Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

21 August 1991 [shall come into force on 21 August 1991].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

DECLARATION OF THE SUPREME COUNCIL OF THE LATVIAN SOVIET SOCIALIST REPUBLIC

**On the Restoration of Independence of the Republic of Latvia**

The independent State of Latvia proclaimed on 18 November 1918 was internationally acknowledged in 1920 and became an equal member of the League of Nations in 1921. The Latvian nation implemented its self-determination legally in April 1920 when the national confidence mandate was given to the Constitutional Assembly as a result of general, equal, direct, and proportional elections. On 15 February 1922, it adopted its State basic law – the Constitution of the Republic of Latvia which is in force *de jure* until the present moment.

The categorical memorandum of the government of the Stalinist USSR in Latvia occupied on 14 and 15 July 1940 under the circumstances of political terror with the requirement to change the government and the military aggression of the USSR of 17 June 1940 should be qualified as an international crime. It resulted in occupation of Latvia and liquidation of the sovereign State authority of the Republic of Latvia. The government of Latvia was established upon the dictate of representatives of the government of the USSR. From the point of view of international law, such government was not the executive body of the sovereign State of the Republic of Latvia because it represented the interests of the USSR not those of the Republic of Latvia.

The elections of the *Saeima* took place in Latvia occupied on 14 and 15 July 1940 under the circumstances of political terror in accordance with an unlawfully adopted anti-constitutional election law. Only the list of candidates of *Darba Tautas bloks* [Working People’s Bloc] was allowed from the 17 submitted lists of candidates. The requirement regarding the proclamation of the Soviet power in Latvia and accessing of the Republic of Latvia to the Soviet Union was not set on the pre-election platform of *Darba Tautas bloks*. Moreover, the results of the elections were falsified.

As a result of deceit towards the people, the unlawfully established *Saeima* did not express the sovereign will of the people of Latvia. It did not have any constitutional rights to decide on the issue regarding amending of the State structure and liquidation of the sovereignty of the State of Latvia. Only the people were entitled to decide on such issues; however, free national referendum did not take place.

Thus, the inclusion of the Republic of Latvia in the Soviet Union is not in force from the point of view of international law, and the Republic of Latvia still exists *de jure* as the subject of international law which is acknowledged by more than 50 countries of the world.

Taking into account the Declaration on the Sovereignty of the State of Latvia of 28 July 1989, the Declaration on the Issue of the National Independence of Latvia of 15 February 1990 of the Supreme Council of the Latvian SSR and the Appeal of the All-Latvia Meeting of People’s Deputies of 21 April 1990,

having regard to the will of the inhabitants of Latvia which has been unequivocally expressed by electing in the majority those deputies who, in their pre-election programme, have expressed their determination to restore the national independence of the Republic of Latvia,

heading towards *de facto* restoration of a free, democratic, and independent Republic of Latvia,

the Supreme Council of the Latvian SSR **has decided**:

1. To acknowledge the priority of basic principles of international law over the national legal norms. To regard the Agreement of 23 August 1939 between the USSR and Germany and the liquidation of the sovereign State authority of the Republic of Latvia of 17 June 1940 arising therefrom as a result of the military aggression of the USSR to be unlawful.

2. To declare the declaration adopted by the *Saeima* of Latvia on 21 July 1940, On Accessing of Latvia to the Union of Soviet Socialist Republics, to be invalid since the moment of the adoption thereof.

3. To restore the validity of the Constitution of the Republic of Latvia adopted on 15 February 1922 by the Constitutional Assembly throughout the territory of Latvia.

The official name of the State of Latvia shall be the REPUBLIC OF LATVIA, abbreviated – LATVIA.

4. Until adoption of the new wording of the Constitution, to suspend the Constitution of the Republic of Latvia, except for those Articles which determine the constitutionally legal basis of the State of Latvia and which, in accordance with Article 77 of the Constitution, are to be amended only upon national referendum, namely:

Article 1 – Latvia is an independent democratic republic;

Article 2 – The sovereign power of the State of Latvia is vested in the people of Latvia;

Article 3 – The territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale;

Article 6 – The *Saeima* shall be elected in general, equal and direct elections, and by secret ballot based on proportional representation.

Article 6 of the Constitution shall be applicable upon restoration of the State authority and administration structures of the Republic of Latvia which guarantee the procedure of free elections.

5. [21 August 1991]

6. During the transitional period, to regard to be possible to apply the norms of the Constitution of the Latvian SSR and other legislative acts which, at the time of adoption of the Declaration, are in force in the territory of Latvia, insofar as they are not in contradiction to Articles 1, 2, 3, and 6 of the Constitution of the Republic of Latvia.

The Constitutional Court of the Republic of Latvia shall settle the issues on the application of legislative acts in case of disputes.

During the transitional period, new legislative acts shall be adopted or existing ones shall be amended only by the Supreme Council of the Republic of Latvia.

7. To establish a commission in order to develop the new wording of the Constitution of the Republic of Latvia which would conform to the current political, economic, and social status of Latvia.

8. To guarantee social, economic, and cultural rights, and also political freedoms which conform to generally acknowledged international norms of human rights for the citizens of the Republic of Latvia and citizens of other countries who are permanently residing in the territory of Latvia. It shall be fully applicable to those citizens of the USSR who will express their willingness to reside in Latvia without accepting its citizenship.

9. To establish the relations of the Republic of Latvia with the USSR in accordance with the Latvian and Russian Peace Treaty of 11 August 1920 still in force where independence of the State of Latvia has been recognised forever. To establish the Government Commission for the negotiations with the USSR.

The Declaration shall come into force upon the adoption thereof.

Chairperson of the Supreme Council of the Latvian SSR A. GORBUNOVS

Secretary of the Supreme Council of the Latvian SSR I. DAUDIŠS