

Address of the President of Latvia, Egils Levits, at the discussion 'Turning point: 10 years since language referendum'

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Egils Levits



Ladies and gentlemen, participants,

I

Our country went through major constitutional turbulences 10 years ago. It became a major turning point in the way we see the purpose of the Latvian State and perceive Latvianness, Latvian language.

10 years have passed since, giving us enough distance for an unbiased legal evaluation and assessment of changes that our society went through as a result of the referendum.

II

10 years ago, the existing *referendum* rules^[1] were applied narrowly, mechanically and requirements of Article 78 of Satversme on fully developed proposal^[2] were applied too formally, focusing only on legal technicalities.

Such formalistic approach opened way for targeted campaign provoking people to join the petition. Required 1/10 of signatures were collected and changes to Satversme introducing Russian as the second official language of Latvia were drafted.^[3]

Let me reiterate my position back then: such initiative was anti-constitutional and unacceptable *ab initio*, from the start.

National identity of the Latvian State and Latvian language being the sole official language of Latvia are our fundamental constitutional elements. No referendum can change or legally amend that.^[4]

Latvia is an independent, democratic nation state governed by the rule of law. That is how we identify our state throughout times and for the good of all generations. One generation cannot accidentally vote to take away the Latvian State from future generations by a simple majority. The purpose of our constitution, Satversme, is to ensure the longevity and sustainability of our state, i.e., passing it on to generations behind us. That is why national independence, nation state, democratic political system and rule of law are elements of the sacred core of our constitution, a core that cannot be reviewed or changed.^[5]

It is the duty of public officials and politicians to protect the constitutional foundations of Latvian State against illegitimate threats at all times.

Later, Constitutional Court concluded, and reasonably so, that Central Election Commission and constitutional bodies of the legislating system shall assess the fundamentals of a bill supported by electorate to prevent anti-constitutional bills or bills that are not finished and contradict Satversme from being considered further.^[6] Similarly, constitutional rules, principles and values are binding upon everyone, including people. No constitutional body, including the entirety of people, can breach Satversme and commit anti-constitutional acts based on their rights.^[7]

Unfortunately, neither the Central Election Commission nor constitutional bodies responsible for assurance of formal and legal compliance of bills according to Article 78 of Satversme did anything. All legal requirements were seemingly followed,^[8] and it was up to Latvian citizen, the entirety of them, to protect the constitutional pillars of the Latvian State. And anti-constitutional amendments to Satversme were put to popular vote.

III

Latvian language is an essential element of national identity of Latvians and crucial to our statehood. That is why the referendum was not about the language, but rather much broader agenda of Latvia as a nation state – its core values and future.^[9]

Professor Kārlis Dišlers once wrote, 'Protection of the most important provisions of Satversme has been entrusted to the people and referendums under the assumption that people will be able to defend their rights and democratic Satversme of Latvia when necessary'.^[10]

On 18 February 2012, when people voted against the second official language, we, as the entirety of Latvian citizen, exercised our civic responsibility and protected the fundamental values of our constitution.

Everyone was reminded of the true worth of Latvian language and Latvian State with strong Latvian identity. These are the ideals that bond us as a nation and a state.

From a political perspective – this is something that I would like to specifically underline here today – referendum was a strong sign of our maturity and sense of responsibility as a nation. Seeing how fragile statehood is, how easily it can be targeted and how vulnerable it is, we voted for Latvia, turning down the idea of a second official language.

Out of 1 098 593 Latvian citizen who came out on the referendum day, 821 722 Latvians voted against the second official language. The total number of registered voters at the time was 1 545 004, which means that half of Latvian citizen eligible to vote (53.19) turned down the proposal to introduce a second official language.^[11] Proposed changes were firmly rejected.^[12]

The convincing vote of the Latvian people also confirmed Latvian as the sole official language in Latvia and reinforced the idea of a nation state as the overarching objective.

Nation state, an overarching principle described in the fourth paragraph of the preamble of Satversme, means that the state and people are required to protect and develop the national/Latvian identity of the Latvian State through specific policies and legislative initiatives. Any attempts to *downplay* or minimise the Latvianness underpinning the constitutionality of Latvian State are to be deemed anti-constitutional.

IV

According to Article 79 of Satversme, an amendment to the Constitution shall be deemed adopted if at least half of the electorate has voted in favour.

And, on 18 February 2012, the majority required by Article 79 was reached as people turned down the proposal to make Russian the other official language, effectively voting for Latvian as the sole official language.

Latvian citizen collectively voted on this constitutional matter and reaffirmed that Latvian State is a Latvian nation state.^[13]

The will of voters, Latvian citizen who collectively voted in the referendum, is legally binding and is to be considered a valid constitutional-level act according to the national public law.^[14]

Satversme adopted on 15 February 1922, Proclamation Act of 18 November 1918, Declaration on the Latvian State of 27 May 1920, Declaration on the Restoration of Latvian State of 8 September 1944, Declaration on the Restoration of Independence of the Republic of Latvia of 4 May 1990, Constitutional Law on Statehood of the Republic of Latvia of 21 August 1991, other legal acts based on Section 68.2 of Satversme, which concern Latvia's EU membership, together with the collective vote of Latvian people in the referendum of 18 February 2012 should be considered a *sui generis* constitutional acts crucial for understanding the fundamental constitutional principles of the Latvian state.^[15]

V

From the perspective of the Latvian public law, collective decision taken by the Latvian people on 18 February 2012 has a three-fold importance.

First, through this referendum people rejected the idea of granting the official or national status to any other languages. Latvian is the only official language in Latvia and this collective vote of the Latvian people is irreversible.^[16] It also means that there are no constitutional grounds to diminish or restrict the use of Latvian language as the sole official language and fundamental element of social cohesion in Latvia.^[17] The main priority of the official language policy must be strengthening of the position and public status of Latvian as the sole official language.^[18]

Second, referendum also settled once and for all that Latvia is a nation-state built on Latvian identity.^[19] Nation state is one of the overarching constitutional principles of Latvia, which has equal power to democratic governance and rule of law as the other overarching constitutional principles in our constitutional system.^[20]

Principle of nation state has also been widely used in the case-law of the Constitutional Court.^[21] 'Principle of nation state not only requires the state to bear negative responsibility and not take any action that would harm the Latvian identity of Latvia, but it also assumes an even more important positive responsibility for strengthening it in all available ways,' Court indicates.^[22]

Latvian State is the product of national aspirations of Latvian people. The fundamental element and driver of Latvian State is Latvian nation with the nation state approach that determines the national and cultural identity of the state.

Language and culture of Latvian nation as the constituent element of nation state is the shared language and culture of the state (as institutional system).^[23] Satversme Preamble, adopted in 2014, also stipulates that Latvian State has been established to guarantee the existence and development of the Latvian nation, its language and culture throughout the centuries.^[24] Preamble was essential in revealing and highlighting the fundamental elements of Latvian State, which was also one of the goals of referendum.

Third, the principle of Latvian language being the only official language and Latvia being a nation state are the core principles of Satversme, which define the constitutional identity of Latvian State.^[25]

The will of the constitutional majority of Latvian citizens, expressed through vote in the referendum, demonstrates that from a constitutional point of view these principles are inviolable.

Latvian language as the official language cannot be weakened, nation state approach cannot be reviewed. Such initiatives or proposals and ideas should be deemed unconstitutional and are not supported by our constitution.^[26]

VI

Referendum 10 years ago became the right impetus for authorities and politicians to act immediately and strengthen Latvia and its constitutional identity as nation state.

Preamble to constitution was adopted. Constitutional and Supreme courts began emphasising constitutional identity more in their case-law. The last ten years have been very productive in this regard.

Moreover, in the past decade people have also realised that they need to do more to protect and nurture Latvian identity. Many have become more aware of Latvia's fundamental constitutional values, more demanding towards public authorities, asking for more comprehensive legal and social application of constitutional norms in Satversme.

I believe Latvia has come to the right conclusions following the referendum of 18 February 2012 and spent the last 10 years moving in the right direction.

Let me thank all patriotic Latvians who have always held Latvia and its language close to their heart and worked relentlessly to make Latvia a strong nation state with its Latvian identity!

[1] Law on National Referendums and Legislative Initiatives of 31 March 1994, which was amended and renamed on 20 September 2012. It is now called the Law 'On National Referendums, Legislative Initiatives and European Citizens' Initiative'.

[2] Central Election Commission is authorised to verify whether the bill has been drafted completely and whether it had been already accepted between the wars. See: Dišlers K., 'Can Central Election Commission verify bills?', *Jurists*, 1928, Edition 5. It was concluded, also by the Constitutional Court, that a special interpretation of Article 78 of Satversme allows Commission to do that. See: Constitutional Court ruling of 19 December 2012 regarding the closing of court proceedings in Case 2012-03-01.

[3] Bill 'Amendments to the Constitution of the Republic of Latvia'. <https://www.cvk.lv/lv/tautas-nobalsosanas/par-grozijumiem-latvijas-republikas-satversme-2012/likumprojekts-grozijumi-latvijas-republikas-satversme>

[4] Briede J., Article 78 of Satversme. Published in: *Comments to the Satversme of the Republic of Latvia. Chapter V. Legislation.* Riga: *Latvijas Vēstnesis (Official Journal)*, 2019, pp. 285–288.

[5] See Findings of the Constitutional Law Commission under the auspices of the President of Latvia of 17 September 2012 'Fundamental constitutional principles of Latvian State and the inviolable core of Satversme'. More in: Levits E., *National aspirations: ideas and thoughts for Latvia, 1985–2018*, Riga: *Latvijas Vēstnesis*, 2019.

[6] More in: Constitutional Court ruling of 19 December 2012 regarding the closing of court proceedings in Case 2012-03-01, Paragraph 19-22.

[7] *Ibid.* Paragraph 18.3.

[8] More in: Article 78 of Satversme. Published in: *Comments to the Satversme of the Republic of Latvia. Chapter V. Legislation.* Riga: *Latvijas Vēstnesis (Official Journal)*, 2019, pp. 288–292.

[9] Druviete I., Veisbergs A., *Latvian language in the 21st century: Latvia and Latvians, Volume I*, Riga, Latvian Academy of Science, 2018, page 234.

[10] Dišlers K., *Introduction into Latvian public law*, Riga, A. Gulbis, 1930, page 75.

- [11] Results of the 18 February 2012 referendum on the bill 'Amendments to the Constitution of the Republic of Latvia'. Source: <http://www.tn2012.cvk.lv/>
- [12] Decision 25 of the Central Election Commission regarding results of referendum held on 18 February 2012 adopted on 23 February 2012
- [13] Opinion of Constitutional Law Commission under the auspices of the President of Latvia of 17 September 2012 'Constitutional foundations of Latvian State and inviolable core of Satversme', #132.
- [14] Druviete I., Kārklīņa A., Kusiņš G., Pastars E., Pleps J., Article 4 of Satversme, in Comments to the Satversme, Introduction, Chapter I, General provisions, Riga, Latvijas Vēstnesis (Official Journal), 2014, pp. 315. More in: Pleps J., One language, <https://providus.lv/raksti/viena-valoda/>, 21.08.2012
- [15] Opinion of the President of Latvia Egils Levits on strengthening of Latvian language as the sole official language of Latvia of 26 April 2021, Chapter IV. See also: Pleps J., Pastars E., Plakane I., Constitutional Law, Riga: Latvijas Vēstnesis (Official Journal), 2021, pp. 26–27. .
- [16] See also: Druviete I., Kārklīņa A., Kusiņš G., Pastars E., Pleps J., Article 4 of Satversme, in Comments to the Satversme, Introduction, Chapter I, General provisions, Riga, Latvijas Vēstnesis (Official Journal), 2014, pp. 315.
- [17] Opinion of the President of Latvia Egils Levits on strengthening of Latvian language as the sole official language of Latvia of 26 April 2021, Chapter IV.
- [18] Ibid.
- [19] Opinion of Constitutional Law Commission under the auspices of the President of Latvia of 17 September 2012 'Constitutional foundations of Latvian State and inviolable core of Satversme', #132.
- [20] Ibid., #219–235. .
- [21] Ruling of the Constitutional Court of 4 June 2021 in the Case 2020-39-01, #14.1.
- [22] Ruling of the Constitutional Court on dismissal of the Case 2017-01-01 of 17 November 2017, para. 16.
- [23] Opinion of Constitutional Law Commission under the auspices of the President of Latvia of 17 September 2012 'Constitutional foundations of Latvian State and inviolable core of Satversme', #164-170. More in: Grigore-Bāra E., Kovaļevska A., Liepa L., Levits E., Mits M., Rezevska D., Rozenvalds J., Sniedzīte G., Article 1 of Satversme, in Comments to the Satversme, Introduction, Chapter I, General provisions, Riga, Latvijas Vēstnesis (Official Journal), 2014, pp. 223-225.
- [24] Satversme Preamble. More in.: Balodis R., Satversme Preamble, in Comments to the Satversme, Introduction, Chapter I, General provisions, Riga, Latvijas Vēstnesis (Official Journal), 2014, pp. 125-126.
- [25] See also: Osipova S., Interpretation of constitutional identity of the Republic of Latvia in the case-law of the Constitutional Court, in Osipova S., 'Nation, language, rule of law: building for the future, collected articles, Riga, 'Tiesu Namu Aģentūra', 2020, pp. 43.–52.
- [26] See also: Nikuļceva I., Article 77 of Satversme, in Comments to the Satversme, Introduction, Chapter V, Legislation, Riga, Latvijas Vēstnesis (Official Journal), 2019, pp. 271-274.

