

9th Plenary Meeting
PC Journal No. 9, Point 5(c)**DECISION No. 17**

The Permanent Council decides to adopt the “Decision on the OSCE Representative and Alternate Representative to assist in the Implementation of the Agreement between the Governments of the Republic of Latvia and the Russian Federation on the Social Protection of Military Pensioners and their Family Members” (Annex).

Decision on the OSCE Representative and Alternate Representative to assist in the
Implementation of the Agreement between the Governments of the
Republic of Latvia and the Russian Federation on the Social Protection of
Military Pensioners and their Family Members

The Permanent Council,

Responding to the requests made by the Governments of the Republic of Latvia and of the Russian Federation, based on the Agreement of 30 April 1994 between the same Governments on the Social Protection of the Military Pensioners of the Russian Federation and Members of Their Families Residing on the Territory of the Republic of Latvia (hereunder referred to as “the Agreement”),

Recalling the decision taken at the 27th Meeting of the Committee of Senior Officials (see 27-CSO/Journal No. 3, decision (e)),

Acting in conformity with the Budapest Summit Declaration on Baltic Issues with regard to OSCE assistance in the implementation of bilateral agreements,

Adopts the following decision:

Procedure for appointing the OSCE Representative and the Alternate Representative

1. The Chairman-in-Office is requested to appoint, from candidates having suitable qualifications, an OSCE Representative and an Alternate Representative, subject to consultation with the Latvian and Russian Parties.
2. The term of the appointment of the OSCE Representative and Alternate Representative shall be one year, with the possibility of extension.
3. After the expiration of the terms of the OSCE Representative and Alternate Representative, or in case of their separation from service, the Chairman-in-Office shall, as soon as possible but within two weeks at the latest, propose new candidates to the Parties for their approval.
4. During the mandate of the OSCE Mission to Latvia, the OSCE Representative and/or Alternate Representative may be chosen from among the personnel of the Mission.
5. If the OSCE Representative and/or Alternate Representative are chosen from among the personnel of the Mission and the mandate of the Mission expires, the Chairman-in-Office shall appoint a new OSCE Representative and/or Alternate Representative according to the procedure of paragraph 3.

Relationship with the OSCE Mission

6. During the mandate of the OSCE Mission to Latvia, the offices of the OSCE Representative and Alternate Representative shall be co-located with the OSCE Mission. In the performance of their tasks, the OSCE Representative and Alternate Representative shall keep the OSCE Mission fully informed so as to ensure transparency and shall be able to call on the advice and assistance of the OSCE Mission as appropriate.

Rights and privileges

7. If the OSCE Representative and/or Alternate Representative are not permanently present in Latvia, they shall visit Latvia as often as necessary, but at least once every three months.

8. The Latvian authorities shall provide the OSCE Representative and Alternate Representative with visas and any other documents that may be required in order to ensure that these persons may enter and remain on the territory of the Republic of Latvia for the purpose of carrying out their duties in accordance with this decision.

9. The OSCE Representative and Alternate Representative shall be accorded privileges and immunities enjoyed by members of OSCE Missions in accordance with paragraph 15, Annex 1 of Decision 2 of the Fourth (Rome) Meeting of the Council (CSCE/4-C/Dec.2).

Chain of command

10. The OSCE Representative and Alternate Representative shall carry out their functions under the supervision and responsibility of the Chairman-in-Office. The OSCE Representative shall report regularly, but not less than once every three months, to the Permanent Council through the Chairman-in-Office.

Financial aspects

11. The Secretary General is requested to submit to the Permanent Council a draft budget, initially for 1995, to cover the costs of official travel, interpretation, board and lodging and other services of the OSCE Representative and Alternate Representative for the case in which they are not chosen from among the personnel of the Mission and the sending States request reimbursement.

Mandate of the OSCE Representative and Alternate Representative

12. In accordance with Article 2 of the Agreement the tasks of the OSCE Representative and Alternate Representative shall be
- to consider, together with the representatives of the Latvian and Russian Parties, appeals on matters involving the rights of persons to whom the Agreement applies;
 - to participate in the adoption of recommendations and decisions on the basis of consensus;

- to consider, at the request of either of the Parties, questions relating to the application of the provisions of the Agreement and the Protocol thereto, including the rights of the persons to whom the Agreement applies, as laid down therein.

13. In this regard the OSCE Representative and Alternate Representative may be requested by the Parties to assist in solving the problems relating to the implementation of the Agreement and the Protocol thereto in the following areas:

- 13.1 The exercise by military pensioners and their family members of their human rights in accordance with the norms of international law, the Agreement and the legislation of the Republic of Latvia.
- 13.2 The preservation of the right of the persons to whom the Agreement applies and who were permanently residing on the territory of the Republic of Latvia as of 28 January 1992, including persons with regard to whom the relevant formalities have not been completed and who are included in lists confirmed by both Parties and attached to the Agreement, to reside freely on the territory of the Republic of Latvia.
- 13.3 The right of military pensioners and their family members to possess, make use of, and dispose of the movable and immovable property owned by them.
- 13.4 The guarantees accorded by the Latvian Party to military pensioners and their family members relating to the use of the apartments they occupy in housing owned by the State or a Government department.
- 13.5 The right of military pensioners and their family members to privatize the living space occupied by them if legislation to that effect is enacted by the Republic of Latvia.
- 13.6 The right of military pensioners and their family members to receive from the Latvian authorities, on request, the equivalent living space from housing vacated by Russian troops, with the exception of the housing in the cities of Riga and Liepja, if the relevant authorities of the Republic of Latvia are unable to provide utility, consumer and transport services for the housing communities where the military pensioners and their family members continue to live following the withdrawal of military units.
- 13.7 The right of military pensioners and their family members to sell or otherwise transfer property owned by them.
- 13.8 The right of military pensioners and their family members who wish to leave the Republic of Latvia:
 - to sell, transfer or, at their discretion, otherwise dispose of immovable property lawfully owned by them;

- to sell an apartment individually, to auction it, or to receive a lump sum, based on the market value of the housing, from the Latvian authorities if the apartment in the Republic of Latvia is vacated;
 - to remove from the country, sell or otherwise dispose of movable property lawfully owned by them;
 - to remove from the Republic of Latvia the money they obtain for their movable and immovable property, and to transfer deposits and assets held in banking institutions of the Republic of Latvia to banking institutions of the Russian Federation.
- 13.9 The right of military pensioners and their family members not to be prevented by the Latvian or the Russian authorities from exchanging living space that they occupy for living space occupied by persons residing in the Republic of Latvia or in the Russian Federation.
- 13.10 The right of military pensioners and their family members who do not have accommodation, or who require improvements in their accommodation, to be provided with well-equipped housing on an equal footing with other residents of the Republic of Latvia, by drawing, *inter alia*, on the housing vacated by the troops leaving the Republic of Latvia.
- 13.11 The right of military pensioners and their family members, on their final departure from Latvia, to take out of the territory of the Republic of Latvia all movable property owned by them, with the exception of those articles whose removal from the country is prohibited, without incurring customs duties, indirect taxes or similar charges.
- 13.12 The pensions of military pensioners, paid by the banking institutions of the Republic of Latvia from funds of the Russian Federation.
- 13.13 The social welfare benefits paid by the Russian Federation through the banking institutions of the Republic of Latvia.
- 13.14 The right of military pensioners to receive all forms of medical and orthopaedic services available from the health care institutions of the Republic of Latvia in the same way and on the same terms as retired persons of the Republic of Latvia.
- 13.15 The right of the family members of military pensioners to receive in generally applicable terms all forms of medical and orthopaedic services available from the health care institutions of the Republic of Latvia.
- 13.16 The payment for health care for military pensioners from the federal budget of the Russian Federation.
- 13.17 The possibility for military pensioners and their family members to receive education at higher, secondary comprehensive, and secondary vocational

educational establishments of the Republic of Latvia in accordance with the legislation of the Republic of Latvia.

- 13.18 The right of military pensioners and their family members not to be prevented by the Latvian Party from working in public and cultural organizations registered in the Republic of Latvia.
 - 13.19 Endeavours by both Parties to promote the creation of a favourable legal basis and social conditions for the voluntary resettlement of military pensioners and their family members.
 - 13.20 The obligation of the Russian Federation to submit to the Latvian Party a list of military pensioners residing on the territory of the Republic of Latvia and receiving a pension out of the federal budget of the Russian Federation, as well as the obligation to provide information on any changes in that list once a year.
 - 13.21 The obligation of the Latvian Party to assist the normal operation of the Social Security Section of the Consular Department of the Embassy of the Russian Federation in the Republic of Latvia by providing it with the necessary services and office space.
 - 13.22 The right of military pensioners and their family members to use the services of the Social Security Section of the Consular Department of the Embassy of the Russian Federation in the Republic of Latvia.
14. The present decision supersedes the decision adopted by the Permanent Committee on 30 June 1994 on the same subject (see Permanent Committee Journal No. 26, decision (c), Annex 2).