

Romanian Chairmanship

374th PLENARY MEETING OF THE COUNCIL

1. Date: Tuesday, 18 December 2001

Opened: 3.10 p.m.

Closed: 4.35 p.m.

2. Chairman: Mr. L. Bota
Ms. V. Epure

3. Subjects discussed - Statements - Decisions:

Agenda item 1: REVIEW OF CURRENT ISSUES

None

Agenda item 2: BRIEFING ON OSCE FIELD ACTIVITIES

None

Agenda item 3: BRIEFING BY THE HEAD OF THE OSCE MISSION TO
LATVIA

Head of the OSCE Mission to Latvia (PC.FR/54/01 Restr.), Latvia
(PC.DEL/1006/01), Belgium-European Union (also on behalf of Bulgaria,
Cyprus, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia,
Slovenia, the Czech Republic and Turkey) (PC.DEL/1004/01), United States
of America (PC.DEL/1005/01) Iceland, Liechtenstein, Lithuania, Switzerland,
Canada (PC.DEL/1009/01), Belarus, Norway, Croatia, Russian Federation
(Annex), Chairman, Armenia

Agenda item 4: REPORT ON THE ACTIVITIES OF THE
CHAIRMAN-IN-OFFICE

None

Agenda item 5: REPORT OF THE SECRETARY GENERAL

- (a) *Issues related to the OSCE Spillover Monitor Mission to Skopje:* Secretary General
- (b) *Issues related to the OSCE Mission in Kosovo:* Secretary General
- (c) *Report on Asset Management, and the future use of evaluation missions:* Secretary General
- (d) *Management Systems Improvement Project:* Secretary General
- (e) *Address to the United Nations General Assembly and high-level staff meetings within the United Nations:* Secretary General
- (f) *Issues related to the Press and Public Information Service:* Secretary General
- (g) *Annual OSCE Ball 2002:* Secretary General
- (h) *Organizational matters:* Secretary General

Agenda item 6: ANY OTHER BUSINESS

- (a) *Adoption of the new Turkish civil code on 22 November 2001:* Turkey (PC.DEL/1003/01)
- (b) *Visit of the Minister for Foreign Affairs of Turkey to Afghanistan on 16 and 17 December 2001:* Turkey (PC.DEL/1007/01)

4. Next meeting:

Thursday, 20 December 2001, at 10 a.m., in the Neuer Saal



**Organization for Security and Co-operation in Europe
Permanent Council**

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Annex

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374th Plenary Meeting

PC Journal No. 374, Agenda item 3

**STATEMENT
BY THE DELEGATION OF THE RUSSIAN FEDERATION**

The Russian Federation objects very strongly to the closure of the OSCE Mission to Latvia. To put it bluntly, our Organization and, indeed, those among our western partners who advocate such a decision, are doing the Latvian authorities an extremely dubious favour by supporting their steadfast refusal to accept the proposal to extend the Mission's mandate. Even a purely formal analysis of how far the Guidelines that were issued by the Austrian Chairmanship to the Mission around a year ago - in circumvention of the Permanent Council - have been met is enough to make it plain that the Mission's mandate cannot be regarded as completed or the recommendations contained in the Guidelines as fully implemented.

Latvia remains a country with an unprecedentedly large proportion, by European standards, of permanent residents who do not have citizenship of the country in which they live, namely almost a quarter of the population. The naturalization process is making such slow progress that it will take several decades before we are able to talk about a real reduction in statelessness. Today, more than 55 per cent of Latvia's non-Latvian permanent residents do not have Latvian citizenship and, consequently, are legally excluded from the category of persons belonging to national minorities and are not protected by the laws regulating the observance of the rights of national minorities.

There is a gap between the political, civil, socio-economic and cultural rights accorded to citizens and non-citizens of Latvia in scores of respects; there exist, for example, such things as bans on the adoption of certain professions; what is more, ten restrictions are contrary to the Latvian Constitution and the International Covenant on Civil and Political Rights. In October of this year, the Latvian parliament demonstrated yet again its attitude towards non-citizens by refusing to grant them the right to buy and sell land, in spite of the fact that under Latvian law many foreigners have an opportunity to become landowners.

The authorities are consistently taking steps which nullify even those few positive changes in the legislation on citizenship that have been made as a result of pressure from the international community. Concern with regard to this matter was clearly reflected in report No. 71 of the OSCE Mission to Latvia (on 7 August 2001, the Government of the Republic of Latvia adopted amendments in accordance with which knowledge of the history and Constitution of Latvia will be tested in written form rather than orally). Latvia's accession to

the European Convention on Nationality could in fact assist naturalization, but the need for changes in the existing legislation on citizenship in the event of Latvia acceding to the Convention forces parliamentarians to limit themselves to declarations and half-measures.

The situation with regard to the right of individuals of different ethnic origin to study their mother tongue is also unsatisfactory. The education reform, which is in full swing in Latvia, is depriving more than 30 per cent of the population of the right to choose their language of instruction, thus leading to marginalization in the education of minorities and, in the final analysis, forced assimilation (what else can this example mean - one of the directors of a Russian school was dismissed in 1997 merely because, at the request of parents, he released the students from school to allow them to celebrate the Orthodox Easter). It might be noted that Mission report No. 73 fails to mention that participants in a conference on education for national minorities recently held in Latvia appealed to the President of Latvia, the Cabinet of Ministers and international organizations to speed up Latvia's ratification of the Framework Convention for the Protection of National Minorities and to guarantee their linguistic rights in accordance with European standards. There is also no mention in the Mission's reports of the fact that the United Nations Committee on the Elimination of Racial Discrimination had earlier expressed its concern regarding the Latvian education reform.

As regards the right to use for official purposes the language actually spoken by 42 per cent of the country's population, it does not exist even in areas having a mainly linguistic minority population. Apart from the language of the Livs, all other languages of national minorities are classified only as foreign languages. Their use is restricted in the electronic media, in business relations and at work (this also refers to private enterprises). It comes as no surprise, then, that the Latvian parliament opposes ratification of the Framework Convention on the Protection of National Minorities and is also showing no desire to accede to the European Charter on Regional Languages and Languages of Minorities.

Almost a quarter of the population of Latvia (non-citizens) are deprived of both the right to vote in elections and the right to stand for election, even in local elections, something that inevitably has a very negative effect on the degree to which permanent residents of Latvia who do not have citizenship are represented in parliament and local self-government bodies. In this same connection, Latvia remains the only European country whose electoral legislation contains language requirements for candidates in parliamentary elections, something which contravenes the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The European Court of Human Rights is considering this question at the moment. A relevant decision was tabled back in July 2001 by the United Nations Commission on Human Rights (amendments made in this context by the Latvian authorities on 6 November 2001 are cosmetic and do not revoke the requirement that a certificate attesting potential candidates' level of knowledge of the Latvian language must be submitted as a condition for their registration to participate in elections).

The process of social integration, which is making extremely slow progress if any at all, is arousing particular concern. The national minorities are extremely critical of the actual integration programme, which was established without taking their opinions into account. Systematic manifestations of aggressive nationalism do nothing to promote the principles of tolerance as a basis for the creation of a multi-ethnic society. These manifestations include contests organized by the sadly famous publishing house "Vieda" which stir up hatred towards the Russophone population of Latvia. As a rule, the law-enforcement agencies do not

discourage such actions as much as they should. Where ethnic minorities and insults to the feelings of national dignity of minorities are concerned, the State Office of Human Rights and the Office of the Public Prosecutor see in these actions nothing more than an “exercise of the right to freedom of expression”.

The statistical data and concrete examples we have given of discrimination practised against the non-Latvian population of Latvia show that it is essential for the work of the OSCE Mission in that country to be activated. This is also the opinion of many social organizations representing the non-indigenous population. We regret that the appeal of 15 Latvian non-governmental organizations to the OSCE Chairman-in-Office and also the statements made by Latvian legal-defence non-governmental organizations at OSCE meetings this autumn were not taken into account when the fate of the Mission was being decided. Over a period of some years the Mission has made its contribution to the process of democratization in Latvia and provided assistance in connection with the establishment of a civil society. Very substantial tasks lie ahead for both the Mission and Latvian society as a whole, and a hasty decision to terminate the OSCE field presence in Latvia could bring the whole process of positive reforms - which has barely got under way - to naught.

The position of the Russian Federation on the question of the OSCE Mission’s role was set out in detail in a message which the Russian Minister for Foreign Affairs, I.S. Ivanov, sent to the Ministers for Foreign Affairs of OSCE participating States and in a number of other documents distributed by our Mission. However, today’s discussion and, even more, the precedent set at the last meeting by the termination of the OSCE Mission to Estonia without a consensual decision of the Permanent Council, compel us to reflect on a number of problems of a more general nature than the fate of two missions, extraordinarily important though they may be from the standpoint of guaranteeing stability and inter-ethnic concord in the OSCE area.

The serious malady of double standards from which the OSCE has been suffering for a long time is becoming stubborn and chronic. Imposition of the political will of one group of countries and deliberate efforts to cover up the glaring problems affecting other States are corroding the body of the OSCE from within. The lofty European principles which are so important for Russia are undergoing a kind of devaluation and being turned, within the OSCE, into so many “words on paper”. The humanitarian guidelines enshrined in the Organization’s basic documents are being pushed aside owing to the political short-sightedness of some participating States.

The Russian delegation is seriously concerned at the fact that the pawns in this latest “OSCE success story” are hundreds of thousands of inhabitants of Latvia - and Estonia as well - who placed what have turned out to be groundless hopes in the Organization. In our opinion, the situation that has arisen will not pass without leaving its traces on the OSCE’s field work in other participating States. Furthermore, it could well have a negative effect on the processes of recovery of the OSCE which had gradually begun to gain momentum as a result of the successful Bucharest Ministerial Council meeting.

Today the Russian Federation distributed a draft decision of the Permanent Council on extension of the Mission’s mandate for six months. We have to say that no other decision would satisfy us, because we are profoundly convinced that it would not serve the interests of the Organization, or Latvia, or the Russian Federation. Since the Russian Federation’s

proposal was not adopted by the Permanent Council, a purely technical closure of the Mission will ensue from 1 January 2002 (and we already have a precedent for this), but it will entail corresponding budgetary consequences.

The Russian delegation wishes to stress once again that questions regarding the protection of human rights, including the rights of persons belonging to minorities, are of the first importance for Russia. Considering that the OSCE has demonstrated its weakness and inability to deal objectively and in an unbiased manner with these questions, we do not exclude the possibility that the Russian Federation will in future focus its activities in the humanitarian sphere on other international institutions endowed with more effective and - what is particularly important - legally binding mechanisms, for example, the Council of Europe, the Venice Commission, the United Nations and its affiliated bodies, and so on.

The Russian Federation wishes to express its strong disagreement with the summing-up of the discussion on these issues by the Chairman of the OSCE Permanent Council. We cannot support the conclusion in his statement to the effect that the Mission to Latvia has fulfilled its mandate or that it has put into effect the Guidelines laid down by the Austrian chairmanship. Similarly, we protest against the assessment of the situation in Latvia as regards human rights and the position of national minorities which is reflected in the Chairman's statement.

What we in fact see in Latvia is massive statelessness and a slow rate of naturalization; legal discrepancies in existing legislation reflected in the fact that a number of restrictions imposed on non-citizens are not in line with either the Latvian Constitution or the International Covenant on Civil and Political Rights; electoral legislation in Latvia which is not in conformity with European and international standards, and also the absence of any active electoral rights for non-citizens who are regular residents of Latvia in regard to local elections; Latvia's failure to participate in the Framework Convention for the Protection of National Minorities, the European Charter on Regional Languages and Languages of Minorities and the European Convention on Nationality; restrictions on persons belonging to national and linguistic minorities with regard to the study of their native language and its use for official purposes; restrictions on the use of languages of minorities that are considered to be foreign languages in the electronic media, even on private television channels; failure of educational programmes devised for national minorities to conform to the true interests of these people: and all this is by no means a complete list of the acute social problems of Latvian society and the Latvian State. Against this background, one is justified in being concerned also by the rate of progress and the nature of the social integration process.

In view of what we have said, the delegation of the Russian Federation expresses its categorical disagreement with the proposal to close the OSCE Mission to Latvia. To terminate the field presence of the OSCE in the present circumstances means that the OSCE is reneging on its role as a guarantor of human rights.

The Russian delegation requests that this statement be attached to the Journal of today's meeting of the OSCE Permanent Council.