
[95] Upadhyay, 164.
[96] Kingumets, 88.
[97] Korts, "Inter-ethnic attitudes," 121.
[98] Ibid, 121.
[99] From an interview of a Russian male living in Kohtla-Järve, Estonia: "I don't understand how anyone can respect Estonian culture, if they are like fascists, who pull down monuments…" (Korts 133).
[100] Kingumets notes that people who grew up during the Soviet Union were united by the firm belief that fascism "must be regarded as the most evil experience in world history" (87).
[101] Korts, 122.

contact: Younger generations who have more social contact with each other view the "other" more positively.[102]

More recently, Estonia became one of the first European countries to close its borders to Russian citizens in protest of the Ukraine War that began in February 2022.[103] Since this decision, Russians have not been able to travel to Estonia, even for tourism or cultural purposes or if they hold valid visas for the European Union's Schengen Area.[104] This policy was made out of concern for national security,[105] likely with the fear that Russia could justify invasion because of a large Russian population and high volumes of Russian visitors. Before this policy, Estonia had registered hundreds of thousands of border crossings of Russian citizens since the start of the war between Russia and Ukraine.[106] This rejection of Russian nationals is on a surface-level surprising based on the large percentage of native Russians in Estonia's population. However, the already existing ethnic-tensions would likely be exacerbated by a large influx of ethnic Russians. The Russian enclaves in Estonia thus play a role in Estonia's domestic and international politics, emphasized by Estonia's reaction to Russian visitors since February 2022.

Afrikaners in South Africa

Tensions between Afrikaners, an ethnically Dutch group and their host country, South Africa, date back to the 17th century when South Africa was first colonized by the Dutch. In 1652, a man working for the Dutch East India Company named Jan Van Riebeeck landed in modern Cape Town.[107] Van Riebeeck eventually sent the company to build a victualing station in South Africa, which gave many predominantly male Dutch settlers who faced hardship in their homeland[108] the opportunity to leave the Netherlands and resettle. These waves of Dutch immigrants settled as farmers called *Boers*. Although the Boers were illiterate, they were supported by the technological and financial power of the Dutch East India company, which enabled them to dominate the indigenous and nomadic people who inhabited the same land in South Africa.[109] Since Boers could not afford to return to the Netherlands and marry European women, they had relationships and married native South African women or slaves brought from the East Indies.[110]

These Boers evolved into the modern Afrikaner, which means "African" in Afrikaans, a language evolved from Dutch.[111] However, Afrikaner identity connotes whiteness and the knowledge of the Afrikaans language, which is removed from other ethnic groups in South Africa. These ethnic separations are exacerbated by racial conflict and many Afrikaners thus do not consider themselves as Africans or part of Africa: "[South Africa is] becoming Africa now.

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[102] Korts, "Inter-ethnic attitudes," 125.

[103] Scislowska, Monika. 2022. "Baltic nations close borders to Russian citizens over Ukraine war." *PBS*, September 19, 2022.

[104] Ibid.

[105] Ibid.

[106] Ibid.

[107] Schiff, Ben. 1996. "The Afrikaners after Apartheid." *Current History* 95, no. 601: 216.

[108] On page 216, Schiff refers to these people as the "bottom of society– press-ganged workers, people fleeing from prosecution, or those opting for emigration instead of jail."

[109] Ibid, 217.

[110] Ibid, 217.

[111] Verwey and Quayle,"Whiteness, Racism, and Afrikaner Identity," *553*.

It's getting too close to home I think. In the past it was very encapsulated, very safe… you can sleep with your doors open at night and… um, it is not like that anymore… the Afrikaner doesn't like it, I think."[112] The underlying racism in this Afrikaner description of ethnic identity and African identity reflects the traces of colonialism and apartheid that are still incorporated into attitudes towards non-Afrikaners.

After the Napoleanic era in Europe, South Africa was occupied by the British, bringing in large waves of English and Scottish immigrants in the 1820s and 1830s.[113] This new wave of English settlers was more educated and the British Empire began to ban slavery from all of its posessions; the arrival of the English and the ban of slavery in South Africa posed threats to the livelihood of the Dutch Boars/Afrikaners.[114] Some Afrikaners accepted the English and the social changes they brought to South Africa, but others *(voortrekkers/pioneers)* tried to claim new land further into the country's interior that would be free of British influence; this quest to claim new South African land was called the "Great Trek."[115] During the Great Trek, Afrikaners were massacred by native African populations, which later contributed to the myths and lore that are central to modern Afrikaner nationalism.[116] After the Afrikaners relocated, they struggled against the English settlers for majority power over South Africa. Though once part of the national history curriculum during apartheid, today, the story of the voortrekkers gets lost as generations of Afrikaners in post-apartheid shed aspects of their identity that reveal a strong connection to the negatively connoted Afrikaner identity of the past: "I can't even remember the story of the Voortrekers anymore. I can, I learnt it, but I can't remember it. For me it's… go and ask someone to tell you about it, I can guarantee you (laugh) they won't be able to remember either, nobody in my generation."[117]

Afrikaner nationalism also traces back to the hardships the ethnic group faced as it battled British colonizers for dominance over South Africa. The first Anglo-Boer war from 1880-1881 was a result of disputes over the discovery of diamond deposits in the Orange River and the consequential annexation of the Boers' new republics that were further inland.[118] The Boers won this first rule, but only enjoyed power for less than two decades. In 1886, the discovery of gold led to a second Anglo-Boer war which lasted from 1899-1902.[119] This time, the British defeated the Afrikaners but sparked massive Afrikaner nationalist movements because the majority of war fatalities were innocent Afrikaner women and children.[120] However, the Peace of Vereeniging of 1910 established a dual English-Dutch domination of South Africa because the British and the Dutch realized that if they combined their power, they could overpower the indigenous population.[121]

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[112] Interview of a 32 year old male in 2007 from Verwey and Quayle, 569.
[113] Schiff, "The Afrikaners after Apartheid," 217.
[114] Ibid, 217.
[115] Ibid, 217.
[116] Ibid, 217.
[117] Interview of a 22 year old female in 2007 from Verwey and Quayle, 561.
[118] Schiff, 217.
[119] Ibid, 217.
[120] Ibid 217.
[121] Ibid, 217.

Nonetheless, Afrikaaners continued to encounter economically driven power conflicts in the early 20th century. They found that they could not compete with cheaper native African labor and lacked the education that British people had.[122] This concern manifested in the lobbying of the government for specific public sector jobs[123] for white people in South Africa: "Although English capital still dominated business, the state became a giant machine for the enrichment and empowerment of the Afrikaners."[124] Afrikaners also found strength in each other— the Afrikaner *Broederbond*, or union of brothers, was founded in 1918 to uplift the Afrikaner identity and prevent it from getting lost. [125] The Broederbond had Christian undertones because of its relationship to the Afrikaans Dutch Reformed Church, which was a racially segregated institution.[126] Schiff identifies the Broederbond and its heightened popularity during the Great Depression as the "root of apartheid."[127]

The drastic growth of the Broederbond during the first half of the 20th century led the Afrikaner Nationalist Party to defeat the ruling South African United (English and Dutch) Party in the national election in 1948.[128] This victory marked the beginning of apartheid, the legal racial segregation of South Africa that was an act of explicit racism. As Van der Westhuizen remarks:

> 'The Afrikaner' was forged in the first half of the twentieth century in co-constitutive relations with, on the one hand, indigenous black people and, on the other, white British colonialists. At the time, the identity was a reaction to the threshold condition of 'poor whites,' regarded as in imminent 'danger' of 'deteriorating' to 'the station and class' of 'the coloured.' It was an aspirational identity seeking to rid itself from the stigma of deteriorated whiteness.[129]

The relationship between Afrikaners and the rest of South Africa thus became a race issue, even though it emerged from the political and economic power concerns that Afrikaners held when the Broederbond was formed. The Afrikaner identity that was adopted during apartheid "depended on several tightly interwoven discourses. These centered on themes of religious, racial, and cultural purity, superiority, calling, and the struggle for autonomy against oppression— which included the struggle for an independent language."[130] The new Afrikaner government worked to comprehensively segregate white South Africans from black South Africans by forcing the relocation of black South Africans and using cultural tools—primarily through the use of Afrikaans in public settings[131]—that created racial divides as tangible as Cape Town's "*boereworsgordyn*" – a term meaning literally the 'curtain' of a sausage associated with Afrikaners, used by Capetonians to refer to the geographical language and racial divide in the

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[122] Schiff, "The Afrikaners After Apartheid," 217.
[123] These jobs were in arms, steel, electricity, coal production, telecommunications, transportation, and postal services (Schiff 218).
[124] Ibid, 218.
[125] Ibid, 218.
[126] Ibid, 218.
[127] Ibid, 218.
[128] Ibid, 218.
[129] Van der Westhuizen, "Afrikaners in post-apartheid South Africa," 2.
[130] Verwey and Quayle, "Whiteness, Racism, and Afrikaner Identity," 553.
[131] Van der Westhuizen, 6.

city."[132] South Africa lived in a state of escalated violence: "massacres in townships and on commuter trains claimed thousands of lives."[133]

During apartheid, Afrikaans was used to homogenize the plural South African poplation and reinforce Afrikaner cultural dominance. After "whiteness," Afrikaners identified their heavy use of Afrikaans as the second most crucial aspect of the Afrikaner identity in Verwey and Quayle's 2012 study. Afrikaans was the only official language of South Africa during apartheid, which required all South Africans to adopt part of Afrikaner identity.[134] White and Afrikaner schools were favored in education funding during apartheid, creating a negative stigma around Afrikaans that is now referred to as the "langauge of apartheid."[135] Because of the stigma around Afrikaans and its use in education, public schools in modern South Africa are under pressure to offer classes in other languages; many South Africans prefer to learn English because it expands their work opportunities.[136] Knowing Afrikaans could even be considered a disadvantage in modern South African society: "What, at the beginning of the Language Movement, was the forte of Afrikaans (the fact that it was a political instrument) has developed into an Achilles heel. For as the Afrikaner became politically dominant his [sic] language began to bear a stamp of exclusiveness – White Afrikaner Nationalist Calvinist exclusiveness."[137]

The blatant racism that became associated with Afrikaners quickly destroyed their image on an international level, which had consequences on apartheid South Africa's economy and social stability as a whole. In the 1980s, Afrikaners were ostracized by other countries and suffered from heavy sanctions that led to financial crisis after years of financial growth after World War II.[138] Afrikaner violence towards Black South Africans ultimately led to outbursts of backlash violence towards young Afrikaners who were "killed, maimed, and psychologically damaged in the so-called border wars in Namibia, Angola, and Mozambique [which] brought home the price of government ideology."[139] Thus, apartheid South Africa in the 1980s and early 1990s adversely affected even Afrikaners, who suffered the violence and economic strife that they had originally mobilized to avoid.

As Nelson Mandela and the African National Congress (ANC) gained popularity in the 1990s, pro-democracy and anti-apartheid attitudes also became popular, even among some Afrikaners.[140] In a final attempt to retain power, the all-male, all-white Afrikaner Broederbond was replaced by the Afrikanerbond in 1993, which was open to all "Afrikaans speakers who embraced Christian values."[141] Nonetheless, Mandela and the ANC won the 1994 election with 62% of the vote; the Afrikaner National Party had just 20.4% of the vote after over 40 years of apartheid.[142] The ANC adopted capitalism and integrated South Africa into the international

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[132] Van der Westhuizen, "Afrikaners in post-apartheid South Africa," 4.
[133] Schiff, "The Afrikaners after Apartheid," 219.
[134] Vestergaard, Mads. "Who's Got the Map? The Negotiation of Afrikaner Identities in Post-Apartheid South Africa." *Daedalus* 130, no. 1 (2001): 26.
[135] Ibid, 26.
[136] Ibid, 26.
[137] André P. Brink, 'English and the Afrikaans writer,' *English in Africa 3,* no. 1 (1976), 34-46.
[138] Schiff, 218.
[139] Ibid, 219.
[140] Ibid, 219.
[141] Ibid, 219.
[142] Ibid, 220.

economy, which helped South Africa begin to recover from the economic effects of apartheid that were devasting to the county.[143]

With democracy came ten more official languages of South Africa, meaning that Afrikaans lost its hegemonic power.[144] Additionally, Afrikaans was replaced by English in the national army and police command.[145] Despite leadership and economic shifts in South Africa, the ANC ensured concessions to Afrikaners who were working in the government, a measure taken for the appeasement of angry Afrikaners and for the stability of the new democratic government: "[Afrikaner] participation in the national unity government has allowed the nationalists neither equality of power nor the freedom of loyal opposition."[146] This continued incorporation of Afrikaners in the national government has certainly led to inter-govenmnetal tensions, especially during the public trials that began in 1995 for apartheid injustices and crimes,[147] which is the work of the South African Truth and Reconciliation Commission (TRC).[148]

The fall of apartheid and transition into democracy therefore "represented an intense crisis for Afrikaner identity"[149] after Afrikaner nationalism had so publicly failed. Verwey and Quayle remark that many modern day Afrikaners "actively distance themselves from many stereotypical aspects of Afrikaner identity like conservative dress [long socks and short pants, for example], culture, language, history, and overt racism."[150] This rejection of Afrikaner identity combines shame for past wrongdoings underscored by the fear that the Afrikaner identity could be a "liability" in modern South Africa. Nonetheless, there are still Afrikaners with extremist conservative values: "Um… there is… some Afrikaners that are still old Afrikaners that still swear and shout and it's 'kaffir' [derogatory term referring to a black African] and '*meid*' [young black woman] and… you know they still go out in the evenings and go look for them to *bliksem* them [beat them up] and that type of thing, they are still out there."[151] Nonetheless, these groups of extremist Afrikaners are a minority of modern Afrikaners. Verwey and Quayle argue that modern Afrikaners experience "sanitized"[152] versions of the Afrikaner identity of the past, in which the apartheid Afrikraner identity is an "outdated caricature as an extreme against which [Afrikaners can] demonstrate their more modern, progressive, and pluralistic versions of Afrikaner identity."[153] Afrikaners are still highly involved in modern South African society, continuing to benefits from the educational and economic advantages they experienced during apartheid, though they are geographically concentrated in cities in western South Africa.[154]

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[143] Schiff, "The Afrikaners After Apartheid," "220.
[144] Verwey and Quayle, "Whiteness, Racism, and Afrikaner Identity," 554.
[145] Vestergaard, "Who's Got the Map?" 26.
[146] Schiff, 220.
[147] Ibid, 220.
[148] Vestergaard, 24.
[149] Verwey and Quayle, 557.
[150] Ibid, 560.
[151] Interview of a 34 year old man in 2007 from Verwey and Quayle, 554.
[152] Ibid, 573.
[153] Ibid, 561.
[154] See pages 5 and 6.

Case Study Analysis

The histories and current statuses of the colonial enclaves in Estonia and South Africa demonstrate the complex social and legal implications of ethnic enclaves leftover from colonialism. Colonial enclaves certainly do not represent the majority of ethnic enclaves, but they encounter the same social network and capital dilemmas, ethnic segregation, and limits of international law that other ethnic enclaves face. Nonetheless, colonial enclaves distinguish themselves from other enclaves because of the combination of their essentially unlimited access to capital before disempowerment and the post-colonial shame they face. A final determinant of colonial enclaves is their relationship to their country of ethnic origin (Russia and the Netherlands in these cases), which may or may not continue to acknowledge and/or encourage their existence.

The shift from colonial power to post-colonial powerlessness that these enclaves experience is indicative of a change in the availability of social capital and social networks. In Estonia, job and housing opportunities were prioritized for ethnic Russians who were brought from Russia to work in Soviet factories. Narva flourished economically, allowing the ethnic Russians that inhabited it to form cohesive social networks— under the Soviet Union, Estonia truly felt like a home to ethnic Russians because of their contributions to the cities they lived in. However, the post-Soviet reformed Estonia has led to changes that "have been accompanied by many uncertainties and challenges, and a great deal of emotional suffering, especially for older generations."[155] Changes to the form of government led to a re-shuffling of resources and social opportunities, disempowering a generation of people who had made a home through social capital that was then taken from them. Beyond social capital, ethnic Russians who did make the date deadline (June 16, 1940) for the Estonian Citizenship Law that was re-adopted in 1992 were left government-less without the power to vote, run for public office, or form political parties.[156]

Afrikaners in a democratized South Africa were arguably less disempowered because of the concessions that protected their jobs. Afrikaners continued to reap the benefits from the economic and social advantages they gave themselves during apartheid: "In South Africa, [white] priviledge manifested itself in terms of both political power and economic advantage, which was reserved for white South Africans. While political power is no longer the privilege of white South Africans, economic privilege continues."[157] Because of the racial component of the ethnic tensions, white Afrikaners were able to benefit from the social position of their racial identity in democratic South Africa. As Verwey and Quayle discovered in their interviews of Afrikaners, participants claimed their whiteness first and their speaking of Afrikaans second when discussing their identities.[158] While an association with Afrikaans provided Afrikaners with social capital in the form of better education and work opportunities during apartheid, their whiteness, which protected them from apartheid's violence, still maintains its social networks that privilege white South Africans over black South Africans. For example, in 2008, black representation at top level business management was just 22.2% and 27.9% of black South

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[155] Kingumets, "From Paradise to the Town of no Hope," 88.
[156] Upadhyay, "Borderland Geopolitics In Estonia," 164.
[157] Verwey and Quayle, "Whiteness, Racism, and Afrikaner Identity," 556.
[158] Ibid, 566.

Africans were unemployed versus 4.6% of whites.[159] Despite the fact that many ashamed Afrikaners attempt to shed parts of traditional Afrikaner identity such as dress[160] or folkloric knowledge,[161] they cannot shed their skin color. Although whiteness in South Africa was once associated with the violence of the Afrikaners, it has developed into more of a symbol of privilege that English-speaking South Africans benefit from.

Russian enclaves in Estonia have more of an agency to "blend in" racially with the ethnic majority in their host country. In Estonia, ethnic Russians are identified through their lack of knowledge of Estonian language, location of residence (saying you live in Narva, for example, is equivalent to saying you are Russian), and in some cases, lack of citizenship are the only true indicators of ethnicity. Korts' collection of data from ethnic Estonian students attending school in Tallinn demonstrates that "... I don't regard my own friends as Russians. They are just friends. I know there are Russians who are not behaving like hooligans on the street, but when I see Russians, the so-called bad Russians come to mind first…"[162] Even to ethnic Estonians who have close relationships (i.e. friendships) with ethnic Russians cannot define an aspect of a Russian identity that makes them on a surface-level "different" from the ethnic majority— Russian friends are not "Russian friends," but "just friends."

The consequences of ethnic indicators arguably are even more dire in post-apartheid South Africa because of the race-based violence of the past. Based on individual interviews with middle class Afrikaners, Verwey and Quayle generally found that "While [Afrikaners] are prepared to jettison critical elements of Afrikaner history, language and culture, they are not letting go of their whiteness… language, history, and culture are part of Afrikaner identity, [but] they are not useful in post-apartheid South Africa."[163] Using general whiteness to "blend in" to South Africa, the "rainbow nation's," white subculture is a strategy that Afrikaners use to continue to capitalize off of social opportunities. In South Africa, the survival of the Afrikaner enclave depends on their shedding of aspects of Afrikaner identity in public settings, including the overt racism that fueled apartheid. Verwey and Quayle noted that there is a "'backstage' talk that is usually reserved for fellow whites or Afrikaners [that] illustrates a clear difference between public and private constructions of Afrikaner identity."[164] Whiteness thus allows Afrikaners to continue to determine their position in modern South African society because physically, they can blend in with another ethnic group—ethnically English South Africans.

Despite the varying levels of assimilation in terms of physical appearance, the crux of the tension between colonial enclaves and the new majority culture of their host country is the language disparity. In Estonia, ethnic Russians, segregated from the ethnic Estonian majority by language and citizenship laws, are taught in separate Russian-speaking schools[165] and cannot exercise the right to vote or run for office unless they become citizens through taking a loyalty oath to Estonia and learning Estonian language.[166] In South Africa, ethnically Dutch Afrikaners

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[159] Verwey and Quayle, "Whiteness, Racism, and Afrikaner Identity," 556.
[160] Ibid, 560.
[161] Ibid, 561.
[162] Korts, "Inter-ethnic Attitudes" 129.
[163] Verwey and Quayle, 567.
[164] Ibid, 551.
[165] Upadhyay, "Borderland Geopolitics In Estonia," 165.
[166] Ibid, 164.

suffer less from ethnic segregation because the shame of apartheid influences many Afrikaners to "sanitize"[167] their ethnic identity. Nonetheless, the adoption of nine new national languages after the democratization of South Africa[168] with the emphasis on English rather than Afrikaans in governmental jobs[169] has essentially forced Afrikaners to acclimate to a more modern South African society. However, some Afrikaners push back on this language-based assimilation. A *BBC Our World* episode documents an Afrikaaner student running for class president on the agenda that classes should be offered in Afrikaans at the school because "there should be equal opportunities for Afrikaans and English on this campus."[170] Most ethnic Russians in Estonia subscribe to a similar idea: though Russian language is openly rejected in public settings, ethnic Russians view learning the majority Estonian language not as a necessity for survival, but as a form of succumbing to marginalization.

The two cases, therefore, represent two opposite responses to their status as ethnic minorities: Afrikaners are more apt to assimilate to the majority culture because of the shame associated with their ethnic identity, while ethnic Russians more frequently take pride in their ethnicity and do not feel a sense of shame linked to their identity. Of course, these are generalizations about each group; there are undoubtedly still Afrikaner nationalists in modern South Africa and ethnic Russians who have shed major parts of their identity in order to obtain Estonian citizenship. The sense of shame that colonial enclaves encounter can be viewed as an "invisible hand" that motivates new waves of ethnic constructivism, which may even be considered "reconstruction." For colonial enclaves to survive in their post-colonial, democratic host countries, they must either reconstruct or maintain support from their country of ethnic origin.

The tension between ethnic Russians and ethnic Estonians is exacerbated by the ongoing relationship between the Russian State and ethnic Russians in Estonia. Unlike the Netherlands and Afrikaners, Russia acknowledges and even alludes to supporting ethnic Russians in Estonia. In 2016, ethnic tensions escalated when Estonia held a state independence parade in Narva just a few feet away from the border with Russia.[171] The parade provoked Russia to hold their own parade celebrating national pride on their side of the border and allegedly conducted a cyber attack on Estonia shortly after.[172] Russia's response to Estonia in this instance demonstrates that an Estonian aggression on an ethnic Russian enclave is also an aggression on the Russian state. This tight relationship between Russia and its colonial enclaves empowers the enclaves in their host country that actively disempowers them.[173] As Upadhyay eloquently describes:

> Narva has acquired the image of the regional 'other' inhabited by fifth columnists with pro-Russian sympathies. The city's ethno-linguistic 'Russian-ness' with an ethnic Estonian nationalizing state, sharing borders with the neighboring Russian-kindred state raises concerns

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[167] Verwey and Quayle, "Whiteness, Racism, and Afrikaner Identity," 573.
[168] Ibid, 554.
[169] Vestergaard, "Who's Got the Map?" 26.
[170] "Is there a future for White Afrikaners? - BBC Our World." 2016. YouTube. https://www.youtube.com/watch?v=YH329UbQokY.
[171] Upadhyay, "Borderland Geopolitics in Estonia," 162.
[172] Ibid, 162.
[173] See pages 17 and 18 for discussion of the Citizenship Law and the Language Law.

about security challenges emanating from this borderland amidst rising geopolitical tensions between Russia and NATO.[174]

As demonstrated by the case of ethnic Russians in Estonia, colonial enclaves can pose security threats to their host country when they are still connected with their country of ethnic origin, the former colonial power. In light of Russia's invasion of Ukraine to claim territory inhabited by an ethnically Russian majority, the threat of national security is at an all-time high. Colonial enclaves, therefore, risk the attraction of external threat to the host country.

Colonial enclaves also pose internal threats to countries if insurgency groups become powerful. Scholars and journalists have expressed concern that Afrikaner insurgency in South Africa is possible. The abrupt disempowerment of Afrikaners inspired a "return to the local," or a grasp for conservatism to counter the "global postmodern and its 'flux of diversity.'"[175] Some Afrikaners choose to "return to the local" in an attempt to preserve their ethnicity while South Africa's political climate progresses with the rest of the world. Van der Westhuizen categorizes this response with "inward postures [of ethnic enclaves, which] can usher in a withdrawal into self-protective, exclusivist enclaves, resisting modernity in a turn towards fundamentalism."[176] Inward postures of ethnic enclaves that correspond with exclusion and withdrawal from the host country position colonial enclaves to defend themselves against the modern post-colonial state. As discussed earlier, internal self-determination is unlikely to be granted by the host country if ethnic tensions are high.[177] Additionally, because Afrikaners are not supported by the Netherlands, their country of ethnic origin, they lack ethnic affinities that could empower large scale ethnic violence.[178] Therefore, it is highly unlikely that Afrikaner insurgency could pose a threat to modern South Africa.

Conclusion

In determining whether colonial enclaves should be considered equal to other types of ethnic enclaves and non-state actors in international law, it is essential to analyze the nature of the law that applies to them as well as the social dynamics that make colonial enclaves unique from other cases. Comfortably applying international law to colonial enclaves is uncomfortable when colonial enclave cases are reviewed through historical, cultural, ethnic/racial, and economic lenses. In-depth studies of the cases through qualitative research and references to collections of interviews confirm the problematic ethics and social dynamics that would be expected of colonial enclaves that never left their host country despite the loss of their once oppressive political power. Creating a typology of colonial enclaves and then demonstrating the legal and sociological nuances of colonial enclave cases presents a new critique of international law applied to non-state actors. While many scholars have identified that international law is inadequate for non-state actors, the recognition that international law can inadvertently give rights to groups linked to colonialism is new. If an intention of international law is to denounce colonialism, laws that currently give recognition and protections to colonial enclaves may need to be reevaluated.

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[174] Upadhyay, "Borderland Geopolitics In Estonia," 167.
[175] Van der Westhuizen, "Afrikaners in post-apartheid South Africa," 3.
[176] Ibid, 3.
[177] See page 10 for discussion.
[178] See pages 8 and 9 for discussion.

Colonial enclaves should be considered unique cases in international law because of the sociological implications of their existence. The potential for shame, ethnic affinity to a major world power, and the reshuffling of social capital affect colonial enclaves' position in their host country. The three parts of this definition are not fixed, however, and thus result in different outcomes for each case of colonial enclaves depending on their history. It is difficult to imagine an international resolution that could accommodate for all of the nuances of power dynamics and reconstructions of identity that occur between these enclaves and their host countries.

Even on a domestic level, it is hard to envision host countries adopting domestic laws that protect and preserve colonial enclaves. There is no reason to appease non-violent ethnic minorities through special laws or concessions that would protect them. Albeit unlikely, if insurgency groups or ethnic affinities tied to the colonial enclaves became powerful enough to threaten the host country's national security, it would be necessary to adapt domestic policy. However, the ethnic Russians and Afrikaners cases present one major parallel in the domestic governmental responses to decolonization in their country: the rejection of the language of the colonizer followed by the adoption of a new national language or languages. While these language policies do not explicitly pertain to disempowering colonial enclaves, they are soft forms of creating a new post-colonial national identity that moves away from the colonial identity of the host country.

Whether language laws are discriminatory towards colonial enclaves varies based on different perspectives, but they certainly still allow colonial enclaves the opportunity to participate in the post-colonial, democratic activities of the host country, just with the condition that enclaves acquire a new language. Colonial enclaves, therefore, must slightly reconstruct their ethnic identity to include a second language because more social capital is available to them if they comply with the laws of the host country. Again, colonial enclaves may also opt not to participate in the host country's political, cultural, and economic activities by refusing to acquire the host country's language, but this would put enclaves at a social disadvantage.

As generations of colonial enclaves become further removed from the colonial past of the host country, it is likely that they will shed the shame connected with the past and integrate into the majority culture through social programs such as public schools and extracurricular activities. As demonstrated by Korts' interviews, teenage students of different ethnicities in Estonia who had more intimate contact with each other (i.e. inter-ethnic acquaintances and friendships) were more likely to view each other positively than students who had little contact with the other ethnicity.[179] While international and domestic policy may not have the ability to encompass the nuances of colonial enclaves, encouraging inter-ethnic integration among younger generations may be an alternative that allows colonial enclaves to benefit from social capital without completely shedding their ethnic identity.

Nonetheless, the lack of an effective policy option surrounding colonial enclaves reveals that they should not be placed in the same legal category as other forms of ethnic enclaves. While associating colonial enclaves with other ethnic enclaves may not pose an imminent risk to these colonial enclaves or their host countries, it is still an error to associate them with other

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[179] Korts, "Inter-ethnic Attitudes," 129.

enclaves. Creating an international discourse specifically about policy pertaining to colonial enclaves could encourage more positive reform in inter-ethnic relations between colonial enclaves and their host countries, which would undoubtedly stabilize national politics through the reduction of ethnic tension in these countries.

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