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## The OSCE Missions to the Baltic States<sup>1</sup>

*"Sister Missions", and yet Different?*

The OSCE Missions (formerly CSCE Missions) to Estonia and Latvia which were established in February 1993 (Estonia) and November 1993 (Latvia) can certainly be characterized as "sister missions". The objective of this paper is to describe the common elements and the differences between the two Baltic OSCE Missions. It should be pointed out here that the OSCE never had a mission in Lithuania as the participating States never saw a need for an institution of that kind.

Estonia and Latvia seem to resemble one another both in their political situation - that is, having independence restored after fifty years of occupation - and in their demography. The proportion of Estonians and Latvians in the population of these republics was substantially reduced in the years after 1945 by the migration of large numbers of workers and soldiers from various Soviet republics to the industrialized and developed population centres of Estonia and Latvia as well as by the deportation under Stalin of part of the indigenous population. Their fear, at the beginning of the nineties, that as small nations they might risk assimilation under the pressure of ongoing migration impelled the legislatures of both countries to pass laws on citizenship and aliens which provide for the gradual naturalization of the "new-comers" over a fairly long period of time.

These laws, along with their implementation, constitute the basis for the work of both Missions, which were charged with observing developments and advising governments, NGOs and other interested parties on citizenship matters and other related issues. But these Missions to the Baltic states also differ from other OSCE missions in the nature of their relationship with the legislatures, the governments and other institutions of the state. The restored independent states of Estonia and Latvia view themselves as being part of the distinctive Central European/Western tradition as were their republics that existed in the twenties and thirties of this century. They consider themselves members of the "Western" group of countries, a membership that was confirmed by the recently delivered judgement of the European Union. Thus the activity of the two Baltic observer and advisory Missions calls for a great deal of tact and sensitivity, given the historic events of this century and their consequences.

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<sup>1</sup> The opinions and views expressed in this article do not reflect the official standpoint of the OSCE Mission to Latvia or of the OSCE generally but represent solely the personal observations and evaluations of the author.

Even so, the two Missions differ in important aspects of their mandates, in their working habits and in their organization. The "older" Mission, to Estonia, was sent there to "further promote integration and better understanding between the communities in Estonia".<sup>2</sup> Its mandate included a long list of tasks dealing not only with questions of citizenship, migration and language but also the social services and employment. In addition to monitoring progress in these fields and advising governmental and non-governmental actors the Mission is to support comprehensive efforts "to recreate a civic society".<sup>3</sup> Owing to the concentration of the non-Estonian population in the north-eastern part of the country it was decided to supplement the Mission's main office in Tallinn with others in Narva, on the Estonian-Russian border, and in Johvi, near the industrial centre of Kohtla-Järve. This organizational decision had far-reaching consequences for the Mission's methods of work. Only the Head of Mission and his deputy are permanently stationed in Tallinn while two Mission members spend up to three days a week in both Narva and Johvi. This decentralization of the Mission's activity is reflected *inter alia* in its local contacts in the north-east.

The Mission to Latvia maintains an office only in Riga and operates in a substantially more centralized way, but it visits other regional centres at least one or two times a month for several days. The demographic situation in Latvia, where most of the cities have a majority of non-citizens, seemed to argue for this kind of organizational structure. But this Mission also has a substantially narrower mandate. Although the mention of OSCE principles, norms and commitments and of the need to implement them fully made it possible to interpret the mandate more broadly, the Mission concentrates for the most part on problems related to citizenship.<sup>4</sup> Moreover, the Head of Mission was appointed as the OSCE Representative to the Russian-Latvian Joint Commission on Military Pensioners in view of the fact that the "Helsinki Document 1992" contained a reference to the withdrawal of troops from the Baltic states.<sup>5</sup> As a result, following signature of the Russian-Latvian "Agreement on the Social Welfare of Retired Military Personnel of the Russian Federation and their Family Members Residing on the Territory of the Republic of Latvia" on 30 April 1994, Charles Magee was named as OSCE Representative to the Commission to oversee the Agreement.<sup>6</sup>

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- 2 Committee of Senior Officials, Eighteenth CSO Meeting, Stockholm, 11-13 December 1992, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 986-987, p. 986.
  - 3 Committee of Senior Officials, Nineteenth CSO Meeting, Prague, 2-4 February 1993, in: Bloed (Ed.), cited above (Note 2), pp. 988-998, p. 988.
  - 4 Cf. Committee of Senior Officials, Twenty-third CSO Meeting, Prague, 21-23 September 1993, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1995*, The Hague/Boston/London 1997, pp. 230-248, p. 238.
  - 5 Cf. CSCE Helsinki Document 1992: *The Challenges of Change*, Helsinki, 10 July 1992. Helsinki Summit Declaration, in: Bloed (Ed.), cited above (Note 2), pp. 701-710, p. 705.
  - 6 Cf. Minutes of the 9th Meeting of the Permanent Council on 23 February 1995.

This description of the differences between the Missions could be expanded without difficulty; suffice it to point out here how different the "sister missions" are from one another, not only in their mandates but in their methods of work. The OSCE Missions to the Baltic states, to the former Soviet republics and on the territory of former Yugoslavia, despite the name they bear in common, have a wide variety of different responsibilities which must be met under very different circumstances and conditions. They extend from preventive diplomacy (in the case of the Baltic states, Ukraine and Macedonia) to confidence-building measures following the end of an armed conflict. The special character of OSCE missions lies in their variety.

#### *The OSCE Mission to Estonia - a Survey*

This Mission, which was led by Ambassador Herbert Grubmayr of Austria from autumn of 1995 until autumn of 1996 and since that time has been under the direction of Ambassador Jean Perrin of France, follows and accompanies the process of integration of the non-Estonian population into Estonian society. Special attention has been given to the naturalization process, the issuance of non-citizen passports and the language question.

The naturalization of the estimated 235,000 non-citizens is moving ahead relatively fast in Estonia. By early 1997 about 90,000 residents had been naturalized and under the terms of the new Citizenship Law of 1995 about 10,000 can be processed each year. In accordance with this naturalization process the candidates, who must have been registered in Estonia at least since 1 July 1990, have to be tested in the Estonian language and on their knowledge of the constitution and of the Citizenship Law of the country. Other non-citizens have decided in favour of citizenship of other countries. One can assume, for example, that about 120,000 Russian Federation passports have been issued in Estonia whose holders, however, are no longer all on Estonian territory.

As of July 1997 about 125,000 non-citizen passports had been issued to the non-Estonian population. At the same time more than 90,000 residents of Estonia who had taken foreign citizenship (for the most part Russian) received permanent residence permits. Thus the issuance of a non-citizen passport or the legalization of a foreign citizen residing in Estonia contributes to greater legal security for the people involved.

The development in Estonia of a state based on the rule of law, which the European Commission has attested to, has not, however, overcome the barriers resulting from the cultural and linguistic differences between Estonians and non-Estonians. It is still hard for many residents of the Ida-Virumaa region in the north-eastern part of the country, whose native language is Russian, to use the Estonian language. For that reason the Mission not only monitors the language

exams in this part of the country but recently helped to organize an "Estonian summer language camp". The idea of this camp is to make it possible for children from the almost exclusively Russian-speaking north-east of Estonia to live and learn, for a limited period of time, in surroundings where Estonian is spoken. The Mission pursues its goal of strengthening "civic society" in Estonia by cooperating with local NGOs in preparing this language camp and by organizing seminars to give the NGOs the technical and administrative know-how they need for their activities.

Various other problems have claimed the attention of the Mission. A conflict has developed in recent years between two groups in the Orthodox Church of Estonia. One group has accepted the Church's subordination to the Moscow Patriarchate while the other seeks to be under the spiritual leadership of the Patriarch of Constantinople, as the Estonian Church was during the period between the wars. The Mission has kept participating States informed about developments in this controversy.

The Mission has closely followed and actively influenced the development of the "round table of national communities". The Mission also took part in the organization of various conferences and seminars, e.g. on integration through education in May 1997 and on the integration of the national communities in November 1996.

In November 1994, following signature of a Russian-Estonian agreement on social guarantees for Russian military pensioners, an OSCE Representative was named to sit in an Estonian governmental commission that is to make recommendations on the issuance of residence permits. The German naval Captain Uwe Mahrenholtz was asked by the OSCE Chairman to be the OSCE's Representative to this commission. He operates out of his own office in Tallinn and carries out his duties largely independently of the Mission.<sup>7</sup>

The Mission's varied contacts with government representatives and officials at the national and local level as well as with representatives of national groups and NGOs make it possible for the Mission to form a comprehensive and detailed picture of Estonian affairs. The qualifications required of Mission members, who must at a minimum demonstrate a knowledge of Russian but have, at least in recent years, had an ever better command of Estonian as well, and its full-time presence in the country have made the OSCE Mission into a valuable observer and rapporteur for the international community and an adviser to Estonian state institutions as well.

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<sup>7</sup> Cf. Committee of Senior Officials, Twenty-eighth CSO Meeting., Prague, 14-16 September 1994, in: Bloed (Ed.), cited above (Note 4), pp. 298-306, p. 299.

*The OSCE Mission to Latvia - a Survey*

Since autumn of 1994 the OSCE Mission in Latvia had been led by the American diplomat Charles Magee. As already mentioned, Charles Magee not only carries out the duties of the Head of Mission but at the same time represents the OSCE in the Russian-Latvian Joint Commission on Military Pensioners.

The Mission focuses its efforts on co-operation with the Citizenship and Immigration Department (CID), the Naturalization Board (NB) and the National Human Rights Office (NHRO). In 1994 and 1995, with the Mission's help, the basic legislation on problems related to citizenship was worked out and the Latvian Parliament, the Saeima, passed the Citizenship Law as well as the laws on the status of former Soviet citizens without other citizenship and on immigration and residence of foreigners. The Mission thereupon turned its attention to the implementation of these laws, co-operating for this purpose with the appropriate governmental and non-governmental institutions. By February 1995 the Naturalization Board had been set up and was charged with implementing the naturalization process.

Naturalization in Latvia has so far taken place in two stages: exceptional naturalization and the naturalization according to the rules of the "window mechanism". The so-called "window mechanism" refers to the step-by-step opening of "naturalization windows" after January 1996, starting with younger candidates for citizenship until 2003, at which time all interested persons can take the examinations in the Latvian language, history and constitution. The Mission has been monitoring these examinations since they began, but it has also, in co-operation with the Naturalization Board, the High Commissioner on National Minorities and other international organizations such as the Council of Europe, recommended certain modifications of the tests. Unfortunately, the number of candidates for citizenship has so far been disturbingly low. Only 5,500 residents have hitherto been naturalized by the "window mechanism"; this figure stands in striking contrast both to expectations in Latvia and to the comparable figures for Estonia. A number of reasons for this inadequate willingness to naturalization have been discussed publicly but there is now a project for a new poll on citizenship problems, worked out in co-operation with the Mission, whose aim is to provide more comprehensive answers by the end of 1997. With the support of the "Foundation on Inter-Ethnic Relations", located in The Hague, and in co-operation with the NB and CID, the Mission has also developed a brochure to describe and ease the path to citizenship for interested non-citizens.

The Mission has spent a substantial part of its resources in recent years in monitoring the work of the Citizenship and Immigration Department. The so-called "Case-work Programme" has made it possible for interested residents to turn to the Mission to discuss their problems in dealing with the CID. One of the main objectives of the so-called "Roadtrip Programme" has been to use visits to

Latvia's regional centres to familiarize Mission members with the practices of the local CID offices. During the Mission's early years the orderly registration of non-citizens was the main issue but since April 1997 the issuance of non-citizen passports has begun to attract the Mission's interest. More than 20,000 non-citizen passports have so far been issued - a figure which remains very low, however, in view of the total number of about 680,000 non-citizens. Even so, the issuance of non-citizen passports serves to improve the legal situation of those who receive them, in Latvia as elsewhere. Now that these documents are recognized by more than 45 countries, the non-citizens' freedom to travel is guaranteed. At the same time, this new and, to a large extent, unforgeable document makes possible a more trusting relationship between Latvian government offices and people who until now have had only an old Soviet passport as their identification document.

The Mission has worked closely with the National Human Rights Office since its establishment in the late summer of 1995. This institution, which serves as an ombudsman along the lines of the Australian model, has within only a few months earned itself a solid position on the local political scene. Although it had no confirmed director and no legal basis for a long period of time it was able, even during the founding phase, to make a positive contribution to the problems the Mission wants to influence. Besides receiving people who want to talk about their problems it is, in particular, the legal analysis of judicial acts which has made this Office an important institution in Latvian social life.

These few examples of the Mission's work are meant to show how and with what means the OSCE has been and continues to be able to promote the development of a Latvian state based on the rule of law and the integration of non-citizens into it.

Besides the Mission in Riga there is also, in connection with the Russian-Latvian agreement on troop withdrawal, the office of the OSCE Representative to the Joint Committee on the Skrunda Radar Station. Since the Russian troop withdrawal was completed this ABM early warning station has been the Russian Federation's only military installation on Latvian territory. Until 1998 its operations are being monitored by periodic inspections under the direction of the Danish diplomat Jørgen Andersen and the German Air Force Colonel Jürgen Hübschen. At the same time, these two OSCE Representatives participate in the Russian-Latvian Joint Committee for solving problems related to the operation of Skrunda.<sup>8</sup>

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8 Cf. Minutes of the 9th Meeting of the Permanent Council, 23 February 1995.

*"Exit Strategies" - the Start of a Discussion?*

Since the middle/end of 1995 the concept of an "exit strategy" started to appear in discussions about the OSCE missions. "Exit strategy" generally refers to a step-by-step reduction that is meant to lead gradually to the closing down of the operation. It is not only some of the host countries that think the mandate of the mission on their territory has been fulfilled which speak of such a strategy; a number of OSCE officials, both in the missions and in Vienna, have introduced the term into their political vocabularies.

Although OSCE missions were initially characterized as "long-term missions" the responsibilities of each mission were so designed that their activity in the host country was not to last indefinitely. OSCE missions, following the pattern of UN missions which are often confirmed for only six months at a time, are meant to work towards the solution of specific problems which in their later stages should, as far as possible, be handled by institutions of the host country. Thus the mandate of the Mission in Estonia states that "keeping in mind the temporary nature of the Mission, (the Mission will) consider ways and means of transferring its responsibilities to institutions or organizations representing the local population".<sup>9</sup>

For some time now, particularly in Estonia and Latvia, reference has been made to the temporary nature of the Missions and to the fulfilment of their mandates. Negotiations between the governments in Tallinn and Riga and the OSCE on the nature of a future OSCE presence have just begun. But the flexibility that the OSCE has so far demonstrated in its organizational structure - employing missions, an "assistance group", liaison offices and various other kinds of involvement - give reason for hope that the negotiations on the future of the Missions will be concluded in a manner satisfactory both to the host countries and the OSCE.

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9 Nineteenth CSO Meeting, cited above (Note 3), p. 988.