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## The HCNM in the Baltic States: Legacies and Unfinished Business

The Baltic states of Estonia and Latvia were among the first countries where the institution of the OSCE High Commissioner on National Minorities (HCNM) became actively involved. The first HCNM, Max van der Stoep, travelled to Estonia, Latvia, and Lithuania within weeks of taking up his position in January 1993, and proceeded to become intensively involved in Estonia and Latvia in subsequent years.<sup>1</sup> Even though not all of the HCNM's recommendations to the Estonian and Latvian authorities were implemented, HCNM involvement at an early stage in both countries has been credited with helping to reduce both domestic and international tensions linked to the presence of large Russian-speaking minorities.<sup>2</sup>

HCNM involvement in the Baltic states continues today, although it was gradually scaled back in the second decade of the institution's existence. This can be explained in part by the general improvement in the level of integration in Latvian and Estonian societies, and by the consolidation of democracy in the Baltic states which has provided mechanisms for national minorities to address concerns through domestic channels. The direct security threat was reduced after Russian troops withdrew from the Baltic states in 1994, and the countries were firmly within the NATO alliance ten years later. Institutional factors have also played a role: As a relatively small institution, the HCNM must prioritize its work, and has inevitably focused greater attention on other situations in the OSCE region with more severe tensions and a higher risk of conflict.

While Estonia and Latvia have avoided violent conflict in relation to national minorities, it cannot be said that inter-ethnic tensions do not persist or that there are no problems related to minorities in the two countries' foreign relations. Monitoring reports produced by the OSCE, the UN, and various Council of Europe bodies continue to draw attention to various issues related to minority rights. National minorities' organizations continue to make appeals to the HCNM and other international organizations. The Russian Federation periodically calls on the Estonian and Latvian authorities to

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Note: The views contained in this contribution are the author's own and do not necessarily reflect the positions of the HCNM.

1 The HCNM determined that there was no need for close engagement in Lithuania, although the HCNM has had some involvement there since 2011, which is covered separately in this article.

2 For a detailed analysis of early HCNM engagement in the Baltic States, see Rob Zaagman, *Conflict Prevention in the Baltic States: The OSCE High Commissioner on National Minorities in Estonia, Latvia and Lithuania*, European Centre for Minority Issues, Flensburg, Germany, April 1999.

address what it calls gross violations of the rights of Russian-speaking minorities and demands stronger action by the international community. During visits to Estonia and Latvia in recent years, the HCNM has expressed praise for the progress made in some areas, while also noting longstanding concerns and new challenges. What, then, remains for the HCNM to address in these countries, and what are the constraints on doing so? This article will explore these questions by looking more closely at several key areas of HCNM engagement and at how recent developments reflect HCNM legacies, as well as unfinished business, in the Baltic states.

### *Issues of HCNM Involvement in Latvia and Estonia: Taking Stock*

As the Baltic states re-emerged as independent states in 1991, they struggled with raw and painful memories of Soviet domination, as well as anxiety about the changed demographic situation that had resulted from Soviet migration policies. Actions on the part of Moscow contributed to concerns that Russia harboured intentions to eventually reassert its influence in the Baltic states. The unstable security environment was exacerbated by the continuing presence of Russian troops, and by events that included proposed referenda on autonomy in the Russian-majority Estonian cities of Narva and Sillimäe in 1993, and an energy embargo imposed by Russia on the Baltic states the same year. Developments in Russia's domestic political situation in subsequent years led to Moscow stepping up its information campaign on the situation of Russian-speaking minorities in Estonia and Latvia. These factors played a role in shaping the decisions made by Baltic leaders concerning their resident Russian-speaking minorities. The nationalist rhetoric of some Estonian and Latvian politicians fuelled fears among the non-Estonian and non-Latvian populations that they would be excluded permanently from society or even expelled. In keeping with the HCNM mandate, the HCNM took up issues in Estonia and Latvia that were deemed the most urgent in terms of improving interethnic relations and addressing international and domestic tensions. Decisions by new state leaders in Latvia and Estonia set the stage for the issues of citizenship and language (including the language of instruction in schools) to feature prominently in the HCNM's work in the two countries.

### *Citizenship*

Large numbers of people resident in Estonia and Latvia, mostly ethnic Russians who had settled in the country during the Soviet period and their children did not receive Estonian or Latvian citizenship automatically upon the restoration of independence in 1991. In both countries, citizenship was offered automatically only to those who had been citizens prior to 1940 and to

their descendants. The HCNM regarded non-citizens' sense of security about their future and their loyalty to and participation in Estonian and Latvian societies as critical to those countries' stability and democratic legitimacy, as well as being important for preventing a situation where these individuals took up another country's citizenship, thereby providing potential grounds for other states' intervention. While not contesting the legitimacy of putting some basic requirements for naturalization in place, the HCNM keenly advocated measures in both Estonia and Latvia to implement legislation in such a way that those who wanted to obtain citizenship, especially vulnerable groups such as the elderly, did not face undue obstacles to doing so. In addition to emphasizing that language and residency requirements should be reasonable and naturalization examinations not overly difficult, the HCNM also stressed the need for the Estonian and Latvian authorities to provide non-citizens with adequate information about naturalization requirements and procedures. Particularly in view of the fact that naturalization numbers stagnated in later years, the HCNM called for the authorities to make more robust efforts to accelerate the naturalization rate.

As a sub-issue within the topic of citizenship, the HCNM was extremely concerned about the vulnerable situation of children born to non-citizens and drew attention to this issue while key citizenship legislation was under discussion. Making reference to obligations under the Convention on the Rights of the Child and the right of children to a nationality, the HCNM urged that children born in Estonia or Latvia to non-citizens who would not otherwise receive another citizenship should be granted citizenship of Estonia or Latvia, respectively. The HCNM also argued that this group would in any case learn the state language via the educational system. In both Estonia and Latvia, provisions were ultimately put in place that provided for children born to non-citizens since the restoration of independence to receive citizenship upon application by their parents.<sup>3</sup> However, the HCNM has continued to recommend that an approach by which citizenship would be provided unless parents explicitly refused it would help protect the best interests of the child.

Today, still quite large numbers of non-citizens remain an integration challenge for both Estonia and Latvia. Non-citizens number more than 300,000 in Latvia, approximately 14 per cent of the population.<sup>4</sup> More than one-third of ethnic Russians, and more than half of ethnic Belarusians and

3 In Estonia, the Estonian Citizenship Act, which came into force in 1999, provided that children born in Estonia since 1992 to non-citizens could be granted Estonian citizenship through a simplified naturalization procedure upon application by their parents if the parents had at least five years of legal residence in Estonia prior to making the application. In Latvia, the Citizenship Law as adopted in 1998 provided for children born in Latvia to non-citizens after 21 August 1991 to be recognized as Latvian citizens upon application by their parents. However, by introducing various additional conditions on parents in the application process, the provision departed from the HCNM recommendation that no further conditions be imposed beyond a reasonable residence requirement.

4 Information from the Office of Citizenship and Migration Affairs the Population Register as of 1 July 2011, obtained from <http://www.am.gov.lv/en/policy/4641/4642/4649/structure>.

Ukrainians, are non-citizens. In Estonia, there are more than 90,000 “persons with undetermined citizenship” (the term used by the government) who make up almost seven per cent of the population.<sup>5</sup> Naturalization rates in both Estonia and Latvia have dwindled after spiking in the years surrounding EU accession. After 2008, the number of persons acquiring citizenship through naturalization in Estonia has not exceeded 2,000 per year, while in Latvia the number has dropped to fewer than 2,500 per year. Despite declining numbers and recommendations by the HCNM and other international organizations to consider further ways to speed up the process, the general attitude of authorities in both Estonia and Latvia seems to be that enough has been done to facilitate naturalization for those who have an interest. In the press conference during the HCNM’s visit to Estonia in June 2011, for example, Foreign Minister Urmas Paet stated that the requirements for acquiring Estonian citizenship were transparent and feasible and that Estonia planned to continue with its current citizenship policy.<sup>6</sup>

There are various reasons why remaining non-citizens do not naturalize, including difficulties with the examinations and lack of time or interest. Some choose to take up citizenship of another country, often Russia. Some non-citizens prefer to maintain the ability provided by their non-citizen passports to travel visa-free to Russia and European Union countries. Visa requirements within the EU for Latvian and Estonian non-citizens were lifted in 2007. In 2008, Russia waived visa requirements for non-citizens of Estonia and Latvia, a move that Latvian and Estonian authorities criticized as undermining the naturalization process and which indeed seems to provide a disincentive for some potential naturalization applicants. Resentment at having to go through the naturalization process is also a factor for some non-citizens. In 2012 in Latvia, a signature campaign was launched for a referendum on a proposal to amend the Law on Citizenship to grant citizenship to all non-citizens on 1 January 2014. The Central Election Commission decided on 1 November 2012 not to proceed with the second stage of the signature campaign, citing expert assessments that the draft amendments were not fully elaborated and were in contradiction with the Latvian constitution, even though the legal basis for the election body to issue such a stipulation is unclear. The Central Election Commission decision is in the process of being challenged in court. The prospect of a possible referendum on the citizenship issue had already generated significant and sometimes acrimonious media and political debate.

Meanwhile, children continue to be born in Estonia and Latvia who do not receive any country’s citizenship if their non-citizen parents do not utilize the procedures for obtaining Estonian or Latvian citizenship for their chil-

5 Information from the Ministry of the Interior as of 1 September 2012, available at: <http://estonia.eu/about-estonia/society/citizenship.html>.

6 Cf. Estonian Foreign Ministry press release, *Paet: Ensuring Protection of National Minorities and Promoting Their Cultures is Government’s Priority*, 9 June 2011.

dren. There have been some developments in this area, however. Cabinet of Ministers Regulations adopted in Latvia in July 2011 provide that parents may submit the application for a new-born child's citizenship at the same time as birth registration. The Latvian parliament is currently discussing amendments to the Law on Citizenship that may simplify the process further.<sup>7</sup> However, the "opt-out" approach advocated by the HCNM and other international organizations – whereby a child would be registered as a citizen unless parents decline the option – seems unlikely to be adopted. This also seems to be the case in Estonia, where, in October 2011, members of parliament rejected a proposal by the Social Democratic Party to provide Estonian citizenship to children born to non-citizens unless the parents explicitly refused. The HCNM has argued that an "opt out" system would help to prevent non-citizen status from continuing in future generations, and has pointed to the consistent recommendations of various UN and Council of Europe bodies which support this approach.

While Estonia's non-citizens have the right to vote (though not to stand) in local elections, such a right has not been extended to non-citizens of Latvia, and has become a focus of recommendations of the HCNM and other organizations including the European Commission against Racism and Intolerance (ECRI). This issue does not appear to be on the agenda of Latvian politicians, however. During the most recent HCNM visit to Latvia in February 2011, Foreign Minister Ģirts Valdis Kristovskis commented that providing the right to vote in municipal elections to non-citizens would remove an incentive for naturalization.<sup>8</sup>

### *Language*

Given the historical and political context in the Baltic states and the relatively small numbers of native speakers of the Baltic languages, it is not surprising that policies have been moving in the direction of strengthening the position of these languages. Acknowledging the painful legacy of Russification policies, the HCNM never suggested that the designation of a single state language was inappropriate, and consistently stressed the importance of national minorities learning the state language. The HCNM also urged authorities to ensure adequate language learning opportunities for those whose first language was not Latvian or Estonian. However, language policies in the Baltic states had both intended and unintended effects on the language rights of Russian speakers and contributed to interethnic tensions that drew the close

7 Changes adopted in the second reading on 6 September 2012 would, *inter alia*, enable only one non-citizen parent to apply for a child to be recognized as a Latvian citizen, as opposed to the limited exceptions for an application by both parents provided for in the current legislation.

8 Cf. Alla Petrova, OSCE High Commissioner: Latvia must allow non-citizens to vote in municipal elections, in: *The Baltic Course*, 16 February 2011, at: <http://www.baltic-course.com/eng/legislation/?doc=37358>.

attention of the HCNM. In the area of language policy, HCNM recommendations probably had some countervailing effect but did not significantly influence the overall direction of policy.

For example, Estonian and Latvian authorities have generally resisted arguments made by the HCNM and other international organizations regarding the use of inspections and sanctions to enforce language policies and concerning the scope of language-related regulations in the private sector. The HCNM has argued that inspections and fines related to the enforcement of language regulations tend to trigger resentment rather than encouraging minorities to learn and use the state language. However, the Latvian State Language Inspectorate continues to be active in its “control” functions; the head of the control department announced in October 2012 that it carried out 4,000 inspections concerning insufficient state-language usage in the first nine months of 2012, finding 3,000 violations of the State Language Law and issuing fines to 816 persons.<sup>9</sup> The list of private-sector professions to which language requirements apply has gradually lengthened and administrative fines for language-related violations have also gradually increased. Amendments to the Latvian Labour Law in July 2012 prohibit employers from including unreasonably high foreign-language requirements in job advertisements – a measure aimed at addressing perceived disadvantages of Latvian speakers who do not speak Russian. While not quite as active as their Latvian counterparts, Estonian language inspectors recorded more than 1,700 violations in 2011; the vast majority of inspections result in a recorded violation, according to the Language Inspectorate’s statistics.<sup>10</sup> The Inspectorate’s testing of teachers has led to feelings that such inspections are used as a way of putting additional pressure on Russian-language schools. In March 2012, the Language Inspectorate tested the language skills of nine school directors in Narva and found four to be deficient, even though two had reportedly completed master’s degrees in Estonian.<sup>11</sup> During the most recent HCNM visit to Estonia in June 2011, Estonian Foreign Minister Paet stated that “Language requirements for certain positions are justified and the work of the language inspectorate is transparent and legal”.<sup>12</sup>

Concerns similar to those raised by the HCNM with regard to aspects of the Estonian and Latvian language policies have been noted by other international bodies. The thematic commentary on language rights by the Advisory Committee on the Framework Convention for the Protection of National Minorities, published in July 2012, notes that “promotional and incentive-based measures are a much more effective approach towards strengthening knowledge and use of the official language(s) by all members of the popula-

9 Latvian media reports as cited in: *Latvian Centre for Human Rights Integration Monitor*, 26 October 2012.

10 Reported in: *Baltic News Service*, 1 March 2011.

11 Cf. Steve Roman, *Narva School Directors Threatened With Sacking Over Language Skills*, in: *ERR News, Estonian Public Broadcasting*, 22 March 2012.

12 Estonian Foreign Ministry press release, cited above (Note 6).

tion than any form of coercion". The commentary also points to incompatibility of the imposition of language inspection systems in the private sector with the Framework Convention.<sup>13</sup>

In February 2012, in perhaps the most dramatic recent development related to language issues in the Baltic states, Russian-language activists in Latvia succeeded in bringing about a nationwide referendum on the question of whether to amend the constitution to give Russian the status of a second official language. The vote was approximately 25 per cent in favour of the proposal and 75 per cent against. While it was clear from the beginning that the initiative would not succeed, its polarizing effect on society served as a reminder of the sensitivities surrounding language. On the positive side, however, the referendum prompted calls by the prime minister and other officials for renewed efforts to address divisions in society. Discussions about a new integration strategy document adopted in Latvia in October 2011 had already highlighted some of these divisions, with some minority representatives and experts expressing concerns about the emphasis put on the Latvian language as the basis for integration.

### *Education*

Compared to his engagement on citizenship and language issues, the HCNM was not as closely involved when it came to the development of the legislative framework for education in minority languages; instead, he called on the authorities to take concerns of national minorities into account and to closely monitor education quality as education reforms were undertaken. The position of the HCNM was grounded in The Hague Recommendations Regarding the Education Rights of National Minorities from 1996, and focused on promoting multilingual education as a means of supporting the integration of society as well as the maintenance of minority identities.

As Latvia proceeded with a controversial education reform in minority schools based on the Law on Education adopted in 1998, the HCNM, while voicing support for the government's right to implement the reform, noted concerns about the feasibility of the target date for implementation, urging a flexible approach and improved dialogue with stakeholders. Domestic opposition to provisions in the law that introduced 100 per cent Latvian-language education in upper secondary grades in state schools erupted into protests in 2003-2004, influencing the authorities' decision to amend the law to provide for 60 per cent of subjects in grades ten to twelve to be taught in Latvian. There have not been any significant tensions surrounding minority-language education in recent years, but there is potential for the issue to again become

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13 Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, *Thematic Commentary No. 3: The Language Rights of Persons Belonging to National Minorities Under the Framework Convention*, Strasbourg, 5 July 2012.

contentious. Indeed, the referendum on Russian as a second official language in February 2012 was a response to an unsuccessful initiative by the right-wing National Alliance (“All for Latvia! – For Fatherland and Freedom/LNNK”) party to gather enough signatures for a referendum on a proposal to switch all publicly-funded schools to Latvian-only instruction.

In Estonia, the transition to increased instruction in Estonian in minority schools, which had been envisaged as early as 1993, was delayed several times and did not begin until 2007. In an arrangement similar to that in Latvia, the proportion of the curriculum that could be taught in other languages in upper secondary grades was set at 40 per cent. In Estonia today, education appears to be the issue that is causing the sharpest tensions between national minorities and the authorities. The process of gradually increasing the amount of Estonian-language instruction was scheduled for completion in the 2011-2012 school year, but the reform ran into resistance as a number of Russian-medium schools in Tallinn and Narva asked to be given additional time to prepare or to be exempted from the requirement. The Cabinet of Ministers turned down most of the requests, and local authorities are pursuing appeals in the courts. Tensions appear likely to continue as local authorities continue to explore ways of maintaining Russian-language instruction in upper secondary grades. During his most recent visit to Estonia in June 2011, the HCNM raised concerns about the readiness of schools and teachers to make the transition to 60 per cent instruction in Estonian and reminded authorities of their obligation to provide adequate opportunities for education in and of minority languages, particularly in the light of fears that the reform would lead to further erosion of opportunities for Russian-language instruction.

#### *Is Unfinished Business Becoming Harder to Finish?*

Numerous positive trends are evident when one looks at the overall situation of integration in Estonia and Latvia. State-language proficiency among minorities, particularly young people, has continued to grow: In Latvia, the percentage of Russian speakers who claimed not to know the Latvian language at all shrank from 22 per cent to seven per cent between 1996 and 2008, while the percentage in the 15-34 age group who rated their knowledge of Latvian as good went from 40 per cent in the late 1990s to 73 per cent in 2008.<sup>14</sup> Integration monitoring in Estonia in 2011 revealed that the majority of non-Estonians considered themselves integrated, while three-quarters considered Estonia to be their only native land. The proportion of non-citizens,

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14 Cf. Baltic Institute of Social Sciences, *Language Report*, Riga, March-April 2008.



and even Russian citizens in Estonia, who shared this sentiment also increased between 2008 and 2012.<sup>15</sup>

At the same time, recent developments reflect the fact that various issues in the HCNM's sphere of engagement are still contributing to simmering tensions, divisions within society, and vulnerability to "kin state" criticism, even if these tensions are unlikely to lead to violence. Recommendations that the HCNM has highlighted publicly have not changed significantly in recent years, such as the proposal that authorities take efforts to stimulate the naturalization rate, adopt the "opt-out" approach in providing citizenship to children of non-citizens, and curtail the use of inspection systems in relation to state-language policy. Similar recommendations by other international organizations have also been repeated over the years. This situation points to ongoing challenges, attributable to both external and internal factors, that the HCNM faces in addressing remaining problems.

One obvious challenge for the HCNM in the Baltic states since the 1990s has been the fact that HCNM recommendations can no longer be tied to European Union accession criteria, an element which formed an important part of the early HCNM strategy. In 2010, the current HCNM spoke rather longingly of the loss of this lever of influence:

"I often say that my predecessors had an easier time than I do in convincing States to follow their advice, since during their tenures many of the States were in the pre-accession stage to the EU. This was no doubt an important element in the success of the HCNM's diplomacy vis-à-vis the Baltic States."<sup>16</sup>

Unfortunately, since the EU accession processes were completed, further scrutiny of Estonian and Latvian policies by the EU itself has not been forthcoming due to a lack of willingness and absence of clear mechanisms to address the issues in question.

Paradoxically, one legacy of the involvement of the HCNM and other international organizations may have been assistance in internationalizing issues related to national minorities in Estonia and Latvia. The Latvian Ministry of Foreign Affairs website and Estonia's official country information website both feature information about integration, citizenship, and national minority education issues, and both make reference to the success of integration policies.<sup>17</sup> The presentation of the information is not entirely without

15 Cf. Estonian Ministry of Culture, *Monitoring of Integration in the Estonian Society in 2011*, at: [http://www.kul.ee/webeditor/files/integratsioon/Monitooring\\_2011\\_EN.pdf](http://www.kul.ee/webeditor/files/integratsioon/Monitooring_2011_EN.pdf).

16 Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, *Preventing Conflict through Quiet Diplomacy: HCNM Experience*, address by Knut Vollebæk, OSCE High Commissioner on National Minorities, to the Workshop on Preventive and Quiet Diplomacy, Dialogue Facilitation and Mediation – Best Practices from Regional Organizations, Vienna, Austria – 6 December 2010, p. 5, at: <http://www.osce.org/hcnm/74833>.

17 *Society Integration in Latvia*, at: <http://www.am.gov.lv/en/policy/4641/>, and *Integration in Estonian Society*, at: <http://estonia.eu/about-estonia/society/integration-in-estonian-society.html>.

political undertones, of course, and reveals efforts to portray an image of full compliance with international recommendations. This does not necessarily translate into receptiveness to further advice, however, and sometimes seems to indicate the opposite. When HCNM letters about proposed amendments to the Citizenship Law sent to the speaker and the head of the legal affairs committee in the Latvian parliament were leaked by unknown sources in September 2012, the legal committee's chairperson commented as follows in the press: "These recommendations are not binding for us. We act as an independent European Union member state."<sup>18</sup>

The role of the Russian Federation is also critical when we consider the attitude of Estonian and Latvian authorities to taking further steps towards the implementation of HCNM recommendations. Russia shows no signs of becoming less vocal when it comes to publicly criticizing the Estonian and Latvian governments for policies affecting Russian and Russian-speaking minorities. For instance, Foreign Minister Sergei Lavrov's address to students of international relations in Moscow in September 2012 included a reference to the problem of statelessness, which he called the biggest problem in Russia's relations with the Baltic states, accusing Estonia and Latvia of rejecting appeals by the OSCE, the Council of Europe, and the UN. The Baltic states received extensive coverage in the Russian Foreign Ministry's first "Report on the Situation with Human Rights in Certain States" that was released in December 2011. While Russian criticism helps to draw attention to outstanding issues, the lack of any public acknowledgement of progress and the sometimes disproportionate focus on Estonia and Latvia compared to other international human rights problems seems more likely to undermine the credibility of, and receptivity to, such criticism. As a consequence, HCNM recommendations that are perceived as sharing points in common with Russian critiques may still provoke some degree of recalcitrance.

Estonia and Latvia may have become somewhat inured to Russia's attempts to name and shame, but Russian "soft-power" policies, such as supporting media and non-governmental organizations and youth groups to influence the situation of Russian-speaking minorities, may trigger greater sensitivities in the Baltic states. In January 2012, Russia launched the Foundation for Supporting and Protecting the Rights of Compatriots, which provides legal assistance in cases when ethnic and cultural rights of Russians living in other countries are violated. In his speech to the Fourth World Congress of Compatriots in St. Petersburg in October 2012, President Vladimir Putin mentioned that a concept called "The Russian School Abroad" is being drafted; its relevance to the situation in Latvia and Estonia remains to be seen, but no doubt the development will be followed closely by the relevant authorities.

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18 Ilma Cepane, Saeima Legal Affairs Committee Chairwoman, cited in: Alla Petrova, OSCE to Latvia: Citizenship Law amendments should be altered, in: *The Baltic Course*, 11 September 2012, at: <http://www.baltic-course.com/eng/legislation/?doc=62667>.

Irrespective of the underlying intentions of Russian policies or their actual impact on the internal situation in Estonia and Latvia, they provide Estonian and Latvian authorities with convenient material for casting suspicion on the activities of minority activists, and this has a counterproductive effect on interethnic relations. In Estonia, the national security police annual review for 2011 implied a link between Russian compatriots' policy and the activities of a deputy mayor of Tallinn and two members of parliament on behalf of Russian schools. (Two of the officials responded by filing lawsuits against the security police.)

Domestic political factors also impact on the HCNM's efforts to address unfinished business. While persons belonging to national minorities serve in the Latvian and Estonian parliaments and in local government, the parties that enjoy the strongest support among national minorities and advocate changes in relevant policies remain in the parliamentary opposition. In the case of Latvia, in particular, this situation has contributed to internal discord within moderate minority parties and strengthened radical movements on both sides of the ethnic divide. Fractured political parties and unstable ruling coalitions have characterized Estonian and Latvian politics in the past two decades, a fact which has also contributed to difficulties in achieving consensus for changes to minority policies and in overcoming interethnic divides in the political arena. The HCNM welcomed the establishment of consultative councils for national minorities in both Estonia and Latvia in the 1990s, but these did not entirely develop the credibility or independence that was required to significantly improve levels of dialogue or for minority representatives to influence decision-making. And of course it cannot be overlooked that a significant part of the population in both countries faces barriers to political participation due to their lack of citizenship.

Finally, institutional factors related to the HCNM may also have contributed to difficulties in achieving support for the remaining HCNM recommendations. While it is understandable that the HCNM made fewer visits to Estonia and Latvia as situations in these countries improved and priorities shifted, less frequent contact may have made it more difficult to establish the personal rapport with political leaders that could help increase the level of receptiveness to advice. In addition, the closure in 2001 of the OSCE Missions to Estonia and Latvia, with which the HCNM co-operated on various issues, took away valuable "eyes and ears" on the ground and generally reduced the profile of the OSCE in the Baltic states.

### *The HCNM in Lithuania*

The situation in Lithuania provides an interesting counterpoint to HCNM involvement in the other Baltic states. Lithuania became a focus of the HCNM's work for the first time in 2011. The situation of national minorities

in Lithuania was quite different from the situation in Estonia and Latvia, in that Lithuania offered Lithuanian citizenship to all persons resident on its territory at the time of the restoration of independence. National minority communities in Lithuania are smaller compared to the ethnic Lithuanian population and, in the case of the Russian-speaking minority, more geographically dispersed. However, a series of events in 2010-2011 led to an increase in tensions related to the Polish minority and aggravated long-standing disputes about minority issues with Poland. In January 2010, a Soviet-era law on national minorities ceased to be in force while a new law was still being developed (and has not yet been adopted); at the same time, a separate government department on minorities was abolished. In the spring of the same year, the Lithuanian parliament voted down a draft law that would have addressed demands of the Polish minority to spell their names in official identity documents using non-Lithuanian characters. In 2011, a new Law on Education, which Polish minority representatives viewed as undermining the situation of Polish schools and Polish-language education, came into force; among the most controversial changes was a provision that students graduating from Polish-language schools should take the same Lithuanian language and literature examination as students in Lithuanian-language schools as of 2013. The law prompted protests and a threatened school boycott. Against this backdrop, the HCNM visited Lithuania (as well as Poland) in late 2011 and made recommendations regarding issues such as education and the legal framework for minority-language rights.

Of course it is impossible to do anything more than speculate as to whether HCNM involvement in Lithuania at an earlier stage might have helped to address issues related to the situation of national minorities which later resulted in domestic and international tensions. While the Lithuanian context is certainly different, some of the same challenges that the HCNM pointed to in the other Baltic states are relevant to the situation in Lithuania as well, for example the need for adequate consultation with minorities and for an appropriate balance between promotion of the state language and minority-language rights. One could also argue that the lack of an HCNM legacy in Lithuania, compared to the sometimes negative perception that clung to the HCNM in Estonia and Latvia, may have actually helped to facilitate HCNM engagement. In a bilateral meeting in July 2012, the Lithuanian and Polish prime ministers referred to the HCNM's involvement and its potential to help resolve problems.<sup>19</sup>

### *Conclusion*

At a time when international organizations such as the OSCE must assess activities carefully to justify the use of increasingly limited resources, one

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<sup>19</sup> Cf. Chancellery of the Prime Minister of Poland press release, July 18, 2012.

might ask whether there is any good reason for the HCNM to remain engaged in the Baltic states. Certainly some domestic politicians might welcome a cessation of visits and recommendations. However, the HCNM continues to bring added value in the region as the only institution with both a specific mandate to address national-minority-related tensions and institutional knowledge about some of the remaining sources of interethnic tension and their evolution since the early 1990s. Issues related to national minorities in the Baltic States are unlikely to be subject to close scrutiny or forceful statements by other countries, with the exception of the Russian Federation; in such a context, the HCNM helps to give due credit to progress that has been made while keeping unresolved issues on the agenda and also complementing the work of organizations such as the Advisory Committee to the Framework Convention, ECRI, and the UNHCR. The HCNM has judged that continued involvement in the Baltic states is warranted; at the same time, building further on the HCNM legacy will not be easy and will depend on an array of domestic and international factors. These are some of the challenges that will face the HCNM institution as it enters its third decade.