

# LATVIAN STATE AND RELIGIOUS ORGANIZATIONS – FROM SOVIET REALITY TO A NOWADAYS

Ringolds BALODIS\*

**Abstract:** 21 year has passed since on 8 April 1989 the Latvian Creative Unions newspaper *Literatura un Maksla* has published the Declaration Vienna meetings. Human and National Rights in Latvia. of Latvian Soviet Socialistic Republic Creative Unions Joint Plenum. At that time the document via telegram was forwarded to all European Security and Cooperation Council states. It was also sent to the Soviet government, and namely Michail Gorbachov. Telegram senders were the Culture Council of Creative Unions of Latvia which expressed in the announcement a strong attitude that all positions of the document shall be implemented and shall function. Amongst other rights craved for by the soviet intellectuals the requests for freedom of religion was also included in the declaration: "True freedom of conscience and rights to go in for religion, rights to freely promulgate religious opinions, as well as atheism shall be ensured. Churches and religious organizations shall become subjects of property law. By respecting rights of parents, a moral and religious bringing up of children based on their confidence shall be ensured, allowing the religious organizations to open educational establishments. (Clause 11 of the Declaration)"

**Keywords:** state, freedom of religion, religious organizations, property law.

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21 year has passed since on 8 April 1989 the Latvian Creative Unions newspaper *Literatura un Maksla* has published the Declaration Vienna meetings. Human and National Rights in Latvia. of Latvian Soviet Socialistic Republic Creative Unions Joint Plenum. At that time the document via telegram was forwarded to all European Security and Cooperation Council states. It was also sent to the Soviet government, and namely Michail Gorbachov. Telegram senders were the Culture Council of Creative Unions of Latvia which expressed in the announcement a strong attitude that all positions of the document shall be implemented and shall function. Amongst other rights craved for by the soviet intellectuals the requests for freedom of religion was also included in the declaration: "True freedom of conscience and rights to go in for religion, rights to freely promulgate religious opinions, as well as atheism shall be ensured. Churches and religious organizations shall become subjects of property law. By respecting rights of parents, a moral and religious bringing up of children based on their confidence shall be ensured, allowing the religious organizations to open educational establishments. (Clause 11 of the Declaration)" Since then a huge leap is experienced, an idea of directly and immediately functioning human rights has become a norm in a judicial consciousness of Latvian society and respectively also in normative regulations of nowadays.<sup>1</sup> It is not important how detailed norms of human rights are elaborated in

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\* Dr.iur., University of Latvia, Faculty of Law, Professor of State Law, Ministry of Justice of the Republic of Latvia, Head of Enterprise Registry, Chief State Notary, Latvia.

<sup>1</sup> Levits E. Cilvēktiesības Eiropas Savienības tiesību sistēmā Likums un Tiesības, 2000, 2.sēj., nr.11 (15), 333.lpp.

normative acts, an understanding of universalism and absolutism of basic rights is that what matters. It has to be understood that at the end of the eighties of the last century, when normative regulation of a number of European countries was improved by jurisprudence of the European Court of Human Rights, Latvia undergoes totalitarian regime the main task whereof is to form communistically atheistic society who is acting based on ideas of materialism. Softly speaking, in Latvia there is and was a distinctive view on exercising of human rights. It was typical for *sovjets* or soviet judicial point of view that the norms of human rights shall be “put in motion” with other normative acts (laws, instructions etc.), as they are too abstract.<sup>2</sup> Constitutions of the Soviet Union, as well as of Soviet Republic of Latvia can be named as a good example. They were full of freedoms which in real life were not functioning, take this for a reason that there was no constitutional control institute and for the person imposing, exercising rights, the constitutional norms were only loud declarative announcements without contents.<sup>3</sup> Freedom to religious freedom, as well as *freedom of antireligious propaganda* on paper was declared for all citizens. For that reason intelligence at that time wanted to liven up inanimate constitutional norms in reality through normative acts.

Currently in Latvia another opinion predominates which is more corresponding to the Founding Fathers of USA Constitution that none of expanded listings of freedoms and rights is sufficiently exhaustive and in case of need it can be expanded anyway (*Alexander Hamilton*), rights to freedom of conscience cannot be assigned by humans to other humans, as authority of a lawmaker can prevail only over those areas of human activities which shall be restricted with the purpose of preventing the individual from harming the life and work of the others (*Tomas Jefferson*). Everything else is only a matter of interpretation of today. In case of Latvia even if the constitution would not contain the article declaring clause of the freedom of religion – respective principles could be naturally reached by interpreting contents of the concept of democratic republic defined in the constitution<sup>4</sup> or having insight in judicature of the European Court of Human Rights which is obligatory for Latvia.

Second period of independence is introduced by a declaration of restoration of independence of the Republic of Latvia issued by the LPSR Supreme Council on 4 May 1990.<sup>5</sup> Judicial continuity of the State is admitted in the highest level. The State of Latvia founded on 18 November 1918 has been restored. Although from an aspect of the Constitutional law of Latvia the Latvian state regained its independence in 1991 and was not founded anew,<sup>6</sup> in reality relations between the state and church had to be continued as from the date of restoration and not from year 1940. It is impossible to speak about continuity in this area for the following three reasons.

Firstly, the first period of independence cannot be evaluated as the one which could be “continued” by normative acts... Democratic development of Latvia in 1934 was ended by authoritarian period which has changed also a direction of relations between the state and church. Such relations (and respectively also normative regulation), when restoring the republic at the beginning of nineties of the last century, was not only practically, by even theoretically unfit for a new model of relations between the state and church.<sup>7</sup>

Secondly, the restored Republic of Latvia was deformed by the atheistic regime of the USSR (property was nationalised, clergymen were frightened and many were frightened and controlled by USSRS repressive structures, the believers were unorganized, State machinery was

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<sup>2</sup> Ziemele I (red.) *Cilvēktiesības Latvijā un pasaulē*. Rīga: SIA "Izglītības solis", 2000 – 260.lpp.

<sup>3</sup> E.g. the Article 96 of the LPSR Constitution of 25 August 1940 setting forth a freedom of conscience and separation of state and church, as well as school and church.

<sup>4</sup> See Clause 4 of the conclusive part of the judgment by the Constitutional Court of 26 June 2001 in the case No. 2001-02-0106

<sup>5</sup> Par Latvijas Republikas neatkarības atjaunošanu: LPSR AP deklarācija. LR Saeimas un MK Ziņotājs. 1990. 17.maijs nr.20

<sup>6</sup> Balodis R. Latvijas Republikas konstitucionālo tiesību evolūcija un transformācija 20.-21.gadsimta mijā/ Tiesību harmonizācija Baltijas jūras reģionā 20.-21.gs. mijā Starptautiskā zinātniskā konference. Rīga 2006 - 450.lpp.; See also Balodis R. Evolution of Constitutionality of the Republic of Latvia? from 1918-2006/JAHRBUCH DES ÖFFENTLICHEN RECHTS DER GEGENWART//NEUE FOLGE-BAND 56 Ed. P.Häberle – Mohr Siebeck 2008. s. 269.-278.

<sup>7</sup> During the first period of the independence the laws of specific confessions were proclaimed – both in form of laws, as well as regulations in accordance with the procedure set forth in the Article 81 of the Constitution, however, it was legally quite impossible to adopt them (same as other normative acts) when restoring independence in 1991. That is because in 1934 the Saeima was dismissed, as authoritative regime came to power and the leader of regime K.Ulmanis as the President of the State and Prime Minister (lawmaker and executive power in one person) adopted and proclaimed the laws by himself.

atheistically oriented etc.), so that environment was consistently passive for accepting of any innovations. Furthermore, as already mentioned above, restoration in normative area for Republic of Latvia was practically impossible, what is evidenced also by attitude of Holy See towards the Concordat. Catholics chose to conclude new, instead of continuing old.

Thirdly, in reality the state lacked true understanding and conception/strategy/plan in this specific area<sup>8</sup>, apart from adoption of several norms of law of the first independence period,<sup>9</sup> lobbies of the main traditional church in the lawmaking process,<sup>10</sup> an activity of pro-church party (*Pirma partija*) in the Parliament and competition amongst traditional churches forming the parity. Since restoration of independence, judging from frequent and chaotic reorganizations of the supervisory structure of churches<sup>11</sup>, currently – the Board of Religious Affairs) (till the 21<sup>st</sup> century a name and status of the institution was changed – times four), an unclear policy of the State is quite obvious....

Specific reality, including also judicial one, is created by intertwining of external and internal processes in one aggregate amount. It has to be understood that legal regulation of Latvia in church affairs has influenced itself from external factors; however, this impact was exerted only in a form of voluntary reception (adoption). Already till convocation of the *Saeima* of the first restored State a rapid strengthening of the human rights catalogue has been commenced. Actually just after adoption of the Declaration of Independence Latvia acceded to 51 international documents in human rights area. Although in case of Latvia we can speak mostly on an analysis and implementation of foreign practice, we did not manage also without foreign impact. USA shall be mentioned as the first, the European Union as the second, and Vatican as the third. Impact of the United States of America is natural, as at the beginning of the 21<sup>st</sup> century it is currently the most powerful country in the world which especially takes care of observance of human rights at every corner of the Earth. Exactly in USA a concept of the freedom of religion was developed which is recognised there already from the end of the 18<sup>th</sup> century. Ten years ago USA Congress adopted a U.S. International Religious Freedom Act of 1998<sup>12</sup> which makes international religious freedom to be an element of foreign policy. USA State Department every year shall submit with the Congress reports on a condition of religious freedom at any country of the world (except USA itself). The Act empowers the USA President to take action in case this principle is violated in any of the countries. The report does not necessarily contain recommendations for the Congress, but it is intended as a factual basis for the congressmen what can serve as a basis for imposing of any sanctions on the specific country. Although since year 1998 or the date of the first report it is been reported also on Latvia, impact of USA on the reality of relations between the State of Latvia and church is relative. Legal regulation of Latvia in church affairs, as well as practice thereof is not significantly impacted by USA. Of course, other issue is USA strivings to popularize this relationship model in Latvia, however, taking into account that traditionalism of Latvia<sup>13</sup> is not acceptable for Americans due to

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<sup>8</sup> That's true that there was no plan in any sphere under supervision of the state and due to the above reason it cannot be considered that churches are somehow especially unfairly treated. Being aware of that these relations started to form in the restored Republic of Latvia it can be asserted quite sure that it was neither formal, nor substantive continuation for the practice of the relations between the state and church during the first independence period.

<sup>9</sup> When drafting new legal acts the reception of the provisions of law of the first independence period happened mainly not due to well-considered idea of continuity or nationalism, but because of lack of foreign language.

<sup>10</sup> The principle „one confession – one church” can be added to the merits of lobbies (see the Article 7 Part 3 of the Religious Organizations Law – ”Communities of one confession can form in the state only one religious union (church))

<sup>11</sup> Departments of the Ministry of Justice and separate Department of the Ministry of Justice (Religious Matters Division and Religious Matters Department 1991-1996), the department which in addition to registration of religious organizations has also issues of registration and national minorities coordination of the political organization, trade unions and public organizations (Public and Religious Matters Department – 1997-1999), separate administration institutions under supervision of the Ministry of Justice engaged exclusively with religious matters (Religious Matters Administration) and finally a model where the functions of registration and relationship maintenance of religious organization are separated between the Enterprise Registry and the Ministry of Justice.

<sup>12</sup> *U.S. International Religious Freedom Act of 1998*, 22 USC 6401 (Public Law No. 105 – 292, 112 Stat. 2787, as amended by Public Law No.107 – 228, 116 Stat. 1408. <http://usinfo.state.gov/usa/infousa/laws/majorlaw/intlrel.htm>

<sup>13</sup> Although an issue of traditional churches in Latvia has been discussed already for more than ten years, it was included in the laws in 2007 by special church laws. In this aspect please see the Article 2 of the special church laws setting forth that the Latvian state recognises an existence and prevalence of the respective traditional religious organization in the territory of Latvia. (Law on Latvian Association of Seventh-day Adventist Communities: LR likums. Latvijas Vēstnesis, 2007. 12.jūnijs nr.93 (3669); Latvian Baptist Community Association Law: LR likums. Latvijas Vēstnesis, 2007. 30.maijs nr. 86 (3662); Riga Jewish Religious Community Law: LR likums. Latvijas Vēstnesis, 2007. 20.jūnijs 98 (3674); Latvian Joint Methodist Church Law: LR likums. Latvijas Vēstnesis, 2007. 6.jūlijs 91 (3667); Latvian Old-Believers Pomor Church Law: LR likums. Latvijas Vēstnesis, 2007. 20.jūnijs 98 (3674))

understanding of the First Amendment to the USA Constitution<sup>14</sup> a certain confrontation of opinions would always exist. However, it must be added that in this aspect Latvia is very similar to other EU Member states.

Impact of the European Union quite conditionally may be considered "external", as upon Latvia's joining the European Community after 2003 the regulations of Europe can be deemed to be "ours" as well. However, speaking about EU impact, first of all the European Convention for the Protection of Human Rights and Fundamental Freedoms and interpretation thereof, what is done by the European Court of Human Rights, has to be mentioned. Of course there is also a normative impact of Europe and Community practice which in general is as a test for normative regulation and practical implementation of the religious freedom of Latvia. However, in the European countries a number of models are present<sup>15</sup> and no one and never has instructed Latvia which of them to choose. It would also be peculiar as none of them is deemed to be perfect – each of them has its own pluses and minuses.

Impact of Vatican shall be construed as the most serious foreign impact. Such assertion is based on the agreement concluded in 2000 between the Republic of Latvia and Holy See, and consequences arising there from. It has happened that way in practically all countries which have concluded an agreement with the St. Chair. Almost the same practice

- 1) International agreement with the Holy See;
- 2) Agreements with traditional churches;
- 3) Special laws bringing issues agreed in the agreements in real life.

In spite of initial resistance also opponents to the agreement by other traditional churches are forced to recognise a positive effect of the concordat.<sup>16</sup> Exactly the international agreement concluded in 2000, ratified in 2002, was a cause for agreements concluded by the Cabinet of Ministers of the Republic of Latvia with other traditional churches in 2004, which is disputable from legal aspect.<sup>17</sup> Exactly the agreement of 2000 concluded by the Republic of Latvia with the Holy See is the only explanation for why the relationship principles set out in the agreements are included in a number of special laws passed in 2007. Agreement of Latvia with the Holy See is not related to separation of the Church and the State or religious freedom and other churches, however, it forced the Latvian government to solve an issue regarding equal attitude in an issue on traditional churches.

Currently speaking on religious organizations in the Republic of Latvia one shall speak not only on their registration, but on a special recognition of separate religious organizations by the state, which is not related to the registration institute. In my opinion, depending on a form of recognition of the state the religious organizations in Latvia may be divided into two levels:

- 1) traditional religious organizations
- 2) other.

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<sup>14</sup> It follows from the viewpoint of Americans that the church laws or agreements are impossible, as they are in contradiction with the concept, while in Europe (e.g., Spain, Italy, Germany, Hungary, Estonia, Poland etc.) they are practised and not construed as contradicting to the Constitution.

<sup>15</sup> On the grounds of degree of state cooperation with religious organizations the states may be divided in six groups: (1) *States excluding the church* (e.g., former USSR); (2) *States having a model of full separation of the church and the state*, e.g., USA, France. Those are states where a distinction between the state and the church is drawn. Both are separated. The state identifies itself with none of religions. (3) *States having a model of partial separation of the church and the state* (e.g., Germany). In such a State a constitutionally declared separation of the church and the state may exist. (4) *Church states (teocracies) model*. Such model of the state and church is mostly common in the Islamic countries and some other – third world states. In such country there is a religious dictate and the state identifies itself with one religion. (5) *State church model* (e.g., Denmark, Greenland, England). These are states wherein the state religion is proclaimed or the state church is set. (6) *Formal separation states model* wherein the church can be formally separated from the state, but actually is not (Latvia, Israel). (Balodis R. *Baznīcu tiesības. Reliģijas brīvības asociācija*. Rīga, 2002.-87.lpp.)

<sup>16</sup> Here is meant the Latvian Baptist Association which at the end of the last century addressed to the Latvian government of that time by officially specifying the cases why such agreement is not acceptable for the State. (*See the letter No. 204 by Andrejs Šterns, Bishop of the Latvian Association of Baptist Communities of 16 September 1996 to the Prime Minister of Latvia*). It is unlikely that the current experience of the state and church could please secularists, atheists or followers of the American state and church relationship model. (*Īvāns D. Slepenais līgums - Latvijas valdība un Svētais Krēsls paslepšus strādā pie Konkordāta/ Jaunā Avīze*. - 1999.- 8. febr.; *Tervīts J. Vai Romas katoļi būtu tuvāk Dievam?/ Diena*. - 1999.- 17. febr.; *Šterns A. Kādēļ Konkordāts?/ Labā Vēsts*. - 2000/2001. – dec.–janv.; *Šulcs A. Par Latvijas Republikas un Svētā Krēsla līgumu/ Latvijas Vēstnesis*. - 2000. -5.dec.; *Arāja D. Konkordāts – pats sev klupšanas akmens// Diena*. - 2000. -6.dec.; *Intervija ar 7. Saeimas deputātu Aleksandru Kiršteinu// Latvijas Luterānis*. - 1999.- 6.nov.)

<sup>17</sup>Grīnuma I. *Liela daļa valsts un baznīcu līgumu pantu ir pretrunā likumdošana/ Diena* 2004. - 17.jūnijs; *Dimza J. Vai būt valsts līgumiem ar dažām baznīcām? 2004.-6. jūlijs* <http://www.delfi.lv/archive/index.php?id=8556169>

Traditional religious organizations are divided into Roman Catholic Church, as its status is based on an international agreement and other traditional religious organizations which by adoption of special laws in respect of them have gained a special recognition of the state. Other are religious organizations registered pursuant to the Law on Religious Organizations.<sup>18</sup>

In year 2007 – 2008 the *Saeima* of the Republic of Latvia has adopted seven special church laws. Although the lawmaker has included in the church laws a part of the issues which require to be regulated, in point of substance it may be said that since then a model of Latvia has been created and more resembles a model of Italy - Spain. That is true that there is a certain distinction in constitutional structure. Let's look at practice of Spain and Latvia. Although constitutions of both states set forth a separation of the state and the church, that is expressed with different categorise. When reading "Church shall be separate from the State" (Article 99 of the Constitution of the Republic of Latvia) and "None of churches are churches of the State" (Article 16 of the Constitution of Spain) an impression is made on a strict separation in Latvia, what is misleading, if looking at our practice. In reality the jurisprudence of Latvia is similar to that of Spain wherein a central part is played by a principle of religious neutrality (*aconfessionalidad*). Unlike the American State Church Establishment Prohibition Clause a principle of religious neutrality instead of denying any cooperation or supporting individual churches recognise it, of course, on a condition that a religious freedom of other churches is not restricted. The best solution seems to be an adoption of the practice of Spain and passing over from the State and separation clause to a religious neutrality clause, as the latter includes a separation of the church and the State, however, is not so categorical. Respectively a provision "Church shall be separate from the State" shall be transformed to "No religion shall have a state character. "

Other difference of constitutional structures of relationship models between the State and church in Spain and in Latvia is a reference on a possibility of agreement. If in case of Latvia agreements are failed to be mentioned not only in the Constitution, but even in the Law on Religious Organizations, Article 16 of the Constitution of Spain sets forth that relationship with the churches are established on the basis of cooperation, taking into account the religions which are popular in public.<sup>19</sup> Moreover, in the Law on Religious Organizations (Article 7, Paragraph 1) a cooperation of church and the State acquires a specific legal form. The above provision of law sets forth that taking into account prevalence of specific religions in the society the State concludes cooperation agreements (conventions) with legally registered churches, religious beliefs or religious communities having positive and considerable role in the society of Spain.<sup>20</sup> Contracts shall be confirmed by the parliament.<sup>21</sup> Agreements are concluded with Roman Catholics, Protestant Unions (incl. also Lutherans, Baptists), Islam Community,<sup>22</sup> Jewish Community.<sup>23</sup> In Spain similar to Latvia the honour of the first level organization deserves the Roman Catholic Church having an extensive organisational freedom,<sup>24</sup> based on 5 international contracts. Amongst the second level organizations are churches which have entered into cooperation agreements with the State, by later adopting respective laws. Other religious organizations shall be deemed to be the third level religious organizations.

If compare Spain practice with ours, it is evident that the possibility of concluding the agreements with churches is missing. There is no reference on such possibility in the Constitution

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<sup>18</sup> Religious organizations which are registered as unions or commercial structures, or are not registered at all cannot be construed as religious organizations that would have rights to appeal to religious freedom.

<sup>19</sup> *Ninguna confesión tendrá carácter estatal. Los poderes públicos tendrán en cuenta las creencias religiosas de la sociedad española y mantendrán las consiguientes relaciones de cooperación con la Iglesia Católica y las demás confesiones. (Artículo 16. 3.)*

<sup>20</sup> Ley Orgánica 7/80 del 5 de julio de 1980 de Libertad Religiosa (Spain/ Normative developments and agreements/ <http://www.eurel.info/> (viewed on 15 May 2008)

<sup>21</sup> State and Church in the European Union, Ed. G.Robbers/European Consortium for State and Church research, Nomos Verlagsgesellschaft, Baden – Baden second ed., 2005. p. 144.

<sup>22</sup> Spanish Legislation on Religious Affairs. Ed. Alberto de la Hera, Rosa María Martínez de Codes Ministerio de Justicia Centro de publicaciones Madrid, 1998, p.17.

<sup>23</sup> It is understood that the catholic agreement unlike the others has an authority of international agreement which in order to be in force does not require that its contents would be included in the law. In general Spain has concluded with the St. Chair 5 agreements. If we look at the agreement of Latvia and St. Chair, it shall be noted that the number makes no difference, as almost all issues agreed in these agreements are set out in the agreement of Latvia with the St. Chair. (*State and Church in the European Union, Ed. G.Robbers/European Consortium for State and Church research, Nomos Verlagsgesellschaft, Baden – Baden second ed., 2005. p. 143.*)

<sup>24</sup> Spain/ <http://www.eurel.info/> (viewed on 15 May 2008)

and the Law on Religious Organizations. A situation was created that the *Saeima's* Judicial Committee came to conclusions that agreements of 2004 with churches are "to be put aside" and to be considered as "legally non-binding", although the laws are made on the grounds thereof.<sup>25</sup> Such view can hardly be agreed with, as legal regulation of individual churches following from special church law substantially differs from what is set forth in the agreement. Furthermore, the church laws do not contain a reference on termination of the operation of the agreements what would be necessary to take them as invalid. Although the advantages (to be correct – peculiarities) set out in the agreements currently have been introduced in some laws as special provisions of law,<sup>26</sup> in reality, let's take as an example an exemption from the state duty in respect of corroboration of title with the Land Register established in the agreements, harmonization of normative acts, covering of expenses of cultural monuments, protection of cult places, financing of educational establishments, procedure for amendments to the agreement etc., is to be valued disputable.<sup>27</sup> If churches would like to address the court for non-compliance with legal provisions, I admit that the State would not win these proceedings. The new church laws say nothing about agreements and thus it can be judged that they are effective in parallel to laws. I believe that avoiding of recognition of laws is a mistaken approach what should also be critically valuated from legal aspect. Although the Law on Religious Organizations speaks not only about special laws which regulate the relations between the State and religious unions (churches), and nothing is mentioned about the agreements, it shall be noted that some time ago exactly the *Saeima*, and namely the Public and Human Rights Affairs Commission headed by Antons Seiksts, rejected a logical and understandable proposal by the government regarding the agreements under which the laws are adopted.<sup>28</sup> Against the opinion that agreements were a mistake speaks also the agreement with Riga Jewish Religious Community. Due to various reasons no agreement with the Jews were concluded in 2004. Although a special law was adopted on the Jews on 13 June 2006, an agreement between the Republic of Latvia and Riga Jewish Religious Community was signed. As it is already known, the law is adopted<sup>29</sup> and it is the best approval for the practice that at the beginning there is an agreement and only then comes the law. Making analogy with Spain exactly such approach guarantees formal equality for every religious community which is willing to act in the territory of the State,<sup>30</sup> as if quoting the professor *Martínez-Torrón* it would be impossible to refuse to any of religious organizations candidating for an analogous status, which is based on the law: - "Sorry, you does not correspond to our traditional understanding on your impact and role".<sup>31</sup> Respectively the church willing to have an analogous status in Latvia would require entering into an agreement with the government and in addition to that this issue has to be considered in the Parliament. Also this practice, of course, is not complete;<sup>32</sup> however, it would be an order and not an impulsive, torn practice.

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<sup>25</sup> See annotations of the draft laws stating that the draft laws are based on the principles included in the cooperation agreements signed by the Cabinet of Ministers of the Republic of Latvia on 8 June 2004. Furthermore, it is indicated in the annotations that they are drafted with the purpose of regulating the relations of the Republic of Latvia and respective religious centre, specifying its legal condition and status, as well as on the grounds of a long-term existence and prevalence in the territory of the Republic of Latvia. It was included in the issue on a possible impact of the law on public and national economy growth that the Draft law will favour socialization of the society and implementation of the freedom of religious confidence.

<sup>26</sup> Pleps J. Līgumi ar baznīcām: vieglākais ceļš iet pret Satversmi/ <http://www.politika.lv/index.php?id=109895&lang=lv>

<sup>27</sup> Par Latvijas Republikas un Latvijas Evaņģēliski luteriskās baznīcas līgums/ <http://www.janabaznica.lv/node/669>

<sup>28</sup> Adopted by the Cabinet of Ministers and a recommendation forwarded to the *Saeima* on 26 October 2000 which „was laying” in the responsible commission for two years and was adopted in a deformed way to read as follows: "(7) The Cabinet of Ministers shall have the right to conclude with a religious union (church) an agreement regarding issues related to the religious union (church) and affecting its interests and interests of the followers of the respective confession. (8) Relationship of the State and separate religious unions (churches) can be regulated by special laws." As it is evident a recommendation is only partially incorporated in the law and a delegation of conclusion of contracts and special law basis is lost. (Balodis R. *Baznīcu tiesības. Reliģijas brīvības asociācija*. Rīga, 2002.-671.lpp.)

<sup>29</sup> Riga Jewish Religious Community Law: LR likums. *Latvijas Vēstnesis*, 2007. 20.jūnijs 98 (3674);

<sup>30</sup> *Weiler J.H.* European Law of Religion – organizational and institutional analysis of national systems and their implications for the future European Integration Process

[/http://64.233.183.104/search?q=cache:SKzD9VhqRjCJ:www.jeanmonnetprogram.org/papers/03/031301.rtf+Law+25/1992+of+10+November+approving+the+Agreement+of+Cooperation+between+the+State+and+the+Federation+of+Jewish+Communities+of+Spain+\(in+Spanish\)&hl=lv&ct=clnk&cd=5&gl=lv&client=firefox-a](http://64.233.183.104/search?q=cache:SKzD9VhqRjCJ:www.jeanmonnetprogram.org/papers/03/031301.rtf+Law+25/1992+of+10+November+approving+the+Agreement+of+Cooperation+between+the+State+and+the+Federation+of+Jewish+Communities+of+Spain+(in+Spanish)&hl=lv&ct=clnk&cd=5&gl=lv&client=firefox-a)

<sup>31</sup> *Martínez-Torrón, Javier*, Church Autonomy and Religious Liberty in Spain, Spanish Report to the Second European/American Conference on Religious Freedom, Trier, 28-29 May 1999, 9 et seq.

<sup>32</sup> Model of Spain, referring to Spanish experts of the State and churches, could not be considered as most successful model of relations between the State and church. Special church laws in Spain are adopted formally, using the

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prerogative of lawmaking of the parliament, as bilateral agreements of the government and church became as laws without any amendments therein. Obviously for the above reason the Spanish law theoreticians themselves are unequivocal in this respect. Professor *Ivan C.Ibans*, when analysing a legal nature of the laws, is critical. He notes that the freedom of action of the Spanish lawmaker to unilaterally amend these laws can be valued as highly arguable. Although it is not yet implemented, the church laws contain a condition on formation of the joint commission (state and church) beyond whose competence is agreement on contents of the respective amendments. On the other hand, there are experts who irrespective of individual problems believe that model of Spain has stabilised relations of the state and the church, and has not influenced the temporal (secular) status of the state; and the professor of the Madrid University *Rosa Maria Martinez de Codes* admits that Spain has established itself as pluralistic, non-confessional state. (State and Church in the European Union, Ed. G.Robbers/European Consortium for State and Church research, Nomos Verlagsgesellschaft, Baden – Baden second ed., 2005. p. 144.-145.; Rosa Maria Martinez de Codes The Contemporary Form of Registering Religious Entities in Spain/Fides et Libertas 1998 *The Journal of the International Religious Liberty Association* Silver Spring, Maryland U.S. p.85; Claude Proeschel/ Historical survey: Spain/Spain/<http://www.eurel.info/> )