

The OSCE Missions to the Baltic States¹

Shortly after Estonia and Latvia regained independence, upon the invitation of both countries, the OSCE set up missions there. The Mission to Estonia began operations on 15 February 1993 and the Mission to Latvia on 19 November of the same year. The mandates of both Missions called for giving support to each host country primarily in integrating the Russian-speaking population into Estonian and/or Latvian society. This task was achieved at different points in time with varying degrees of success; an examination of the causes of these differences is beyond the scope of this article. However, one must emphasize here that the Missions to the Baltic states contributed frequently - very often behind the scenes - with constructive criticism to the fact that in a short period of time Estonia as well as Latvia made remarkable progress.

The mandates of both OSCE Missions to the Baltic states expired on 31 December 2001. In the Permanent Council meeting on 13 December 2001, Ambassador Doris Hertrampf² reported on the situation in Estonia for the last time and recommended that the Permanent Council see the mandate to the Mission to Estonia as fulfilled.³ The Head of Mission in Latvia, Ambassador Peter Semneby⁴, issued a similar recommendation on the Mission to Latvia on 18 December.⁵ The Romanian Chairmanship concluded from the reactions of the delegations that a large majority of the participating States approved these recommendations; thus there were no steps taken to renew the Missions' mandates whose extensions had both been due at the end of 2001. In Estonia, there followed a two-month administrative closure period, in Latvia, five months were scheduled for the administrative closure process (which can be attributed primarily to the continuation of projects already begun), so that the Mission was finally closed at the end of May 2002.

In articles in earlier editions of the OSCE Yearbook on the Missions to the Baltic states,⁶ it had already been pointed out that Estonia and Latvia even

1 The opinions and views in this article do not reflect the official standpoint of the OSCE, but are exclusively the personal observations and evaluations of the author.

2 The German diplomat Doris Hertrampf was appointed Head of Mission in Estonia in February 2000.

3 Cf. PC.FR/53/01 of 7 December 2001.

4 Peter Semneby comes from the Swedish Ministry of Foreign Affairs and took on his post as Head of Mission in Riga on 2 October 2000.

5 Cf. PC.FR/54/01 of 14 December 2001.

6 Cf. the articles by Falk Lange, *The OSCE Missions to the Baltic States*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997, Baden-Baden 1998*, pp. 115-121, here in particular p. 121, and by Undine Bollow, *The OSCE Missions to Estonia and Latvia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999, Baden-Baden 2000*, pp. 169-178. Falk Lange points out that since 1995, the concept of an "exit

just a few years after the establishment - at their request - of the OSCE Missions, began striving for their closure, and a debate on the end of the OSCE presence had already begun in 1996. In the spring of 1999, the Estonian President Lennart Meri caused a sensation when he publicly spoke out for transforming the Mission to Estonia, as it had fulfilled its mandate, into a research institute. There is even an explicit reference to the temporary character of the Mission to Estonia in the mandate itself. From the beginning, it was to, "keeping in mind the temporary nature of the Mission, consider ways and means of transferring its responsibilities to institutions or organizations representing the local population".⁷ In contrast, the Russian Federation repeatedly pointed out the continual problems which the Russian-speaking minorities were confronted with in both states.

Because of these developments and after consultations with both Baltic countries, the Austrian Chairmanship strove to reach a compromise solution right at the beginning of the year 2000. The Chairmanship endeavoured, without a formal change in the mandate, to set up criteria that would allow the Permanent Council to determine whether both mission mandates had been successfully fulfilled. The generalized wording of the two mandates made it difficult to ever evaluate objectively whether they were implemented fully.⁸ On the other hand, it was unanimous among participating States that the OSCE Missions to the Baltic states had not been designed to be maintained for a long period of time, but were of a temporary nature and that the OSCE was to take the desires of the host country into consideration.⁹

In the first half of 2000, the Austrian Chairmanship requested that both Missions report on how they evaluated the situation in the field with respect to whether the mandate had been fulfilled. Ambassadors Hertrampf and Örn¹⁰ submitted confidential reports to the OSCE Chairmanship. Based on these two reports, certain areas were pinpointed for the Missions to Estonia and Latvia that were to be monitored with special care. After exhaustive consultations with both host countries, the Missions, all interested OSCE participating States and the OSCE High Commissioner on National Minorities

strategy" had begun to appear in the discussions about OSCE missions, which had been led since then with differing intensity, and that already for some time, in particular in Estonia and Latvia, emphasis was placed on the temporary nature of these Missions as well as the fact that their mandates had been fulfilled.

7 Committee of Senior Officials, Nineteenth CSO Meeting, Prague, 2-4 February 1993, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 988-998, here: p. 988.

8 The mandates of both Missions are worded very generally. They make it a Mission task to maintain contacts with the authorities responsible for citizenship, language questions and social topics and to support building a civil society. The mandates of these two Missions can be accessed at: <http://www.osce.org/publications/survey/>.

9 Cf. Activity Report No. 67 of the Mission to Latvia of 27 October 2000 (SEC.FR/593/00). At a Mission event on 29 September 2000, the Latvian President Vaira Vike-Freiberga expressed her opinion that thanks to the fruitful co-operation between Latvia and the OSCE Mission, the end of the Mission was foreseeable in the near future.

10 In 1999, Ambassador Torsten Örn of Sweden succeeded David Johnson of Britain as Head of Mission in Latvia.

(HCNM), the Austrian Chairmanship formulated the so-called “Guidelines” for both Missions. The then Chairperson-in-Office, Foreign Minister Benita Ferrero-Waldner, forwarded these Guidelines to her colleagues in Estonia and Latvia; in this manner, both governments were informed officially on the areas in which the OSCE still expected progress before the Mission mandates could be considered fulfilled. A copy of the letters from Foreign Minister Ferrero-Waldner to both Missions containing the Guidelines was dispatched to each participating State for their information.¹¹

For Estonia, the catalogue covered five areas. Essentially, these included secondary language legislation, the electoral laws, the creation of the office of an ombudsman in Narva, the creation of a stable framework for and progress on the integration of the Russian-speaking population into Estonian society as well as questions in connection with the aliens law and the naturalization of stateless persons.

The Guidelines for Latvia were formulated more broadly, on the one hand, because the Mission mandate in Latvia was expressed differently and on the other, because the Chairmanship had oriented itself to the evaluation report of each Head of Mission, which of course were worded each in their own way. The Mission in Riga was to devote its greatest attention to four points: citizenship questions, language and educational affairs, the social integration programme and setting up an ombudsman institution.

Both countries chose completely different approaches to fulfil the concrete tasks facing them. While in Riga the Guidelines were discussed in public, the coalition government in Tallinn dealt with these points confidentially and requested that the OSCE Mission there follow this confidential line.

In the following, I would like to go briefly into the reasons why, at the end of 2001, Ambassador Hertrampf and Ambassador Semneby recommended to the Permanent Council that the mandate of both Missions be regarded as fulfilled.

The OSCE Mission to Estonia

Since 1999, the activities of the Mission to Estonia had changed fundamentally. Since that year, the two offices in Narva and Jõhvi near the industrial centre of Kohtla-Järve were no longer permanently staffed; all international Mission members were stationed in Tallinn. However, at least once a week, there was an international Mission member in the field office in Narva who was available for the local population during office hours. In Jõhvi, consultations were now by appointment only. A local Mission member manned the office once a week to take complaints or make and keep appointments. During the last three years, activities were concentrated in the capital, Tallinn, as

11 On Estonia see: CIO.GAL/112/2000 of 30 October 2000; on Latvia: CIO. GAL/132/00 of 24 November 2000.

the essential point was to strengthen the legal framework for the integration process.

During the last three years of its existence, the Mission to Estonia reported more and more often on positive developments in the area of the rule of law and the independence of the courts as well as testifying to successes in the development of a legal framework for the right of naturalization and the right of permanent residence for the Russian-speaking minority in the country.

In mid-1999, an ombudsman institution was created, which the Legal Chancellor was to perform as a second function. Unfortunately, starting in June 2000, this post was vacant for almost seven months. On 15 February 2001, the Parliament elected Allar Jõks as the new Ombudsman for seven years and on 1 March 2001, he set about tackling the task at hand with new vigour. The Mission had very close contact with him and his office up till the end and with the agreement of the persons involved transferred a number of individual cases to his office for further management and/or monitoring.

On 6 June 2001, field offices of the office of the Legal Chancellor and the Ombudsman were opened in Narva and shortly thereafter in Jõhvi. Igor Alyoshin, an Estonian lawyer whose native language is Russian, was appointed the representative of the Legal Chancellor and Ombudsman in Ida-Virumaa. It was particularly important to the Mission that in the north-east of the country where there is a large Russian-speaking minority a contact point be created for persons having problems with the naturalization process and residence permits.

On 1 October 2001, the decree to the Language Law on the use of Estonian in the private sphere, which had been amended on 14 June 2000, entered into force. For this reason, in November 2001, the OSCE Mission in co-operation with the Estonian Language Inspection Board (under the Ministry of Education) organized a seminar on the implementation of this decree. This seminar, at which international language and legal experts from the office of the HCNM, from Wales and South Tyrol as well as representatives from Estonian ministries and other state organs participated, was particularly important because together with its follow-up events it created a mechanism that was to be continued after the Mission's activity in Estonia ended. It was decided that also the minority groups involved would take part in the follow-up events in this area.

On 21 November 2001, the Riigikogu (the Estonian Parliament) adopted amendments to the electoral laws, which President Arnold Rüütel, newly elected in September 2001, signed on 6 December 2001. The amendments, which had provoked intense public debate, involved repealing the provision that Estonian citizens who run for office in national or local elections must have a certain proficiency in the Estonian language. The Mission and the HCNM had repeatedly criticized this provision because it was not in compliance with Estonia's international commitments (for example, it went against Article 25 of the UN Covenant on Civil and Political Rights).

With regard to the implementation of the State Integration Programme, the Head of Mission, Ambassador Hertrampf, recommended that also in this area one could view the mandate as being fulfilled because in addition to several positive evaluations, national and international financing for the further implementation of the State Integration Programme was guaranteed. The Mission repeatedly applauded the role of the then Minister for Population and Ethnic Affairs, Katrin Saks.

There was also progress during the reporting period on questions of nationality and the right of permanent residence in Estonia. At the end of 2001, over 80 per cent of stateless persons and citizens of third countries had a permanent residence permit in Estonia. Since the year 2000, the Citizenship and Migration Board had under a new director¹² developed a new policy and, in particular, addressed the registration of so-called “illegals” (persons without valid documents). Another concern of the Mission, the removal of family reunification from the immigration quota,¹³ was not made law, but was implemented *de facto*. In the years 2000 and 2001, not a single resident permit was refused on the grounds that the immigration quota had been exhausted. As in the years before, the number of persons naturalized in the year 2001 was very low (according to official information from the Ministry of the Interior, 172,669 stateless persons were living in Estonia on 1 November 2001). However, the Estonian government has endeavoured to improve the situation and has made this intention very clear by the fact that they pay special attention to the youth of the country. Since the start of the school year 2001/2002, school graduates have been able to apply not only their language examinations (this was already made possible in March 2000), but also those in civics towards certification for the naturalization process. In this manner, school graduates do not have to take any additional examinations to apply for Estonian citizenship.

As a result of these positive developments as well as because of a commensurate number of Russian-speaking Members of Parliament and the fact that there were a series of active NGOs in the country, the Mission came to the conclusion that one could with good conscience recommend to the Permanent Council that the mandate be seen as fulfilled. The most urgent task of the Mission was considered accomplished, namely, putting the country in a position in which - by including its minorities - it could solve existing problems on its own based on the OSCE canon of values. In the meeting of 13 December 2001, all delegations supported this recommendation with the exception of the Russian Federation, which did not agree with the assessment of the Head of Mission and the other delegations and demanded that their declaration be included in the Journal of the 373rd Plenary Meeting of the Perma-

12 Mari Pedak assumed office as the new Director in January 2000.

13 Since 1998, the yearly immigration quota has been 0.05 per cent of the population (citizens and all persons with a permanent residence permit), about 700 people per year.

ment Council.¹⁴ At this meeting, the Estonian Ambassador to the OSCE, Tiina Intelmann, emphasized the joint success of the OSCE and her country. She pointed out that Estonia would continue to co-operate with the OSCE and all its institutions and in particular underlined the important role that the High Commissioner on National Minorities played.¹⁵

The *OSCE Representative to the Estonian Government Commission on Military Pensioners*, German Navy Captain Uwe Mahrenholtz, assumed his post in Tallinn in 1994. This Commission makes recommendations on the issuance of residence permits to former members of the military and their families. Because the issuance of permanent residence permits for former members of foreign armed forces and their families is impossible according to Estonian law, for all practical purposes, the Commission will remain in existence until this legal position has been changed. Because the mandate of the OSCE Representative is linked to the existence of the Government Commission, it is open as to how long Uwe Mahrenholtz will exercise his mandate.

The OSCE Mission to Latvia

For the Mission to Latvia, questions relating to citizenship and naturalization have always been at the centre of its activities; even today, there are over a half a million people who do not have citizenship in Latvia. This was also taken into account in the wording of the Guidelines, which focused on this subject area.

On 18 December 2001, Ambassador Semneby reported in great detail to the Permanent Council on the progress that his host country had made in the area of citizenship. In his report, he dealt in particular with the steps forward Latvia had made since the Mission was established in 1993 as well as positively highlighting the role of the Naturalization Board established under the direction of Eizenija Aldermane in 1995. According to his report, the most important obstacles to achieving higher rates of naturalization in Latvia are: too little information linked with too little interest, the expenses incurred before a Latvian passport is actually issued and the lack of understanding that learning Latvian is a necessity.

The Mission supported Latvia in all three areas. A survey commissioned by the Mission in 2001 showed that a considerable number of people would like to try to obtain citizenship. To tackle the first problem, the Mission, in conjunction with the Naturalization Board, the Ministry of Justice and the UN Development Programme (UNDP) conducted a widespread publicity cam-

14 Cf. PC.JOUR/373 of 13 December 2001, Annex. The Russian Federation acknowledged much of the progress made, but pointed out that neither the mandate nor the Guidelines of the Austrian Chairmanship had been fulfilled and that 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".

15 Cf. PC.DEL/1000/01 of 14 December 2001.

paign, which was directed at changing negative attitudes towards the naturalization process. On 5 June 2001, the Latvian government issued several measures to simplify naturalization (graduates who had successfully passed a language examination at school were exempted from language examinations, the fees were lowered and obtaining an exemption from fee payments was made possible for some applicants) and thus sent a signal to stateless persons that Latvia wanted to welcome them as citizens. A joint project by the Mission and the Naturalization Board, which offers free language courses to candidates for citizenship, can be described as highly successful.

In the autumn of 2000, there was intense discussion on integration issues in Latvia. This is to be seen in connection with the Programme on Society Integration that was submitted to the government for approval at the end of 2000 after exhaustive public discussion. On 6 February 2001, the government adopted this Programme in which is explicitly stated that naturalizing stateless persons in the country is a priority. However, following this, there were problems in setting up the required financial support to implement the Programme and it took until the autumn of 2001 before a fund was established which is to provide for implementation (a similar fund has existed in Estonia for several years already).¹⁶

On 22 August 2000, the governmental regulations on the Language Law were issued and they entered into force on 1 September 2000. The HCNM described these regulations as being “essentially in conformity with both the Law and Latvia’s international obligations”.¹⁷ Certain improvements in other laws were also necessary, especially to be able to implement the recommendations of the HCNM. Among others, the draft of the law on administrative offences had to be adapted, and furthermore, as was similar in Estonia, the Guidelines demanded a change in the electoral laws. During the year 2001, the Mission in Riga primarily monitored the implementation of the Language Law and informed the Permanent Council on this in its monthly reports. Among others, the Mission encouraged a project in which the publication of a handbook for language inspectors is planned. After the closure of the Mission to Latvia, other OSCE institutions have continued this long-term project. Another important point to be mentioned is educational reform, initially implemented in elementary schools (grade 1 to grade 9). The plan is that starting in 2004, predominantly Latvian will be the language of instruction after grade 9. The discussion on the length of the transition phase continues and it will now depend on the decision-makers involved to see that the process runs as smoothly as possible. The Mission commissioned a comprehensive examination of the current status and certain individual points of this reform.

16 The law on the Social Integration Fund was adopted by Parliament on 5 July 2001 and entered into force on 1 September 2001.

17 HCNM, Press Statement of 31 August 2000, at: http://www.osce.org/news/generate.php3?news_id=985, and Spot Report No. 42 of the Mission to Latvia of 5 September 2000, SEC.FR/480/00.

Another task for the OSCE Mission was to support the host country in establishing an ombudsman institution. In co-operation with the UNDP, the Mission commissioned a study that was presented to the President at the end of May 2001 and communicated to the public at a seminar on 2 June 2001. In this report, there are recommendations for measures to strengthen the National Human Rights Office in Latvia and to develop a long-term and well-functioning legal protection system.

In the Guidelines for Latvia, it was specifically mentioned that language requirements for candidates in local or national elections would have to be removed from the corresponding laws. This had not occurred by 31 December 2001. However, President Vaira Vike-Freiberga and other politicians including Foreign Minister Indulis Berzins had clearly stated at the beginning of December that they were in favour of removing these requirements from the laws. The Foreign Minister had even sought the expertise of the HCNM.¹⁸

When Ambassador Semneby submitted his recommendation on 18 December 2001 in Vienna that the Guidelines be seen as fulfilled, he pointed out integration matters were never static but it was important that developments moved in the right direction.¹⁹ The Head of the Latvian Delegation, Ambassador Edgars Skuja, commended the co-operation between the OSCE and his country and made reference to the expert group which had been set up by the President on 6 December 2001 and was to conduct a legal analysis of the electoral laws. Other delegations subscribed to Ambassador Semneby's evaluation that the trends were going in the right direction, but also called for a change in the electoral laws and emphasized that Latvia would have to continue following the path chosen. Canada spoke out against declaring the mandate fulfilled,²⁰ as did the Russian Federation - albeit in a much sharper tone. The Russian Federation expressed "its categorical disagreement with the proposal to close the OSCE Mission to Latvia"²¹ and had its Statement included in the Journal of the 374th Plenary Meeting of the Permanent Council. In its Statement, the Russian Federation spoke of a "serious malady of double standards from which the OSCE has been suffering for a long time (...) 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."²²

18 On 9 May 2002, the Latvian Parliament finally adopted the corresponding amendments in both electoral laws, which among others, also the HCNM welcomed.

19 Cf. PC.FR/54/01 of 14 December 2001.

20 Cf. PC.DEL/1009/01 of 18 December 2001.

21 PC.JOUR/374 of 18 December 2001, Annex: "(...) 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."

22 Ibid., p. 3.

The Skrunda Radar Station

Until 1 February 2000, independent of the OSCE Mission there was another OSCE representation in Latvia. Within the framework of the Soviet/Russian troop withdrawal, disconnecting and the dismantling of the Skrunda Radar Station were arranged in a separate Agreement signed on 30 April 1994. The last person to oversee compliance with this Agreement was Colonel Jürgen Hübschen (of Germany). The Station was disconnected according to schedule at the end of August 1998 and was even dismantled before the agreed date of 28 February 2000. On 1 February 2000, the mandate of the OSCE Representative to the Joint Committee on the Skrunda Radar Station was officially ended.²³

Will It be Possible in Future to End OSCE Missions Successfully?

I would like to make some concluding remarks about this question and also try to answer it positively. From the beginning, the Guideline process was thought of as a compromise and it took advantage of the OSCE's flexibility. One assumed that if each of the two governments concerned tackled or implemented the outstanding measures in the Guidelines (and the Missions had very high standards for seeing that this was accomplished), the Missions could be ended successfully, as in such a case, the decision not to extend the Missions' mandates would have the large support of the participating States. In the case of Estonia, the individual points of the Guidelines were fulfilled, while in Latvia this was questioned by various countries on the grounds that one criterion which was explicitly stated in the Guidelines (the change in the electoral laws) had not been fulfilled by 31 December 2001. Because of this digression from the criteria and the change of direction to a political decision through a new interpretation, the Guideline process became damaged as a model for future mission closures.

Nevertheless, one can make the point that the co-operation between the OSCE Missions to the Baltic states and each of their host countries, in both cases brought about many positive effects and a series of tasks that the Missions had taken on at the beginning of their deployment are now being dealt with by the government or civil society in Estonia and Latvia. Unfortunately, particularly during the past few years, the perception of OSCE missions as a "stigma" has been emphasized and this often caused positive achievements to be forgotten. In my opinion, the work of the Missions to the Baltic states was a huge success which in the end inevitably had to lead to the closure of the

23 Cf. PC.DEC/337 of 27 January 2000. On this see also Jürgen Hübschen, *The Skrunda Agreement and the OSCE's Involvement - An Example of Conflict Prevention and Confidence-Building*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE-Yearbook 1999, Baden-Baden 2000*, pp. 179-184.

Missions - in any case, as has already been mentioned, the Missions were not designed to be permanent. Today, it is the Estonian and Latvian ministries who introduce many amendments to laws or start legal initiatives, and an active civil society is making efforts in both countries to meet new challenges. The OSCE, with its institutions, will also continue to try to give support to the Baltic participating States.

If other OSCE missions are to be successfully closed, one will have to search for new ways to deal with this. If one, however, intends to repeat the Guideline process, it will have to be adapted to the prevailing circumstances and followed through to the end, in order to give credibility to applying it once again. In this kind of situation, the creativity of the Chairmanship will be tested and of course, it will depend on the 55 participating States as to how they evaluate the implementation of established criteria and how a closure will be handled in each individual case.