

EUROPEAN PARLIAMENT



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A3-0109/93

REPORT

of the Committee on Foreign Affairs and Security
on the situation in the Baltic Republics

Rapporteur: Mrs FERRER

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PE 201.213/fin.
Or. ES

* Consultation procedure requiring a single reading
* | Cooperation procedure (first reading)

** | Cooperation procedure (second reading) requiring the votes of a majority of the current Members of Parliament
*** Parliamentary assent requiring the votes of a majority of the current Members of Parliament

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At the sitting of 16 May 1991 the President of the European Parliament announced that he had forwarded the motion for a resolution by Mr Langer (B3-0262/91) on the situation in the Baltic republics, pursuant to Rule 63 of the Rules of Procedure, to the Committee on Foreign Affairs and Security as the committee responsible.

At its meeting of 17 July 1991 the committee decided to draw up a report.

At its meeting of 20 September 1991 the committee appointed Mrs Ferrer rapporteur.

At its meeting of 16 June 1992 the committee decided to include in its report the following motion for a resolution which had been referred to it:

- B3-0016/92; author: Mr Habsburg; subject: the situation in the Baltic states; announced in plenary sitting: 13 March 1992; responsible: Committee on Foreign Affairs and Security.

At its meetings of 21 September and 3 December 1992 and 8 January and 22 March 1993 the committee considered the draft report.

At the last meeting it adopted the resolution by 26 votes to 0, with one abstention.

The following were present for the vote: Barón Crespo, chairman; Crampton, vice-chairman; Ferrer, rapporteur; Aglietta, Benoit (for Trautmann), Bertens, Cheysson, Christensen (for Canavarro), Fernández-Albor, Ford (for Balfe), Holzfuss, Lagakos (for Pasmazoglou), Langer, Llorca Vilaplana, McMillan-Scott, Miranda de Lage (for Baget Bozzo, pursuant to Rule 111(2)), Newens, Penders, Planas, Plumb (for Bonetti, pursuant to Rule 111(2)), Pons (for Morán López), Quistorp (for Onesta, pursuant to Rule 111(2)), Rawlings (for Lacaze), Suárez González (for Bethell), Titley, Trivelli, Veil and Verde i Aldea (for Occhetto).

The report was tabled on 24 March 1993.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

MOTION FOR A RESOLUTION

on the situation in the Baltic Republics

The European Parliament,

- having regard to the motions for resolutions by:
 - (a) Mr Langer, on the Baltic republics (B3-0262/91),
 - (b) Mr Habsburg, on the situation in the Baltic states (B3-0016/92),
- having regard to the report by the Committee on Foreign Affairs and Security (A3-0109/93)
- A. having regard to the agreement by the CSCE countries to implement the principles and provisions of the Helsinki Final Act and the Paris Charter and the documents concerning the human dimension, in particular those referring to respect for human rights and the consolidation of democracy and the constitutional state,
- B. endorsing the desire, frequently reiterated by the Community and its Member States, to support the citizens of Central and Eastern Europe in their endeavours to reconstruct their societies and economics on a democratic basis,
- C. whereas respect for human rights and justice for minorities are essential if democracy is to be consolidated and a constitutional state built on firm foundations,
- D. whereas economic development, social justice and prosperity assist the process of democratization,
- E. having regard to the need for a legal and financial framework and for an efficient administration which will attract foreign investment and guarantee economic stability and smooth institutional functioning,
- F. whereas the inherent difficulties inherited from the previous economic system are compounded by the problems arising from totally obsolete productive structures and the inefficiency of the energy sector,
- G. having regard to the disappearance of the trading and economic bloc in which the Baltic states were incorporated, and to their total dependence on the former USSR,
- H. whereas the adjustment measures required for the necessary economic liberalization are causing major difficulties for the population as a whole,
- I. whereas scientific and technological cooperation are vital to ensure the economic revitalization of the three republics and speed up their economic integration into Europe, and whereas training in general is of crucial importance for this process,

- J. having regard to the serious deterioration of the environment in the region and the need for appropriate technical action and economic aid to deal with the problem on the most suitable basis,
- K. whereas one of the obstacles for the economic development of the Baltic states is their energy inefficiency, owing to their inadequate and outdated technical equipment, to insufficient technical and administrative skills in the field, and to their excessive dependence on the former USSR,
- L. whereas the continued presence of troops of the former Soviet Union under Russian control in the territory of Estonia, Latvia and Lithuania is not compatible with the exercise of full sovereignty by the three countries or with international law, and also constitutes a threat to security in the region, as being a source of potential conflicts,
- M. whereas the presence of the Russian troops is preventing the creation of the climate of political and social trust which is required to attract capital investment to the three republics,
- N. having regard to the declaration by the CSCE summit of heads of state and government in July 1992 calling on the countries concerned to conclude forthwith bilateral agreements for the swift, orderly and total withdrawal of foreign troops from the territory of the three Baltic states, and welcoming the agreement to this effect already concluded between Lithuania and Russia,
- O. having regard to the meeting held in Moscow on 5 January 1993 between representatives of Estonia, Latvia, Lithuania, Denmark and Norway and a delegation from the Ministry of Defence of the Russian Federation and to the resultant agreement to set up a joint coordinating body to help deal with the housing problems of the Russian troops still stationed in the Baltic states,
- P. having regard to the right of the Baltic states to establish their own legislation on citizenship, permanent residence and immigration, in accordance with international law, the Helsinki Final Act and the International Declaration of Human Rights,
- Q. whereas the Baltic authorities should endeavour to include in the process of national recovery the ethnic minorities living within their present borders, in accordance with the undertakings made in the relevant international bodies,
- R. recalling the forcible annexation of Estonia, Latvia and Lithuania by the Soviet Union following the Molotov-Ribbentrop pact and the policy of settlement and Russification imposed on them under Soviet rule,
- S. having regard to the presence on Baltic soil of large numbers of Russian inhabitants due to the policy of settlement pursued by the Soviet Union with a view to the subjugation and Sovietization of the Baltic republics,

SOVIET TROOPS IN THE BALTIC STATES

1. Calls on Russia immediately to withdraw all troops of the former Soviet Union from the Baltic states, thus respecting the sovereign will of the citizens of those countries;
2. Considers it necessary to point out that, according to Helsinki Declaration of July 1992, the withdrawal of the Russian troops from the Baltic states is a subject which affects security in Europe as a whole;
3. Considers that the withdrawal of the troops cannot, despite the arguments of the Russian government, be made conditional on social guarantees for the military personnel and their dependents, but calls on the EC and its Member States to do what they can to assist the Russian authorities to provide adequate shelter for the troops concerned on Russian soil;
4. Supports the participation of CSCE observers in the negotiations between Russia and Estonia and Latvia to establish a timetable for withdrawal of the Russian troops and to monitor adherence to the agreement following its conclusion;
5. Recommends that the Community consider further financial aid to Russia in order to facilitate the resettlement of Russian troops withdrawn from the Baltic states, but that, should the agreements on withdrawal of Russian troops from the Baltic states not be honoured, the Community should consider the possibility of re-examining its financial aid to and economic relations with Russia;
6. Expresses its concern at the decree issued on 29 October 1992 by President Yeltsin suspending the withdrawal of Russian troops from the Baltic states;
7. Welcomes the agreement reached in Moscow on 5 January 1993 to set up a coordinating body to help deal with the housing problems of the Russian troops still in the Baltic states, and hopes practical results will be achieved;

THE EXTERNAL DEBT OF THE BALTIC STATES

8. Shares the view that the Baltic republics are not responsible for the external debt of the former Soviet Union, given that they were forcibly and illegally annexed by the USSR, and that, accordingly, they must not be asked to pay any proportion of that debt;
9. Urges the government of the Russian Federation to release the hard currency funds deposited by Baltic citizens in the former Soviet Bank, and calls on the governments of Estonia, Latvia and Lithuania, as a gesture indicating their willingness to go beyond the past, to refrain from calling for compensation for damage caused under Soviet rule;

THE ECONOMIC AND SOCIAL SITUATION

10. Is aware that the Baltic states are ultimately responsible for their own evolution towards a free society which will guarantee democracy, economic development and social justice, and that it is therefore their task to ensure political stability, promote investment in human resources and create a stable and competitive macroeconomic framework;
11. Notes nonetheless that the three countries lack the economic and technical structures required for the achievement of those objectives; and is aware that the present severe economic crisis is holding up the reforms needed for the transformation of their economic and social systems;
12. Considers that trade liberalization and the opening up of the Community's markets to exports from the Baltic republics form a necessary condition for economic progress in the three republics;
13. Encourages the governments of Estonia, Latvia and Lithuania to create a legal and fiscal framework in accordance with international standards so as to guarantee economic stability and improve the wellbeing of the public;
14. Welcomes the formation of a Council of Baltic states with the brief of promoting democracy and economic development in the region and creating closer links with the EC, and, in particular, its decision to give priority to nuclear safety cooperation programmes;
15. Welcomes the fact that the governments of Estonia, Latvia and Lithuania have revived the Baltic Assembly, and encourages them to implement the recommendations adopted at its first plenary session, in particular those concerning:
 - consideration of a possible intergovernmental agreement on mutual cooperation;
 - coordination of economic, social and financial legislation;
 - a treaty on cooperation in the field of environmental protection;
16. Welcomes the desire expressed by the Presidents of Latvia, Estonia and Lithuania to establish the basic principles for the creation of a Baltic common market on the basis of gradual integration into the European market structures;

THE POLITICAL SITUATION

17. Recognizes that both the EC and the international community as a whole share a historic responsibility towards the Baltic states and that they must accordingly support the individual efforts of the three republics to construct a constitutional state which will ensure democracy and economic wellbeing for its citizens;
18. Considers it desirable to follow closely political developments and institutional reforms in the Baltic republics, bearing in mind their history, in order to help them to guarantee their independence and democracy and the full respect of human and minority rights;

19. Urges the EC, within the G-24 framework, to follow a coherent and dynamic policy aimed at contributing to:
- the consolidation of democracy, in accordance with the desires of the three republics, providing all established residents, including all members of the Russian minorities, with full citizenship including the right to vote;
 - respect for human rights and minority rights, with the possibility of appeal to the relevant international bodies;
 - economic development via the gradual transformation of the republics' economies into social market economies which take account of the need to preserve the environment;
20. Calls on the governments of the Baltic republics to adopt all necessary measures to ensure the full integration of women into national, social, economic and political life, and insists that the cooperation programmes agreed between G-24 and the three republics pay particular attention to the matter;
21. Calls for the abolition of the death penalty in the three Baltic republics, and urges that in the meantime a moratorium be placed on death sentences and executions;

RELATIONS WITH THE EC AND THE INTERNATIONAL COMMUNITY

22. Considers that the EC should seek to persuade all members of the G-24, on the basis of the available financial instruments, to give priority to tackling the extremely grave environmental problems, especially the discharge of sewage and air pollution, which are grave dangers to public health in the Baltic states and in some cases to neighbouring countries, as well as participation in the GREEN and EAST programmes;
23. Stresses that nuclear safety must be a priority, and calls on the Commission to draw up, as a matter of urgency, an action programme for dealing with nuclear safety matters and, in the case of Lithuania, to provide specific aid for the training of engineers and skilled technicians;
24. Welcomes the steps taken by the Community to promote economic and trade relations with Estonia, Latvia and Lithuania, especially the cooperation agreements adopted by the Community with each republic;
25. Stresses the need for a Community investment policy in the various production sectors, as well as in research and the environment, with a view to mobilizing capital, lines of credit and joint ventures and ensuring that enterprises are competitively managed; and calls on the Commission to study the possibility of implementing accompanying measures to encourage private capital transfers and investment (e.g. underwriting or guarantees);
26. Welcomes the economic and political aid already given to the Baltic states by the Nordic countries, and stresses the importance it attaches to the widest possible Baltic cooperation, including cooperation in the environment;

27. Welcomes the admission of the Baltic republics to the IMF and the World Bank, as being crucial to the process of macroeconomic assistance; and calls on the IMF to consider releasing supplementary funds to cover the resultant financial obligations;
28. Considers that exchanges of economic and commercial information between the Community and the individual Baltic republics can stimulate economic and trade cooperation and thus make a major contribution to the republics' economic development and considers, accordingly that the BC-Net and Info-Center networks must be extended to the three Baltic republics;
29. Calls on the EBRD to aid the privatization of small enterprises and to give careful consideration to the possibility of aiding the restructuring of large enterprises with a view to their privatization as soon as possible;
30. Proposes that the Community, and in particular the EBRD, should encourage public and private investment in communication and telecommunications infrastructures so as to facilitate the integration of the Baltic republics with the rest of Europe;
31. Calls on the Commission to encourage partnership between EC institutions and the Baltic states in the areas of health, culture and education, and calls for the stepping up of cooperation in the area of professional training and retraining, on the basis of coordination with the European Training Foundation, and for such cooperation to be aimed not exclusively at young people but, rather, primarily at managers and skilled workers;
32. Calls for careful consideration to be given to providing aid for the training of political leaders and senior civil servants, given their vital importance for the existence of working democratic institutions;

HUMAN RIGHTS AND MINORITY RIGHTS

33. Recalls that respect for democratic principles and human rights as defined in the Helsinki Final Act and the Charter of Paris is an essential element in the Community's relations with the Baltic states and its agreements with them;
34. Considers that the rights of minorities fall within the category of universal human rights and must accordingly be fully respected and protected;
35. Expresses the hope that the authorities of the Baltic republics will cease, in law and in fact, to limit the political rights of the Russian-speaking inhabitants who promise loyalty to the country in which they live and, in many cases, were born; and considers that the authorities should cease to prevent those inhabitants from participating in elections, acquiring property or shares in private companies, working as government employees, obtaining education in Russian as well as the national language, having access to radio and television in Russian and receiving their civilian or military pensions;
36. Considers that members of national minorities are entitled, without discrimination of any kind and on the basis of equality, to enjoy the same rights as other citizens, and that, in addition, they are entitled to respect for and preservation of their identity, be it ethnic, religious or linguistic;

37. Believes, in addition, that, complementarily to their rights as members of national minorities, such persons must also respect national law and comply loyally with the obligations arising from citizenship of the country where they reside;
38. Reminds the Baltic authorities and the representatives of the Russian, Polish, Belarussian, Ukrainian and other minorities that it is in their common interest to reduce inter-ethnic and social tension through dialogue and respect for the international agreements and declarations which promote and protect human rights;
39. Considers that access to citizenship should be offered to persons who are manifestly willing to become citizens of the country in which they reside and loyally accept the obligations arising from citizenship of that country;
40. Welcomes the fact that Lithuania has adopted citizenship laws and held elections and that these laws conform, in principle, to international law;
41. Is concerned that Estonia has agreed a citizenship law which disenfranchises over 38% of the population; and is further concerned that important elections have already been held under this law;
42. Welcomes the debate over citizenship in Latvia, which has resulted in less draconian proposals coming forward;
43. Expresses the hope that the citizenship law will be based on full respect for the international agreements subscribed to by the Latvian government in the area of civil, social and economic rights;
44. Considers that the rights of the minorities in the Baltic republics would be greatly strengthened by the adoption by the CSCE of a 'Minorities' Charter' providing for 'watchdog' mechanisms for handling citizens' complaints against the state, which would be binding on all member states;
45. Welcomes the agreement reached by the CSCE at the 1992 Helsinki summit to set up a High Commission for national minorities with a view to preventing possible conflicts, and condemns all who call for forcible repatriation of minorities in the Baltic states, and believes that any government moves towards forcible repatriation should immediately lead to the suspension of all EC aid and assistance;

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46. Instructs its President to forward this resolution to the Presidents of Estonia, Latvia and Lithuania, the President of the Russian Federation, the Council of Europe and the governments of the Member States;
47. Instructs its President, furthermore, to forward this resolution to the Council and Commission, and calls on those institutions to inform the competent committee of Parliament of the action taken on the requests and recommendations contained in the text.

EXPLANATORY STATEMENT

1. HISTORICAL BACKGROUND

Although Estonia, Latvia and Lithuania each have a past, a history and a national identity of their own, from 1945 until the restoration of their independence in 1991 they were forced to share the same fate. They were each established as independent republics in late 1918 and their independence was recognized by the Western powers in 1920. Twenty years later, as a result of the non-aggression pact signed by Germany and the Soviet Union, which defined both countries' spheres of influence in Eastern Europe, the Baltic Republics were forcibly annexed by the Soviet Union. This annexation, however, was never recognized by the Western states and they continued to treat each of the republics as if they were independent states.

The annexation was also never accepted by the peoples of Estonia, Latvia and Lithuania, who never considered themselves to be Soviet citizens or an integral part of the USSR. On the contrary, despite having experienced independence for only a brief period - except the Lithuanian people, who were independent from the fourteenth century until the late eighteenth century - they kept alive their sense of national identity and the determination to regain their sovereignty as nations.

For this reason, following annexation by the Soviet Union, thousands of Lithuanian, Latvian and Estonian citizens decided to fight in the resistance against Moscow in order to regain their freedom. However, the executions and mass deportations of Baltic citizens and the settlement policy pursued by Moscow in response to this movement succeeded in thwarting armed resistance against the occupying forces towards the nineteen fifties, although the fight did continue, albeit through different means.

From the sixties onwards, and particularly as a result of the Prague Spring and the occupation of Czechoslovakia by Soviet tanks in 1968, new forms of resistance began to appear. Examples of this were the publication of a series of clandestine manuscripts, 'samizdats', the most widely read of which was the 'Chronicle of the Catholic Church in Lithuania', and the emergence of a number of clandestine movements, including the Estonian National Front and the Estonian Democratic Movement, which called for the recognition of a free Estonia in a document addressed to the United Nations in 1970.

The signing of the Helsinki Final Act in August of 1975 had a great impact in the Baltic Republics and gave renewed impetus to their aspirations to regain independence. The Act recognizes that 'all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development'.

The election of Mikhael Gorbachev as General Secretary of the Communist Party of the Soviet Union in March 1985 ushered in a new system of both East-West relations and relations between Moscow and the federal republics, some of which saw in perestroika the possibility for a revival of their national identities. It is thus hardly surprising that Estonia, Latvia and Lithuania exploited the political situation to give a new impetus to their struggle for freedom, which enabled them, not without great difficulty, to regain the independence which had been snatched

from them by Moscow in 1940. Thus, Lithuania announced its independence on 11 March 1990, Latvia on 4 May 1990 and Estonia on 20 August 1990, although it was not to be recognized by Moscow until after the coup d'état in 1991. The Community and the Member States then also officially recognized Lithuania, Latvia and Estonia as sovereign states and decided to establish diplomatic relations with each of them.

2. PRESENT SITUATION

Estonia, Latvia and Lithuania will have to overcome numerous difficulties in order to establish a system of freedoms which will enable them to reclaim their history and to build their future. It is not easy to fill the vacuum left by almost 50 years of Soviet domination and at the same time overcome the many problems created by this domination as well as the changes and transformations which have recently taken place in each of these Republics.

The Baltic Republics, like all other countries of the former Communist bloc, are now faced with the challenge posed by the conversion from a planned economy to a market economy. The completely obsolete economic structures, the dependence on the former Soviet Union in economic, energy supply and trade terms, the deep economic crisis afflicting Russia and the CIS in general, and the damage to the environment, which is also a legacy of the past, constitute further obstacles which these countries must overcome. Added to this is the challenge posed by the increasingly competitive and interdependent market economy itself, which these countries must also face in order to achieve a level of economic and social development which will enable them to attain a higher standard of living and to consolidate the freedoms so recently acquired¹.

Furthermore, we cannot ignore the other factors resulting from the domination to which Estonia, Latvia and Lithuania were subjected, which add to the problems, such as the continued presence of the former occupying forces on Baltic territory as well as the high percentage of Russians in the population, particularly in Estonia and Latvia, as a result of the settlement policy pursued by Moscow in the years of Soviet domination.

It is for this reason that the actions carried out to date by the Community have been so important; this is particularly true of the technical assistance programmes, the inclusion of the three Republics in the PHARE programme, the agreements on economic and trade cooperation and the financial aid granted by the EIB; and for the same reason there is a need to not only develop an ever closer cooperation leading to the establishment of association agreements between the Community and the Baltic States, but also to open up the Community markets to exports from these states to help them face up to the difficult economic and political realities in which they live and to pursue further the process of economic reconstruction needed if they are to be free to reclaim their history and work in peace to build a prosperous future for all their citizens.

There is no doubt that the long road ahead for Estonia, Latvia and Lithuania could be shortened if they join forces and gradually integrate their economies, in view of the similar nature of the problems to be solved, the characteristics of each

¹ For more information on the economic implications, see the explanatory statement in the Moorhouse report on economic relations between the EC and the Baltic Republics (PE 201.430 fin./B)

of these countries and their very size. We should thus welcome the creation of the Council of Baltic States in 1992 and the desire expressed by it to establish the basic principles for the creation of a Baltic common market on the basis of gradual integration in the European market structures.

3. POLITICAL, SOCIAL AND LEGAL SITUATION

In accordance with the European Council Declaration of June 1991, respect for democratic principles and human rights as defined in the Helsinki Final Act and in the Charter of Paris are a precondition for the granting of Community aid; we should thus consider the human rights situation and the constitutional and legal order in each of the Baltic States.

3.1. ESTONIA

3.1a. Human rights

The Constitution adopted by the Supreme Council on 21 April 1992 is the result of a compromise between the various tendencies in the Estonian political arena and guarantees the fundamental rights of all persons under the jurisdiction of Estonia, in accordance with the provisions of the European Convention on Human Rights. It explicitly stipulates that the 'universally recognized precepts of international law are valid in that they form an inalienable part of the legal order of Estonia' and affirms that nobody shall be subjected to discrimination before the law.

However, rights such as that of founding political parties, access to certain posts in the civil service, and, under certain circumstances, the right to the ownership of land and access to the privatization process are restricted to Estonian citizens. It is worth noting that the report prepared by CSCE experts who visited Estonia in December 1992 to study the situation of the Russian population there stated that the Estonian Constitution and other laws examined by the mission were in keeping with international standards for the protection of human rights. For its part, the draft opinion on the Estonian request to join the Council of Europe confirms that Estonia meets the conditions necessary to guarantee the primacy of law and of fundamental human rights and freedoms.

However, the law on citizenship adopted on 26 February 1992 stipulates that only those people who have acquired Estonian citizenship may vote, except in local elections where others can both vote and stand for election, and that this meant that approximately 38% of the population of Estonia, mostly of Russian origin, were not able to participate in the elections of 20 September 1992. However, according to the European Court of Human Rights judge responsible for drawing up a report on human rights in Estonia, neither the European Convention on Human Rights nor any other international convention considers the right to citizenship to be a fundamental right, although it must be admitted that if a large proportion of the population is unable to participate in elections a democratic deficit is created which can undermine the stability of the whole democratic system. The fact that the next elections will be called in three years' time remedies this deficit, since the law on citizenship provides for a minimum of two years' residence plus an extra year for formalities, so that once the law is adopted all those

who wish to adopt Estonian citizenship will be able to vote at the next elections.

3,1b. Population and citizenship

One of the main problems in Estonia, which currently has a population of 1 600 000, is the presence of a significant proportion of Russians (approximately 30.3% in 1989, not counting military personnel who in 1990 numbered approximately 45 000 officers and troops, not counting their families) and together with Ukrainians (3.1%), Byelorussians (1.8%) and other minorities (2.8%), make up 38% of the population of Estonia. However, this does not mean that all the Russians should be considered as a minority, since their presence in Estonia is the result of various historical events and circumstances.

In 1940, before the Soviet occupation, there was an essentially Russian minority in Estonia which represented slightly more than 8% of the population. These inhabitants and their descendants, who total approximately 70 000, have a full right to Estonian citizenship without having to meet any other requirements. Furthermore, the government may grant citizenship to non-Estonian citizens according to their individual merits, as in the case of approximately 3 000 people who had distinguished themselves by their support for Estonian independence. The majority of Russians and other non-Estonian citizens came to Estonia after the Second World War when the country was under Soviet occupation, which contravened international law as regards the movement of populations in times of occupation.

In any case, the current law on citizenship provides that any person who has permanently resided in Estonia for two years after March 1990 may request Estonian citizenship, with the exception of certain specific categories of people such as former members of the KGB and of the armed forces for whom no such right is recognized. In addition, in order to gain Estonian citizenship a person must swear allegiance to the state and must have a certain command of the Estonian language; the latter requirement must be understood as a reflection of not only the desire but also the right of the Estonian people to preserve the symbols of their identity, which is all the more necessary after the policy of Sovietization pursued by Moscow for more than 40 years.

3,2. LATVIA

3,2a. Human rights

The declaration of 4 May 1990 on the restoration of Latvia's independence recognizes the primacy of the fundamental principles of international law and the obligation to ensure the universal and effective respect of fundamental human rights and freedoms, which implies the precedence of these rights and liberties over Latvian national law. Moreover, the Supreme Council proclaimed the accession of the Republic of Latvia to 51 international instruments on human rights, thereby subscribing to the principles and rules contained in these instruments.

The Supreme Council subsequently adopted a constitutional law on 10 December 1991 on the rights and duties of citizens and of the population in general, which in essence recognized the rights contained in the Universal Declaration

of 1948, the 1966 Covenants, the European Convention on Human Rights and the European Social Charter. This law, as its title shows, draws a distinction between the rights applicable to the population as a whole and the rights restricted to Latvian citizens, including the right to vote and to stand for election, the right to hold public office, the right to land ownership, with the exceptions provided for in International Treaties. Although this may at first sight appear to go against the spirit if not the letter of the Council of Europe texts, the fact that Latvian legislation establishes that international law takes precedence over national law undoubtedly constitutes a safeguard for fundamental rights.

3.2b. Demography

As in Estonia, one of the main problems facing Latvia, which currently has a population of 2 648 000, is the high percentage of Russians (34%) who together with Byelorussians (5.5%), Ukrainians (4.5%) and various minorities (4%) make up 48% of the population. Again,, however, the Russian-speaking population as a whole cannot be regarded as a minority since their presence in Latvia is due to the settlement policy pursued during the years of Soviet domination. For example, in 1935 the population of Latvian origin totalled over 75% of the population, and the Russian population has increased from 10.5% to the present 34%.

In October 1991, pending the adoption of a citizenship law, the Supreme Council adopted a resolution on 'the restoration of the rights of citizens of the Republic of Latvia and on the fundamental principles of naturalization', through which it established the conditions necessary to acquire Latvian citizenship, in an attempt to resolve the problem caused by the policy of Sovietization carried out by Moscow. The resolution provided that all persons living in Latvia before 1940 and their descendants, whatever their nationality, who registered in the census before July 1992 would automatically acquire Latvian citizenship if they so desired. The remainder of the population would also have to register but would only be able to acquire Latvian citizenship if, inter alia, they had a sufficient knowledge of Latvian and if they had resided in Latvia for at least 16 years. Anyone who had served in the army or in the security forces or had committed serious crimes was excluded from the process of naturalization.

If, in addition, we consider that the right to vote is restricted to people with Latvian citizenship, it could at first sight seem that this resolution was contrary to fundamental rights. However, it must be borne in mind that the right to citizenship cannot be considered to be a fundamental right and that the restrictive nature of some of the conditions contained in the resolution are justified by Latvia's history and by the need to reaffirm their sense of national identity. Nonetheless, it would be desirable if some of these conditions were amended in the future law on citizenship, particularly the requirements regarding language proficiency and knowledge of constitutional principles, at least for the over-fifties, and the required period of residence should be reduced.

3,3. LITHUANIA

3,3a. Human rights

Generally speaking, Lithuanian legislation guarantees the respect of fundamental human rights and freedoms and is in keeping with the principles of a democratic state governed by the rule of law. The Constitution, which was approved on 25 October 1992 by 75% of votes and later by a referendum with a 74% turn-out, provides the country with the structures and institutions expected of a pluralist democracy, establishing the division of power and guaranteeing the fundamental rights of citizens, including the rights of minorities. It can thus safely be said that the new Lithuanian legal system does not have any democratic lacunae, and although the implementation of certain laws has led to some deficiencies, a reform process has been set in motion to remedy them. Furthermore, it should not be forgotten that the Lithuanian authorities have given an undertaking to sign and ratify the European Convention on Human Rights and to recognize the right of individual citizens to appeal to the European Court of Human Rights.

As regards the situation of minorities, including Russians who settled in Lithuania after 1945, their rights are legally guaranteed and the degree of protection for their language and culture has progressively increased since the restoration of independence. Thus, to quote just one example, the University practices positive discrimination in favour of minorities, with a certain number of places being compulsorily reserved for students from minority groups, who are able to sit entrance exams in their own language.

The situation of the Polish minority is quite different, as a result of the tensions which arose between Poland and Lithuania after the First World War, because of the annexation of Vilnius by Poland during the war between Poland and Russia. However, the clear cases of discrimination which have occurred, in particular the dissolution of the municipal councils of Vilnius and Salcininkai, which had a Polish majority, and the implementation of agrarian reform in the regions inhabited by Poles, are currently being remedied since the Lithuanian authorities have promised to restore in the near future all rights as regards regional autonomy to the councils still under government control.

3,3b. Population and citizenship

Lithuania currently has a population of 3 674 802, 79% of which are of Lithuanian nationality and origin, with Russians making up 9.4%, Poles 7%, Ukrainians and Byelorussians 2.9% and other minorities 1%. There is no doubt that these figures have allowed the Lithuanian authorities to be much less restrictive about citizenship, and therefore the issue does not cause real problems. Thus, the law on citizenship of 3 November 1989 (and the new law of December 1991 - although this is slightly more restrictive) established that anyone who was a citizen of the Republic of Lithuania before July 1940 and their descendants would automatically be granted Lithuanian citizenship; in addition, anyone who had permanently resided for at least the last two years in Lithuania could acquire Lithuanian citizenship two years after the entry into force of the law if they so requested. More than 90% of the non-Lithuanian population did so.

However, the new law on citizenship which came into force in December 1991 was more restrictive, since the conditions stipulated for acquiring Lithuanian citizenship included residence in Lithuania for the last 10 years (a requirement which is also included in the Constitution) as well as an examination testing knowledge of the Lithuanian language and the Constitution. Nevertheless, in spite of the more restrictive nature of the law, at the last elections only 1% of the population was unable to exercise the right to vote and this was because they had not applied for citizenship.

4. THE PROBLEM OF THE TROOPS

One of the most pressing problems facing the three Baltic Republics is the continued presence of former Soviet occupying troops on Baltic soil. The presence of Russian troops not only prevents these countries from enjoying their recently regained sovereignty in full, but is also a potential source of conflict and destabilization in the region, inhibiting the establishment of the climate of trust needed to attract foreign investment and revitalize their economies.

Even though negotiations have started between Russia and each of the Baltic Republics on the withdrawal of troops, it is unlikely to be achieved in the immediate future given that, although the Russian authorities accept the withdrawal of troops in principle, they want to discuss the issue a wider context, which in their view should include such questions as the property of the armed forces and of Russian citizens, residence permits and citizenship. The Baltic authorities, on the other hand, maintain that the withdrawal of troops cannot be subject to other questions being settled, since the presence of the troops on Estonian, Latvian or Lithuanian soil is seen as an act of foreign interference in these countries' internal affairs.

There is a growing belief in the Baltic Republics that, if the conservatives come to power in Russia, they could try and fill the vacuum left by the disappearance of Marxist ideology with a new form of 'Soviet nationalism', which could lead to a determination to reconquer the territories of the former Soviet Union taking advantage of the presence of Russian troops in these territories. It is thus hardly surprising that the practical problems cited by Russia, particularly the lack of housing, are seen by some as a pretext to keep the troops on Baltic soil rather than as real problems which need to be resolved before troops can be withdrawn completely. It is worth noting that Estonia, Latvia and Lithuania jointly submitted a Declaration on the withdrawal of Russian troops to both the CSCE, which adopted it at the Helsinki summit of June 1992, and the United Nations.

At present it is estimated that there are still between 9 000 and 20 000 Russian troops in Estonia and approximately 26 000 in Latvia. In the case of Lithuania the withdrawal of troops is far more advanced and the Russians can be said to have fulfilled 78% of their commitment.

5. CONCLUSIONS

The European Parliament, in keeping with its desire actively to pursue its commitment to the protection of fundamental rights and freedoms, should promote measures to complement those already adopted by the Commission and the Council allowing each of the Baltic Republics to be provided with the necessary

instruments for consolidating democracy through the establishment of democratic institutions and a legal system which guarantees respect for human rights and the rights of minorities, and promoting the economic development of these countries through the gradual transformation of their economies into market economies which take account of the demands of social justice and environmental protection.

As Albert Camus once said, the problem lies not in freeing oneself but in being free. If the Community wishes to remain true to the legacy bequeathed by the initiators of the peace process in Europe, it has a duty to extend the benefits of peace and progress to the peoples who have embraced democracy and, consequently, it has a responsibility to assist the peoples of the Baltic Republics in meeting the great challenge of their newly-won freedom and building a better future for their children.

MOTION FOR A RESOLUTION

(B3-0262/91)

pursuant to Rule 63 of the Rules of Procedure
by Mr Langer
on the Baltic republics

The European Parliament,

- A. having regard to the fundamental differences of opinion between Lithuania, Latvia and Estonia, on the one hand, and the Soviet leadership on the future of the Baltic republics,
- B. convinced that a positive outcome to the Baltic republics' efforts to achieve independence is closely bound up with the progress of the process of reform in the USSR and the creation of a new European security system,
- C. convinced that the aspirations of the Baltic republics will gain in credibility if there are clear guarantees that all inhabitants will enjoy equal rights and equal scope for self-development, regardless of national origins and length of residence in the countries in question, and that an increasingly federalist and European, rather than nationalist, approach to the problems of the peoples of Europe needs to be adopted,
 - 1. Calls on all the parties concerned to negotiate, in an atmosphere of mutual respect and without setting any preconditions, all the problems connected with the process of Baltic independence;
 - 2. Calls on the Soviet Union to refrain from force and economic blackmail;
 - 3. Calls on the Baltic republics to give due consideration to the overall situation of the Soviet Union and the Soviet leadership and to prevent chauvinism and xenophobia;
 - 4. Calls on the Council and EPC to act as intermediaries in the spirit of the principles set out above, should this be the wish of the parties concerned;
 - 5. Calls on the Commission and the Council to consider the use of Community measures to satisfy the specific requirements of the Baltic republics.

MOTION FOR A RESOLUTION

(B3-0016/92)

pursuant to Rule 63 of the Rules of Procedure
by Mr Habsburg
on the situation in the Baltic states

The European Parliament,

- A. having regard to the urgent appeal by the Baltic presidents to the governments of the three Slav republics to withdraw units of the former Soviet army from the Baltic republics forthwith,
- B. having regard to the crumbling discipline of these troops and the intolerable burden their presence imposes on the environment and the security of the Baltic democracies,
- C. concerned at the potential threat this situation poses to international peace,
 - 1. Calls on EPC to make representations to the competent authorities forthwith to secure a speedy and positive response to the appeal by the Baltic republics;
 - 2. Calls for the EPC to make clear that future economic aid by the EC will depend not least on compliance with this request.