

*Conference “OSCE and Latvia: Past, Present and Future”
Riga, 20 March 2002*

**“Expectations of Future Cooperation between the OSCE High
Commissioner on National Minorities and Latvia”**

Mr. Chairman, Distinguished Participants, Ladies and Gentlemen,

It is a pleasure for me to have been invited to this conference which aims to highlight the co-operation between OSCE institutions and this country in the past nine years, and also to look somewhat into the future.

I believe that nobody would disagree with the view that Latvia faced considerable challenges in the early 1990s after re-gaining its independence. Post-communist transition in this country not only meant radical changes in the economic, social and political systems, but also a redefinition of the relationship between a majority – which by then was just a slim majority – and a number of minorities who overwhelmingly identified themselves with a single language other than the Latvian one. The demographic trends in the fifty years leading up to 1991, which were exacerbated by the reckless actions and policies of the Soviet regime, created a society which, at least judged by many foreign observers, contained the ingredients for an explosive mixture at that time. The OSCE (then the CSCE), which was the first major regional organisation that the Republic of Latvia joined in 1991, was well suited to respond to the needs of the emerging Latvian democracy. Indeed, the OSCE came to play a constructive and important role, with its commitment to democracy being the pivotal element in its mandate as a co-operative security organisation.

It is a wonder that the Latvian language and culture, in fact the whole Latvian identity, not only survived, but emerged in 1991 with such clarity, strength and resolve. The Latvian nation inherited a difficult task in the challenge to give the Latvian language and culture the necessary strength and sustainability without at the same time neglecting or weakening the rights, dignity and opportunity of its sizeable minority population. The tension was inescapable and the potential for friction obvious.

The OSCE was invited to play an active role in supporting the strengthening of the newly independent Latvia. This could only be possible if the transition to a new social, economic and political system would be successful. Admittedly, nobody in the OSCE had developed a “Grand Scheme” of how “to shape” an emerging society. But the values underpinning the OSCE, and decades of experience in sister organisations and other democracies, created a sound basis upon which advice and assistance could be provided. Given the complexity of the social and economic situation in Latvia in 1991, inter-linked as it was with the majority-minority situation, the High Commissioner, with his unique prerogatives and the strong normative framework backing him, was well placed to support the development of Latvia in its liberation from the inherited structures and the shadows of the past.

The High Commissioner has been and is implementing his mandate by supporting this development by, for example, recommending improvements to legal norms and administrative practices. As time goes by, new problems occurred as old practices were replaced. Facing this evolving situation, the High Commissioner formulates recommendations always aiming at advancing the progressively developing social processes in the country.

Mr. Chairman,

Life does not stand still. This applies to the democratic process as everything else. Indeed, democracy is nothing if not an evolving process. This illustrates the necessity for the High Commissioner to develop his recommendations and actions, since his mandate requires him to adjust his role in any country to the contemporary and changing local conditions without compromising the international standards that he and all OSCE States are bound to respect.

Let me add another element to this evaluation. My Office has not only worked with Latvia to initiate and support certain political and social processes, but has also tried to explain to other OSCE States the situation in Latvia, its particularities and the need to tackle a limited number of issues at any one time. This approach was chosen to gather political support by the interested parties involved for recommended courses of action even under difficult circumstances.

The decision by the OSCE Permanent Council not to prolong the mandate of the OSCE Mission to Latvia after 31 December 2001 was a major event and a tribute to the Republic of Latvia, to its leaders and institutions. It is, at the same time, a vote of confidence in the will and resolve of Latvia's Government, Parliament and related institutions to address evolving issues with determination aiming at the harmonious integration of the large number of non-citizens. This is a part of the great task of making Latvia a full member of the European community of States practicing democracy, market economy and full respect for human rights.

I intend to continue my work in Latvia in support of a number of important social processes, some of which will take time to complete.

The naturalisation process remains a key issue of interest to me as to others in the international community. While there is full understanding for the origin and persistence of the situation, the high percentage of non-citizens in Latvia remains a problem. Indeed, there is broad support for the resolution of this problem both within Latvia and beyond. Accordingly, the international community has contributed material support for language-training projects and the recent successful information campaign.

I believe that the citizenship legislation is both in line with international standards and appropriate to the situation, and I am encouraged by the recent increase in the pace of applications. Still, the challenge of the naturalisation process is substantial and at the current pace it will take many years to naturalise all remaining non-citizens.

Of course, it is eventually the decision of the individual to become a citizen and undergo the process of naturalisation, or not to do so. But I would encourage the

Latvian authorities to continue the promotion of naturalisation as they did through the recent Public Awareness Campaign and the support for language training for naturalisation candidates. The country and society as a whole will gain from naturalising the non-citizen population, most of whom have decided to stay in Latvia for good and want to participate in the political and social life of the country. I am also convinced that the international community as a whole considers the naturalisation process as essential for Latvia's commitment to further integrate into European structures.

Aside from the process of naturalisation, there are other important processes taking place in Latvia. Recently, the transition programme to the State language as the principal language of instruction also in minority secondary schools has been discussed at great length and detail in the media. Concerns of parents, teachers and pupils have been voiced about this programme, while the Ministry of Education has expressed its confidence that the programme will be carried through successfully to the benefit of future graduates of these schools. Under my mandate, I feel obliged to follow carefully this transition process and its consequences for the educational system in general and especially for the minority schools. It is too early to assess the impact of the programme. However, I would hope that the transition will be administered with a high degree of flexibility, and with full understanding for the concerns of the directly affected parents, teachers and pupils.

Aside from the purely pedagogical aspects of the process, which I view as technical matters to be implemented according to real capacities including the availability of sufficiently trained teachers, I greatly hope that the programme will contribute to the aim of social integration. For this to be the case, implementation of the programme must be sensitive to the views of those most directly affected, especially parents and pupils. I consider this a matter of good governance in a democratic State. If the education reform would turn out to be too ambitious in, for example, its timing and availability of secondary school teachers, then it would risk detracting from, rather than contributing to, the aim of social integration. It therefore seems to me that a flexible approach is most appropriate.

A part of the High Commissioner's mandate is to support the participation of minorities, citizens or non-citizens, in the political and social life of their country of residence, to the extent laid down in international law and developed as democratic practice in a European context. I therefore warmly welcome the public commitment made to the OSCE by the Foreign Minister of Latvia, Mr Indulis Berzins, last year to the effect that Latvia intends to amend its Election Laws by abolishing the language proficiency requirement. I likewise welcome what I learned during my latest visit to Riga on 4 and 5 March that there is an increasing support among the fractions of the Saeima to take such a step. I support accompanying measures to strengthen the status and role of the Latvian language in conformity with international norms, but such measures should not be a pretext for weakening minority languages. To this effect I will do my best to lend legal advice and support to the reforms. However, it is important to make clear that the realisation of the promise by Latvia to amend the Election Laws should not be unduly delayed awaiting the outcome of eventual amendments of the Constitution.

More broadly, the social integration process has, to my mind, been going on for many years. With the adoption of the Social Integration Programme and the establishment of the Society Integration Foundation, supported by government funding, further impetus has been given to the process. These are most welcome developments. The discussions about the Programme in advance of its adoption and thereafter revealed many possibilities of how to strengthen the process and how to drive it forward, respecting the interests of both majority and minorities. In my view, the agenda for social integration is wide and substantial, requiring the concerted efforts of all parts of Latvian society with the support of the international community. In this regard, I have decided to seek additional ways to promote social integration through possible projects which my Office might initiate or draw to the attention of interested partners. To this end, I look forward to fruitful co-operation especially with the Society Integration Foundation, but also with other segments of Latvian society, both governmental and non-governmental.

Another aspect of my work in Latvia will be support for the fair administration of the State Language Law. I have agreed with the Government to lend support and the expertise of my Office to the elaboration of a handbook for the State Language Inspectorate on the application and interpretation of the State Language Law in daily life. The project proposal has just been completed and my Office is seeking funding for its implementation. The handbook intends to provide a tool for the State Language inspectors to comprehend fully the substance of the State Language Law and its implementing decrees and to facilitate an appropriate implementation of the Law in full conformity with the Latvian Constitution, other related Latvian legislation and jurisprudence, and applicable international law and jurisprudence.

I have already indicated that there is broad and deep support outside Latvia for the integrative processes within Latvia which are the basis for a stable and prospering country. This kind of Latvia will also be a great asset to the international community, as a full partner in building regional and global stability and security. I believe this is a matter of common interests and shared values.

Mr. Chairman,

It is wrong to view these relations in terms of “external pressures” as if the partnerships we have established and are developing, with the full and free consent of the sovereign Republic of Latvia, are being imposed. I wish to make myself very clear on this point: Latvia is an independent State whose sovereignty is to be fully respected. At the same time, Latvia has indeed exercised its sovereignty to undertake certain international obligations and commitments, and it should be no surprise that the international community would expect Latvia to respect its undertakings. Important among these are international standards for the protection of human rights, including the rights of persons belonging to national minorities, and other standards relating to democratic governance and open, market-oriented societies.

Again to be clear: while others may express views and even hold interests, they may in no way interfere with Latvia’s sovereignty. I have expressed myself both privately and publicly in this connection. In particular, I issued a public statement on 26

October of last year whereby I underlined that so-called “kin-States” should not take unilateral steps to protect national minorities living outside their jurisdiction – that the interest of a kin-State does not entitle or imply, in any way, a right under international law to exercise jurisdiction or, in other words, to interfere with the sovereignty of another State. A major point of my October statement is that States should not interfere in the internal affairs of a neighboring country by exercising acts without explicit approval of that State. Violation of the principles laid out in my statement would have serious de-stabilizing consequences and would run contrary to principles and norms which must be respected for the sake of peace and stability on the European continent.

At the same time, however, international law has established that States where minorities reside should fully respect their rights, and act to accommodate their concerns within the context of an integrated society on the basis of the principles of equality and non-discrimination. To the extent the State of residence fulfills its obligations and succeeds in integration, I believe there can be no further basis for either internal or external concerns. Moreover, successful integration will strengthen first and foremost the State and society of Latvia, because a more integrated society will be better able to develop and prosper in the interests of all its inhabitants. Prosperity and development, I believe, are common goals to which all political forces in Latvia surely subscribe.

Thank you.