

Romanian Chairmanship**373rd PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 13 December 2001

Opened: 10.05 a.m.
Suspended: 10.40 a.m.
Resumed: 10.45 a.m.
Closed: 12.50 p.m.

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

3. Subjects discussed - Statements - Decisions:

Agenda item 1: REPORT BY THE CHAIRMAN OF THE CONTACT GROUP
WITH THE MEDITERRANEAN PARTNERS FOR
CO-OPERATION

Chairman of the Contact Group with the Mediterranean Partners for
Co-operation (PC.DEL/987/01), United States of America (PC.DEL/992/01),
Malta (PC.DEL/996/01), Spain, Italy, France, Jordan (Mediterranean Partner
for Co-operation), Morocco (Mediterranean Partner for Co-operation), Egypt
(Mediterranean Partner for Co-operation), Algeria (Mediterranean Partner for
Co-operation), Turkey, Netherlands (PC.DEL/984/01), Chairman

Agenda item 2: REVIEW OF CURRENT ISSUES

- (a) *Extension of OSCE mission mandates:* Russian Federation, Belarus
- (b) *So-called presidential elections held in the Transdniestrian region of the Republic of Moldova on 9 December 2001:* Moldova, Belgium-European Union (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/988/01/Corr.1), Ukraine, United States of America (PC.DEL/1001/01), Russian Federation, Georgia, Azerbaijan

- (c) *Conference on the OSCE and the Multiple Challenges of Transition in the Caucasus and Central Asia (1991-2001), held from 6 to 8 December 2001: Switzerland*

Agenda item 3: BRIEFING ON OSCE FIELD ACTIVITIES

Meeting of the Steering Board of the Peace Implementation Council (PIC) held on 5 and 6 December 2001: Chairman

Agenda item 4: OSCE MISSION TO ESTONIA

Head of the OSCE Mission to Estonia, Belgium-European Union (also on behalf of Bulgaria, Cyprus, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/989/01), United States of America (PC.DEL/993/01), Canada, Iceland, Norway, Latvia, Switzerland, Liechtenstein, Belarus, Armenia, Russian Federation (Annex), Kazakhstan, Estonia (PC.DEL/1000/01), Chairman, Tajikistan

Agenda item 5: OSCE PROJECT CO-ORDINATOR IN UKRAINE

OSCE Project Co-ordinator in Ukraine, Belgium-European Union (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/990/01), United States of America (PC.DEL/994/01), Russian Federation, Switzerland, Ukraine, Chairman

Agenda item 6: DECISION ON THE GEOGRAPHICAL EXPANSION OF THE BORDER MONITORING OPERATION OF THE OSCE MISSION TO GEORGIA

Chairman, United States of America

Decision: The Permanent Council adopted Decision No. 450 (PC.DEC/450), the text of which is appended to this Journal, on the geographical expansion of the border monitoring operation of the OSCE Mission to Georgia.

Agenda item 7: REPORT ON THE ACTIVITIES OF THE CHAIRMAN-IN-OFFICE

None

Agenda item 8: REPORT OF THE SECRETARY GENERAL

None

Agenda item 9: ANY OTHER BUSINESS

- (a) *Decision on the establishment of the seconded post of senior police adviser in the OSCE Secretariat*

The Chairman announced that the silence regarding the decision on the establishment of the seconded post of senior police adviser in the OSCE Secretariat had not been broken (see PC.DEC/448, the text of which is appended to this Journal).

- (b) *Organizational matters: Chairman*
- (c) *Delegation of Denmark's extra-budgetary contributions to the OSCE for the year 2001: Denmark (PC.DEL/995/01), Chairman*
- (d) *Information concerning the decision on the Helsinki Scales of Assessment: Ukraine, Chairman*

4. Next meeting:

Tuesday, 18 December 2001, at 3 p.m., in the Neuer Saal



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

PC.JOUR/373
13 December 2001
Annex

ENGLISH
Original: RUSSIAN

373rd Plenary Meeting
PC Journal No. 373, Agenda item 4

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

Mr. Chairman,

The Russian Federation greatly appreciates the efforts of the Head of the OSCE Mission to Estonia, Ambassador Doris Hertrampf, as well as those of the Mission staff, and notably their endeavour to do as much as possible to assist the authorities of the Republic of Estonia in finding solutions to the problems facing the State. Given that the question of the Mission's fulfilment of the Guidelines formulated by the Austrian Chairmanship and the related question of terminating the Mission's mandate have been raised here, let me put forward the Russian point of view in this matter.

First of all, a few words about this document drawn up during the previous chairmanship. As you will recall, the Permanent Council did not regard or adopt the Guidelines as a consensual document. This being so, it cannot serve as the basis for a decision concerning the Mission's fulfilment of its mandate. Furthermore, the Guidelines themselves have not, in our view, been fully implemented.

The first of these Guidelines concerns the Law on Language. In our view, it is not enough to speak only of implementation in accordance with "public interests" and the principle of proportionality when the right of individuals belonging to minorities to study and use their mother tongue is not being properly respected. The law in its present form is still viewed critically by representatives of the non-indigenous population. However, even if we take the view that it is being fulfilled in the light of these two aforementioned principles, we have to concede the following point: languages spoken by 35 per cent of the population are not being accorded the status of languages spoken by national minorities and are instead classified as foreign languages. We fail to see how it is possible to reconcile restrictions going as far as actual prohibition of the use of a language which is the mother tongue of a third of the population for signs, notices, advertisements and topographical indications, even in areas having a mainly minority population, with the public interest. These restrictions amount to plain agitation when it comes to elections.

Although persons belonging to minorities (i.e., citizens of Estonia) are granted a formal right to receive replies from the authorities in their own language, neither the

Constitution (Article 51) nor the Law on Language (Article 10) grant these individuals the right to submit applications in their mother tongue to local government authorities without a certified translation. In this regard, justifiable doubt might arise as to whether a third of the population of Estonia is considered to be an integral part of Estonian society and whether its legitimate social interests are being observed.

It would seem that the second point in the Guidelines of the Austrian Chairmanship, namely bringing the electoral legislation into line with international standards, has been fulfilled. The provision on language requirements for candidates in parliamentary elections has been dropped from the election laws. However, a law was passed at the same time tightening the rules of procedure governing the work of the parliament and establishing the State language as the only working language. On 4 December 2001, the parliament adopted amendments to the Law on Local Self-Government which make it compulsory for members of the local self-government bodies to use only the Estonian language in their work. This requirement is also being extended to regions and territories where a majority of the population is made up of representatives of national minorities. The aim of these legislative acts is to make it impossible for representatives of national minorities who are not completely proficient in the Estonian language to continue with their work.

In other words, there has been no real change in the approach to these questions, and the essence of this approach was set forth in detail in the Public Appeal of the United People's Party of Estonia to the OSCE Chairman-in-Office, the OSCE Permanent Council and the international community which was sent to us on 7 December. A similar appeal regarding the unconstitutional nature of the latest legislative act was sent to the President of the Republic of Estonia.

The third point in the Guidelines referred to a consolidation of the office of the Chancellor of Justice, who carries out the functions of an ombudsman, and the opening of a regional office in north-eastern Estonia. It is true that such an office has been opened, and Russia welcomed that fact. However, not long after that, in October 2001, the head of the Narva office was sent to Germany for a lengthy period of study. As far as we understand, he will not be returning until February next year, at the earliest, and in the meantime a representative of the Chancellor of Justice receives visitors occasionally (once a week). We cannot say anything specific about the results of his work at the moment.

The fourth point in the Guidelines concerns the implementation of the State Integration Programme. This programme is angled primarily towards instruction in the Estonian language for persons belonging to minorities, something which is not directly and immediately connected with protection of the linguistic rights of national minorities. The "strategy for the support of minority languages" referred to in the Guidelines is not being put into effect as a distinct task worthy of serious attention. The results of this approach to the question are causing understandable concern among the non-native population. As can be seen from report No. 144 of the OSCE Mission, a steady decline in Russian language skills is observed among final-year students in secondary school. At the same time, the knowledge of the Estonian language possessed by these young people is inadequate for them to enter institutes of higher education or to obtain any job requiring linguistic qualifications. As a result, students leaving the Russian schools are not truly competitive in the labour market and their social status is declining.

The State's approach to integration itself suggests that minorities are regarded not as equal partners in the implementation of this programme but simply as its object. Society remains split, the communities being divided by language and citizenship. Altogether characteristic in this context is a statement by the Minister for Population Issues and Ethnic Affairs, Ms. Katrin Sachs, who condemned the very fact of NGO participation in the preparation of the familiar report of the Open Society Institute. The practice of granting representatives of national minorities the right to engage in studies in the humanitarian sphere was described by Ms. Sachs as "depraved" and the NGOs themselves were accused of "treachery" and "disloyalty" because they had dared to take a position "contrary to the official point of view".

The final point in the Guidelines, namely to find a solution to the question of naturalization, also remains unfulfilled. More than that, in the opinion of UNDP, the existing legislation will not make it possible to solve the citizenship problem in the next 15 to 20 years. Let me just recall that we are talking here about 175,000 people without citizenship and tens of thousands (between 30,000 and 80,000, according to different assessments) of so-called "illegals". The fact that they do not have Estonian citizenship deprives these people of a whole range of political, civil, socio-economic and other rights, including the rights of national minorities which are extended only to Estonian citizens.

Thus, the Russian delegation cannot accept the optimistic conclusion that the Guidelines laid down by the Austrian Chairmanship have been fulfilled as an argument in favour of closing the Mission. A decision of this kind would be tantamount to an incorrect and unduly optimistic signal to the Estonian authorities and would cause serious disappointment among at least a third of Estonian society.

With regard to the implementation of the Mission's mandate as a whole, the overall situation, despite some progress and efforts on the part of the Estonian leadership to bring the country's legislation into line with European standards, is still unsatisfactory. Estonia is still not party to the United Nations Convention relating to the Status of Stateless Persons, the United Nations Convention on the Reduction of Statelessness, the UNESCO Convention Against Discrimination in Education, the European Convention on Participation of Foreigners in Public Life at a Local Level, the European Charter on Regional Languages and Languages of Minorities, or the European Convention on Nationality. Furthermore, the ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation and Protocol No. 12 to the European Convention on Human Rights have not been ratified. This is not just a random selection of international instruments which have not been incorporated into Estonian legislation. Estonia's unwillingness to accede to these international agreements and bring its national legislation into line with them reflects the real situation in areas having a direct bearing on the situation of the so-called Russophone population.

It is also hard to agree with the contention that contacts with the competent authorities responsible for settling questions of citizenship, migration, language, social protection and employment, contacts which the Mission was to have made under its mandate, have led to any startling improvement in the situation of the non-Estonian population. The rate of naturalization is slowing down, and this trend testifies not so much to a loss of interest in

obtaining Estonian citizenship as to the need to bring Estonian legislation into line with the country's integration tasks.

In conclusion, we should like to reaffirm our profound conviction that the OSCE Mission to Estonia still has serious and substantial work to do. The pace at which this work can be accomplished depends not so much on the Mission, which is in fact engaged in useful projects, as on the political will of the Estonian Government itself. A similar view is held by representatives of minorities, who have approached our Organization and the Chairman-in-Office with appeals for an extension of the Mission's mandate. Such appeals come not only from authoritative non-governmental organizations in Estonia and from clergy of the Estonian Orthodox Church of the Moscow Patriarchate but also from local authorities - in particular the Narva Town Assembly as well as the United People's Party of Estonia, the Russo-Baltic Party, the Russian Unity Party and the Russian Party of Estonia.

We deeply regret that the work of the OSCE Mission to Estonia should be terminated without a consensual decision of the Permanent Council and on the basis of a purely technical procedure. What this means is that we are establishing an extremely negative precedent which is bound to affect our Organization's work in the humanitarian sphere, and particularly the activities of its field presences. In essence, serious damage is being done to the OSCE's authority and prestige.

We ask that this statement be reflected in the Journal of today's meeting of the OSCE Permanent Council.