

**Secretariat of the
Conference on Security and
Co-operation in Europe
PRAGUE**

CSCE Communication No. 124
Prague, 23 April 1993

To the Points of Contact

Recommendations by the CSCE High Commissioner on National Minorities upon his visits to Estonia, Latvia and Lithuania

The attached note from the Chairman-in-Office together with Recommendations by the CSCE High Commissioner on National Minorities upon his visits to Estonia, Latvia and Lithuania and the comments by Estonia, Latvia and Lithuania to these Recommendations, are circulated at the request of the Chairman-in-Office.

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CHAIRMAN-IN-OFFICE

NOTE

Pursuant to Chapter II para 19, the Chairman-in-Office wishes to transmit to the participating states the conclusions and recommendations by the CSCE High Commissioner on National minorities upon the termination of his visit to Estonia, Latvia and Lithuania. On the basis of the consultations between the Chairman-in-Office and the three participating States concerned, the comments by Estonia, Latvia and Lithuania are in the same way transmitted.

The Chairman-in-Office wishes to draw the attention to the consideration of this question at the forthcoming 21st meeting of the Committee of Senior Officials in Prague 26-28 April 1993.

C S C E
High Commissioner
on National Minorities

His Excellency
Mr Trivimi Velliste
Minister for Foreign Affairs
of the Republic of Estonia

Reference:
No 206/93/L/Rev.

The Hague
6 April 1993

Dear Mr Minister,

Following my visits to Estonia on 12-13 January and 30-31 March 1993, I take the liberty of sending you, annexed to this letter, a number of recommendations concerning mainly the non-Estonian population of your country. I restrict myself to this question because I would go beyond my mandate if I would command on other problems concerning your country. On the other hand, I can assure you that, in making these suggestions, I have been fully aware of the political and psychological background of many of the questions I am referring to. I think for instance of the long years Estonia suffered under Soviet occupation, the bitterness caused by what is perceived as a deliberate policy of Russification during those years, and your concerns about the continued, though greatly reduced, presence of Russian troops on your territory. I also recall the way you and your colleagues have repeatedly stressed the determination of the Estonian people firmly to establish its national identity in

various fields. Finally, I have registered the concern felt by the Estonian Government about the situation of the Estonians living on the territory of the Russian Federation.

In making my recommendations, I am fully aware of the fact that there is no convincing evidence of systematic persecution of the non-Estonian population since the reestablishment of Estonian independence, and moreover, that there have virtually been no incidents pointing to interethnic violence. I am also pleased to note that during my visit I received repeated assurances from your Government that it was determined to fully respect its CSCE commitments, including those concerning minorities. I have written my recommendations in the hope that they may help you to accomplish the aim which your Government has repeatedly stressed of trying to find a formula for the problem of the non-Estonian population in your country in accordance with the international standards subscribed to by Estonia.

When I drafted my recommendations, my basic assumption has been that, though a number of non-Estonians have returned to their native country and more might follow, it would be unrealistic to expect that such a return will be on a massive scale. The great majority will probably prefer to stay in Estonia, partially because they have been living there for a long time or have been born there, and partially because they feel that they have no prospect of finding homes and jobs if they would move to the Russian Federation or any other CIS state.

Against this background, your Government is in my view, at least in theory, confronted with two completely contradictory options regarding the non-Estonian population of your country. The first is to try to assure in various ways a privileged position for its Estonian population. Apart from the fact that such a policy would scarcely be compatible with the spirit, if not the letter, of various international obligations Estonia has accepted, such a policy would, in my view, involve a considerable risk of increasing tensions with the non-Estonian population which, in turn, could lead to a destabilization of the country as a whole. In addition, it would have a strongly negative effect on relations between Estonia and the Russian Federation.

The alternative policy is to aim at the integration of the non-Estonian population by a deliberate policy of facilitating the chances of acquiring Estonian citizenship for those who express such a wish, and of assuring them full equality with Estonian citizens. In my view, such a policy would greatly reduce the danger of destabilization, because it would considerably enhance the chances of the non-Estonian population developing a sense of loyalty toward Estonia. Furthermore, such a policy would certainly not be incompatible with the wish of the Estonians to ensure and strengthen their political, cultural and linguistic identity.

I am fully aware that the policy I advocate does not only require an effort on the part of the Estonian Government, but equally a contribution on the part of the non-Estonian population. Adaptation to the reality of the re-emergence of Estonia as an independent state requires that at any rate those who have not yet retired from work and who do not yet speak the Estonian language make a determined effort to master that language to such a degree that they are able to conduct a simple conversation in Estonian. In this way they would, without having to sacrifice their cultural or linguistic identity, provide a convincing proof of their willingness to integrate. The

required psychological adaptation to the reality of the re-emergence of Estonia as an independent state would also be enhanced if it would be possible to ensure rapid implementation of paragraph 15 of the 1992 Helsinki Summit Declaration, calling for "the conclusion, without delay, of agreements, including timetables, for the early, orderly and complete withdrawal of foreign troops from the territories of the Baltic states."

Of course, I have noted that Estonian legislation opens the possibility for persons who have resided in Estonia for two years since 1990 to apply for Estonian citizenship, which can then be granted after a waiting period of one year. So far only a limited number of non-Estonians residing in Estonia have made use of this opportunity. I doubt, however, whether this is a sufficiently reliable indication of the potential interest of non-Estonians residing in Estonia in acquiring Estonian citizenship. Uncertainty about what the future might bring may play a role. But conversations I had with Russians living in Estonia also gave me the impression that, on the one hand, there was insufficient knowledge of the opportunities which the present Estonian legislation offers them and, on the other hand, where such knowledge does exist there are perhaps excessive fears that the language requirements might prove to be an insuperable obstacle. This, in turn, leads me to the following comments.

Recently, a law laying down Estonian language requirements for applicants for citizenship has been adopted. Even though this law does not completely exempt elderly people and disabled persons from language requirements, as I would have hoped, it does open the way for simplified language requirements for persons born before January 1st, 1930, and for certain categories of disabled persons. On the other hand, Estonian language requirements as laid down in Article 2 of the law are formulated in such a way that they could lend themselves to various interpretations. However, this problem can be remedied to a certain extent because Article 3, paragraph 1, makes it clear that the requirements and the contents of language examinations will be the subject of new government regulations. This would offer the Government the opportunity to ensure that the requirements will not be excessive. In this connection, I may recall that a knowledge of about 1500 words is usually considered to be sufficient to make oneself understood. It would also be important to open the opportunity to try again for those who failed the test for a first time and to ensure that examination fees do not constitute a prohibitive financial burden for applicants.

In my view, it could also greatly facilitate the relationship with the non-Estonian population, if the Estonian Government would decide to set up the office of a "National Commissioner on Ethnic and Language Questions". His or her main task would be to look into relevant complaints which in the view of the complainants have not been correctly dealt with, to signal possible diverging interpretations of the same laws by different authorities, and in a general sense, to act as a go-between to the Government and the community concerned. In this way, he or she could help to prevent tensions from arising or, if they already exist, to reduce or eliminate them. I would be willing to offer you any assistance you might find desirable in developing this idea.

In addition to the recommendations I have mentioned, you will find some others which are self-explanatory in the text which follows. Even though Russians constitute

the largest non-Estonian population group in Estonia, I use the term "non-Estonian" in my recommendations in order to make it clear that they do apply equally to Russians and non-Russians amongst the non-Estonian population of your country.

My recommendations do not call for a drastic overhaul of existing legislation in Estonia. They do call, however, for a number of additional steps to be taken which might in my view help considerably in improving relations between the various population groups in Estonia.

Finally, permit me, Mr Minister, to thank you once again for the kindness shown to me during my visits to Estonia. You and your colleagues never tired from answering my questions!

Yours sincerely,

[signature]
(Max van der Stoel)

Estonia - Conclusions and recommendations

- 1) In general, it is recommended that the Government consistently implement a visible policy of dialogue and integration towards the non-Estonian population, which should incorporate the following recommendations. In the High Commissioner's opinion, early government action in this regard is indispensable.
- 2) Taking into account Article 15 of the Universal Declaration of Human Rights, it is recommended that Estonia proceed to reduce the number of stateless persons permanently residing on its territory. In this end, the High Commissioner recommends the following (Recommendations 3 through 5).
- 3) Children born in Estonia who would otherwise become stateless should be granted Estonian citizenship, taking into account Article 3, paragraph 6, of the Estonian Citizenship Act, Article 24, paragraph 3, of the International Covenant on Civil and Political Rights, and Article 7, paragraph 2, of the Convention on the Rights of the Child.
- 4) It is recommended that the Government, when implementing the law on Estonian Language Requirements for Applicants for Citizenship, should:
 - a. ensure maximum publicity for the law and the government regulations to implement the law, especially amongst the Russian population;
 - b. ensure, when implementing Article 3, paragraph 1, of the Law on Estonian Language Requirements for Applicants for Citizenship, that the risk of different interpretations and practices by the officials concerned is reduced to a minimum and that the ability to conduct a simple conversation will be considered sufficient;
 - c. establish that those who fail the language test will have the opportunity to undergo another language test;
 - d. implement Article 3, paragraph 3, in such a way as to amount to a waiver of all

language requirements for persons born before January 1st, 1930, and disabled persons;

e. ensure that the examination fees do not constitute a prohibitive financial burden for potential applicants.

5) rejection because of a failure to meet the language or residency requirements should not preclude someone from applying again.

6) It should be made explicit that the requirement that applicants have a steady legal income in order to qualify for citizenship will not apply to unemployed people.

7) In view of Articles 1, paragraph 3, and 5, paragraph (d), of the International Convention on the Elimination of All Forms of Racial Discrimination, any discrimination on the ground of nationality or ethnicity should be avoided when enacting or implementing legal provisions concerning nationality, citizenship or naturalisation.

8) In the end, a number of persons will not qualify for citizenship nor have the status of permanent residents. The High Commissioner would recommend that humanitarian considerations and reasonableness be the guiding principles regarding those persons.

9) The use of the Estonian language in the internal affairs of private enterprises and organizations should not be made mandatory.

10) The Estonian Government should continue to enhance its efforts aimed at non-Estonian residents acquiring a reasonable level of knowledge of the Estonian language. More use should be made of the mass media, in particular television. The language education system existing in the Northeastern city of Kohtla-Jaerve should be studied with a view to its possible implementation elsewhere in Estonia.

11) The Government should continue its efforts at informing the non-Estonian population about the legislation, regulations and practical questions which concern citizenship, language requirements etcetera. The Government should also ensure that the Viruuma Information Centre can effectively contribute to informing the Russian population in the Northeast.

12) The office of a "National Commissioner on Ethnic and Language Questions" should be established, with the competence to take up any relevant complaint which he/she considers to require further attention with any government agency. He/she would also have to actively find out about uncertainties and dissatisfaction involving minorities, act speedily in order to help clarify grey areas in legislation and practice, answer to questions within a specified period of time (e.g. two months) and finally act as a go-between to the Government and the minorities in Estonia. He/she should focus his/her activities primarily on the Northeastern region of Estonia, specifically including in his/her activities the Estonian minority there. The National Commissioner should have the general confidence of all parties concerned. If it should prove impossible to find one person meeting this criterion, then a commission of three could be established to perform the same tasks (one Commissioner with two deputies, a triumvirate like many ombudsman offices are structured).

13) The Estonian Department for Minorities Questions should be made an independent body, so that it could act with more authority and credibility and work more effectively.

C S C E
High Commissioner
on National Minorities

His Excellency
Mr Georgs Andrejevs
Minister for Foreign Affairs
of the Republic of Latvia

Reference:
No 238/93/L/Rev.

The Hague
6 April 1993

Dear Mr Minister,

Following my visits to Latvia on 15-20 January and 1-2 April 1993, I take the liberty of sending you, annexed to this letter, a number of recommendations concerning mainly the non-Latvian population of your country. I restrict myself to this question because I would go beyond my mandate if I would comment on other problems concerning your country. On the other hand, I can assure you that, in making these suggestions, I have been fully aware of the political and psychological background of many of the questions I am referring to. I think for instance of the long years Latvia suffered under Soviet occupation, the bitterness caused by what is perceived as a deliberate policy of Russification during those years, and your concerns about the continued, though greatly reduced, presence of Russian troops on your territory. I also recall the way you and your colleagues have repeatedly stressed the determination of the Latvian people firmly to establish its national identity in various field. Finally, I have registered the concern felt by the Latvian Government about the situation of the Latvians living on the territory of the Russian Federation.

I am fully aware of the fact that there is no evidence of persecution of the non-Latvian population since the reestablishment of Latvian independence, and moreover, that there have virtually been no incidents pointing to interethnic violence. My hope is that the ideas I am submitting to you - inspired as they are by the various csce documents to which Latvia, together with all other csce participating States, has subscribed - can

contribute to the promotion of harmony and dialogue between the various population groups in your country.

When I drafted my recommendations, my basic assumption has been that, though a number of non-Latvians have returned to their native country and more might follow, it would be unrealistic to expect that such a return will be on a massive scale. The great majority will probably prefer to stay in Latvia, partially because they have been living there for a long time or have been born there, and partially because they feel that they have no prospect of finding homes en jobs if they would move to the Russian Federation or any other CIS state.

During my visits, I was told by officials of the Citizenship and Immigration Department that according to their estimates the number of non-Latvians that will have acquired Latvian citizenship before June and who will therefore be able to participate in the parliamentary elections scheduled for that month will not exceed 50%. As 98% of all non-Latvians have been living in Latvia for more than 5 years and 93% even for 16 years or more and as the prospects of finding jobs and apartments in the Russian Federation or other CIS republics have to be considered very small, it can be assumed that most of those who so far have not been able to acquire Latvian citizenship will sooner or later apply for it. This conclusion is supported by official data which show that per March 22nd out of a total of 617,443 persons registered as inhabitants of Latvia who are not Latvian citizens 593,008 want to acquire citizenship.

On the basis of my conversations, I assume that the Government of Latvia, confronted with this situation, will not decide to oblige this group or parts of it to leave the country. Although every Government has the right to remove from its territory persons whose continued presence could be damaging to vital interests of the state, it is also obvious that expulsions on a massive scale would be contrary to generally accepted international humanitarian principles and would, moreover, probably have very serious international repercussions.

From the point of view of harmonious interethnic relations, it would in my view also be undesirable that Latvia would insist on such high requirements for citizenship that a great number of applicants would not be able to meet them. As a consequence, the percentage of citizens of Latvian origin would be higher and that of citizens of non-Latvian origin lower then would be the case if Latvia would follow a more liberal line. However, the disadvantage of such a very strict policy would quite probably be that there would be considerable dissatisfaction amongst the very many who would then not have the chance of obtaining Latvian citizenship. Even though, as you pointed out in your speech before the UN Commission on Human Rights in Geneva on February 15, these persons would be free to choose their place of employment, to engage in professional activities and private enterprise, to receive pensions and unemployment benefits and to have access to health care and housing, they would not have the right to make their views known by participating in the election process.

Another solution would be that Latvia would restrict itself to requirements for citizenship which, broadly speaking, would not go beyond those used by most CSCE states. In my recommendations I have tried to elaborate this formula in somewhat greater detail. It is my opinion that such a policy would be the most effective way to ensure the loyalty of non-Latvians towards Latvia. I do understand that the Latvian

Government feels the need, especially in the light of the demographic changes brought about in Latvia during the years of the Soviet period, to take measures to strengthen the Latvian identity. However, there are other instruments than the citizenship law to promote and strengthen the Latvian identity, especially in the cultural, educational and linguistic fields.

I am fully aware that the policy I advocate does not only require an effort on the part of the Latvian Government, but equally a contribution on the part of the non-Latvian population. Adaptation to the reality of the re-emergence of Latvia as an independent state requires that at any rate those who have not yet retired from work and who do not yet speak the Latvian language make a determined effort to master that language to such a degree that they are able to conduct a simple conversation in Latvian. In this way they would, without having to sacrifice their cultural or linguistic identity, provide a convincing proof of their willingness to integrate. The required psychological adaptation to the reality of the re-emergence of Latvia as an independent state would also be enhanced if it would be possible to ensure rapid implementation of paragraph 15 of the 1992 Helsinki Summit Declaration, calling for "the conclusion, without delay, of agreements, including timetables, for the early, orderly and complete withdrawal of foreign troops from the territories of the Baltic states."

In a policy aiming at the promotion of continued harmonious relations between Latvians and the non-Latvian population the most important element would, of course, be the passing of legislation which demonstrates that the Latvian Government is taking the interests of the non-Latvians living in Latvia fully into account. It would be especially conducive to harmonious relations if the present uncertainty amongst non-Latvians about the forthcoming legislation concerning their position in Latvia could be brought to an end as soon as possible. In this connection, I should like to mention the need for the speedy adoption of a citizenship law.

Experience shows that lack of information about government policies can lead to serious and perhaps often unnecessary misunderstandings. Against this background, I am making some recommendations concerning the problem of communication with the non-Latvian communities.

In my view, it could also greatly facilitate the relationship with the non-Latvian population, if the Latvian Government would decide to set up the office of a "National Commissioner on Ethnic and Language Questions". His or her main task would be to look into complaints by persons which, in their view, have not been correctly dealt with, to signal possible diverging interpretations of the same laws by different authorities, and in a general sense, to act as a go-between to the Government and the community concerned. In this way, he or she could help to prevent tensions from arising or, if they already exist, to reduce or eliminate them. I would be willing to offer you any assistance you might find desirable in developing this idea.

In addition to the recommendations I have mentioned, you will find some others which are self-explanatory in the text which follows. Even though Russians constitute the largest non-Latvian population group in Latvia, I use the term "non-Latvian" in my recommendations in order to make it clear that they do apply equally to Russians and non-Russians amongst the non-Latvian population of your country.

Finally, permit me, Mr Minister, to thank you once again for the kindness shown to me during my visits to Latvia. I was especially struck by the openness with which you and your colleagues answered my questions.

Yours sincerely,

[signature]

(Max van der Stoel)

Latvia - Conclusions and recommendations

- 1) A new citizenship law should be speedily adopted, in order that the conditions for naturalisation be clearly defined.
- 2) Children born in Latvia who would otherwise be stateless should be granted Latvian citizenship taking into account Article 24, paragraph 3, of the International Covenant on Civil and Political Rights and Article 7, paragraph 1, of the Convention on the Reduction of Statelessness.
- 3) As far as the requirement of a minimum period of residence in Latvia is concerned, such period should not exceed 5 years. This is the period frequently adopted by states and in this case there do not seem to be good reasons not to adopt it. In terms of non-citizens eligible for citizenship, the difference between 16, 10 or 5 years period of required residence is not great (93 percent, 96 percent and 98 percent respectively). Adopting a shorter period would also be a good decision for psychological reasons, since it would be seen as proof of the Government's determination to resolve the citizenship issue.
- 4) For those who are already residents of Latvia, the period of 5 years mentioned in Recommendation No 3 should be reckoned from the date they came to Latvia or were born there, whichever may be the case.
- 5) In order to reduce as much as possible the uncertainty prevailing in the non-Latvian communities, once applicants fulfil the legal requirements for citizenship they should be granted citizenship without delay and no further waiting period should be introduced.
- 6) If the new citizenship law would include a requirement that basic elements of the Constitution should be known, the requirement should be formulated in such a way that different interpretations are not possible. Generally speaking, the requirement that basic elements of the Constitution be known should not be a major obstacle to the acquisition of citizenship.
- 7) Whatever language requirements are chosen, they should not exceed the level of conversational knowledge" which was required by the Supreme Council Resolution of 15 October 1991. The Government, administrative authorities and courts should be lenient in the application of this requirement as far as citizenship is concerned.

8) A clause exempting elderly persons (60 years and over) and disabled persons from language requirements when they apply for citizenship should be introduced.

9) It should be made explicit that any eventual requirement that applicants should have a steady legal income in order to qualify for citizenship should not apply to unemployed persons.

10) If certain persons would be explicitly excluded by law from acquiring citizenship, the law should stipulate that the validity of any allegation that a person would be the subject of such exclusion would, if denied, have to be established by court, in order to forestall any attempt at improper use of such provision.

11) In enacting or implementing legal provisions concerning nationality, citizenship or naturalisation, Articles 1 (3) and 5(d) of the International Convention on the Elimination of All Forms of Racial Discrimination, prohibiting any discrimination based on national or ethnic origin, have, of course, to be fully respected.

12) The effective and uniform implementation of the citizenship law should be assured by appropriate review or appeals procedure. A rejection of an application for citizenship, for instance because of a failure to meet language requirements, should not preclude the applicant from applying again. These procedures should be widely publicized.

13) In the end, a number of persons will neither qualify for citizenship, nor have the status of permanent residents. The High Commissioner would recommend that humanitarian considerations and reasonableness be the guiding principles regarding those persons.

14) The legislation on language should be made more precise. E.g. Article 7 of the Language Law of 5 May 1989, as amended on 31 March 1992, appears to require the use of the Latvian language in the internal affairs of all private enterprises and organizations. However, this had not been the intention of the legislator.

15) The Latvian authorities should enhance their efforts at helping non-Latvians to acquire a reasonable level of knowledge of the Latvian language. More use should be made of the mass media, in particular television.

16) The Government should enhance its efforts aimed at informing the non-Latvian population about the legislation, regulations and practical questions which concern citizenship, language requirements etcetera. An information brochure providing this information should be written in such a way that it can be comprehended even by persons with no more than a basic education. The brochure should be distributed in large numbers, not only to households but also to places where larger groups of non-Latvians can be expected, such as certain factories, associations and the like. Second, posters and placards could be positioned at public places and in streets, carrying the most important passages from the brochure or a summary of the main points.

17) The office of a "National Commissioner on Ethnic and Language Questions" should be established. The National Commissioner should be competent to take up any relevant complaint which he/she considers to require further attention with any

government agency. He/she would have to actively find out about uncertainties and dissatisfaction involving minorities, act speedily in order to clarify grey areas, answer to questions within a specified period of time (e.g. two months) and finally act as a channel for information and as a go-between to the Government and the minorities in Latvia. The National Commissioner should have the general confidence of all parties concerned. If it should prove impossible to find one person who would meet this criterion, then a commission of three could be established to do the same thing (one Commissioner with two deputies, a triumvirate, like many ombudsman offices are structured).

18) In general, it is recommended that the Government consistently implement a visible policy of dialogue and integration towards the non-Latvian population, which should incorporate the above-mentioned recommendations. In the High Commissioner's opinion, early government action in this regard is indispensable.

The Latvian National Minorities department, which is currently part of the Ministry of Justice, should be made an independent body, so that it could act with more authority.

C S C E

High Commissioner
on National Minorities

His Excellency
Mr Povilas Gylys
Minister of Foreign Affairs
of the Republic of Lithuania

Reference:
No 239/93/L

The Hague
5 March 1993

Dear Mr Minister,

Allow me to thank you once again for the hospitality you offered me during my visit to your country on January 21-23. The programme which was prepared for my visit offered me an excellent opportunity to get acquainted with the policies Lithuania is pursuing concerning especially the Russian and Polish minorities.

I was pleased to note that the problem of citizenship for members of the Russian and Polish minorities has been virtually resolved. The relationship between the various

population groups seems on the whole to be harmonious, even though a number of desiderata remain unfulfilled. I did register complaints of the Polish minority concerning registration procedures for regional elections.

In this connection, I take the liberty to recommend to you the creation of the office of an Ombudsman, which could have as its main task to address in a non-judicial way complaints concerning administrative decisions and practices. The office of Ombudsman, as it has developed in the Scandinavian countries, could serve as a model. Serving the population as a whole, it could also play a useful role in addressing complaints concerning administrative decisions and practices relating specifically to members of the Russian and Polish minorities. I would be willing to offer any assistance you might find desirable in developing this idea.

Yours sincerely,

[signature]
(Max van der Stoel)

Comments by the Ministry of Foreign Affairs of Estonia on the Recommendations submitted by H.E. Mr. Van der Stoel, CSCE High Commissioner on National Minorities

During the course of his two visits to Estonia, the CSCE High Commissioner on National Minorities held numerous meetings with members of the Government of Estonia, pertinent governmental authorities, representatives of ethnic minority groups and representatives of the non-citizen population (Footnote: Estonian citizenship is not defined by ethnicity. Thus, wherever references are made to a Russian-speaking population or a non-Estonian population, it must be kept in mind that there are about 100.000 ethnic Russian citizens of Estonia and numerous ethnic Estonians who are not citizens of the Republic of Estonia, or even Estonian-speaking.), during which the High Commissioner demonstrated great knowledge and a clear understanding of the complex situation in our country. Based on the information acquired through these contacts, Mr. Van der Stoel compiled what we deem to be a fair and accurate analysis of the current situation, together with valuable recommendations for its improvement in his letter to the Estonian Minister of Foreign Affairs, Mr. Trivimi Velliste.

Estonia fully supports the recommendation of the High Commissioner to take early action to improve a visible policy of dialogue between the Government of Estonia and the non-citizen population, a dialogue which will promote the full integration of this non-citizen population into Estonian society. The Estonian institute of Human Rights, the existing CSCE Mission to Estonia, the Virumaa Information Centre and Governmental and parliamentary commissions will continue to play an integral role in these efforts.

Estonia also recognizes the importance of drafting and implementing policies and legislation which will aid in the reduction of the number of stateless persons permanently residing on its territory, in conformity with Article 15 of the Universal Declaration of Human Rights.

Despite a consistent and deliberate Russification policy carried out by Soviet authorities during the occupation of Estonia, the Government of Estonia wishes to reiterate that discrimination against Russians or any other ethnic group living in Estonia is constitutionally and legislatively forbidden. The previously privileged status of the Russian language has simply been revoked, an act which is perceived as discrimination by some circles.

The Government of Estonia would like to address Mr. Van der Stoel's concern that any discrimination on the grounds of nationality or ethnicity should be avoided, in light of Articles 1, paragraph 3, and 5, paragraph (d) of the International Convention on the Elimination of All Forms of Racial Discrimination, by reaffirming Estonia's commitment to the policy of non-discrimination on the grounds of ethnic origin, citizenship or other distinctions as established in the 1992 Constitution. In particular, we would like to note that the 1938 Law on Citizenship and its subsequent amendments and regulations for implementation are consistent with this commitment. All descendants of Estonian citizens are automatically regarded to be citizens, irrespective of ethnic origin; no persons of any ethnic origin or of any previous citizenship are restricted from applying for naturalization.

Estonia also recognizes the importance of implementing the Law on Language Requirements for Applicants for Citizenship in a fair manner and of providing a maximum amount of information on this issue. To this end, at the request of the Government of Estonia, the Council of Europe is providing expertise on the drafts of legal acts which regulate the implementation of language requirements.

In his letter, the High Commissioner recommends that persons fail the language test required for citizenship be given the opportunity if already available and no limitations are proposed in the drafts submitted for expertise.

Because Estonia recognizes the concern regarding language requirements for the elderly and the disabled, considerably simplified examination procedures for persons born before January 1st, 1930, and disabled persons have been provided in the legislation.

In order to implement in a fair manner the language requirements and to promote integration into Estonian society, the Government of Estonia is seeking to enhance the possibilities for Estonian language training. All efforts are being made to develop an effectual system of language instruction with qualified instructors, effective teaching materials and methods and greater use of varying resources, including an expanded use of the mass media.

This effort includes providing better and more comprehensive information to the non-Estonian population on their rights and obligations, pertinent legislation and regulations as well as on practical matters concerning citizenship application, language instruction and examination and other issues affecting their integration into Estonian society.

These efforts are, regrettably, constrained by our limited financial resources. We must, however, overcome these limitations. We welcome any suggestions or assistance which the international community might provide.

Although it should be noted that the Estonian Constitution already includes the post of ombudsman, the High Commissioner's recommendation for the establishment of the post of National Commissioner on Ethnic and Language Questions to review potential concerns and serve as a liaison between the population and governing structures has been met with a positive reaction by the relevant Estonian authorities. This recommendation merits further examination to determine how such an office could most beneficially be established in Estonia.

Once more, the Government of Estonia would like to take opportunity to reiterate its thanks to Mr. Van der Stoel for his attention and assistance to Estonia. We especially appreciate the High Commissioner's thoroughness and objectivity in these efforts. We firmly believe that his analyses and recommendations will significantly enhance the rapid and positive development of our country.

**MINISTRY FOR FOREIGN AFFAIRS
REPUBLIC OF LATVIA**

April 18, 1993

The Hon. Max van der Stoel
Office of the CSCE High Commissioner on National Minorities
Prinsessegracht 22
P.O. Box 20062
2500 EB The Hague
The Netherlands

Dear Mr. van der Stoel,

The Republic of Latvia Ministry of Foreign Affairs presents its compliments to the Office of the CSCE High Commissioner on National Minorities and has the honour to refer to the following issue.

We appreciate the great interest expressed by the CSCE High Commissioner on National Minorities which is carried out in accordance with the relevant provisions of the Helsinki Document, 1992 and the Summary of Conclusions of the Stockholm Council Meeting, 1992, as well as your great personal interest, as expressed during your visit of April 1 & 2, 1992, concerning the current situation in Latvia which is a consequence of the long years which Latvia suffered under Soviet occupation.

The evaluations and suggestions which you have provided in your introductory letter and the attached conclusions and recommendations are carefully being examined by the respective Government institutions of Latvia.

Most of your conclusions appear to be reasonably grounded, especially those concerning the lack of a new citizenship law in Latvia. As you know, the current Latvia Supreme Council is a transitional parliament and has no legal mandate under the restored 1922 Latvia Constitution to change the body of Latvia citizenship through naturalization or other means. This legal mandate will be held by the newly-elected Saeima which is being elected on June 5 and 6 1993. Thus, one of the most urgent tasks for the new Saeima will be to adopt a complete citizenship law which will include provisions for naturalization. Your recommendations will certainly be presented to the Saeima members.

Regarding the proposal for the establishment of a "National Commissioner on Ethnic and Language Questions" Office, it should be noted that this question involves careful examination and probably cannot be implemented until the new Government is formed. However, we would like to mention that the existing system of human rights protection in Latvia has not been exhausted and provides, in our opinion, sufficient avenues for problem-solving in this area.

We are confident that our further cooperation with the CSCE High Commissioner on National Minorities will be fruitful and valuable for all CSCE member states.

Please accept my highest considerations.

Sincerely yours,

[signature]
Georgs Andrejevs
Minister of Foreign Affairs
Republic of Latvia

REPUBLIC OF LITHUANIA

MINISTER OF FOREIGN AFFAIRS

Vilnius, April 16, 1993

Dear Mr. Van der Stoel,

Thank you very much for your kind letter of 5 March 1993 as well as for the sympathetic evaluation of the situation in Lithuania. I hope your valuable opinion will produce a major impact in clarifying overall policies of the Baltic States with regard to national minorities and remove causes for unnecessary tensions.

Allow me to touch upon your suggestion concerning the creation of the office of an Ombudsman. I was particularly interested in this idea and after thorough considerations we have arrived to the following conclusions.

According to the Article 73 of the Lithuanian Constitution offices of Seimas controllers will be established with the mandate to "examine complaints of citizens concerning the abuse of powers by and bureaucracy of, State and local government officers (with the exception of judges). Controllers shall have the right to submit proposals to the court to dismiss guilty officers from their posts".

I could convey to your notion, that drafters of the Constitutions were very impressed by Scandinavian experience of Ombudsmen activities, and this Article 73 is an attempt to reflect this experience in our presently reformed state governing system. Although differing in names of offices and varying in details of mandate, the idea of officials taking care of public complaints remains very much the same, corresponding thus to large extent to your suggestion.

H.E. Mr. Max van der STOEL
CSCE High Commissioner
on National Minorities

The said Article 73 also sets forth that the powers of controllers shall be established by law. Due to immense amount of legislative job, this law has not been adopted yet. Nonetheless, I am confident, that respective committees of Seimas will not allow it to be delayed, and, as soon as the first draft will appear, it will be my pleasure to send it to you for your comments.

Wishing you all the best in your difficult mission, I remain,

Sincerely yours,

[signature]
Povilas GYLYS

**Secretariat of the
Conference on Security and
Co-operation in Europe
PRAGUE**

CSCE Communication No. 125/Add.1
Prague, 26 April 1993

To the Points of Contact

Russian comments to the Recommendation by the CSCE High Commissioner on National Minorities upon his visits to Estonia and Latvia (cf. CSCE Communication No. 124)

An English translation of the Russian comments is attached.

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Comments on the Conclusions and Recommendations of
the Mission of the CSCE High Commissioner on National
Minorities, Mr. M. Van der Stoel, in Estonia and Latvia

The work carried out by the Mission of the High Commissioner in Estonia and Latvia can be regarded as constructive. The "Conclusions and Recommendations" touch upon key problems which, as long as they remain unsolved, will continue to have a negative influence on the situation of the Russian-speaking populations in those countries. It is obviously not in the interest of Latvia and Estonia to send the Russian-speaking population back to its historical homeland; rather, they should help those who have linked their fate with the Baltic countries under new circumstances to adapt, they should promote the integration of ethnic Russians while allowing them to retain their identity.

Estonia

In Estonia, the chief barrier to the stabilization of inter-ethnic relations is the language law. The recommendations relating to the holding of language examinations at the level of simple conversation are therefore welcome. Their acceptance by the government of Estonia would enable an overwhelming majority of ethnic Russians to overcome this obstacle to obtaining citizenship.

Important also is the recommendation that citizenship should be granted to the children of parents who are not citizens of Estonia.

The recommendation not to apply to the unemployed the requirement of a steady legal income would also considerably reduce the number of Russians currently deprived of the possibility of applying for citizenship.

The proposal that the utmost clarity should be introduced in the interpretation of all laws and provisions relating to citizenship is also worthy of support. Indeed, local bureaucratic arbitrariness is the principal source of violation of the rights of non-indigenous populations.

Efforts by legislative bodies to clarify questions of citizenship and language, as recommended by the Mission, should also contribute to the creation of a better psychological climate in Russian-language circles.

The recommendation concerning the creation of a post of National Commissioner on Ethnic and Language Matters can also be regarded as constructive. This would provide persons whose rights have been infringed with an additional impartial channel for defending their interests.

Latvia

The main problem encountered by the Russian-speaking population in Latvia is the arbitrariness of the authorities in conducting the so-called registration of the country's inhabitants. Therefore, coupled with the proposed reduction of the qualifying period of settlement from 16 to 5 years, the recommendation whereby residence should be calculated from the date of arrival in Latvia would enable a large category of ethnic Russians to apply for citizenship.

The Mission's recommendation for improving the naturalization procedure constitutes a good basis for resolving this problem.

The recommendations concerning the granting of citizenship to children born in Latvia, the need to have a command of the Latvian language within the limits of the "conversational level" and the abolition of the requirement of a steady legal income in order to acquire citizenship should also be supported.

As a means of limiting potential abuses in the decision of questions of citizenship, it would be of great importance to provide for the possibility of appealing to the courts against action taken by the authorities.

As in the case of Estonia, implementation of the recommendation concerning the creation of a post of National Commissioner on Ethnic and Language Matters would contribute to a more effective resolution of national minority problems.

On the whole, the recommendations and conclusions of the Mission represent a good basis for dealing with problems affecting the interests of the Russian-speaking part of the population of Estonia and Latvia. The document is based on a realistic appraisal of the situation, shows balance and compromise, and rightfully refrains from introducing changes and additions as regards principles.

