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Co-operation in Europe (OSCE)

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Mircea Geoana

Preface

Romania has the privilege and the responsibility of chairing the OSCE at a crossroad in its evolution. Central to our efforts is the need to promote a reflection process on ways to consolidate our Organization, strengthen its efficiency and core tasks, and provide new ways and areas for co-operation and for the improvement of working methods. The OSCE is a work in progress. The reflection process initiated by our Chairmanship needs to be continued and supported by the tradition of research and analytical insight offered by publications like the OSCE Yearbook, edited since 1995 by the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH). The objective overview offered by academic analysis contributes to increasing the visibility of the OSCE as an integral part of the European security system.

Emerging in the 1970s as a comprehensive diplomatic process, the OSCE today has a unique role within the highly complex security framework that has evolved since the end of the Cold War. The OSCE is as instrumental as ever. It has successfully met new security challenges by carrying out its traditional tasks including early warning, conflict prevention, post-conflict rehabilitation, the human dimension, arms control and confidence- and security-building measures. Its security doctrine has a broad thrust offering concrete and lasting solutions by holding equally important the political, military, economic and human dimensions. OSCE values are anchored in the belief that each participating State should function according to a system of common democratic values. Sound stability and security can only be achieved through the wide practice of democracy. Thus, the ultimate goal of our Organization is to improve the life of each and every citizen of the OSCE community.

It is often said that the vulnerability of the Organization comes from its rather broad operational area, encompassing both a transatlantic and a Euro-Asian dimension. We believe this quality makes the OSCE unique and creates the opportunity to build a common and broad European space based on the principles of democracy, human rights and the rule of law.

The current position of the OSCE essentially stems from its active search for a model of co-operation between different organizations in order to create the necessary conditions for achieving sound security and stability. This co-operation is based on the principles of synergy and complementarity. The OSCE can be particularly helpful in sounding early warnings and in defusing conflicts, while pushing hard for democratization and respect for human rights.

There is a strong focus within the OSCE on the promotion of human rights. However, political stability cannot take root in economically impoverished

countries. The economic divide is our greatest threat to security and stability. More imagination and flexibility is necessary on our part to promote economic growth.

As Chair-in-Office we have tried to get over general statements and take concrete steps in making the OSCE an effective European security organization.

I use this occasion to praise the efforts of the IFSH and of all others who have brought their contributions to this volume, thus making the OSCE more visible. This is a worthy and a much-needed endeavour.

Ursel Schlichting

Foreword

Is the OSCE going through a crisis? This was the most frequently asked question after the foreign ministers of the OSCE participating States were unable to agree upon a common final declaration at the Ministerial Council Meeting in Vienna in November 2000 - an unprecedented event in the history of the OSCE. What are the reasons that for the first time ever no consensus on fundamental issues could be reached? What effects will the outcome of the Vienna Ministerial Council Meeting have on the future policies and work of the Organization? What effects will it have on the relations between participating States? In the first section of this Yearbook, these questions are given thorough analysis. The authors not only search for answers to these questions, but in addition expound upon possible solutions and perspectives for the future. Still under the impression of the Vienna Ministerial Council Meeting, the Romanian Foreign Minister and OSCE Chairman-in-Office for the year 2001, Mircea Geoana, right at the beginning of his period in office, suggested a process of reflection on measures to strengthen the OSCE, on possibly necessary changes to the agenda of the Organization or its working methods, as he has stated in his preface to this volume. In particular, the articles from the Netherlands and Denmark contribute to this process in the chapter on the interests of OSCE participating States.

Other concrete questions that we have asked ourselves and the authors this year were: Does the international community have a double standard when it comes to human rights and political interests? Do women play a special role in conflict prevention, crisis management and post-conflict rehabilitation? Can the OSCE play a decisive role in solving the problem of refugees and forced displacement? What is the state of the democratic, civilian control of the armed forces in the OSCE area? What circumstances are obstructing the entry into force of the adapted CFE Treaty? What importance have confidence- and security-building measures had since the end of the Cold War?

However, those questions that have not been posed explicitly, but nevertheless emerged with crystal clarity in dealing with certain topics, proved at least as exciting. They are the recurrent theme of numerous articles and reflect an obviously (and at all times) topical discussion: On the one hand, there is the "old" issue of whether the OSCE should achieve legal capacity. On the other, in view of the increase in the versatile operational tasks and practical activities of the OSCE in crisis and conflict areas, in particular in the human dimension, the question has been asked more and more frequently: Is the OSCE - as a *governmental* organization, which must naturally take national interests into consideration and as a result of the consensus principle, which

determines its decision-making process, has very little choice but to do so - at all suited to fulfilling certain tasks it has set for itself?

As to the process of achieving legal capacity, the discussions on this topic are still controversial; however, the voices that advocate the advantages of having "solely" politically binding agreements are in the majority: The latter come into being much more quickly, the negotiation process is shorter, the ratification process is unnecessary and this kind of agreement can often in substance go far beyond legally binding agreements which would perhaps not be any more effective than a politically binding agreement. Hans-Joachim Heintze has put this in a nutshell by pointing out that the frequently expressed view by states that the allegedly less binding nature of OSCE documents allows more leeway in maintaining their political interests was in peculiar contradiction to the explosive power of these agreements in the course of the CSCE process because they obviously reduced the political leeway e.g. of the socialist states more than human rights treaties under international law, which played a rather subordinate role in the public perception.

The question of the advantages and disadvantages of a governmental organization, which over and above this is an organization with comprehensive tasks, emerges for example in connection with human rights issues, state policy on minorities, questions on the equality of men and women as well as environmental issues - and it emerges generally with a view to a governmental organization's relationship with non-governmental organizations, not only co-operation but also potential competition between them. It is obvious that non-governmental organizations which are specialized in certain fields are able to formulate and also articulate critique more clearly and concretely and thus point out grievances more definitively than a governmental organization, which has to harmonize numerous different interests, orientations and views, which in addition has committed itself to co-operation in various areas and for whose decisions the consensus of its members is a prerequisite. Is it an advantage in the long run to view a given situation in an overall political and economic context or does this require too many compromises? Is the same thing valid here as is the case with non-legally binding agreements, namely that an apparently non-binding and more cautious approach is ultimately more effective? Does not the membership of each individual state in fact obligate it to recognize and implement once accepted principles? The opportunity to address problems at the governmental level is also more an advantage than a disadvantage. The perhaps tactically prudent caution exhibited in the critique of obvious evils, which may take into account the overall political situation, in turn of course holds the danger that there may be a loss in credibility if for example in the case of blatant human rights violations - as Randolf Oberschmidt has expressed it - one prefers to proceed according to the premise that it is better to content oneself with a highly limited opportunity to react to these violations by participating in an alibi event than to express fundamental criticism and thus rob oneself of having any influence at all.

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The balancing act between criticizing evils in participating States and at the same time giving consideration to their national interests, the problem of overlapping and duplication of work as well as the fact that there may be competition with NGOs fulfilling tasks similar to those of the OSCE are particularly true for the work of the OSCE Representative on Freedom of the Media, projects in the economic and environmental area as well as the manifold activities of the Office for Democratic Institutions and Human Rights. However, these points are also valid for the work of the missions in the field.

With this volume, incidentally, there has been a change in the presentation of the missions in the Yearbooks: Up to now, all or at least a large majority of the missions and their work have been presented every two years. Instead, in view of the rapid increase in the number of long-term missions and other forms of presences in the field in the past years, we have now decided to present a limited selection of the total field missions every year. The present Yearbook concentrates on the Missions in Kosovo and to Croatia, on the OSCE Presence in Albania as well as the Assistance Group to Chechnya. In addition, the conflict constellations in Central Asia and the state of conflict management in Georgia as well as its political background are examined. Also the article on Turkmenistan, in the chapter preceding these, deals with the work of the OSCE in the field. As was the case in previous years, there is also an article in this Yearbook devoted to the thorough capacity-building and training of future mission members, the importance of which was only understood after the failure of the Kosovo Verification Mission. Within the framework of conflict prevention and post-conflict rehabilitation, international police missions have gained increasing importance. Over and above this, in particular the training of police officers in Kosovo is an illustration of a principle of OSCE conflict management which has been incorporated in all field missions: If peace, stability and security in a country or a region are to be long-lasting, the people living in this country or region must be placed in a position to solve conflicts and problems peacefully on their own through democratic traditions and institutions.

Is Yugoslavia's return to the circle of OSCE participating States the beginning of a more peaceful future in South-eastern Europe or will the unexpected escalation of the conflict in Macedonia since the beginning of 2001 be symptomatic of the situation in this region for a longer time to come? In this connection, the discussion on a regional strategy emerged some time ago. This has also been true for Central Asia.

Overlapping and duplication of work, competition and co-operation have also arisen in the work with other international organizations, as becomes clear in particular if one views the example of the OSCE role compared to that of the UNHCR and for example the ICRC in dealing with the problem of forced displacement and refugees. The recipe for this has as always been co-operation and co-ordination according to the comparative advantages of each organization.

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In the meantime, not only OSCE support of NGOs is being considered, but occasionally even their participation in the decision-making process within the Organization has been contemplated. Along these lines, the latter would be more than plausible for the OSCE Parliamentary Assembly if the Organization does not wish to be subjected to criticism for having a democracy or legitimacy deficit in the longer term. Here too the question emerges again on the self-understanding and essence of a *governmental* organization, which in the meantime in Istanbul, after all formally acknowledged the importance of the Parliamentary Assembly. Concrete recommendations for reforming the OSCE seem currently to be directed primarily at matters like restructuring the Secretariat, for example. In this connection, a special emphasis must also be placed on the history of the Conflict Prevention Centre, which is celebrating its tenth anniversary this year.

Finally, another focus this year is on the "Asian dimension" of the OSCE. Here, the question was centred on the transferability of individual OSCE characteristics and procedures to countries and regions outside the OSCE, for example the confidence- and security-building measures typical of the CSCE/OSCE.

"The floor is open", was the pronouncement in one of the articles this year. The authors of the current Yearbook have contributed manifold ideas, proposals and sometimes controversial opinions to the ongoing discussion. In this manner, they have also contributed to making the OSCE more transparent and visible, gradually reducing the still considerable information deficit to the general public on this cornerstone of European security and thus strengthening the Organization itself. Their articles give the Yearbook a unique and distinctive profile for which we at this juncture would like to express our sincere thanks.

I.

The Situation

OSCE: Developments and Prospects

Hans-Dietrich Genscher

Is the OSCE Underestimated?

On the Discrepancy between the Effectiveness and Importance of the OSCE and Its Utilization and Treatment by the Participating States

In the 26th year of the existence of the Organization for Security and Co-operation in Europe, one should not undervalue what it - as the only organization that encompasses all the states of Europe, including the successor states of the former Soviet Union, and also the United States and Canada - can contribute to stability throughout Europe and indeed in the whole northern part of our globe.

The signing of the CSCE Final Act in 1975 laid the foundation for the most comprehensive security organization in Europe today. What happened 25 years ago will be regarded, when the history of the twentieth century has been written, as one of the outstanding events of that period. At a time when our continent was most deeply divided, wracked by deep-seated ideological conflicts and plagued by an unprecedented military confrontation, the Heads of State or Government of 35 nations came together in order to reach agreement on the rules that were to govern the way they would live together in the future.

Looking back on the past century, which was characterized by 45 long years of bipolar division between East and West, the question remains, how this division was surmounted.

The initial situation after the end of the Second World War was characterized by a division of the continent. The crushing of the popular uprising on 17 June 1953 in East Berlin and the GDR, the suppression of the Hungarian popular uprising in 1956, the erection of the Berlin Wall on 13 August 1961 and the invasion of Czechoslovakia by the Warsaw Pact in 1968 all made this division ever deeper. The pace of the arms race was constantly accelerating.

In the 1960s the Soviet Union, with its proposal for a pan-European security conference, attempted to permanently consolidate what it had succeeded in obtaining, politically and militarily, in Europe and, by excluding the US and Canada from that conference, to separate Europe from those states. On the other side, in 1967, NATO's so-called Harmel Report set out the conceptual prerequisites for a Western political strategy aimed at overcoming the Wall and the barbed wire in Europe and thereby marked the beginning of the policy of détente in Europe. The Harmel Report rightly described the question of Germany as the main source of tensions in Europe. It placed the East-West conflict in the context of international developments and called for a just and lasting order based on peace for all of Europe as the overriding political objective of the Alliance.

It was important for a development of this kind that the Federal Republic of Germany found a *modus vivendi* vis-à-vis its neighbours to the east. This came about as a result of the treaties with the Soviet Union, Poland, the then Czechoslovakia and the Basis-of-Relations Treaty (*Grundlagenvertrag*) with the GDR. Through this policy the Four-Power Agreement on Berlin between the US, the Soviet Union, France and the United Kingdom became possible. The "Letter on German Unity", which bears the signature of my predecessor, Foreign Minister Walter Scheel, in combination with the Moscow Treaty and the Basis-of-Relations Treaty, reaffirmed the federal government's goal to work for a "state of peace in Europe in which the German nation will recover its unity in free self-determination". This meant that the fate of Germany was henceforth embedded in the fate of Europe.

With the conclusion of the treaties with the countries of Eastern Europe, the way was open for the convening of the Conference on Security and Co-operation in Europe. The signing of the CSCE Helsinki Final Act in 1975 marked the beginning of a fundamentally new, multilateral dialogue of détente in Europe. For the first time, the East and West agreed on common values as the basis for their domestic and foreign policy. With the participation of the United States and Canada in the Conference, the Soviet Union acknowledged once and for all the responsibility of those states in and for Europe. The multilateral structure of the policy of détente ensured that all European states in the East and West, and not only the major powers, would be able to make their influence felt more effectively.

Other factors of fundamental importance were the recognition of the right of each and every European nation to self-determination, respect for human rights and the right of countries to freely select the alliances they wished to join. The agreements regarding economic co-operation reached in basket II of the Final Act opened the way for the kind of practical co-operation that was to exert system-opening effects to an ever greater degree. These agreements marked the way forward to the creation of a pan-European economic area in which democratic freedoms and a market economy are indissolubly linked together. Co-operation between the countries belonging to the different systems in the field of economics, of science and technology and of the environment was placed on the same level as the military aspect of security in the creation of a pan-European economic area. Reducing economic risks is an important prerequisite for more security and stability in the entire OSCE space. Thus, the OSCE's economic dimension must continue in the future to be taken into consideration as an essential factor in European security and stability.

The fact that finding solutions to humanitarian issues was incorporated into the Helsinki Final Act gave the fundamental dictate of the protection of human rights a concrete form. The human individual, in his dignity and with his inalienable rights, was made the measure of European policy as regards the responsibility of governments. The Final Act emphasizes this as well as co-

operation in the economic area, disarmament and arms control for all of Europe. All three baskets of the 1975 Final Act are on par with one another.

It was of particular significance that a multilateral process of détente emerged from this, which was also maintained in difficult situations. And above all, it was the inclusion of a provision recognizing the legitimacy of the peaceful changing of the borders in Europe that opened up the chance for German unity, but also for the increasing cohesion of the European Union, then still known as the European Community. Any historical review of the CSCE must also reflect that the results of the Helsinki Conference were very controversial particularly in Germany. Just before the beginning of the Conference, the then CDU-CSU opposition demanded in a petition to the German Parliament that the Federal Republic of Germany not sign the treaty. Many saw in those results more than anything else a useless document that, like so many before it, would simply be filed away; others hoped that the results would put the final seal on the division of Europe and Germany and still others saw in the Final Act a consolidation of the status quo in every area. The truth of the matter is that the Final Act did not imply the confirmation of an existing state, i.e., a static concept, but was rather a point of departure for a dynamic process that was to result in overcoming the division of the continent. It was not the status quo that was consolidated, but rather stable framework conditions were put into place to surmount it in a peaceful process of change throughout Europe. Helsinki was at the beginning of a process that brought far-reaching consequences for East-West relations and also for the internal evolution of the countries of Central and Eastern Europe. Respect for human rights and fundamental freedoms had now been expressly elevated into a central element in relations between East and West. Even before the CSCE Final Act, men and women in the Warsaw Pact countries had begun to demand their elementary basic rights. Now, however, following the adoption of the Final Act and other CSCE documents, the civil rights movements had a platform on which they could base their claims and which the Communist governments had themselves approved. Civil rights activists were able to invoke the Final Act everywhere where human rights were not observed. Insistence on the full implementation of the agreements reached regarding the human dimension had a catalytic effect on human and civil rights activists in Central and Eastern Europe. As Vaclav Havel put it, the "power of the powerless" was strengthened. Relaxation of regulations governing reporting by the press, personal contacts in many areas and a steadily increasing volume of travel in both directions had the effect of successfully countering the policy of self-isolation. Today, the fact that the Final Act helped to open up the system during the years of the great *Wende* is undisputed on all sides.

In addition, the CSCE opened the way to a co-operative security policy. It improved the prospects for confidence-building, arms control and disarmament in Europe. The Vienna Document on Confidence- and Security-Building Measures marked an important step towards overcoming the military con-

frontation. The same is true of the Treaty on "Open Skies", which, because of its essentially global approach, could make an important contribution to global stability. Particular mention should also be made of the CFE Treaty, which has now been thoroughly reformed and adapted to present-day realities. Following its ratification by the 30 States Parties, this treaty will also be open to accession by all other European countries.

A direct path leads from all these agreements to the adoption of the OSCE's Charter for European Security in November 1999 in Istanbul. However, further steps of far-reaching scope are now needed in order to strengthen military stability. The OSCE participating States must be aware of the global challenges that face all of them and to which they must find answers together. This requires that in the nuclear area, too, they must preserve what has already been achieved in the way of shared and valuable accomplishments. This applies to the Non-Proliferation Treaty with its commitment to nuclear disarmament, to START II, to the Test Ban Treaty and to the ABM Treaty.

Of course, the world has changed fundamentally during the past ten years. The danger that new nuclear powers will emerge and that existing ones increase armaments further is growing continuously. Therefore, the ABM Treaty should not be undermined by unilateral measures which would cause its stabilizing effect ensuring non-proliferation to be put at stake. The end of the East-West conflict should have been the hour of nuclear disarmament, which the nuclear powers had committed themselves to in the Treaty on the Non-Proliferation of Nuclear Weapons of 1969. Since then drastic measures have not been taken. Europe, once a progressive thinker of political and strategic concepts - examples include CSCE, NATO rearmament, the zero-zero solution and the prevention of a senseless short-range armament still in the spring of 1989 - retired strategically and from arms control policy after the Charter of Paris, the transformation of the CSCE into the OSCE and the introduction of a partnership, at first with the Soviet Union and then with its successor states, all of them important initiatives for pan-European security, were reached.

Therefore no one would be well advised today to react one-sidedly to the challenges in the area of nuclear armament. During the second half of the 20th century, the Europeans have made positive experience in co-operating on an equal basis sharing equal rights rather than striving for supremacy and one-sided advantage. The latter would be old thinking. The multipolar world order has long since become reality. It must be founded on equal rights and equality and it should take over many of the basic ideas of the CSCE, which after all helped in surmounting the East-West conflict peacefully. Global transparency is imperative and the OSCE can contribute to this essentially as a framework for disarmament and arms control.

The dialogue between the governments of the participating States within the framework of the CSCE, a dialogue that transcended their allegiance to different systems, was - as the follow-up meetings in Belgrade, Madrid and Vi-

enna demonstrated - frequently difficult. It was a dialogue that had to withstand severe stresses and strains. Still, there gradually emerged a climate of co-operation and mutual trust. The process was continued and ushered in new prospects.

In the 1980s, it became increasingly evident just how great the changes in the Eastern camp, brought about by the policy of détente, actually were. Mikhail Gorbachev's call for fresh thinking, perestroika and glasnost would have been virtually inconceivable without the CSCE process; the continuation of the Cold War would have left no chance for this. At the beginning of 1989 at the CSCE Conference in Vienna, Soviet Foreign Minister Eduard Shevardnadze declared: "The Iron Curtain is rusting". The principle adopted by the CSCE of linking together complex issues, as evidenced by the three baskets of the Final Act, and the resolve to keep in mind mutual advantage, proved a successful formula. For that reason, the CSCE process was always properly understood as a means of helping to bring about a breakthrough for citizens in exercising their rights. The agreement reached on the Charter of Paris in 1990 demonstrates that the CSCE process involved and continues to involve successful outcomes for human beings and for Europe. The real winners in the CSCE process are the citizens of Europe and the indivisible continent itself, and not one group of states over another. It is important that in the future as well we avoid thinking in categories of winners and losers and that we keep our eye fixed on common advantages.

The evolution of the CSCE since 1990 gives rise to ambiguous feelings. Without question, the establishment of the CSCE as a regional arrangement under Chapter VIII of the United Nations Charter represents an important step forward. Still, it must be noted that inadequate use has been made of the possibilities inherent in that institution. The proposals by the European Union to the effect that, in the event of conflicts between its participating States, it should be possible to refer the matter to the Security Council of the United Nations even without the consent of the parties to the conflict could represent a further important advance. Of particular significance was the decision adopted at the 1994 Budapest Summit to transform the CSCE into the OSCE, i.e., to further develop the CSCE conference series into the Organization for Security and Co-operation in Europe. The OSCE missions, *inter alia* those in South-eastern Europe and in the Caucasus region, are among the positive achievements of the OSCE, as is the establishment of the office of the High Commissioner on National Minorities and that of the OSCE Representative on Freedom of the Media. The success story of the CSCE/OSCE naturally includes the 1990 Copenhagen Document on the Human Dimension and the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security.

Still, there is no room for complacency. The treaty of 5 December 1994 on the establishment of the OSCE Court of Conciliation and Arbitration has still not been signed and ratified by all the participating States. For this reason the Court has no claim to universality in the OSCE area; this has meant that, de-

spite many unresolved disputes, an appeal has not yet been referred to it. However, it is precisely this Court of Conciliation and Arbitration that could perform a vital function bringing about that "culture of prevention" that has been called for by Secretary-General of the United Nations Kofi Annan.

Conflict prevention and civil crisis management are among the core tasks of the OSCE. The strengthening of the OSCE's capacity to act will also be of decisive importance. This requires, among other things, that the Organization should be better funded and more adequately staffed. In the final analysis, participating States will have to face the question whether they are prepared to undertake a repoliticization of the OSCE. An understanding of the OSCE as a kind of service organization for the implementation of political decisions taken within other organizations would lead to an impoverishment of the OSCE. This in turn would mean the abandonment of the great opportunities afforded by the Organization with its principle of universality in the North American-European region.

Today's imperative requirements also include the strengthening of the position of the Organization's Secretary General by entrusting him with a larger political role, something that would also enhance the ability of the Chairmanship to act. The OSCE as a political organization and as an indispensable factor in the development of a "culture of prevention" means that there should be an analysis unit within the Secretariat to support the Chairmanship.

As an organization, the OSCE should work towards the gradual acquisition of a legal personality of its own. This process should result in an OSCE treaty setting out the Organization's rights and duties and creating institutions with the power to take action. If the understanding of the OSCE as a regional arrangement under Chapter VIII of the UN Charter is to lead to lasting practical consequences, the demand that has been heard since the beginning of the 1990s for the establishment of an OSCE Security Council must be pursued with determination. The OSCE has made use of the opportunities offered by the UN statute - namely to create regional organizations. An OSCE Security Council would have capacities in European affairs, which otherwise would only belong to the UN Security Council. However, an OSCE Security Council would be able to get much closer to the problems and make much more concrete decisions as well as complementing negotiations. This all requires active initiatives. It would be conceivable and desirable that the European Union - as a part of its Common Foreign and Security Policy - understands itself as an advocate of the OSCE, just as the Federal Republic of Germany understood itself as an advocate of the CSCE during the Cold War period and was able to book success in overcoming the Cold War. This could have an exemplary effect on other parts of the world as well.

The decision in favour of launching the CSCE process, and with it the understanding reached regarding the Helsinki Final Act was as courageous as it was far-sighted. The secret behind the success of that decision was the will to accord the CSCE process political priority as a multilateral process of under-

standing and co-operation. Today, at the beginning of a new century, the same courage, the same far-sightedness and the same priorities are required in the face of the global challenges confronting us. There is no question that the OSCE area bears a particular responsibility for global stability. It will be able to fulfil this responsibility only if it brings about stability and co-operation in its own territorial region. The history of the 19th century and the first half of the 20th century in Europe has shown where the quest for hegemony, national egoism and nationalism can lead. However, in the second half of the 20th century Europe has shown that the equality of states and their enjoyment of equal rights, regardless of their size, the realization of human rights and the right to self-determination, the will to seek co-operation and mutual advantage, and the renunciation of confrontation can create a new culture of co-existence. Without this thinking, the success story of the European Union would not have been written. Without these basic principles, the vitality of the Western Alliance would not be explainable and the Alliance itself would long since have suffered the fate of earlier military alliances.

It will be important for stability in Europe, to use the OSCE in the future as a comprehensive organization, with all its potential. The OSCE has a key role to play in maintaining peace and stability in the geographical area for which it is responsible. It must provide the framework for a pan-European security architecture. It is in fact a component part of that pan-European security architecture and enjoys equal standing with the collective defence organizations. An organization's weight and its ability to act always depend on the will of its member states. An organization can be no better than its members wish it to be. This also means that all member states must unreservedly fulfil the commitments they have assumed. For that reason, the call for a strengthening of the OSCE and making more comprehensive use of this organization is above all an appeal to its participating States. That appeal includes the premise that no new borders should be created in Europe and that a pan-European peace order, as espoused as early as 1967 in the Harmel Report, should be implemented in a way that encompasses politics, security policy, the economy and the environment, to the advantage of all. The underlying philosophy of the CSCE made it possible to achieve something that many people had previously regarded as impossible: namely to overcome the division of Germany and Europe. This succeeded because responsibility and far-sightedness, not pusillanimity and thinking in categories of rivalry, carried the day.

Therefore, also after the OSCE Ministerial Council in Vienna in November of 2000, our dictum must read: A successful concept must be continued and not abandoned. One ought not to neglect it either, which unfortunately does happen these days. The possibilities of the OSCE are underestimated in the participating States. In addition, the understanding of the OSCE as an institution that wants to create trust and promote co-operation must again be strengthened because the OSCE must not become the implementing body for

political decisions made within the framework of other organizations. Another danger to the OSCE process is its instrumentalization for international conflicts. The success of the CSCE process was based precisely on the fact that it was a balanced concept considering the interests of all participants.

On the whole one can say: The OSCE has neither failed nor is it in a state of crisis. This is at most true for the policies that certain states try occasionally to implement in and with the Organization. If the participating States of the OSCE wish to face up to their responsibility for stability in a new world order, they must resolutely seize the unique chance offered them by the OSCE. We are indebted to the great English scholar Arnold Toynbee for the insight that the survival of cultures depends on their ability to find appropriate responses to new challenges. The response to the challenge of globalization must involve a pan-European policy of responsibility and global co-operation and not a return to the nationalist aberrations of the 19th and first half of the 20th century. We must not throw away the chances that lie within the grasp of the OSCE as the organization that embraces the US and Canada just as it does the new Russia and the other successor states of the former Soviet Union. History does not usually repeat its offers, and the opportunities that it holds out to us today will not always be there for the taking.

Victor-Yves Ghebali

The Vienna Ministerial Council Meeting and Its Aftermath: Coping with the Russian Malaise

The foreign ministers of the 55 OSCE participating States met in Vienna on 27 and 28 November to hold their eighth regular Meeting of the Ministerial Council. Although they adopted a number of routine and non-routine decisions, they failed dramatically to agree on a final "Ministerial Declaration" recording the OSCE achievements in 2000 and drawing up a road map for subsequent work. The direct reason of the deadlock can be put down to Russia who raised severe criticisms concerning the OSCE's fundamental course of evolution and the functioning of its institutions - in particular the ODIHR and the Representative on Freedom of the Media. The seriousness of those complaints immediately led the OSCE to reflect on the possible means for refocusing its agenda and improving its working methods. The present analysis will address three basic issues: Moscow's opposition strategy at the Vienna Ministerial Council Meeting, the sources of the Russian malaise within the OSCE and the ongoing debate continuing in 2001 on the "political relevance of the OSCE for its participating States".

Russia's Opposition Strategy at the Vienna Ministerial Council Meeting

The draft of the Vienna Ministerial Declaration hammered out by the Austrian Chairmanship comprised four sets of provisions which were related to "ritual" statements of a general nature, regional conflicts, transnational challenges as well as institutional matters.[1] The Russian delegation objected to practically all of these.

The general statements in the Austrian draft expressed mere routine generalities recalling that the OSCE participating States shared common values, faced common security challenges and that they were ready to meet those challenges in a concerted manner. Russia refused to subscribe to such provisions on the ground that they depicted a false image of the real situation. According to Moscow, the OSCE was actually moving in "a wrong direction" and this meant two things. First, the Organization was focusing excessively on the human dimension component of its programme of comprehensive security and consequently neglecting the politico-military and economic dimensions. Second, the OSCE was arbitrarily limiting its interventions to the

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[1]   Cf. MC.GAL/1/00 of 10 November 2000, MC.GAL/1/00/Rev.1 of 17 November 2000, MC.GAL/1/00/Rev.2 of 21 November 2000, MC.GAL/1/00/Rev.3 of 24 November 2000, MC.GAL/1/00/Rev.4 of 26 November 2000 and MC.GAL/1/00/Rev.5 of 28 November 2000.

Balkans as well as to the geopolitical space of the former Soviet Union (Caucasus, Central Asia, Belarus) thus creating a *de facto* distinction between participating States as "objects" of and participating States as "subjects" of pan-European security and co-operation.[2] Given their gravity, such charges provided enough justification for an overall rejection of the Austrian draft of the Ministerial Declaration. However, Moscow's reasons for dissatisfaction were no less serious vis-à-vis the other and more specific elements of the text.

In addressing the issue of regional conflicts, the Austrian draft inevitably referred to those in which Russia was involved either as direct party (Chechnya) or as an indirect party (South Ossetia, Abkhazia, Trans-Dniestria and Nagorno-Karabakh). In doing so, recalling, at least implicitly, that at the Istanbul Summit President Boris Yeltsin had committed Moscow to facilitating the reestablishment in Grozny of the OSCE Assistance Group to Chechnya and also to the gradual withdrawal of Russian troops and armaments from Georgia by 2001 and from Moldova by 2002, could not be avoided. However, those commitments had barely been fulfilled when the Ministerial Council met in Vienna. Invoking "technical difficulties", Moscow was not able to fix a precise deadline for the Assistance Group's return to Chechnya. In addition, the evacuation of some military bases in Georgia had been followed by the unilateral imposition (for alleged "humanitarian reasons") of a visa regime applicable to all Georgian citizens, except those of the breakaway regions of South Ossetia and Abkhazia. And last, no significant withdrawal of Russian troops from Moldova had taken place. In any event, Moscow challenged the Ministerial Council's right to determine whether the commitments subscribed to by certain participating States at Istanbul had been honoured or not.

The Austrian draft also listed a number of transnational security challenges prevalent in the OSCE area. The list actually focused on challenges pertaining to the human dimension - namely trafficking in human beings, the rights of children involved in armed conflicts, aggressive nationalism, forced migrations, etc. While mentioning some politico-military challenges (terrorism, proliferation of small arms and light weapons), it completely omitted challenges linked to the economic and environmental dimension. Deeming the Austrian approach unacceptable, Moscow tabled a host of amendments. First, it demanded the inclusion of a number of additional human dimension challenges: threats linked to neo-nazism and related forms of political or religious extremism, ill-treatment of national minorities and side effects of the new information technologies.[3] Second, arguing that many provisions of the Aus-

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2 Cf. MC.DEL/127/00 of 28 November 2000 as well as Russian amendments to part I of the Austrian draft: MC.DEL/12/00 of 17 November 2000, MC.DEL/27/00 of 21 November 2000, MC.DEL/39/00 of 23 November 2000, MC.DEL/42/00 and MC.DEL/45/00 of 24 November and MC.DEL/57/00 of 26 November 2000.

3 Cf. MC.DEL/7/00 of 17 November 2000, MC.DEL/30/00 of 21 November 2000 (para. 39), MC.DEL/46/00 of 24 November 2000 (para. 38), MC.DEL/14/00 of 17 November

trian text were not bold enough, it offered full-fledged counter-proposals on trafficking in human beings, terrorism, forced migrations, the protection of journalists operating in crisis zones and, more particularly, on the rights of children seen from a perspective not limited to armed conflicts.[4] Third, it called for the restructuring of the economic dimension - a pet idea it had advocated repeatedly since the mid-1990s.[5] Fourth, it rejected the Austrian provisions on "human security" because they put more emphasis on the security of the individual than on the security of the state.[6]

As to current institutional matters, Moscow did not reject all the Austrian proposals - basically however, it rejected recommending the renewal of the mandate of the OSCE Representative on Freedom of the Media (FOM), Freimut Duve, for another three years. Other participating States, which have been the target of the FOM (among others Belarus and Kazakhstan) also vetoed the renewal of his mandate. Notwithstanding the increasing official pressure on the media situation in Russia since the election of President Putin, Moscow took the step of proposing a Russian challenger to the incumbent Representative: the Executive Secretary of the Russian Union of Journalists.[7]

Although the foreign ministers were unable to agree on a common final Ministerial Declaration, they did adopt, on the basis of the Austrian draft, seven formal "Ministerial Council Decisions". Two of those Decisions dealt with substantive issues: namely, trafficking in human beings and police-related activities. The others concerned institutional or administrative matters related to the appointment of a new High Commissioner on National Minorities, the postponement (for a six-month period) of the extension of the Representative on Freedom of the Media's mandate, conferring the OSCE Chairmanship on Portugal in 2002, the continuation of negotiations on the scale of distribution for large OSCE missions and the venue of the next Ministerial Council (Bu-

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    2000, MC.DEL/30/00 of 21 November 2000 (para. 37a) as well as MC.DEL/46/00 of 24 November 2000 (para. 36a).

4   Cf. on *trafficking*: MC.DEL/1/00/Rev.1 of 16 November 2000, MC.DEL/4/00 of 17 November 2000; on *terrorism*: MC.DEL/5/00 of 17 November 2000, MC.DEL/30/00 of 21 November 2000 (paras. 30-32) and MC.DEL/40/00 and MC.DEL/46/00 of 24 November 2000 (para. 38); on *rights of children*: MC.DEL/6/00 of 17 November 2000, MC.DEL/ 30/00 of 21 November 2000 (para. 35), MC.DEL/46/00 of 24 November 2000 (para. 34) and MC.DEL/54/00 of 26 November 2000; on *extremism*: MC.DEL/7/00 of 17 November 2000; on *journalists*: MC.DEL/8/00 of 17 November 2000, MC.DEL/30/00 of 21 November 2000 (para. 40) and MC.DEL/46/00 of 24 November 2000 (para. 39); on *migration*: MC.DEL/13/00 of 17 November 2000; on *national minorities*: MC.DEL/14/00 of 17 November 2000. Amendments on the overall topic of transnational challenges are to be found in: MC.DEL/30/00 of 21 November 2000 and MC.DEL/46/00 of 24 November 2000.

5   Cf. MC.DEL/38/00 of 23 November 2000.

6   In some of its proposed amendments, Moscow was careful to highlight the role of the state and to emphasize the necessary formal consent of the state; cf. MC.DEL/30/00 of 21 November 2000 (paras. 34 and 37) and MC.DEL/46/00 of 24 November 2000 (paras. 33 and 36).

7   On the Austrian proposal cf. MC.DD/2/00 of 13 November 2000 and on the Russian proposal PC.DEL/715/00 of 13 November 2000.

charest). The Ministerial Council also adopted a "Vienna Declaration on the Role of the OSCE in South-Eastern Europe" and formally approved a "Document on Small Arms and Light Weapons".[8]

Summing up the inability of the Council to adopt a Ministerial Declaration, the Russian delegation stated that the difficulties encountered had been generated not from "a few individual regional problems but because of serious issues of principle" linked to a basic question: "What in fact is the OSCE in today's Europe and how do we see its future?"[9] This view was challenged by the Austrian Chairperson who, in a closing statement summarizing the substance of the failed draft Ministerial Declaration, recalled that during the meeting "(d)eep concern was expressed that (…) some of the commitments to which participating States subscribed, including those made in Istanbul, had yet to be fulfilled".[10] Although she did not accuse Russia of procrastination over the issue of the OSCE Assistance Group to Chechnya, she did point out that no progress had been made on the withdrawal of Russian troops from Moldova, that the reduction of Russian military equipment in Georgia was incomplete and that the introduction by Moscow of a unilateral visa regime vis-à-vis Georgia was a matter of concern for the OSCE.[11]

The Russian delegate reacted with the observation that the Austrian proposals, conclusions and assessments did not "reflect the entire spectrum of opinions of OSCE participating States" and, consequently, were not based on the consensus principle. In an interpretative statement, he declared that "the Russian Federation considers itself in no way bound by any of the conclusions or recommendations contained in the statement" and also that it "does not consider it possible for the said conclusions and recommendations to be taken in the future work of the Organization and its bodies".[12] In response, the American delegation issued a proper interpretative statement also recognizing that the remarks of the Chairperson-in-Office were not made on the basis of consensus; nevertheless, it clearly affirmed that "in so far as (those remarks) were a repetition of commitments or obligations previously undertaken under the OSCE or under the Final Act, or other aspects of the CFE Treaty, they remain commitments and obligations of us all".[13]

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8   The Decisions of the Ministerial Council are reprinted in this volume, pp. 497-501; Vienna Declaration on the Role of the OSCE in South-Eastern Europe, ibid., pp. 477-479; Document on Small Arms and Light Weapons, ibid., pp. 503-519. For a more detailed account on the Council's record, see: Victor-Yves Ghebali, The 8th Meeting of the OSCE Ministerial Council (27-28 November): Anatomy of a limited failure, in: Helsinki Monitor 2/2001, pp. 97-107.

9   MC.DEL/148/00 of 28 November 2000.

10   OSCE, Eighth Meeting of the Ministerial Council, Vienna, 27-28 November 2000, Statement by the Chairperson-in-Office, reprinted in this volume, pp. 481-495, here: p. 481.

11   Cf. ibid., p. 483.

12   Delegation of the Russian Federation, Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, reprinted in this volume, ibid., pp. 490-491, here: p. 491.

13   Delegation of the United States of America, Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, reprinted in this volume, ibid., p. 491.

The semi-failure of the Vienna Ministerial Meeting brought the Russian malaise, which had been unfolding for quite some time within the OSCE, dramatically to the fore.[14] Basically linked to the frustrating experience of the Security Model exercise (1995-1997) and the drafting of the Istanbul Charter for European Security (1998-1999), the malaise was exacerbated by the political trauma suffered by Moscow following NATO's military intervention in the Federal Republic of Yugoslavia (March-June 1999).

It is worth recalling that in March 1995, the participating States opened a wide debate on a "Common and Comprehensive Security Model for Europe for the 21st Century" basically aiming at assuaging Russian anxieties about NATO's Eastward enlargement. Russia's expectations were then particularly high. Moscow was seeking for a legally binding charter providing security guarantees for states remaining outside politico-military alliances and laying the foundations of a European security architecture free from geopolitical dividing lines. It also wanted the establishment of a web of regional security organizations working on the basis of an "appropriate" division of labour under the central aegis of the OSCE. With regard to the OSCE as such, the expectations were far from insignificant: Moscow hoped for radical reforms transforming the OSCE into a legal international organization, enabling it to conduct genuine peacekeeping operations (of a non-coercive nature), strengthening its three dimensions equally, overhauling its structures and introducing strict rules of procedures for all OSCE bodies and instruments, including its field missions.

With those objectives in mind, Russia tabled countless ideas and proposals. Most of them backfired because of their evident anti-NATO bias (division of labour between security organizations), their overly ambitious scope (strengthening of the economic dimension) or their perceived undesirable potential effects (the overhaul of the OSCE structures and the codification of the procedures governing the field missions advocated by the Russians aimed at allowing governments to exert a tighter control on the Organization in general and the ODIHR in particular). As a consequence, negotiating the Istanbul Charter was an extremely trying and frustrating exercise for Moscow. In any case, one must admit that the final text of the Charter did not substantially address fundamental Russian anxieties and demands. Thus, why did Russia swallowed the pill and sign the Charter? The answer is that Moscow got satisfaction at another level: the adaptation of the CFE Treaty. Furthermore, the Heads of States or Governments gathered in Istanbul carefully avoided

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14 For previous examples, see the Russian delegation's critical remarks on the lessons to be drawn from OSCE operational activities made at the 1999 Review Conference, RC.DEL/206/99 of 29 September 1999, as well as the memorandum entitled "OSCE 25 Years after Helsinki: New Prospects for Co-operation", SEC.DEL/294/00 of 31 October 2000.

blaming Russia for Chechnya and were extraordinarily understanding of Russian positions.

NATO's military intervention in Yugoslavia, which revealed to Moscow the full extent of its isolation and impotence within the OSCE, contributed to embittering Russian feelings to an unprecedented degree. Russia's defensive reflex was to re-endorse and reaffirm, with near obsession, the principles cherished by the Soviets, equal sovereignty of States, non-interference in internal affairs and non-use of force inconsistent with the goals and purposes of the United Nations. Russia has since then systematically refused to accept - as a high official of the Russian Foreign Ministry put it - any possibility of intervening in the domestic affairs of participating States with the help of any OSCE mechanism available.[15] The Russian opposition strategy at the Vienna Ministerial Council has to be primarily understood against the background of that specific goal, as well as President Putin's undertakings to reassert the superpower status of his country, which he continues to believe in.

In sum, Russia is feeling more and more isolated in the institution which since the collapse of communism it had hitherto been praising rather highly. With the exception of Belarus, few if any delegations back its positions. This is no wonder: Moscow can for instance neither expect support from the (initial) GUAM countries (Georgia, Ukraine, Azerbaijan, Moldova),[16] nor from those of the late Warsaw Treaty Organization. The former are angered by its ambiguous policy vis-à-vis the so-called "frozen conflicts" and the latter do not appreciate its continued opposition to NATO's enlargement - which *actually* amounts to a denial of the right of OSCE participating States to freely choose their own security arrangements.

The 2001 Debate on the "Political Relevance of the OSCE for its Participating States"

The Russian complaints about "unbalances" or "double standards" pervading OSCE activities were certainly not new within the Organization: They had been raised from time to time, in particular by the Central Asian States.[17] The new element introduced by the Vienna Ministerial Council debates was that such complaints were publicly endorsed by a participating State of magnitude like Russia and, at the same time, backed in a loud voice by Belarus and, in a more moderate tone, by Kazakhstan.[18]

In the aftermath of the Ministerial Council, in January 2001, the Romanian Chairmanship took the initiative of launching a reflective debate on the ways

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15   Cf. Vladimir Chizov, The Istanbul Summit, in: International Affairs (Moscow), 1/2000, pp. 68-73, p. 70.
16   This group was joined by Uzbekistan and today carries the acronym GUUAM.
17   Cf. for instance PC.DEL/350/99 of 9 July 1999 (Uzbekistan).
18   Cf. MC.DEL/145/00 of 28 November 2000 (Belarus) as well as MC.DEL/85/00 of 27 November 2000 (Kazakhstan).

and means to strengthen the OSCE and to increase its relevance for its participating States - that is to say, to give balanced attention to the preoccupations and demands of all the participating States.[19] Taking advantage of this opportunity, a number of delegations followed the path opened by the Russians.

In a joint statement, Georgia, Ukraine, Uzbekistan and Azerbaijan as part of the GUUAM cluster deplored that "the attempts to ignore political and military aspects of security in the OSCE activities reflect a misperception of (the) emerging security situation in Europe". They stressed that "the OSCE area today is (an) unstable combination of regions with different levels of security" because the OSCE "has not succeeded in overcoming old lines of division and was not able to resist the creation of new ones" and also because "genuine equality in multidimensional relations has never been reached, double standards are often used by certain OSCE countries". With regard to frozen conflicts, the joint statement underscored the growing tendency of the OSCE "to tolerate the political and security consequences of (those) conflicts and treat (them) as *faits accomplis*, and consequently leave the responsibility for the failure to the parties (…) As for the humanitarian consequences of the conflicts affecting the lives and H(uman) R(ights) of millions of citizens of our countries, these have never been tackled within the human dimension in a serious and consistent way."[20] In addition, Kazakhstan reaffirmed that the activities conducted by the OSCE in Central Asia did not reflect a real balance among the three dimensions and that there was also a need to redress a policy of double standards.[21] Besides, Armenia deplored the constant deterioration of the consensus rule as well as the consolidation of new dividing lines - between the "chosen", the "aspiring" and the "forever excluded"[22] for membership in the Euro-Atlantic institutions. Finally, the Federal Republic of Yugoslavia expressed the view that like Russia, it would not like "to see the OSCE being transformed into an organization where a group of States would teach another group what to do".[23]

For its own part, Russia tabled several sets of proposals aimed at eliminating what it considered the "politico-structural, geographical and functional distortions" affecting OSCE activities. A first set suggested the inclusion on the OSCE agenda of practically all the items that Moscow had so far advocated fruitlessly: anti-missile defence, political extremism in all its forms, international terrorism, equal application to all participating States of OSCE norms on the conduct of democratic elections, information security, migration and statelessness, revitalization of the economic dimension, etc.[24]

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19   Cf. CIO.GAL/2/01 of 8 January 2001; cf. also CIO.GAL/22/01 of 31 May 2001.
20   PC.DEL/11/01 of 11 January 2001, PC.DEL/124/ of 6 March 2001 and PC.DEL/170/ of 15 March 2001.
21   Cf. PC.DEL/17/01 of 11 January 2001 and PC.DEL/442/01of 21 June 2001.
22   PC.DEL/22/01 of 15 January 2001.
23   PC.DEL/420/01 of 18 June 2001.
24   Cf. PC.DEL/2/01 of 8 January 2001.

A second set of proposals consisted of ideas that had not yet been buried such as the regrouping of the OSCE structures into "principal organs" and "special institutions" with precise rules of procedure, subjecting field missions to a strict system of regular reports, the reinforcement of the Forum for Security Co-operation, attributing the OSCE with a legal personality as well as privileges and immunities or the introduction of more transparency in the financial management of the Organization - all aimed at imposing uniform procedures and regulating the powers and functions of all OSCE bodies, structures and institutions.[25] A third set of proposals devoted to strengthening the economic dimension offered a compendium of all previous Russian ideas on the topic.[26] Clearly, Russia was still seeking radical reforms at both the structural and functional level.

However, the Western states were obviously not on the same wavelength. The United States, for example, expressed its opposition to the introduction of more rules, regulations or bureaucratic procedures to the OSCE, while warning that any steps taken to enhance the work in the politico-military and economic dimensions would negatively affect the human dimension.[27] As to the European Union, it has only been prepared to increase transparency and to reform working methods - for instance by means of factual concluding statements or, when appropriate, substantial declarations by the Permanent Council.[28]

Still feeling its voice unheard, Moscow launched clear warning signals stressing that it could no longer accept seeing the OSCE being assigned "a kind of maidservant's role, carrying out the orders and implementing the decisions of others organizations". In other terms, the forthcoming Bucharest Ministerial Council should pass the decision to address the whole complex of problems affecting the OSCE frontally, by establishing a special negotiating process in order "to save the life of an OSCE labouring under so dangerous a disease": Indeed, without a "radical surgery intervention", one can argue that "the pan-European process will be doomed to extinction".[29]

Conclusion

Moscow's outburst of anger at the Vienna Ministerial Meeting unleashed a series of complaints on two major points: the uneven performance of the three dimensions of comprehensive security and the use of double standards,

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25 Cf. PC.DEL/3/01 of 8 January 2001; see also PC.DEL/195/01 of 26 March 2001, PC. DEL/322/01 of 22 May 2001 and PC.DEL/431/01 of 19 June 2001.
26 Cf. PC.DEL/254/01 of 25 April 2001.
27 Cf. PC.DEL/382/01 of 14 June 2001.
28 Cf. PC.DEL/378/01 of 12 June 2001; cf. also PC.DEL/271/01 of 3 May 2001, PC.DEL/ 376/01 of 14 June 2001 and PC.DEL/391/01 of 15 June 2001 (German-Dutch proposals) and PC.DEL/229/01 of 29 June 2001, PC.DEL/5496/01 of 13 July 2001 and PC.DEL/ 556/01 of 18 July 2001 (British proposals).
29 PC.DEL/457/01 of 22 June 2001 and PC.DEL/480/01 of 28 June 2001.

which stems from the fact that the Western states do not submit to common rules.[30]

However, the alleged excessive OSCE focus on the human dimension is not the real problem. Indeed, it is not simply that the human dimension is over-emphasized and the other two dimensions are neglected. The truth of the matter is that the latter are less developed than the former for objective reasons. The weakness of the military component of the politico-military dimension can be basically explained by the difficulties the Forum for Security Co-operation had in elaborating a substantive arms control agenda which went beyond the CFE Treaty as a direct item as well as fully integrating itself in the mainstream activities of the OSCE. As for the economic dimension, it has been condemned, at least for the time being, because of its lack of human resources, expertise, financial means and direct operational activities to remaining more symbolic than real. How can the OSCE cope with concrete environmental issues (by for instance organizing international assistance to countries affected by the Chernobyl disaster as suggested by Belarus at the Vienna Ministerial Council) without any operational assets? The overwhelming majority of participating States consider that the most significant role the OSCE can play in the field of the economic dimension is that of a political "catalyst" for the activities of more competent and specialized international organizations - as well as that of a "consumer" of the expertise and experience of such organizations (UNECE, OECD, EBRD, etc.).

The real problem is not that of competition between the dimensions but of a lack of synergy among them. Since the Budapest Review Conference (1994), serious efforts have been undertaken to increase the complementarity of the three OSCE security dimensions with the aim of achieving the fullest possible degree of synergy and integration between them. Thus, *synergy between the first dimension and the third dimension* is now developing fairly satisfactorily through the High Commissioner on National Minorities (who represents a functional bridge in this connection), the field missions (whose mandates generally include a human dimension ingredient), the implementation of the Code of Conduct or the development of "inter-dimension" themes such as the rights of children in armed conflicts or trafficking in human beings. The OSCE participating States expressed their awareness of the *synergy between the second dimension and* the third *dimension* in the Istanbul Charter by recognizing that "(t)he OSCE's efforts within the human dimension have significant economic effects and vice versa, for example by mobilizing human resources and talents and by helping to build vibrant civil societies".[31]

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30 A third point, the emergence of new dividing lines, will not be addressed here: Whatever its reality, the emergence of new politico-military and economic cleavages has nothing to do with the OSCE as such, but with the internal dynamics of NATO and the European Union.

31 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 434.

This kind of synergy is already developing within the framework of themes common to both dimensions, like the fight against corruption. It is nevertheless clear that *synergy between the first dimension and the second dimension* (integration of the economic, social and environmental aspects of security into conflict prevention and crisis management) has so far, regrettably, received only lip service - for the basic reason, as previously mentioned, that the economic dimension is congenitally weak.

The other second criticism made of the OSCE, i.e. the use of double standards, is certainly excessive but not totally unfounded. On the one hand, nobody can deny that the most numerous and serious human rights and democratization problems are presently concentrated in the former republics of the USSR, the former Eastern bloc and the Balkans - that is to say in countries where democracy never flourished before or had been lacking for decades. It is no wonder then that there is continually cause to focus on human dimension activities there. On the other hand, we have to admit that some of the problems occurring in the Western world have not been addressed within the OSCE. As mentioned by Belarus at the Vienna Ministerial Council, the Organization did not react to the visa restrictions introduced by the West, which was in contradiction with their pet principle of the free flow of people. Furthermore, the OSCE questioned the fairness of the 1999 elections in Belarus, but not of the American elections which took place in that same year: It could be argued that by doing so, the Organization applied different standards.[32] Clearly, all OSCE countries should abide by the 1990 Copenhagen criteria on free and fair elections standards for different countries - although no one would deny that democracy is deeply ingrained in the US and remains rather symbolic in Belarus. At the Vienna Ministerial Council, Russia and Belarus tabled a formal joint proposal tasking the ODIHR with conducting a comparative review of electoral laws and regulations of all of the 55 participating States of the OSCE in order to assess their conformity with the criteria of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension.[33] Because of its obvious political motivation, the proposal was rejected; however, in the end, it is perhaps regrettable that nothing came of it.

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32 While giving the United States a patent on democracy, the written declaration recognized that in this case an important principle had not been respected: that is, that each individual vote has to be counted, cf. ODIHR.GAL/60/00 of 22 December 2000.

33 Cf. MC.DEL/24/00 of 20 November 2000.

João de Lima Pimentel

Reflecting on the "Circle of 55"[1]

The "Cold War" that emerged in the aftermath of World War II and placed two different concepts of the perception of human values and the role of individuals and institutions in societies (and/or in states) opposite one another created the profound division of Europe, best (and worst) portrayed by the Berlin Wall.

The CSCE process emerged from the need to build bridges and - despite the different strategies behind this approach - to reach a certain measure of common understanding between the two blocs in order to ensure stability and a basic minimum of normality until history would engender a change. The 1975 Helsinki Final Act contained the best possible result in the search for a common denominator. Simultaneously the Final Act created a basis and reference point for further developments, which in fact the communist bloc did not foresee and did not desire.

A great deal earlier than any of the Helsinki signatories would have dreamed of, the Wall, which the Act was intended to make more permeable, fell altogether. And what had been understood as a possible common denominator for the decades to come - the Helsinki Final Act - in fact turned out to be a first benchmark of a much speedier process. It proved to be much more than a "consolidating" factor: It became a political banner contributing decisively to the implosion of the Soviet system and a "charter of fundamentals" for a new set of stable and open relations in the post-Cold War Europe. The Final Act initiated a process that not only embraced the countries that had signed the Act, but ultimately all those that emerged from the disintegration of the Soviet Union and the dissolution of socialist Yugoslavia and who then appeared in the international arena.

The Charter of Paris signed in 1990 asserted the full logic of the development of the principles and commitments formulated and agreed in Helsinki, recognizing the indivisible nature of stability. A process of institutionalizing the *Conference* on Security and Co-operation in Europe led to the creation of the *Organization* for Security and Co-operation in Europe, the OSCE, in 1994 in Budapest, *nota bene*, as a *political* institution and not (yet?) a full subject of international law with legal capacity. However, the explicit references in various OSCE documents to its role in connection with Chapter VIII of the Charter of the United Nations undoubtedly point to the real role the OSCE assumes within the area covered by the territories of its 55 participating States - that of a regional organization. The 1999 Istanbul Summit made this understanding more concrete by identifying the specific role and value of the

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[1] This article reflects the personal opinion of the author.

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OSCE in the complex framework of international organizations and institutions that act in the same geopolitical context. Through the Platform for Co-operative Security, participating States have pledged to further strengthen and develop co-operation with other organizations on the basis of equality and in a spirit of partnership.

One can easily identify the four major organizations and/or institutions which are currently seeking their "position" in the European, Asian and American geopolitical context of the "55": the European Union, the Council of Europe, NATO (and the EAPC linked to it) and the OSCE. In promoting this process, individual states, who take action within as well as outside of organizations, will continue to play a key role. Surely, the evolution of the trilateral set of relations between the US, the EU and Russia will represent a very important factor in future. The EU members, also those who are more significant, would be well advised when trying to exert their influence, to do so increasingly from within the Union's framework - if they do not wish to put a good part of their influence potential at risk! The same applies *mutatis mutandis* to future EU members.

The European Union represents a very special and new model of a regional organization. In fact, it goes beyond the classic concept of an international organization and is in an unprecedented stage of integration and of making use of commonly shared competences of states acting at the international level. If we consider these facts as well as the possible evolution towards an even more highly integrated institutional framework, the fact that the EU will in foreseeable future cover almost the whole of Western and Central Europe (and possibly extend into the Balkans) and the open question of its future eastern borders - if we consider all these elements jointly, it will allow us to make the following forecast: Whatever the EU may decide to become institutionally and whoever it is prepared to offer membership to, it will ultimately become one of the strongest determining factors in setting up the future regional organizations network in the Euro-Asian-American "circle of 55" extending throughout the northern hemisphere.

There is no question about the fact that the further evolution of the "classic core" of Euro-Atlantic (Euro-American), Euro-Russian and American-Russian relations will have an important impact on the development of the EU itself, which will be considerably different than the effects of its internal influences. There are no singular one-dimensional influences in this game. However, probably the effects of the common actions by the Union on the whole area will prove to be as strong as the contributions of all other actors put together. The capacity to influence decision-making within the Union from the outside has strongly diminished since the end of the Soviet menace. The EU member states will ultimately decide freely - but of course not free from the contradictions of their own visions and interests - on the Union's future and thus, inevitably, make decisions and/or influence decisions on the region as a whole.

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In the specific context of the OSCE (and the Council of Europe) the already well developed close co-operation between the EU and EFTA countries as well as Canada globally reinforces the capabilities to take action of this like-minded group. Perhaps the Ukraine, on its way "towards Europe", may in the future join this informal club.

As a second major factor shaping the future international institutional net covering our region we can easily identify NATO and/or its further development - both through its process of reform and enlargement as well as due to the kind of links it will ultimately develop to Russia and the Ukraine, and to a lesser but not at all negligible extent, to the Caucasus and Central Asia. Again, the United States of America and the European Union will play a central role here.

Russia is another important actor in this context, equally influencing and being influenced by the factors mentioned so far. There is very little reason to doubt that ultimately Russia will integrate itself fully into the pan-European model of society, whilst preserving specific characteristics related to its own roots and cultural inheritance. And that is no bad thing!

The question is rather how long it will take for Russia to stabilize internally and then assert its new role in the Euro-Asian and Euro-American context as well as globally. Ultimately, Russia alone will be able to decide on its path and pace.

Finally, the states of the Caucasus and Central Asia complete the circle of actors. While they are still under the influence of Russian development and its pace, they are increasingly gaining importance in themselves and are taking action according to their own interests. Thus their future place in and contribution to Euro-Asian-American relations within the "circle of 55" must be given special consideration.

Both the OSCE and the Council of Europe are called upon to play a very unique role each at a different level. While individual states, the European Union and NATO - each within the framework of their specific capacity to take action - will prove decisive and be the decision-makers in shaping the pan-regional institutional network, the OSCE and the Council of Europe should concentrate on ensuring what they can do best to contributing to this process as the only "all-encompassing" organizations (the Council of Europe comprising the wider European area, the OSCE comprising the pan-regional "circle").

The two organizations were born out of different strategies, at different times and in order to pursue different political goals. But history has brought them closer together. The circumstances are well known. The circle of participating States and/or the circle of member states overlap to a large extent and at the centre of their activities one recognizes a common effort in contributing to establishing inner- and inter-societal relations based on the principles of human rights and fundamental freedoms, the rule of law and the recent developments in international law. These are precisely the areas where both in-

stitutions are undoubtedly acting as leading institutions in codifying new standards and procedures within the international community.

In the desired further development of co-ordinated action and of a possibly clearer definition of rules and competence - where, at the end of the day, the European Union again will be decisive - the Council of Europe and the OSCE should keep an inter-active, co-ordinated and mutually reinforcing role in the spirit of the Platform for Co-operative Security: the OSCE acting as the comprehensive regional, inter-state political level; the Council of Europe promoting the international harmonization of law systems and institutions dealing primarily with the issues covered by the system of conventions agreed upon under its auspices.

Under the current "state of affairs" and in view of the different possibilities for developing an overall institutional net of the Euro-Asian and Euro-American "circle", the OSCE and its participating States should in a common approach concentrate on developing the OSCE's role as a regional organization in the sense of Chapter VIII of the Charter of the United Nations. Other explanations of a fundamental nature are unnecessary. This role belongs to the OSCE and to the OSCE alone.

In this respect one should consider as natural and thoroughly positive that the OSCE will go on acting as an "evolving" organization for quite a time. Its role as "the" pan-regional organization logically leads to the conclusion that with a high probability, it will be the last relevant institution which will take on its definitive form in a region where determining factors of political, security and economical nature have yet to be clarified.

While the consolidation of a conclusive pan-regional arrangement (in the sense of Chapter VIII of the UN Charter) is awaited with great expectation, the further development of the concrete tasks of the OSCE - conflict prevention, crisis management and post-conflict rehabilitation - will provide the timetable and the development parameters of the OSCE's institutional architecture.

The development of the operational role of the OSCE has been one of the main features of its adaptation to the new challenges. The consistent creation of institutional bases, the strengthening of operational capabilities and the development of field activities have left a decisive mark on the evolution of the Organization in recent years.

It should be noted that the introduction of the last OSCE institution - the OSCE Representative on Freedom of the Media - was created less than four years ago.

Today, field operations are one of the OSCE's major strengths. This new "dimension", the field organization, has shown the potential of the OSCE to evolve and adjust itself in a flexible, cost-effective manner.

The identification of new risks and challenges is a permanent task of the Organization. For example, the general understanding that security and prosperity go hand in hand has induced the OSCE to engage in a process of review-

ing its own economic and environmental dimension in order to streamline its own capabilities in addressing these issues, focussing on areas in which it has particular competence such as identifying threats and acting as a catalyst for international co-operation. A new instrument with institutional character may result from this process.

The OSCE has also been capable of responding to the diverse and complex threats to security and stability in the OSCE area through increased and closer co-operation and co-ordination with its international partners.

The OSCE has a Forum for Security Co-operation (FSC) at its disposal. This institution was established in 1992 and is the OSCE body which negotiates and consults on measures aimed at strengthening security and stability throughout Europe.

In general, this institution has been very successful at fulfilling its tasks. The proof of this is the negotiation and approval of different documents dealing with politico-military aspects of security, including the different versions of the Vienna Document on Confidence- and Security-Building Measures, the OSCE Code of Conduct on Politico-Military Aspects of Security as well as Stabilizing Measures for Localized Crisis Situations. During 2000, the FSC also negotiated and adopted the unprecedented Document on Small Arms and Light Weapons.

Nevertheless, the Forum for Security Co-operation will have to adapt to the new security conditions in Europe and to the subsequent developments within the OSCE, *inter alia* the steady development of OSCE operational activities, that is, its missions, as I have already stressed. Its contribution to and major role in negotiating measures pertaining to arms control, disarmament, confidence and security building as well as monitoring and implementing the agreed measures should be maintained.

The already initiated exchange of views on FSC's future role may result in a further important contribution to clarifying the OSCE's future institutional structure.

Ultimately, the original basic model comprising the three baskets that structured the CSCE process from the beginning may still reveal that it is the best "matrix" for a politically mature OSCE, an OSCE which has developed into a more advanced stage of institutionalization, reflecting the change from a "conference" into a regional organization and implementing the concept of comprehensive co-operative security more effectively. The floor is open…

To assist and advise the Permanent Council in the fulfilment of its decision-making capacities and steering functions, a system of committees could be created, each one dealing with questions related to one of the original baskets as well as financial and administrative issues. The Parliamentary Assembly is emerging more and more as a very useful promoter of OSCE activities as well as a relevant political factor in the involvement of national parliamentary components in the organizational framework. This can only benefit the OSCE.

One final remark: The OSCE and its participating States have raised the interest of states outside its area in studying and possibly emulating - *mutatis mutandis* - at least certain aspects of our model. The world outside the "55" has not only been influenced by events and policy-setting within our geopolitical context, but it also has a - sometimes intense - effect on the security-related problems in OSCE space. Co-operation between the OSCE and countries "out-of-area" (i.e. the Mediterranean and Asia) should be pursued and developed also with the perspective of a better definition for the status of "partners for co-operation" or "observers".

Anselm Skuhra/Michael Merlingen

The Austrian OSCE Chairmanship - A Retrospective View

The Institution of the OSCE Chairman-in-Office

At the Helsinki Summit in 1992, the OSCE Chairman-in-Office's function and tasks were institutionalized and stated more precisely. According to the decisions passed there, he is responsible for the co-ordination of and consultation on current OSCE business. In his activities as the Chairman-in-Office, the foreign minister of the chairing country is assisted by his predecessor and his successor; together they constitute the OSCE Troika.[1] The Chairman-in-Office has the authority to appoint Personal Representatives as well as the right to nominate Heads of Mission. In addition, he can recommend the formation of *ad hoc* steering groups. In carrying out his functions, the Chair has the support of the OSCE Secretary General and the Secretariat based in Vienna. However, it is just as important that he has excellent co-operation with OSCE institutions like the Parliamentary Assembly, the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media.

The first country to be entrusted with the Chairmanship was Germany from June 1991 to January 1992. It was followed by the Czechoslovak Republic, who held the Chair for a period of one year which since then has become the customary time frame. The foreign ministers of both countries limited themselves more or less to representative and ceremonial activities. Beginning with the active Swedish Chairmanship in 1993, the Chair has endeavoured to set its own accents and take on a leadership role. Especially the small and medium-sized states like Sweden, Hungary, Switzerland, Denmark, Poland, Norway, Romania, and also Austria were active in this function.

Originally, the OSCE was primarily a *forum* organization in which the participating States exchanged information and conducted negotiations. During the nineties, it developed increasingly into a *service* organization[2] actively taking on responsibilities in the area of early warning, conflict prevention, crisis management and post-conflict rehabilitation and it also became rela-

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1 Cf. CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: pp. 712-713.
2 For a differentiation between *forum organization* and *service organization* cf. Robert W. Cox/Harold J. Jacobson, The Framework for Inquiry, in: Robert W. Cox/Harold J. Jacobson (Eds.), The Anatomy of Influence: Decision Making in International Organizations, New Haven/Conn. 1973, pp. 5-6.

tively institutionalized.[3] However, the crisis occurring at the end of the year 2000 seems to have brought these trends to an end, at least for the time being.

Austria Applies for the Chairmanship

In its foreign policy, Austria as a neutral state had attached great importance to the CSCE process since its origins in 1975. This process provided a multilateral forum for negotiation in which non-aligned small and medium-sized states were able to introduce their ideas on security, stability and peace in Europe. From 1986 to 1989, Vienna was the location of the third CSCE follow-up meeting. After 1989, the CSCE/OSCE played an important role in reshaping the European political order. While before 1989, the politico-military dimension took precedence, thereafter the "human dimension" of the "third basket" - embracing human rights, democracy, the rule of law and minority rights - moved into the foreground. Since 1991, Vienna has been the seat of the Conflict Prevention Centre and in 1993 the Secretariat and the Secretary General also moved to Vienna. Since then, Austria has been making additional expenditures by assuming rental costs and making conference rooms available.

Already in 1995, Austria initially considered applying for the OSCE Chairmanship. First however, during the second half of 1998, Austrian diplomats were faced with the unique challenge of the EU Presidency. After its relatively successful conclusion, Austria applied for the OSCE Chairmanship at the OSCE Ministerial Council Meeting in Oslo on 3 December 1998 and was elected unanimously. However, in contrast to the situation since then, no other candidates were considered during the preliminary talks. There were three reasons specified why Austria applied for the OSCE Chairmanship: *First*, it had the wish to express its solidarity with the goals of security and stability in Europe. *Second*, it wanted to make an active contribution to conflict prevention in Europe. And a *third* reason, indirectly related to the OSCE, had to do with long-standing efforts to promote Vienna as a location for international organizations. These reasons had been derived from Austrian foreign policy up until that time and found broad support in Parliament.[4]

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3   For the term *institutionalization* in international politics see Robert O. Keohane, International Institutions and State Power: Essays in International Relations Theory, Boulder/Col. 1989, pp. 4-5.

4   Cf. Jutta Stefan-Bastl, Key Note Address, in: Diplomatic Academy (Ed.), OSCE-Seminar: Lessons Learned During the Austrian Chairmanship - A Look Forward, Vienna, Special Report 1/2001 (23 February 2001), p. 3. Ambassador Stefan-Bastl was the Chairperson of the OSCE Permanent Council during the year 2000.

The then Austrian Foreign Minister Wolfgang Schüssel stated on 18 November 1999 that the programme of the Austrian Chair was still in the preparatory stages, but there would definitely be a geographical focus on the Balkans, the Caucasus and Central Asia and there would be efforts to implement the decisions of the Istanbul Summit.[5] Furthermore, in a press statement on 27 December 1999, Foreign Minister Schüssel underlined the necessity to co-operate closely with the EU Presidency. Above all, he emphasized the human dimension of security policy and the reinforcement of civil societies. In his inaugural speech on 13 January 2000, the incoming Chairman-in-Office outlined the following priorities of the Austrian Chair:[6]

In general, a regional approach would be of central importance in finding solutions to security issues (to be understood in the sense of the broader OSCE security concept) in OSCE space. In view of the numerous crisis areas, every little step forward, as small as it may be, would be welcome, there should be no difference in the attention paid to or the treatment of regions and conflicts. In particular, he hoped that results would be achieved in the return and/or the integration of 7.5 million refugees and internally displaced persons in the OSCE area as well as in a functioning Stability Pact for the Balkans.

The Central Asian states were to be more closely integrated into OSCE structures. Because the focus had been on the Balkans during the last few years, the countries of Central Asia had often been neglected and left alone with urgent problems like terrorism and political extremism, illegal arms and drug trafficking, organized crime as well as environmental and water distribution problems as was made clear at the Istanbul Summit in 1999. Now the OSCE was - within the framework of its limited capacities - to become more intensively engaged there and promote regional co-operation.

Endeavours would have to be made to find peaceful solutions for the "frozen conflicts" on the territory of the former Soviet Union, that is in Trans-Dniestria as well as the North Caucasus (Chechnya) and the South Caucasus (Abkhazia, South Ossetia, Nagorno-Karabakh). At the end of 1999, there had been signs that successful peace negotiations between Armenia and Azerbaijan could be conducted and Austria - with the support of the Minsk Group - wanted to take advantage of this opportunity.[7]

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5 Cf. Die Presse of 18 November 1999.
6 For the following remarks see the OSCE Chairman-in-Office, Austrian Foreign Minister Wolfgang Schüssel before the Permanent Council on 13 January 2000, CIO.GAL/1/00g, as well as the OSCE Newsletter 1/2000, pp. 1-4. An English translation of the Chairman's address to the OSCE Permanent Council is to be found at: http://www.osce.at/osze/seite4_oesterreich_en.html.
7 Even though the Caucasus, as the Austrian President Thomas Klestil observed, was unknown territory for Austrian diplomacy; cf. Die Presse of 19 November 1999.

During the course of the year 2000, the OSCE was to monitor a total of 18 elections and in particular also organize free and fair elections in Kosovo as well as Bosnia and Herzegovina.

Demands were made for the swift implementation of the decisions of the Istanbul Summit, in particular the Rapid Expert Assistance and Co-operation Teams (REACT) concept for the speedy realization of crisis prevention.

The financing scale of contributions for large missions which was to expire at the end of 2000 had to be renegotiated. Moreover the legal status of the OSCE, which is of primary importance for mission work, would have to be clarified so that personnel in different participating States were not treated according to different standards.

The OSCE would have to be strengthened through the reorganization of the OSCE Secretariat, particularly by the establishment of an Operation Centre within the Conflict Prevention Centre.

The relationships of the OSCE to other international organizations, particularly the EU, NATO, the Council of Europe and the United Nations, were to be co-ordinated in accordance with the "Platform for Co-operative Security" adopted in Istanbul.

Alongside the problems already mentioned of refugees and internally displaced persons, in the area of the human dimension of the OSCE, the Austrian Chair planned to deal - in close co-operation with NGOs - primarily with the topics "prevention of torture", "children in armed conflict" and "trafficking in human beings" (in particular women and girls).

In the area of the economic dimension, for which Austria had already taken responsibility from Norway in June 1999, co-operation was to be intensified among the participating States and with international organizations to promote synergies. Here, the OSCE with its "regional" approach would offer an advantage over the "single country" method of the United Nations.

A top-notch event with "dissidents and civil rights activists" was planned for the 25th anniversary of the signing of the Helsinki Final Act.[8]

In addition, the Chair appointed its Personal Representatives: Ambassador Albert Rohan (Austria) for South-eastern Europe, Ambassador Andrzej Kasprzyk (Poland) for Nagorno-Karabakh, Ambassador Heidi Tagliavini (Switzerland) for the other missions in the Caucasus and OSCE Secretary General Ján Kubiš (Slovakia) for Central Asia.

The programme was greeted affirmatively, delegates responded merely to the questions related to their own countries, for example, those from Central Asia, the US or Russia explained their respective positions on Chechnya. Admittedly, in the last few years, it had been shown that in addition to the planned focus, severe unpredictable problems or crises had repeatedly emerged, which have confronted the current Chair out of the blue and for which it had to develop a solution in consultations with others. This was the case, for example, for Denmark when Albania collapsed, for Poland and

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8   Cf. CIO.GAL/1/00g, cited above (Note 6), p. 9.

thereafter Norway to a much greater extent in Kosovo or for Romania in Macedonia. Apart from this kind of unpredictability however, on the whole the programme was in line with that of its predecessors and/or continued their agenda and set its own accents to fit the situation accordingly.

In the Austrian Parliament displeasure was expressed that the Foreign Policy Committee was not tasked with dealing with the Chair's programme until 19 January 2000, that is *after* the official international presentation. The opposition Greens expressed criticism that Austria had employed "too few" personnel and expended "too little" money in comparison to Norway.[9] In fact, Norway had appointed a total of 24 diplomats and eight administrative employees (to the foreign ministry in Oslo as well as to the delegation in Vienna). In contrast Austria appointed 18 diplomats and around five administrative staff (at one location). During their non-Chair periods, the ratio has practically been the same for both countries: Both Norway and Austria have been represented by six to seven diplomats and appointed three to four administrative employees each. 180 million Austrian schillings (see below for a detailed account) were foreseen for the budget, although this was not agreed upon by the Austrian Council of Ministers until ten days before the official beginning of the Chairmanship.[10] The Norwegian budget totalled 175 million Austrian schillings in 1999, the year they held the Chair, and 133 million Austrian schillings[11] in 2000 and thus did not differ considerably from the Austrian total. Moreover, a comparison should not be limited to Norway, which is slightly richer *per capita* than Austria, but an evaluation with other Chair countries should be made as well.

On 10 February, the Head of the American OSCE delegation, Ambassador David T. Johnson again voiced criticism on preparation: Because of the "distractions" the Austrian government had faced during the autumn and the winter, on the political level, Austria had not shown "the energy that this organisation needs as its chair", despite the fact that the delegation has done "yeoman's work".[12] "Distractions" allude to the situation in Austria in autumn 1999 when parliamentary elections in October were indecisive: The fact that three parties were nearly equally strong led to very difficult negotiations on forming a coalition, which placed great demands on the leading politicians involved. However, the programme for the OSCE Chair was prepared chiefly by experienced diplomats. The crisis of EU sanctions against Austria, already topical at the time, probably also influenced the US in voicing this criticism.

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9   Cf. Die Presse of 14 January 2000.
10   However, Foreign Minister Schüssel stated in the same interview that "in an emergency, we could mobilize another 200 million", in: profil of 12 January 2000 (all quotations from Austrian and/or German sources are the author's translations).
11   Information issued by the Norwegian Foreign Ministry in June 2001.
12   profil of 14 February 2000, p. 50, as well as: Address by US Ambassador Johnson to the Permanent Council, 10 February 2000, PC.DEL/59/00, p.1.

On 27 January 2000, the negotiations to form a coalition between the Social Democratic Party (SPÖ) and the Austrian People's Party (ÖVP) broke down. Within a very short time, the People's Party agreed to a programme with the Austrian Freedom Party (FPÖ). On 3 February 2000, the ÖVP and the FPÖ formed a new government. In the course of this unexpected political change, a wave of indignation swept through Austria as well as abroad, which created extreme difficulties for Austrian diplomacy because it too was unexpected and without precedent. The decision by the 14 other EU members to place sanctions on Austria by suspending bilateral political relations was supported by further states like Canada, candidates for EU membership like the Czech Republic as well as Norway and in a more differentiated form, the US. Condemnations by the European Parliament and the European Commission also followed. In Oslo, the Christian Democratic Premier Kjell Magne Bondevik announced his country would - in the case that Haider was appointed to a high position in the government - have serious problems sitting at the same table with Austria during its OSCE Chairmanship in 2000.[13] At first, the Norwegian Foreign Minister Thorbjörn Jagland did not want to conduct bilateral talks with the new Austrian Foreign Minister Benita Ferrero-Waldner.[14] Demands for the resignation of the Austrian Chair were circulated by certain media. It was said that Austria was fully isolated internationally or that it was already at that point in time questionable whether all foreign ministers of Western OSCE States would appear at the regular meeting in Vienna in the following autumn.[15] There were attempts to undermine the Chair by strengthening the Troika and/or other OSCE institutions.[16] US Ambassador Johnson spoke on 10 February of the necessity of a "sharp change in that situation"[17] and of the fact that the credibility of the OSCE was endangered by FPÖ participation in government.[18] It was predicted that from the beginning the Chair would be "paralysed", parallels were drawn between the international isolation of Austria and that of Russia (then suspended from the Council of Europe), even the isolation of the Federal Republic of Yugoslavia was cited:[19] Initially, it was as if the Austrian offices were "paralysed".[20]

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13   Cf. profil of 31 January 2000, p. 35.
14   Although she was surprised by her appointment to the post of Minister, she was completely familiar with the work as she had been State Secretary in the same Ministry.
15   Cf. profil of 6 February 2000, p. 21.
16   Cf. Jutta Stefan-Bastl, Austria's OSCE Chairmanship: a lame duck from its beginning?, in: Helsinki Monitor 7/2000, p. 6.
17   Address by US Ambassador Johnson to the Permanent Council, cited above (Note 12); cf. also Süddeutsche Zeitung of 19 July 2000, p. 2.
18   Cf. profil of 14 February 2000, p. 50.
19   Cf. Anton Pelinka, Austria's OSCE Chairmanship: A "lame duck" from its beginning, in: Helsinki Monitor 2/2000, pp. 5f. However, Pelinka also refers to the FPÖ as an "extreme right-wing party" - whereas the "Report of the Three Wise Men" in contrast, later characterized it as a "right-wing *populist* party".
20   Randolf Oberschmidt in: Süddeutsche Zeitung of 19 July 2000, p. 2.

The first international appearance of Foreign Minister Ferrero-Waldner was her introduction to the Permanent Council as the new Chairperson-in-Office on 10 February 2000. The job of the Austrian delegation was made easier by the fact that work at the ambassadorial level and in the Troika generally proceeded without obstacles. The first Troika meeting at the ministerial level had already taken place without difficulties on 27 January, the day the negotiations to form a coalition between the SPÖ and ÖVP failed. The next Troika meeting was not arranged to take place until 31 March. Moreover, the other 14 EU countries could not form a cohesive position with regard to the new Austrian government on the objections of primarily - as was suspected - Denmark (who was afraid a precedent would be set for intervention against smaller countries[21]) and Great Britain (who is generally sceptical about intervention against any EU members). However, during the Austrian speech, the French and Belgian ambassadors left the room - a diplomatic affront.[22]

Right at the beginning of her speech Ms. Ferrero-Waldner made perfectly clear: "We shall exercise to the fullest extent the Chairmanship and the responsibilities it entails for the guidance of the Organization."[23] This stated clearly that the Foreign Minister was not willing to submit to the pressure to resign or reduce the influence of the Chair. Furthermore, she made an "absolute commitment to the values and obligations common to all of us in the OSCE, specifically in the area of human rights". She stated: "It is clear to us that the observance of these values in one's own country is an essential condition for a credible Chairmanship" and in this connection made a reference to the preamble of the government programme of the new Austrian federal government, which had been developed in co-operation with President Thomas Klestil. Likewise it facilitated the situation that in the foreign ministry, the ÖVP and Ms. Ferrero-Waldner, as part of it, constituted a political and personal continuity between the old and new government. The Foreign Minister underlined that she, as a member of the new government, would "take over in full" the programme for the OSCE Chair presented on 13 January, when the old government was still in power, and "make all efforts necessary for its effective implementation".[24]

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21 However, it was an irony of history that Schüssel in the conclusion to his inaugural speech as Chairman-in-Office on 13 January had made a plea to intervene "successfully every day" in internal affairs! CIO.GAL/1/00g, cited above (Note 6), p. 14.

22 Andorra made clear in retrospect that its absence was not in protest but - as is often the case in other situations - due to its lack of personnel and resources. Information provided by the Austrian Federal Ministry for Foreign Affairs (in the following FMFA) of June 2001.

23 Statement by Dr. Benita Ferrero-Waldner, Federal Minister for Foreign Affairs of the Republic of Austria, Chairperson-in-Office of the OSCE, Permanent Council of the OSCE, 10 February 2000, CIO.GAL/6/00 (official English translation), p. 1.

24 In contrast, Heinz Gärtner interprets the "guarantee of mutual assistance between the EU countries" (strived for in the new government's programme in the chapter on "Security") in the sense that the new government will focus a "large part of its energy" on this goal. In the chapter "Foreign and European Policy" in the new government programme it is stated that the government would make "strenuous efforts" to utilize "to the full" the OSCE "potential (…) for conflict prevention" etc. However, in Gärtner's view, "the real focus of

The situation slowly became easier because the greater part of OSCE work was carried out at the ambassadorial and expert levels where the political boycott was ineffective. The Austrian Foreign Minister proved an "active and commendable"[25] Chairperson, who - despite the extra burden she carried due to the disputes on the sanctions in the EU area - in the course of the year *inter alia* visited over a dozen conflict areas and a total of 20 OSCE participating States as well as making several visits to the United Nations in New York and Geneva, the Council of Europe, and the European Commission. Moreover, she was the first Chairperson-in-Office ever to visit the Euro-Atlantic Partnership Council.[26] After the Easter holidays, less pressure was placed on Austria and from June on most EU member states did not observe diplomatic sanctions any longer which in the end were lifted officially due to the conclusions of the "Report by the Three Wise Men" of 8 September 2000.

Budget und Personnel

The total OSCE budget is marked by huge fluctuations and totals almost three billion Austrian schillings.[27] The total Austrian contribution was under ten million each in 1994 and 1995, around 20 million in both 1996 and 1997, almost 80 million in 1998 and 70 million Austrian schillings in 1999,[28] thus exhibiting a tremendous increase. Still during the period of the SPÖ/ÖVP government in the autumn of 1999, the SPÖ Finance Minister Rudolf Edlinger set his sights on a reduction of the total budget, which according to statements by the then Foreign Minister Schüssel would have endangered the functioning of the OSCE Chair.[29] However, at the beginning of the Chairmanship, in January 2000, 180 million Austrian schillings were allocated to the budget. This meant that again there was a considerable increase, primarily with regard to the following budget items: the membership contribution at

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the (new) Austrian federal government" is on the preparation of the Austrian armed forces for "the whole spectrum of European crisis management (Petersberg Missions)". From this he draws the conclusion that Austria's commitment to the "instruments of *soft security*" is on the whole in danger - a conclusion which since then has (cf. budget development) proven unfounded. Heinz Gärtner, Austria and the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 83-97, here: pp. 94ff.

25   Heinrich Schneider, Die OSZE im Zusammenhang der europäischen Politik [The OSCE in the Context of European Policy], in: Werner Weidenfeld/Wolfgang Wessels (Eds.), Jahrbuch der Europäischen Integration [Yearbook of European Integration] 1999/2000, Bonn 2000, pp. 459-468, here: p. 465.

26   Cf. the homepage of the Austrian Chair: CiO: "The OSCE Chairmanship was one of the highlights of Austrian foreign policy this year", at: http://www.osce.at/osze/seite 4_oesterreich_en.html.

27   Cf. Organization for Security and Co-operation in Europe, Annual Report 2000 on OSCE Activities, 1 November 1999 - 31 October 2000, The Secretary General, Vienna, 24 November 2000.

28   Cf. the yearly "Außenpolitische Berichte" [Foreign Policy Reports] of the Austrian Federal Ministry for Foreign Affairs (in the following: AP-Bericht).

29   Cf. Frankfurter Allgemeine Zeitung of 2 December 1999, p. 17.

13.5 million (a 2.05 per cent share of the total); a contribution of 51.5 million (an Austrian share of 2.35 per cent of the total) for large OSCE missions and projects to be agreed upon individually (Kosovo, Bosnia and Herzegovina, Croatia, including organizing elections); as well as so-called "voluntary contributions" totalling 68 million. This sum total of 68 million comprises 14 million for salaries of Austrians in OSCE missions (excluding Kosovo), 25 million for voluntary project funding, eight million for the secondment to election monitoring units, six million for Chairmanship travel expenses and 15 million for the organization of the OSCE Ministerial Council.[30] On 1 September 2000, the number of personnel totalled 42 persons, that is, 3.2 per cent of the international staff according to the mandate.[31] In the year 2000, there were 157 Austrian election monitors (5.2 per cent of the total) deployed.[32]

The Austrian Chairmanship - An Assessment

The Regional Balance Sheet

The Chair's record with regard to *South-eastern Europe* is mainly positive. In the Federal Republic of Yugoslavia on 24 September 2000, the election of Vojislav Koštunica ushered in the change in government hoped for by the OSCE. On 10 November, this country, having been suspended from the OSCE since 1992, was readmitted to the OSCE family of states, which was described as the most important event of the year 2000.[33] The elections in Kosovo organized by the OSCE were peaceful, voter participation was (apart from the Serb boycott) high (79 per cent) and the moderate political forces favoured by the international community were victorious. The elections in Bosnia and Herzegovina were less successful; there, the hoped-for strengthening of multi-ethnic and non-nationalist parties was rather modest. The police service school in Vučitrn, up to now the only multi-ethnic institution in Kosovo - which was able to offer 3,000 future police officers a basic training programme by the end of 2000 - can again be described as very successful.[34]

For *Central Asia*, a more co-ordinated approach was agreed upon at the Ministerial Council Meeting in Oslo in 1998. In this connection, in September 1999, the former OSCE Secretary General Wilhelm Höynck introduced a report as the basis for a corresponding decision at the Istanbul Summit in November. The Austrian Chair extended the OSCE presence in all five countries. Moreover, it organized a conference in Tashkent in co-operation with the United Nations Office for Drug Control and Crime Prevention

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30   Cf. AP-Bericht 2000, pp. 351ff.
31   Cf. homepage of the Austrian Chair, cited above (Note 26).
32   Information from the FMFA in June 2001.
33   Cf. homepage of the Austrian Chair, cited above (Note 26).
34   Cf. AP-Bericht 2000, p. 102.

(UNODCCP) in October 2000 on regional co-operation in Central Asia in the fight against drug trafficking, organized crime and terrorism. Austria assumed part of these costs itself. The OSCE Secretary General, Ján Kubiš, who had been active in the region before, was now, as the Personal Representative of the Chairperson-in-Office for Central Asia, initiating a political dialogue with representatives from the region.[35]

In Istanbul, the British Foreign Minister Robin Cook had started an initiative on the topic of water resource shortages in Central Asia. The project for a conference on water management in London where the Central Asian governments had been invited, however, had to be abandoned because there was a lack of willingness on their part to participate in the endeavour despite support by the Chair.[36] One of the difficulties was that states where important rivers originate (like China) were not envisaged as participants.[37] Moreover, the Central Asian states have a stronger interest in economic and security co-operation, areas in which the OSCE has less to offer than for example Russia.[38]

It was sobering how little effect the Chair had in the *Caucasus*: In the conflict in Chechnya the Assistance Group had still not been able to return to the crisis area in 2000. The main arguments against this had been security reservations by the Russians who held off the OSCE for some time with promises and negotiations so that there were as few international observers in the region as possible. At least, the office of the Russian human rights representative for Chechnya, Vladimir A. Kalamanov, was given technical support and training programmes were offered to its employees.[39] Hopes for a breakthrough in the negotiations between Azerbaijan and Armenia on Nagorno-Karabakh fell through. Around the beginning of 2001, the dialogue climate between the two parties even got appreciably worse.[40] The establishment of a monitoring mission along the approximately 80 kilometre-long border between Georgia and Chechnya in the spring of 2000 was more successful. At the beginning of the year Russia had lamented that the Chechen rebels were being provided with weapons delivered through Georgia and had demanded better border controls. The OSCE Monitoring Mission under the leadership of Austrian Brigadier Bernd Lubenik was able to defuse tensions in the border area.[41] The Personal Representative of the Chairperson-in-Office for the

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35   However, after his mandate had ended, Kubiš expressed opposition to this kind of "*cumul de mandats*" - the Secretary General should not have to have divided loyalties, one to a region and one to the whole OSCE area. Cf. Ján Kubiš, Key Note Address, in: Diplomatic Academy (Ed.), cited above (Note 4), p. 13.

36   Cf. AP-Bericht 2000, p. 110.

37   Cf. Stefan-Bastl, cited above (Note 4), p. 4, as well as verbal statements.

38   Cf. Randolf Oberschmidt/Wolfgang Zellner, OSCE at the Crossroads (CORE Working Paper 2), Hamburg 2001, p. 21.

39   Cf. AP-Bericht 2000, p. 105.

40   Cf. Jean-Christophe Peuch, Armenia/Azerbaijan. Pessimism Over Nagorno-Karabakh Peace Talks Prevail, in: RFL/RL, 23 March 2001.

41   Cf. Lydia Wazir/Marina Bartl, Tensions reduced on Georgian-Chechen border where OSCE monitors continue to observe, in: OSCE Newsletter 2/2001, pp. 8-9, here: p. 8.

Caucasus (with the exception of Nagorno-Karabakh), Heidi Tagliavini, was able to revive the negotiation process between Georgia and South Ossetia. However, the parties to the conflict could not be moved any closer towards agreement.[42] In addition, there has been no movement in the "frozen" conflict in Trans-Dniestria. All the same, during the Austrian Chair it was the second time the OSCE Chair had paid a visit to the Republic of Moldova and the first time ever to Trans-Dniestria.[43]

The regional approach must still prove its worth in all three regions, although in South-eastern Europe, it has at least been accepted and is sustained by the Stability Pact. Developments in the economy and civil society are going through very different stages in each country. Certain states like Slovenia and Croatia do not even feel they belong to the region. The South and North Caucasus are just as little a region as is South-eastern Europe, even the South Caucasus on its own has had no political identity up to now.[44] In Central Asia as well as in the Caucasus, states were forced into co-operation during the long Soviet period so that they view OSCE initiatives with reservation.[45] Furthermore, they do not represent a unique "cognitive region"[46] and tend to emphasize their distinctive rather than their common features.

Specific Policy Fields - A Balance Sheet

In the human dimension, within the framework of the Stability Pact primarily promoted by the EU, the OSCE took over the Gender Task Force in working area I and the Special Task Force on Trafficking in Human Beings, in particular women and girls, in working area III.[47] For the latter, Foreign Minister Ferrero-Waldner appointed the former Austrian Minister for Women's Affairs, Helga Konrad, as Co-ordinator. At the OSCE Ministerial Council in Vienna, a declaration on combating trafficking in human beings was passed.[48] A first conference took place in Palermo with the appointment of country co-ordinators for South-eastern Europe where the decision was taken to meet once a year.

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42 Cf. Heidi Tagliavini, Defence of the Future - The Caucasus, lecture at the Central European University, Budapest, on 5 March 2001.
43 Cf. AP-Bericht 2000, p. 107.
44 Cf. Oberschmidt/Zellner, cited above (Note 38), p. 21.
45 Cf. Herbert Salber, Head of the OSCE Centre in Almaty, in: Diplomatic Academy (Ed.), cited above (Note 4), p. 26.
46 On the term *cognitive region* see Andrew Hurrell, Regionalism in Theoretical Perspective, in: Louise Fawcett/Andrew Hurrell (Eds.), Regionalism in World Politics: Regional Organization and International Order, Oxford 1997, pp. 37-73.
47 Cf. Thomas M. Buchsbaum, The OSCE and the Stability Pact for South Eastern Europe: A Mother-Daughter, Brother-Sister or Partner Relationship, in: Helsinki Monitor 4/2000, pp. 62-79.
48 Cf. OSCE, Eighth Meeting of the Ministerial Council, Vienna, 27-28 November 2000, Decisions of the Ministerial Council, reprinted in this volume, pp. 497-501, here: Decision No. 1, Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings, pp. 497-499.

With regard to the question of equality, which had already been a priority of the Norwegian Chair,[49] on 1 June 2000, the Permanent Council approved the OSCE Action Plan for Gender Issues, which is to promote equal treatment of men and women in the whole OSCE area including the OSCE Secretariat and OSCE institutions.[50] In November, the International Helsinki Federation (IHF) published "Women 2000", a systematic 552-page analysis on the status of women's rights in 29 countries in the OSCE area and gave considerable endorsement to the debate on this subject.[51]

The Chair had less success in promoting the protection of children in armed conflicts, which was demonstrated as early as May 2000 at the seminar on the human dimension in Warsaw. After a series of meetings by an informal working group open to all participating States and after consultations with external experts like Olara Otunnu, the Special Representative of the Secretary-General of the United Nations, a substantive paper was produced which balanced the positions of the participating States, but did not meet Russia's approval.[52]

In the area of the politico-military dimension, the OSCE Forum for Security Co-operation (FSC), in negotiations lasting eleven months, generated a Document on Small Arms and Light Weapons which was finally adopted on 24 November 2000. Great Britain or rather the British Co-ordinator Paul Flaherty ran the central co-ordination of these negotiations on the Document without the Chair being particularly involved. This pioneering agreement was the OSCE reaction to the proliferation of these weapons in OSCE space, in particular in the Caucasus and South-eastern Europe.[53]

Originally in 1999 in Istanbul, adaptation of the Treaty on Conventional Armed Forces in Europe (CFE) was decided. However, because Russia's conduct has been contrary to the terms of the Treaty most participating States have up to now not taken steps to ratify it. This means that this most important arms control agreement remains in the outdated (bloc-structure) version and no longer corresponds to changed realities.

The economic and environmental dimension has up to now been a kind of stepchild of the OSCE. However, it has gained importance recently as far as this was possible given the limited resources of the Organization. In June 2000, at the eighth annual Economic Forum, the Austrian Chair implemented a new concept for the structure of the Forum. The preparations on the subject matter of this forum took place in three seminars in Tashkent, Sarajevo and

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49   Cf. Norwegian Ministry of Foreign Affairs, Report No. 21 to the Storting (1999-2000), Focus on Human Dignity. A Plan of Action for Human Rights, Oslo, December 1999, section 5.3.5. OSCE.
50   Cf. AP-Bericht 2000, p. 108.
51   See homepage of the IHF under: http://www.ihf-hr.org/reports/women/Woman_2000.pdf.
52   Cf. Stefan-Bastl, cited above (Note 4), p. 5, as well as oral statements.
53   OSCE, Forum for Security Co-operation, Vienna, 24 November 2000, Document on Small Arms and Light Weapons, reprinted in this volume, pp. 503-519. See also Hans J. Gießmann, Small Arms: A Field of Action for the OSCE, in: OSCE Yearbook 2000, cited above (Note 24), pp. 345-357.

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Tbilisi, which was met with approval and is to be continued in this manner.[54]
A workshop on the Århus Convention (i.e. on public access to environmental information) took place, with financial backing from the Chair, in Ashgabad/Turkmenistan in May with the goal of training government representatives and NGO workers in environmental law. The chair of this dimension was already transferred to Romania after the end of the Economic Forum.

In 1999, at the Istanbul Summit Meeting, still no decision had been made on the successor of the High Commissioner on National Minorities as all three candidates vying for the position, Daniel Tarschys (Sweden), José Cutilheiro (Portugal) and the Austrian Erhard Busek, were blocking one another.[55] At the Ministerial in November 2000, the Swede Rolf Ekéus was appointed as the successor to Max van der Stoel.[56] In addition, in 2000 the HCNM presented a comprehensive report on the situation of the Roma and Sinti.

The OSCE Representative on Freedom of the Media registered increased pressure on the media above all in the area of the former Soviet Union. On her visit to Moscow, the Austrian Foreign Minister presented a list of journalists, who had disappeared in Chechnya, to President Vladimir Putin. Russian attempts to prevent the re-election of Media Representative Freimut Duve failed. On 31 May 2001, his mandate was extended - after a sixth-month delay - until 31 December 2003.

In October 2000, at the fifth Human Dimension Implementation Meeting in Warsaw, 800 participants and 160 NGOs took part, which emphasized the importance of the co-operation with NGOs that had begun with the Norwegian Chair and was continued by Austria.[57]

Organizational and Institutional Focal Points (OSCE Reform, Preparation of the Ministerial) - A Balance Sheet

Strengthening the OSCE as an organization was a special item on the agenda of the Austrian Chair - particularly in view of the fact that the OSCE headquarters is in Vienna. As a result of the fact that the OSCE is not a subject of international law, it is faced with legal and financial disadvantages. Its personnel, especially those in the missions, are treated differently from country to country. The Istanbul Summit Meeting in 1999 tasked the Permanent Council with setting up a working group on this open to all participating States. Austria appointed Helmut Tichy as the chair and invested a great deal in its work. Tichy found a flexible formula, which envisages a convention, but would change little in the existing legal foundation (without ratification). Although this solution was not ideal, it received the support of the large majority of the participating States. However, in the end, they were unable to

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54   Cf. AP-Bericht 2000, p. 109.
55   Cf. Die Presse of 19 November 1999.
56   He assumed this office on 1 July 2001.
57   Cf. AP-Bericht 2000, p. 108.

achieve a consensus. The reason for this was, on the one hand, that Russia - who would like the OSCE to be the umbrella organization for European security - has very concrete ideas with regard to legal capacity, and indeed, it does seem these could be realized. On the other hand, the US as the only world power is less and less willing to compromise and does not want another comprehensive international organization alongside the United Nations with legally binding obligations, but instead would prefer a flexible and controllable instrument, a kind of a "forum for political dialogue"[58] as it were without an institutionally independent existence.[59] Great Britain was not willing to give its consent either.

One of the special challenges for the Chair was negotiating a new scale for contributions for large missions, that is for around 80 per cent of the budget, as the old scale was only valid until the end of 2000. However despite intensive efforts, due to US resistance no solution was found with the exception of a provisional reduction in the Russian contribution. It was only in the spring of 2001 that the Romanian Chair achieved a result - although not giving economic criteria enough consideration - with alterations in the contributions of twelve states, primarily for the US (+1.17 per cent), Germany (+0.97 per cent) and Russia (-1.78 per cent). The Austrian share remained the same.[60]

Because of the organizational difficulties which became visible in the Kosovo operation, in 1999, the Istanbul Summit had passed a decision to reorganize the Secretariat as well as building Rapid Expert Assistance and Co-operation Teams (REACT); this decision was implemented essentially during the course of the year 2000. With the establishment of a personnel department (Department of Human Resources) - utilizing public vacancy announcements for the first time - and an Operation Centre in the Conflict Prevention Centre, the capacities for civilian crisis management have been strengthened. The main tasks of the Operation Centre are the operational planning and the establishment of missions. Its first practical test was the deployment of the Mission to the Federal Republic of Yugoslavia after the fall of Milošević. The REACT concept was passed by the Permanent Council in June and was ready for operation in the spring of 2001.[61]

The Austrian Chair has intensified co-operation with other international organizations. Two "2+2" meetings of both Chairs and Secretaries General of the Council of Europe and the OSCE took place, representatives of the UN Economic Commission for Europe (UNECE) were invited to meetings, for the first time an EU External Relations Commissioner (Chris Patten) and a NATO Secretary General (Lord Robertson) gave speeches before the Permanent Council in Vienna and moreover, the invitation to Javier Solana, High

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58   Josiah B. Rosenblatt, Deputy Chief of Mission at the US Mission to the OSCE, at: http://www.osce.usia.co.at/dip-acad23feb01.html.
59   Cf. Oberschmidt/Zellner, cited above (Note 38), pp. 10f.
60   Cf. AP-Berichtt 2000, pp. 112f., and information from FMFA of June 2001.
61   This system was put into operation in April 2001. For details see Márton Krasznai, Making REACT operational, in: OSCE Yearbook 2000, cited above (Note 24), pp. 139-147.

Representative of the European Union for the Common Foreign and Security Policy (CFSP) to speak before the Permanent Council was issued still under the Austrian Chair. Relations with the Asian partners for co-operation, Japan, Korea and Thailand, were also intensified.

One of the problems that the Austrian Chair was confronted with was the so-called "transparency" issue. From the ranks of the participating States, e.g. on the part of the Netherlands,[62] as well as from the NGO side,[63] complaints became loud about the growing predominance of five states within the OSCE - the US, Russia, France, Great Britain and Germany. It was argued that consultations take place almost exclusively among these five states.[64] The Austrian Chair endeavoured to counteract this by opening Preparatory Committee consultations to all participating States. Also the Polish Chair during its office had attempted to take steps towards a "democratic" decision-making process.[65] On the other hand, transparency does not always make sense. Certain consultations are better held in confidential or smaller circles if they are to be successful. Recently, a considerable increase in US influence has been observed. However, at least rich Western states like Norway or Austria are less dependent on yielding to this influence than countries in transition, even more so if these, like Poland or Romania, have just joined or are trying to obtain membership in NATO.[66]

Finally the question must be posed whether the Austrian Chair could have *prevented* the failure - due to the Russian veto - of the Vienna Ministerial Meeting, the sole and most serious occurrence of this kind since the end of the Cold War. There are two positions on this issue: One is that Russia's conduct is a delayed, but clear-cut reaction to NATO's Kosovo operation, which had not been agreed upon with the Moscow government, and was just temporarily concealed in Istanbul by a weak government and a weak President Yeltsin. The fundamental points of Russia's criticism of the OSCE, for example, its geographic imbalance, the insufficient formalization of OSCE work

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62   "We deplore the total absence of transparency. We are not aware of any consultations, in the Permanent Council, the Preparatory Committee or elsewhere, on what exactly the (Rapporteur) Mission (to Belgrade, A.S./M.M.) was supposed to investigate or to explore, and along what parameters (…) Furthermore, we wish to share with other interested members of the Permanent Council our concern about the course this Organization is taking. Increasingly we are witnessing a small group of non-elected Representatives benefiting from so many privileges of, apparently, a by now structural nature, that this is not only weakening the much cherished flexibility (…) it is also starting to affect this Organization in its core. After all (…) the essence of consensus is the right to participate in the decision making process, and, even more, the right to know what is going on." Statement by the Delegation of the Netherlands, PC.JOUR/313, 7 December 2000, Annex.

63   Cf. International Helsinki Federation for Human Rights, OSCE Should be More Transparent. Letter to Chairman in Office, Vienna, 17 May 2001, in: http://www.ihf-hr.org/appeals/010517.htm

64   Cf. Oberschmidt/Zellner, cited above (Note 38), p. 8.

65   Cf. Adam Kobieracki, The role and functioning of the OSCE Chairmanship - the Polish perspective, in: Helsinki Monitor 4/1999, pp. 17-26.

66   Norway has been a NATO member since 1949. Austria is, in keeping with its governmental programme, not striving to become a member, at least not during this legislative period.

and the Chair's too great leeway, should be clearly conveyed by now and lead to a shift in paradigm.[67] In view of these structural problems, another Chair would hardly have been able to modify the Russian position either. Moreover, it is no "big drama" and more honest to admit differences of opinion.[68]

The other position on Russia's uncooperative stance at the Vienna Ministerial is that there was a certain room to manoeuvre for the Chair. However, Austria was not familiar enough with so-called "Russia handling" and thus unfortunately Russia was pushed into a corner in which it would have been better it had not been pushed. More consultations and greater attention to the specifically Russian point of view would have brought more positive results. The present situation, it is argued, is partially in the interest of the most important power in the OSCE, the US, which is not as dependent on diplomatic considerations because it has other levels for negotiation at its disposal. Thus, according to this position, a compromise between the EU and Russia could even have been found on the return of the Assistance Group to Chechnya as well as restructuring the OSCE into an international organization. This failed however due to the US lack of willingness to compromise and perhaps also to the fact that the Chair did not mediate effectively enough. In this context, one also speaks of "US handling".[69]

Effects of the Sanctions

In view of the storm of protest after the formation of the ÖVP/FPÖ coalition, the question is whether the EU-14 sanctions actually impaired, as it was repeatedly predicted initially, the discharge of the OSCE Chair's office. After "some uncomfortable moments also within the OSCE"[70] there was however, already at Foreign Minister Ferrero-Waldner's second appearance before the Permanent Council in June, praise and assent from the delegates on the consistent work of the Austrian delegation.[71]

At the beginning of the Chair period, the then Chairman-in-Office Schüssel spoke of the necessity to "co-operate closely" with the EU Presidency (in this case, Portugal and then France). After the sanctions were imposed, it became apparent that this would be precarious particularly with Portugal's Prime Minister, who was at the same time the Chairman of the Socialist International and also advocated the sanctions. Moreover, the EU makes up the largest group, when including candidates for membership, even over half of the OSCE participating States as well as contributing two thirds to the budget; in this respect the troubled relationship between Austria and the EU-14 certainly complicated the Chair's task. However at the end of the day, there were no

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67   Cf. Oberschmidt/Zellner, cited above (Note 38), p. 6.
68   Cf. Stefan-Bastl, cited above (Note 4), p. 7.
69   Oberschmidt/Zellner, cited above (Note 38), p. 7.
70   Stefan-Bastl, cited above (Note 16), p. 6.
71   Cf. Die Presse of 2 January 2001.

signs of any significant negative impact on the Chair's capacity to fulfil its mandate. This may be connected with the fact that the EU is not really that unified, that the CFSP does not really have an effect within the OSCE, that Great Britain, France and Germany hold different positions on many issues and that here the activities are at a multilateral level.[72]

Information was circulated repeatedly by the media that Austria, for the 25th anniversary of the signing of the Helsinki Final Act, had planned an event with all foreign ministers, and that this then could not take place because of the sanctions.[73] *De facto*, several scenarios were sounded out at the diplomatic level in the autumn of 1999, long before the sanctions were imposed. Even then, the "government level" variation appeared unrealistic: One could hardly expect the foreign ministers to meet twice in one year in the same capital, the meeting date set for the end of July was inconvenient because it fell during the vacation period, the financial expense would have been considerable, holding an event in Finland would be easier and the focus of the Chair lay more on the human dimension. Thus already on 13 January 2000, when the Chair assumed office, there clearly was no longer any talk about an official governmental event.[74] However, the anniversary programme with a focus on "civil society" with invitations to Vaclav Havel or Jiři Dienstbier could not be realized either; in the end Hans-Dietrich Genscher gave the official speech.

During the first half of the year, France made the preparation of the Ministerial Council more difficult by delaying the process of determining a date until the Austrian Chair finally simply set one and made it known. The complaint of the French delegation that no decision had been passed (which it could have prevented by the consensus principle in any case), fell on deaf ears due to the generally recognized leeway of the Chair.

It is not the intention here to evaluate the Ministerial Council in Vienna itself. At this point merely the prognosis of limited participation due to the sanctions will be assessed. *De facto* two foreign ministers were absent from a total of 55: those of France and Italy. Up to now, there has never been an Italian foreign minister present at an OSCE Ministerial Council. Italy has always sent a state secretary and the foreign minister attended only Summit Meetings.[75] The only country demonstratively absent was France. This, however, had been cushioned by the prior visit of President Chirac on his "*tour de capital*" in preparation for the French EU Presidency. The EU Representative for the CFSP Solana was unable to attend due to an urgent Middle East meeting at the United Nations in New York; on the other hand, the initially extremely critical Belgian Foreign Minister Louis Michel was present and the

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72   Cf. Oberschmidt/Zellner, cited above (Note 38), p. 7.
73   Cf. Süddeutsche Zeitung of 19 July 2000, p. 2.
74   Cf. CIO.GAL/1/00g, cited above (Note 6).
75   Information from the FMFA in June 2001.

US was represented by Madeleine Albright, the first time ever that the US had sent a foreign minister to an OSCE Ministerial Council Meeting.

Thus in summary, one can say that in the end the EU sanctions only caused minimal interference in the work of the Austrian Chair. Reasons for this were: the active engagement of Foreign Minister Ferrero-Waldner, which also led the Austrian people to put her at the top of the politicians popularity scale; the fact that in the OSCE the majority of the work is done on the delegation and expert levels; the consensus structure of the OSCE and finally the speedy realization among the delegates that "whoever would want to weaken Austria, would also weaken the OSCE".[76]

Conclusion

On the whole, the Austrian Chair proved to be a "decent, normal presidency".[77] While at the beginning it was forced to work against a "headwind",[78] after a certain period - apart from French efforts to cause disruptions - a normal working atmosphere set in. An influence of the new government party, the FPÖ, on the work of the Chair cannot be ascertained. It must be assessed as dramatic that for the first time the OSCE Ministerial Council was unable to draw up a final declaration. The question is whether this could have been prevented or whether in future it will carry less weight. It is distressing that there are IHF grievances on the deterioration of the human rights conditions in the area of the former Soviet Union and that the number of (visa-) borders particularly between East and West have increased, just after one would have thought the Iron Curtain had been overcome. Nevertheless, the return of the Federal Republic of Yugoslavia to the circle of participating States as well as the pioneering Document on Small Weapons and Light Arms can be described as special successes of the Chair. As vehemently (and unexpectedly) as the sanctions befell Austria at the beginning, in the end, they had an astonishingly minimal effect on OSCE work, also due to the stable structure of the Austrian political system as well as, after all, its foreign policy.

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76   Ferrero-Waldner in: profil of 13 February 2000, p. 50.
77   Süddeutsche Zeitung of 19 July 2000, p. 2.
78   Ferrero-Waldner in: Die Presse of 25 November 2000.

The Interests and the Commitment
of the OSCE States

Matthias Z. Karádi

Change of Government in Belgrade. The Return of the Federal Republic of Yugoslavia to the OSCE

Eight years after it was suspended, Yugoslavia has once again become a participating State of the OSCE. On 27 November 2000, the newly elected Yugoslav President Vojislav Koštunica signed the three most important OSCE documents in Vienna: the Helsinki Final Act (1975), the Charter of Paris (1990) and the Istanbul Charter for European Security (1999).[1] In this manner, eight years of Yugoslav isolation and self-isolation officially came to an end.

The nineties will go into the annals of European twentieth century history as the decade of the Balkan wars. The bloody disintegration of Yugoslavia placed totally new challenges before the international community and European security institutions, which they were only able to cope with partially. In this context, the OSCE has played a special role in international crisis management in the Balkans demonstrating a perfectly clear-cut example of the Organization's strengths and weaknesses. From the expulsion of the CSCE Mission in Kosovo, Sandjak and Vojvodina in 1993 to the failure and withdrawal of the Kosovo Verification Mission (KVM) on 20 March 1999, OSCE Yugoslavia policy was seen by the public as being the perfect example of the powerlessness of a weak organization pitted against the powers of a regime without scruples. However, the OSCE was being confronted with new tasks and challenges that were negotiated to a large extent without its participation and the Organization was not at all prepared for this test, financially or with respect to its personnel. This was particularly true for the Dayton Peace Accords (1995) and the Holbrooke-Milošević Agreement of October 1998.

With the exception of Slovenia, the OSCE is currently present in all the successor states of the former Yugoslavia. It has maintained missions in Macedonia (since 1992), in Bosnia and Herzegovina (since 1995), in Croatia (since 1997), in Kosovo (since 1999) and also in the Federal Republic of Yugoslavia since 16 March 2001. Thus South-eastern Europe is the region in which the Organization has its strongest presence, and as a result, most of its resources are tied up there. For instance, the largest OSCE missions by far are

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1   To be more exact, Yugoslavia's "return" to the OSCE is less a readmission than a new admission. As early as 1992, the Badinter Commission had ascertained that the decline of the Federal People's Republic of Yugoslavia was not a process of separation and/or secession of constituent republics, but a process of dissolution ("*dismembratio*"). While secession implies that the predecessor state remains a subject of international law and simply experiences a changed territorial status, *dismembratio* implies the complete dissolution of the predecessor state and the creation of several new states on its territory. For this reason, the "Federal Republic of Yugoslavia", created by Serbia and Montenegro on 27 April 1992, joined the OSCE as a new participating State. Consequently, Koštunica not only signed the Charter of Istanbul but also the Helsinki Final Act and the Charter of Paris.

those in Kosovo (750 international members), in Croatia (227) and in Bosnia and Herzegovina (180).[2] Almost 80 per cent of the total OSCE budget goes to these three missions of which 50 per cent alone is allotted to the Kosovo Mission.[3] Therefore the Balkans is in many respects a testing ground for the developing European security architecture of "interlocking institutions". Not least however, the crisis in Macedonia painfully demonstrated to the international community during the spring of 2001 that the death of Franjo Tudjman and the fall of Slobodan Milošević were by no means the solution to all problems in the Balkans.

OSCE Policy towards the Milošević Regime

The suspension of the Federal Republic of Yugoslavia (FRY) from participating in the (then) CSCE was one of the most difficult and controversial decisions in the history of the CSCE/OSCE.[4] It was the first and up to now the only time that the consensus-minus-one rule has been applied.[5] In retrospect, it must be stated that with this decision, the OSCE robbed itself of its already minimal options to be influential: As a direct result of this suspension, the mandate for the Mission to Kosovo, Sandjak and Vojvodina, which ended on 28 June 1993, was not renewed because the Yugoslav government made the extension of the mandate dependent on the readmission of the FRY to the OSCE.

From 1993 to October 1998, the OSCE was for all practical purposes not present in the FRY. In October 1998, under threat of NATO air raids, the American diplomat Richard Holbrooke negotiated an agreement with President Milošević, which among other things had a provision to station 2,000 unarmed OSCE verifiers in Kosovo. For a variety of reasons, the Kosovo Verification Mission was not destined to enjoy success. First of all, the

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2   Following these come the missions in Yugoslavia with 30 members, in Albania with 29, in Macedonia with 16 as well as in Tajikistan with eleven members. Cf. Survey of OSCE Long-Term Missions and other Field Activities, at: www.osce.org.

3   Cf. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report 2000 on OSCE Activities (1 November 1999-31 October 2000), Vienna, at: http://www.osce.org/docs/english/misc/anrep00e_actif.pdf.

4   In the following, the term OSCE, as the CSCE has been called since 1 January 1995, will be used.

5   The consensus-minus-one rule was adopted at the Prague Meeting of the CSCE Council on 30-31 January 1992. The corresponding passage in the Prague Document on Further Development of CSCE Institutions and Structures, Chapter IV, para. 16, states: "The Council decided, in order to develop further the CSCE's capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments." Prague Meeting of the CSCE Council, 30-31 January 1992, Prague Document on further Development of CSCE Institutions and Structures, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 830-838, here: p. 832.

OSCE, which was given this task practically overnight without previous consultations, was not able to deal with this challenge organizationally. This was apparent not least by the fact that the Mission never reached its intended strength. In addition, the UCK/KLA could not be prevented from penetrating the power vacuum in Kosovo. The result was a spiralling escalation of violence and counterviolence, which culminated tragically in the massacre in Račak where unarmed verifiers were forced to stand by and watch helplessly without taking any action. After failed negotiations in Rambouillet and Paris, the KVM was withdrawn on 20 March 1999. Four days later NATO's Kosovo war began. Right after the end of the war in July 1999 the OSCE returned as an integral part of the United Nations Interim Administration (UNMIK).[6] Thus the example of Yugoslavia shows once again that the OSCE can only put its real strengths into play either where conflicts have not yet broken out violently, i.e. through prevention, or where they have been settled at least in a makeshift manner, i.e. by post-conflict rehabilitation and stabilization. However, after the end of the Kosovo war, it became clear that Milošević's demise was an indispensable prerequisite for co-operation with Serbia and above all for allowing Yugoslavia to rejoin the OSCE.

The Change of Government in Belgrade

Initially however, the forecasts for the future of the Federal Republic of Yugoslavia continued to remain gloomy: The end of the Milošević regime seemed to be a long way off, the Serbian opposition, at loggerheads with one another, were vegetating in a state of agony and it seemed only a question of time before there would be a fifth Balkan war, this time between Montenegro and Serbia. However, on 5 October 2000, after four wars, hundreds of thousands of deaths and millions of refugees and displaced persons, the last act - for now - of the "Yugoslav wars of succession" began. The presidential elections of 24 September 2000 heralded the end of the Milošević era. Against expectations, the Serbian opposition, up to that point hopelessly at loggerheads, was able to forge an alliance. In addition, the Democratic Opposition of Serbia (DOS), an alliance of 18 parties, chose a Serbian nationalist to run for President - Vojislav Koštunica - who had an excellent reputation among large parts of the Serbian population and was considered to have integrity. In the background, the Western-oriented and reform-minded Zoran Djindjić was pulling the strings. Despite massive manipulation at the polls, Milošević failed to contrive his own victory in this presidential election. Koštunica, who had already been celebrated for his election success, self-confidently rejected

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6   Cf. Hansjörg Eiff, The OSCE Mission in Kosovo, in: Institute for Peace Research and Security Policy/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 283-288.

a run-off ballot scheduled for 8 October.[7] The verdict of the Yugoslav Constitutional Court that the presidential elections were invalid and that an election rerun must be held before June 2001, was finally the straw that broke the camel's back. This verdict was all too clearly written in Milošević's handwriting undoubtedly indicating he was playing for time. Following this, the massive protests that had begun at the end of September intensified further. Finally, thousands of demonstrators stormed the Parliament on 5 October and occupied the state television station. Armoured tanks patrolled the streets of Belgrade. For a short period it seemed a bloody civil war was inevitable. To everyone's surprise, tank guns remained cold and the military stayed in their barracks. Not even the special police forces under the Ministry of the Interior, Milošević's Praetorian guard, shot at the demonstrators, but on the contrary fraternized with them. Most probably, it was thanks to primarily two men that the army was held at bay. These were the Chief of the General Staff, Nebojsa Pavković, who on behalf of the army leadership, *de facto* refused to obey the firing order and Momcilo Perisić, the Chief of the General Staff from 1993 to 1998 (and thus responsible, *inter alia*, for Srebrenica). However, the "éminence grise" and strategic head of the Serbian "October Revolution" was Djindjić who made good use of his contacts with the military, the security forces and the special police.[8] On 5 October 2000, Slobodan Milošević stepped down from the political stage, the last socialist dictator to have outlived the 1989 watershed in European history.

After the creation of a Serbian transition government and the formation of a Yugoslav government on 5 November 2000 under the leadership of the Montenegrin socialist Zoran Zizić,[9] the democratic opposition also won a clear two-thirds majority in the early Serbian parliamentary elections on 23 November 2000. The DOS received 176 of the 250 seats in Parliament and was thus able to vote Djindjić the Serbian Prime Minister. (Milan Milutinović, accused as an alleged war criminal, still holds the office of Serbian President.)

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7   According to information provided by the Yugoslav Election Commission, Koštunica received 48.2 per cent and Milošević 40.3 per cent of the vote. Because neither candidate had achieved the necessary absolute majority, a run-off election was necessary, the Commission argued. In contrast, according to the DOS, Koštunica had 54.6 per cent and Milošević only 35 per cent of the vote.

8   Djindjić was purported to have met with the Head of the Special Operations Unit (JSO), the "Red Berets" of the Serbian secret police, who assured him that his heavily armed police force would not obey a command to go into action against the demonstrators. Cf. Tim Judah, Goodbye to Yugoslavia?, in: New York Review of Books, 8 February 2001.

9   The creation of a Yugoslav government proved to be a difficult balancing act. The Yugoslav constitution stipulates that the Prime Minister must come from the smaller Republic of Montenegro if the President - as is the case for Koštunica - comes from Serbia. For this reason and in view of the boycott by Montenegrin President Milo Djukanović, the DOS had no other choice but to accept a Prime Minister from the ranks of the Socialist People's Party (SNP) of Montenegro - who had been loyal supporters of the Milošević socialists until a month before. However, apart from the office of the Prime Minister, the key positions in the cabinet were all taken by representatives of the Democratic Opposition of Serbia.

Nevertheless, the opposition victory in the Yugoslav presidential and Serbian parliamentary elections should not veil the fact that the DOS is still an alliance of 18 completely different parties led by extremist nationalists, Western-oriented reformers, trade unionists, members of ethnic minorities and many former supporters of the Milošević regime. The lowest common denominator has always been their hatred of Milošević and their common goal of a change in government. In addition, there is a more-or-less hidden power play between the Western-oriented pragmatist Djindjić and the romantic nationalist Koštunica. This became apparent with Milošević's arrest on 1 April 2001, which Djindjić had ordered without Koštunica's knowledge. Koštunica also claims he first learned of the former Yugoslav President's extradition to the Hague Tribunal on 28 June 2001[10] after this event took place. The decision of the Serbian government to extradite Milošević, despite the fact that the Yugoslav Constitutional Court had issued a temporary injunction against this, led to a government crisis. The Yugoslav Prime Minister Zizić of the Montenegrin Socialist People's Party (SNP)[11] announced his resignation on the following day. Koštunica himself called the extradition of his predecessor "illegal and unconstitutional". His party, the Democratic Party of Serbia (DSS), abandoned the DOS coalition in the Serbian Parliament and demanded a cabinet reshuffle. Djindjić characterized the decision to extradite Milošević as a sovereign act of the Serbian government thus duping the Federal Constitutional Court and causing the federal government to collapse. The real motive behind the Milošević extradition, however, can be summed up by the phrase "exchange of war criminal for financial assistance": The price for the extradition of the former head of state to the Tribunal was paid as early as the following day at the international Donor Conference in Brussels to the tune of 1.3 billion US dollars. Although it is evident that Koštunica and Djindjić have their differences, both most likely have an interest in settling the government crisis. Due to the fact that they serve the interests of different clientele, they are both still dependent on each other as well as complementing one another. While Djindjić has pressed for reforms, Koštunica has been tasked with the "Serbian soul" - with the result that the Yugoslav President has broad support among the population while the Serbian Prime Minister has gained only limited sympathy.[12] The future success of the DOS is largely dependent on whether its two protagonists will be able to hold together its

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10   The day Milošević was extradited, St. Vitus' Day (*Vidovdan*), is a day that seems to have been magically repeated throughout Serbian history. On 28 June 1389, the Battle of Kosovo ("Field of Blackbirds") - shrouded in legend - against the Ottoman conquerors took place. On 28 June 1914 the assassination of the Austrian heir to the throne started the First World War. On St. Vitus' Day 1989, Milošević began his ascent to power and the decade of the Balkan wars with a speech commemorating the 600th anniversary of the Battle of Kosovo. Thus it is somewhat ironic that the day Milošević was extradited to The Hague was also the 28th of June.

11   The SNP had formed an alliance with the Socialist Party of Serbia (SPS) until Milošević's fall in October 2000 and resisted his extradition till the end.

12   Cf. David Binder, Koštunica und Djindjić [Koštunica and Djindjić], in: Blätter für deutsche und internationale Politik 2/2001, pp. 153-158.

nationalist and pro-Western forces. However, there are strong indications that this latent power play will sooner or later break out into the open, particularly because the challenges facing the new leaders are monumental. Although a return to the old regime is impossible, there are still important institutions like the army, the special police and the intelligence service that are fighting for their legitimacy. In addition, there is an acute economic crisis. Thirteen years of Milošević and four defeats in war have turned Serbia into the poorhouse of Europe. At the end of 2000, Yugoslav external debt totalled 12.2 billion dollars. The average monthly wage was under 90 German marks and the unemployment rate was 30 per cent. In many areas, Yugoslavia has reverted to the status of a third world country. This includes its wretched healthcare system as well as energy supply and transport infrastructure. There is still no shipping on the Danube because sections of bridges and mines prevent movement on that river. With the exception of some short intervals, the country has suffered nine years of economic sanctions. However, these have had a very different effect from that envisaged by the Western international community. The beneficiaries of this were primarily the Milošević clan and their close friends who controlled the highly lucrative smuggling business. In the end, the Serbian people were the losers.

In the meantime, the euphoria created by the change of government has evaporated and the revolution in Serbia has moved on to a tough period of transition.[13] An economic upturn has been made more difficult by the fact that many highly qualified professionals left the country before the outbreak of the first armed conflicts at the beginning of the nineties. As a result, the new government has placed its hopes in the international community and primarily in rapid economic assistance within the framework of the EU and the Stability Pact for South Eastern Europe.[14]

Yugoslavia's Return to International Institutions

After almost ten years of isolation, the Federal Republic of Yugoslavia achieved a remarkably quick return and/or readmission to international organizations. The country's isolation came rapidly to an end. The Stability Pact for South Eastern Europe was the first international forum which accepted the country as a participant on 26 October 2000. This was followed by its readmission to the United Nations on 1 November.[15] With the reactivation of the country's membership in the United Nations, the government in Bel-

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13   Cf. Matthias Rüb, Serbiens unvollendete Revolution [Serbia's Unfinished Revolution], in: Europäische Rundschau 2/2001, pp. 15-21.

14   CF. Hans-Georg Ehrhart, The Stability Pact for South Eastern Europe - Strategic Success or Botched-up Bungle?, in: Institute for Peace Research and Security Policy/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 163-177.

15   Yugoslav membership in the UN was suspended in 1992. Since then, they had sent a representative to this world organization, but did not have a seat there.

grade at the same time acknowledged the international obligations related to this. These include co-operation with the War Criminal Tribunal in The Hague derived from Article 25 of the United Nations Charter stating that all UN members are obligated to carry out the decisions of the UN Security Council, which had enacted the statute for the Tribunal.

On 10 November 2000, the OSCE Permanent Council bid the Federal Republic of Yugoslavia welcome to the Organization as the 55th participating State.[16] In the name of President Koštunica, the Yugoslav Foreign Minister Goran Svilanović invited an OSCE rapporteur mission to Yugoslavia. The readmission of Yugoslavia to the OSCE was also the only bright spot at the Eighth Meeting of the Ministerial Council in Vienna on 27-28 November 2000, which was the first time in the history of the Organization that a Ministerial Council Meeting came to end without a common declaration by the participating States. There was merely agreement on a declaration on South-eastern Europe, which hailed the democratization of Yugoslavia.[17] The newly elected President and guest of honour, Vojislav Koštunica in his speech reminded meeting participants that Yugoslavia had been one of the founders of the CSCE. Since then many mistakes had been made, but also in the West, an "unbiased view" on Yugoslavia had been lacking. Koštunica, who is an expert in constitutional law, confirmed the "inviolability of borders" and thus clearly rejected the endeavours to achieve independence on the part of Montenegro and the autonomous province[18] of Kosovo, which officially still belongs to Serbia. Moreover, for the new fight against "classical terrorism" which had broken out on the southern border of Yugoslavia, the Yugoslav President demanded Western support against the Albanian Liberation Army of Preševo, Medvedja und Bujanovac (UCPMB). In his words, it was "crystal clear that KFOR and UNMIK (… had) failed" to secure the buffer zone and protect the borders with Kosovo and Macedonia. In addition, he advocated an "open Serb-Albanian dialogue" in which the OSCE "can help, but not act as an arbiter". In conclusion, Koštunica asked the OSCE to assist in monitoring the Serbian parliamentary elections on 23 December 2000, the "first truly fair and free vote in Serbia since World War II".[19] In its declaration on South-eastern Europe, the OSCE welcomed the democratic change of government in Belgrade and expressed hope that the problems in South-eastern Europe

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16   Cf. OSCE, Permanent Council, PC Journal No. 308, Decision No. 380, PC.DEC/380, 10 November 2000.

17   Organization for Security and Co-operation in Europe, Eighth Meeting of the Ministerial Council, Vienna, 27-28 November 2000, Vienna Declaration on the Role of the OSCE in South-Eastern Europe, reprinted in this volume, pp. 477-479, here: p. 477.

18   The decline of Yugoslavia began in 1989 when Milošević abolished Kosovo's and Vojvodina's autonomy. Up until the Kosovo war, there were no qualms about putting "autonomous" in quotation marks because the Albanians had no rights at all. Since the end of the war however "province" has to be put in quotation marks because Kosovo is only an integral part of the Federal Republic of Yugoslavia on paper. *De facto* it is quasi-protectorate of UNMIK and KFOR with its own currency, administration and jurisdiction.

19   8th Ministerial Council, Statement by the President of the Federal Republic of Yugoslavia, MC.DEL/81/00, 27 November 2000.

could be solved in a spirit of co-operation and trust. In addition, significant momentum was expected in the peace process in Bosnia and Herzegovina as well as the implementation of the Dayton Accords in the area of arms control policy.[20]

Also the European Union set out to honour its promises, at least to a certain extent. A few days after the coup, the EU lifted most of the economic sanctions against Serbia. At its "Balkan Summit" in Zagreb on 24 November 2000, they welcomed democratic Serbia and pledged 200 million Euros for emergency relief there, which were to be spent primarily on the energy supply as wells as food and medicines. At the end of January 2001, a further 220 million Euros were approved to support economic reforms. Moreover, for the entire region over the 2000-2006 period, of the 5.8 billion Euros originally pledged, at least 4.65 billion Euros were earmarked for the stabilization and association process and the asymmetric liberalization of trade was extended to the Federal Republic of Yugoslavia.

The next steps in Yugoslavia's return to the international institutions occurred in December 2000 when it joined the International Monetary Fund and the European Bank for Reconstruction and Development; in May 2001 it became a member of the World Bank. However, it was especially significant for the economic development of Yugoslavia that pledges were made at the international Donor Conference in Brussels on 29 June 2001. Due to Milošević's extradition, this conference, organized by the EU Commission and the World Bank, gained a new perspective. The West honoured his extradition by making the generous pledge of 1.3 billion US dollars in financial assistance.[21]

The US alone increased their original pledge from 105 to 182 million dollars. The EU calculates that at least four billion dollars will be required over the next four years. Yearly donor conferences have already been planned. In addition, a Stabilization and Association Agreement with the EU is being prepared and first contacts have even been established with the former enemy, NATO. Membership in the NATO institutions "partnership for peace" and the "Euro-Atlantic Partnership Council" will most likely be on the agenda soon. Thus the FRY has made a rapid return to international institutions and bodies. A new chapter in the co-operation between Belgrade and the OSCE is also reflected in the fact that an OSCE Mission to Yugoslavia has been established.

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20 Cf. Vienna Declaration on the Role of the OSCE in South-Eastern Europe, cited above (Note 17), pp. 478 and 479.
21 However, 225 million Euros of the first tranche of EU aid totalling 300 million will go directly to the European Investment Bank to pay off existing Yugoslav state debts.

On 11 January 2001, the Permanent Council passed the decision to establish an OSCE Mission to the Federal Republic of Yugoslavia.[22] This was simultaneously the end of the Mission of Long Duration in Kosovo, Sandjak and Vojvodina, which in any case existed on paper only. On 15 January 2001, the OSCE Secretariat sent an expert team, a so-called "mission activation team" to Belgrade as advance commando including several specialists responsible for communications, personnel and information technology. On 17 January 2001, the Chairman-in-Office appointed the Italian Ambassador, Stefano Sannino, Head of Mission.[23] The Mission itself began work officially on 16 March 2001. The Romanian Foreign Minister and Chairman-in-Office during 2001, Mircea Geoana, formally presided over the opening ceremonies of the OSCE office in Belgrade. The Council of Europe representation is located in the same building. In this manner, these two organizations emphasized their intention to co-operate more closely on post-conflict rehabilitation, not only in Yugoslavia. The two Secretaries General, Ján Kubiš and Walter Schwimmer, had already exchanged "letters of co-operation" on 16 February 2001 in which the modalities of their co-operation were stipulated.

The OSCE Mission's tasks are comprehensive and multilayered. These include among other things assistance in the development of judicial and administrative systems founded on the rule of law. Legal security again is an indispensable prerequisite for international investment on which the country is highly dependent.[24] Financial assistance is also required to restructure and reform the police system. On 21 May 2001, the first phase of a multi-ethnic police training programme organized by the OSCE Mission to Yugoslavia and the Serbian Ministry of the Interior began in Bujanovac.[25] The creation and stationing of mixed Albanian-Serb police units is designed to contribute to easing the tensions in southern Serbia and building confidence. Further task areas will be the protection of human rights, the development of democratic institutions, free media and a functioning civil society as well as assistance in the return and integration of refugees. There are over 700,000 refugees and displaced persons from Croatia, Bosnia and Herzegovina and Kosovo in the FRY, most of whom are unemployed and without any prospects. The medium- and long-term goal is to return these displaced persons to their

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22   Cf. OSCE, Permanent Council, PC Journal No. 315, Decision No. 401, PC.DEC/401 of 11 January 2001.
23   Cf. Permanent Council agrees on establishment of new OSCE Mission to Yugoslavia, in: OSCE Newsletter 2/2001, pp. 3-4.
24   On 10 April 2001, the OSCE and the Council of Europe jointly organized a workshop on judicial reform in the FRY where discussions were held on how legislation could be adapted to European standards.
25   Cf. OSCE Mission to the Federal Republic of Yugoslavia, First phase of multi-ethnic police training in Southern Serbia a success, 7 June 2001, http://www.osce.org/press_rel/2001/06/1787-fry.html.

homes. This in turn will require close co-operation with the OSCE Missions in Kosovo, to Bosnia and Herzegovina, and to Croatia.[26]

In the face of the multitude of problems, the limited budget of 3.2 million Euros[27] and the small number of mission members, the OSCE can "only" help others to help themselves. The destiny and future of Yugoslavia are however enormously dependent on whether the new government can be successful in solving the open questions of the status and reform of the Yugoslav state system in a peaceful and co-operative manner. The OSCE Mission can make a contribution to this, it can do no more nor can it do less.

The Relationship with Montenegro - From a Federal State to a Confederation?

The flames darting out of the windows of the Yugoslav Parliament in Belgrade did not only announce the end of the Milošević era. The storm on the parliament building on 5 October 2000 simultaneously symbolized the end of the third Yugoslavia.[28] It is currently uncertain whether there will be a fourth Yugoslavia. Undoubtedly, both Koštunica and Djindjić are interested in maintaining the federation with Montenegro (and with Kosovo, at least formally as a part of Serbia). They know that the international community is on their side on both these questions but cannot necessarily be sure that realities will also be on their side. Although Kosovo and Montenegro as well as Serbia are still labelled as "Yugoslavia", the Montenegrin Republic and the formerly autonomous province are both striving for secession from Serbia. Even if Montenegro and Serbia come to an agreement on some form of relatively loose federation of the two republics, the name of this dissimilar confederation[29] would most likely not be Yugoslavia. Koštunica not only promised to improve relations with Montenegro but also announced the new state to be created would be renamed "Serbia and Montenegro". If however the Federal Republic of Yugoslavia should fall apart because of the secessional endeavours of the constituent Republic of Montenegro, Koštunica would be left standing without a foundation: He would be the President of a state no longer in existence. The Montenegrin President Milo Djukanović however would

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26   Cf. Branislav Milinković, The OSCE and FRY: the beginning of the new relationship, in: Helsinki Monitor 1/2001, pp. 21-29.

27   The budget approved for 2001 amounts to 3,174,900 Euro. Cf. OSCE, Permanent Council, PC Journal No. 315, Decision No. 402, PC.DEC/402 of 11 January 2001.

28   The three state formations which have worn the name Yugoslavia were the Kingdom of Yugoslavia (1929-1941), Tito's People's Republic of Yugoslavia (1945-1991) and Milošević's Federal Republic of Yugoslavia (1992-?), from which Kosovo (1999) has already *de facto* been detached in the form of an international protectorate. Also Montenegro has been going its own way since November 1997 when Djukanović was elected President.

29   There are 650,000 Montenegrins as compared to the approximately eight million Serbs. Cf. Dušan Reljić, Montenegros Kurssturz [Montenegro's Collapse in Prices], in: Blätter für deutsche und internationale Politik 6/2001, pp. 657-660.

have to win a referendum to achieve this and thereafter attain a two-thirds majority in the Montenegrin Parliament. However, in the parliamentary elections on 22 April 2001 Djukanović gained merely a pyrrhic victory. His "Victory Belongs to Montenegro" coalition won 36 of 77 seats while his opponents, who - under the scarcely less melodic name "Together for Yugoslavia" - campaigned to stay in the Federation won, all the same, 33 seats. Thus, the Montenegrin President felt forced to enter a coalition with the Liberal Party who won six seats and also supports independence for Montenegro enthusiastically. The election made clear how divided the Montenegrin people are on the independence question; a referendum on this was postponed until 2005.

At the same time international pressure is increasing on Podgorica not to resist joint reform of the Yugoslav state system any longer. Justifiably one is afraid that Montenegro's independence would encourage corresponding endeavours in Vojvodina, where there is a strong Hungarian minority, and could act as a precedent for Kosovo. What gives one the right to deny approximately two million Kosovo Albanians their independence if one grants it to the 650,000 Montenegrins? And this, all the more, against the backdrop that the Kosovars are almost unanimous in their desire for independence whereas among Montenegrins it is scarcely the majority. One thing is certain: "Yugoslavia" will be able to survive only if it becomes a completely reformed federalized state system. Whether and in what form Kosovo will become a part of this state is completely open.

The Tentative Status of Kosovo

The change of government and the democratization in Belgrade have not at all defused the situation in the southern Serb province of Kosovo, which according to UN definition is still part of Yugoslavia, but on the contrary, have made it even more muddled. For the West, this is a huge dilemma in view of the two irreconcilable positions. If it backs the Albanians striving for independence, this will weaken the democratic leadership in Belgrade. If it complies with Yugoslav desires, it must reckon with bitter resistance from the Kosovars. In other words: Neither of the two extremes, i.e. reunification with Serbia or immediate independence, is feasible at present. As a way out of the current impasse, the Independent International Commission on Kosovo chaired by Richard Goldstone recommended the concept of "conditional independence".[30] This would mean guaranteeing conditional independence with an option for state independence if certain conditions are fulfilled. However, the thesis that an independent Kosovo would be a stabilizing factor

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30   Cf. The Independent International Commission on Kosovo, The Kosovo Report. Conflict - International Response - Lessons Learned, Oxford 2000, pp. 271-273.

in the region is more than doubtful.[31] The prerequisite for independence would in any case be the unconditional implementation of human and minority rights. This includes not only stopping forced displacement, but also granting the 100,000 displaced Kosovo Serbs the right to return to their homes.

Another prerequisite would be obtaining Serbia's consent. At present however, neither Koštunica nor Djindjić are willing to let the Kosovars go - even though the bitter joke, the Serbs are ready to die for Kosovo, but not ready to live there, applies more now than it ever did. Even a democratic, federal Yugoslavia comprised of the four republics Serbia, Montenegro, Kosovo and Vojvodina is currently a rather improbable scenario because after their latest experiences the Kosovars would not even consider being part of a Yugoslav association of states.

Thus, this dilemma cannot be solved. For this reason, the international community is pursuing the same strategy it does in Bosnia: It is simply maintaining the status quo through a massive international military and political presence as well as the state of uncertainty this brings with it. This is in the hope that medium- to long-term perspectives will emerge, which are not yet visible. However, the normative power of the facts is likely to work in favour of the Kosovo Albanians. Thus, on 15 May 2001, the Head of the UN Interim Administration in Kosovo, Hans Haekkerup, introduced a "Legal Framework for Provisional Self-Government of Kosovo". After the parliamentary and presidential elections of 17 November 2001, Kosovo has made another step towards independence through the establishment of its own Parliament,[32] President, government and regional self-governing administrations, even though these will remain under the executive and legislative power of UNMIK and there will be no referendum on independence in the near future. However, the cheap criticism that the international community is dodging the question of the definitive status of the province is an empty complaint. As long as the conditions for an independent and multi-ethnic Kosovo are not fulfilled, maintaining the status quo is not a sign of weakness, but a dictate of political wisdom - this is also true incidentally for Bosnia and Herzegovina.

The Crisis in Southern Serbia and its Settlement

In southern Serbia and Macedonia, Albanian extremists achieved the opposite goal of that in Kosovo where their strategy had been so successful since 1997 - i.e. a rapprochement between the Western Alliance and the Serbs. Former

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31 Among others, Matthias Rüb advocated this thesis in the *Frankfurter Allgemeine Zeitung* of 20 February 2001. Also the former and now again President of Kosovo, Ibrahim Rugova, has never tired of emphasizing that the sooner Kosovo gains independence, the earlier peace will return to the region.

32 In this Parliament, there are 120 seats, 20 of which are reserved for the minorities of the Serbs (ten seats), the Roma and the Turks.

enemies became partners and the protégés of yesterday became the opponents of today. In the conflict with the Albanian guerrillas in southern Serbia, the NATO-led KFOR is working together with their former war enemy, Serbia. The Ground Safety Zone was originally created in June 1999 to prevent attacks by Serbian troops on KFOR. In the autumn of 1999, the Albanian UCPMB began using it as a deployment area. The Serbian police, who until March 2001 were only allowed to carry light weapons, were not able to contend with this situation and KFOR had no desire to do so. After the change of government in Belgrade, due to skilful crisis management, NATO and the Yugoslav government came to an agreement. In particular, it should be noted that the Yugoslav armed forces conducted themselves in a very circumspect manner. After the situation had escalated continuously during 2000, NATO agreed upon certain measures on 8 March 2001[33] and decided to gradually reduce the buffer zone between Kosovo and Serbia until they completely transferred the Ground Safety Zone to the Yugoslav government at the end of May 2001. Thus after 16 months, the struggle of the Liberation Army for Preševo, Medvedja and Bujanovac, a force of approximately 1,000 men, came to a peaceful end. Under joint pressure from Belgrade and NATO, the Albanian guerrillas committed themselves to disbanding their units. As a result of an atmosphere of trust leading to very good co-operation with KFOR, General Pavković did not even exclude the return of parts of the Yugoslav army to the Serbian enclaves in Kosovo. However, the peaceful solution to the crisis in southern Serbia is primarily thanks to the Deputy Prime Minister Nebojsa Cović, who negotiated a peace plan that also and for the first time took the rights of Albanians into consideration and offered the UCPMB fighters amnesty. Around 450 of them accepted this offer, but many of them simply exchanged the badges of the southern Serbian UCPMB for those of the UCK/NLA operating in Macedonia, where the insurrection of Albanian UCK/NLA extremists against Slavic Macedonians now also threatened to draw the last Yugoslav successor state, Macedonia, into the whirlwind of war, dissolution and secession.

Prospects

The fall of Slobodan Milošević created much greater euphoria in the West than in the region itself. Firstly, Slovenians, Croats, Bosniacs and Albanians cannot simply lay the wars with the Serbs to rest and secondly the states neighbouring Yugoslavia are afraid that now Belgrade will receive a larger share of financial assistance at their expense. Nevertheless, the return of the FRY to international institutions has created the prerequisite for the economic

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33   Cf. Secretary General's Statement on North Atlantic Council Measures for Southern Serbia and the former Yugoslav Republic of Macedonia, NATO Press Release (2001)035, 8 March 2001.

revival and reintegration of South-eastern Europe.[34] The countries neighbouring Yugoslavia have also profited by the change of government in Belgrade and the end of the embargo. For Romania, Bulgaria, Macedonia and also Greece the shortest passages to the west and/or the north have been reopened. The Danube and also the Serbian highways are again becoming European trade routes. In addition, the infrastructure programmes within the framework of the EU and the Stability Pact will now become more effective. Moreover, Belgrade has finally distanced itself from the untenable position that the Federal Republic of Yugoslavia is the only legal successor to Tito's multi-ethnic state thus taking on the viewpoint of the rest of the successor states that the old Yugoslavia has dissolved and fallen into ruin. After establishing diplomatic relations with Slovenia as well as Bosnia and Herzegovina, negotiations could begin again on the distribution of assets and liabilities as well as the property and border issues inherited from the former Yugoslavia and are about to experience a breakthrough.

A necessary prerequisite for progress in the region is a reappraisal of the past, that is the crimes that were committed in the name of Serbs, Croats, Bosnians and Albanians. This also includes arresting war criminals and handing them over to the Hague Tribunal.[35] However one should not forget that the same Western politicians who have been gloating over Milošević's arrest now, tolerated the fact that the former leader of the Bosnian Serbs, Radovan Karadžić and his chief of the armed forces, Ratko Mladić were able to move around almost completely freely in Bosnia for years and to date they have not been captured. Milošević's extradition to the Hague Tribunal can be attributed to the massive pressure asserted by the US, which made their participation in the Donor Conference and further financial assistance dependent on this. Already Milošević's arrest on 1 April 2001 occurred primarily due to the fact that the US congress insisted that the alleged war criminal be apprehended before it would grant a loan.[36] Milošević is the first head of state who has to answer before an international court - an important step on the way to universally valid international law. The former Yugoslav President has been charged with war crimes against the Albanian civilian population during the Kosovo war. However, Chief Prosecutor Carla del Ponte has already an-

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34 Cf. Marie-Janine Calic, Nach dem Machtwechsel in Jugoslawien. Gedämpft optimistische Aussichten für die Zukunft [After the Change of Government in Yugoslavia. Mutedly Optimistic Prospects for the Future], in: Internationale Politik 3/2001, pp. 21-26.

35 Since the establishment of the Tribunal in 1993, 46 alleged war criminals have been arrested or given themselves up. Of these 19 have been found guilty. There are currently cases against ten others. There are a total of 70 names on the UN Tribunal official prosecution list. Other alleged war criminals are on a secret UN Tribunal list privy only to the investigating authorities.

36 Although the US has made itself the executor of world justice in Serbia, they block certain actions the moment these appear to threaten their national interests. Up to now, the US Congress has refused to agree the treaty on the International Criminal Court - a logical and desirable further development to the Yugoslavia Tribunal - adopted by 120 states in Rome.

nounced that she will extend the charges to crimes that were committed in Croatia and Bosnia during the period from 1992-1995.

Protests from the Serbian people were not all that loud. Only 3,000 Milošević supporters protested in Belgrade against the extradition of their former head of state. The mood of the rest of the Serbian population ranged from relief to indifference. This is, among other things, most likely due to the fact that meanwhile also in Yugoslavia a public discussion on Serbian war crimes - which are no longer to be hushed up or concealed - has begun. However, the majority of Serbs still see themselves as innocent victims: victims of Tito, victims of renegade Croats, Bosniacs and Albanians, victims of NATO and, last but not least, victims of the Milošević clique. The complete failure of the greater-Serbia project and the catastrophe for the Serbian people resulting from this, could however lead to the country becoming capable of democracy and taking its place in the European international community.

While during the nineties Serbian nationalism was the greatest challenge for the international community, there is a lot that indicates Albanian nationalism will be the issue in the coming decade. Radical Albanians have built a network of terror that extends across all of Kosovo to northern Albania and from southern Serbia to Macedonia. Despite very intensive diplomatic efforts on the part of the EU, NATO and the OSCE, Macedonia is on the brink of a civil war. On 13 August 2001, the Macedonian grand coalition in Skopje signed a framework agreement, which provides for increased rights of participation for Albanians. On 22 August, the NATO Council decided to launch operation "Essential Harvest", making it the third NATO mission in the Balkans alongside SFOR and KFOR.[37] Within a period of 30 days, 5,000 NATO soldiers were to collect arms surrendered by the 2,000 to 3,000 fighters of the Macedonian UCK/NLA. Parallel to this constitutional changes were to be made in favour of the Albanians. After disarming the UCK/NLA, OSCE observers are to monitor that peace is maintained and offer assistance in the development and training of a multi-ethnic police force in Macedonia.

Whether disarming the UCK/NLA will be achieved within 30 days foreseen seems doubtful in view of the unpredictability of the situation. There are many factors indicating that the NATO mission in Macedonia will last a lot longer than originally expected.

EU and US policy towards South-eastern Europe is primarily guided by one of the Helsinki principles: i.e. no violent change of the existing frontiers. This is true of Serbia, Montenegro and Kosovo as well as Bosnia and Herzegovina, and Macedonia. The question of whether maintaining the existing frontiers in the region will bring more stability or whether new conflicts will emerge because of this, remains controversial. The voices for a great Balkan conference have increased. Naturally, this does not mean a "reprint" of the

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37 NATO was already present in Macedonia with 3,000 KFOR soldiers. The British contingent with 1,800 soldiers made up the majority of the troops while the US had not provided soldiers, but offered reconnaissance and logistics.

Berlin Congress of 1878 when the Great Powers established borders arbitrarily. Instead, a second Helsinki Conference is under consideration where the classic baskets - security, economic co-operation and human rights - will be treated with the participation of all significant regional and international actors: a Conference on Security and Co-operation in South-Eastern Europe.[38] However, the question remains whether this kind of a conference would make sense. What kind of a contribution could a CSCSEE achieve that could not be realized within the framework of the Stability Pact for South Eastern Europe, the EU, the South-Eastern European Co-operation Process and not least within the framework of the OSCE itself? As far as the question of the inviolability of frontiers and the guarantee of human and minority rights are concerned, all OSCE participating States have already repeatedly committed themselves to upholding these principles.[39] It is not that further more or less binding declarations of obligation, communiqués or institutions are required, but rather already existing OSCE principles must be applied and implemented more consistently. In this respect, the sums of money necessary for the implementation and organization of such a conference would most likely be better utilized within the framework of the already existing institutional arrangements.

As much as it may seem like a platitude: Stability and peace in the Balkans can only be guaranteed through democratization as well as respect for human and minority rights. These are the OSCE principles that all the participating States committed themselves to. Nevertheless, the EU, the US and Russia will have no choice but to develop an overall strategy for South-eastern Europe.[40] The beginnings of this exist in the Stability Pact for South Eastern Europe, however further steps must be taken and especially more financial investment must occur. Despite the Macedonian crisis, the democratic change in Yugoslavia has provided better conditions for co-operation and integration in South-eastern Europe than ever before in the past ten years.

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38   This recommendation has been made by, among others, Theo Sommer, Ausweg, dringend gesucht [Looking for a Last Resort], in: DIE ZEIT of 10 May 2001.

39   Cf. Bruno Schoch, Achillesferse der Stabilität. Nationale Minderheiten auf dem Balkan [The Achilles Heel of Stability. National Minorities in the Balkans], in: Internationale Politik 3/2001, pp. 37-42.

40   Cf. Carl Bildt, A Second Chance in the Balkans, in: Foreign Affairs 1/2001, pp. 148-158, as well as Karl Lamers/Peter Hintze/Klaus-Jürgen Hedrich, Ordnung und Einverständnis. Der Balkan braucht eine selbsttragende politische Ordnung: die Südost-Europäische Union [Order and Consent. The Balkans Requires a Self-Sustainable Political Order: The South-Eastern European Union], in: FAZ of 18 July 2001.

Johannes C. Landman

The Evolution of the OSCE - A Perspective from the Netherlands

The Paradoxical Nature of the OSCE

At the time of the Vienna Ministerial Council, the Director for Security Policy in the Dutch Ministry of Foreign Affairs, Herman Schaper, likened the OSCE[1] to a lizard: In the course of its life it may lose its tail, but it will always grow a new one. If Darwin's theory of evolution holds true, that the capacity to adapt to changing circumstances determines survival or extinction, the OSCE, surely, has proven to be quite a remarkable creature of multilateral diplomacy. More than once, this seemingly unattractive forum has been declared defunct or irrelevant, only to rise, like Lazarus, and show that it is still very much alive.

In fact, from its very inception, it seems, the CSCE did not inspire much hope or high expectations. Nor has it really generated a great deal of interest, let alone enthusiasm, in the public's perception. On 21 July 1975, only a few days before the signing of the Helsinki Final Act, a New York Times editorial read:

> "The 35-nation Conference on Security and Cooperation in Europe, now nearing its climax after 32 months of diplomatic quibbling, should not have happened. Never have so many struggled for so long over so little."

Even after the 25-year commemoration of the Final Act was celebrated last year, the present-day OSCE still struggles to gain public recognition. A mere whisper of possible NATO involvement in the Balkans is usually enough for extensive media coverage, while the fact is ignored that the CSCE/OSCE has had people on the ground in this troublesome part of Europe for more than five years already, performing all sorts of tasks, from border monitoring to the organization of elections, from police training to the setting up of independent media. As a matter of fact, the OSCE is currently the only international organization which can rely on an extensive network of field offices in every country in the Western Balkans.

It would be useful, however, to point out that posterity has judged the CSCE less harshly and in less categorical terms. It appears that the New York Times' paraphrasing of the great Winston Churchill was not entirely appro-

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1   When referring to the Organization in the period after the Budapest Summit of December 1994, the name "OSCE" is used; in the period preceding this Summit the name "CSCE" is used.

priate. Henry Kissinger, widely seen by his contemporaries as the incarnation of August von Rochau's idea of *realpolitik* and at the time also sceptical of the merits of the Final Act, nevertheless had this to say in his standard work *Diplomacy*:

> "As it turned out, heroic reformers in Eastern Europe used (this text) as a rallying point in their fights to free their countries from Soviet domination. Both Vaclav Havel in Czechoslovakia and Lech Walesa in Poland earned their place in the Pantheon of freedom fighters by using these provisions, both domestically and internationally, to undermine not only Soviet domination but the communist regimes in their own countries.
> The European Security Conference thus came to play an important dual role: in its planning stages it moderated Soviet conduct in Europe and, afterward, it accelerated the collapse of the Soviet Empire."[2]

Kissinger's reminder of the Cold War roots of the OSCE provides a useful point of departure in the context of this article.

Originally a diplomatic conference for moderating East-West relations, the CSCE had reasonably clear objectives and well defined parameters, meticulously spelled out in the notorious Blue Book. After 1989, the CSCE, like the Warsaw Pact and NATO, faced an existential crisis. Unlike the Warsaw Pact, however, which dissolved so quickly that one wonders if anyone even noticed, and even unlike NATO which, suddenly robbed of its mirror image, had to struggle for the next ten years to reinvent itself, the CSCE proved remarkably adept in this phase of acute evolutionary challenge.

Since 1990, with the signing of the Charter of Paris, the CSCE developed into a generic institution which has more or less charted its course as it went along, taking on radically new tasks and assuming responsibility for issues which other, more established international organizations were unable or unwilling to do. Today, more than anything, the OSCE is a highly operational organization for early warning, crisis prevention, conflict management and post-conflict rehabilitation.

At present, the OSCE has some 4,500 people in the field, working in 22 missions, stretching from Central Asia to the Caucasus and from Eastern Europe to the Baltic and the Western Balkans. At a time when most, if not all international organizations had to respect zero growth or even reduce expenditure, the OSCE's budget increased eightfold. Currently, the OSCE's budget surpasses that of organizations like the United Nations Industrial Development Organization (UNIDO) and the Comprehensive Test Ban Treaty Organization (CTBTO). In addition, it should be recalled that the vast majority of expatriates working for the OSCE are seconded by their national governments. Were this additional funding to be properly reflected in the budget, experts

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2   Henry Kissinger, Diplomacy, New York 1994, pp.759-760.

rate that it would have to be doubled. By these standards, the OSCE is not a minor organization at all. Yet, it still relies on a small and lean bureaucracy of not more than altogether 250 people at the Secretariat in Vienna, while approximately 80 per cent of its budget and 95 per cent of its personnel go to field missions.

While retaining its impressive repository of common principles and shared commitments, the OSCE, inevitably, has lost some of its original features along the way. Although political and military security remain at the core of the agenda, in many ways this has taken on more practical operational characteristics, with most of the resources and political energy invested in stabilizing the Western Balkans and finding a solution for the so-called frozen conflicts in the Caucasus and Moldova. At the same time, based on its comprehensive concept of security, the OSCE has become a tool for the promotion of socio-political transformation. The agenda of the human dimension is pushed forward with renewed vigour, only this time not merely from the conference halls in Vienna, but also in very concrete ways in the field itself, through its missions and in particular through two other new instruments of the OSCE, the High Commissioner on National Minorities (HCNM) in The Hague and the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. In this respect, the OSCE has asserted itself with confidence, however daunting the task in participating States which often had little or less historic experience with established market economies, a free media and a mature and functioning parliamentary democracy.

At this point, it is possible to make three observations.

Firstly, the events that unfolded with the fragmentation of the former Yugoslavia propelled the CSCE into a new role, a challenge for which it proved to possess the required flexibility and adaptability. The turning point, of course, were the Dayton-Paris Agreements, which charged the OSCE with the conduct of the elections and the rebuilding of a civil society on the ruins of wartorn Bosnia. What in fact occurred with this new-style assignment was a recalibration of the Organization's *raison d'être*, a development which was reinforced and then confirmed by subsequent missions in Albania, Eastern Slavonia/Croatia, Kosovo and, recently, Belgrade.

Secondly, precisely because of its comprehensive concept of security, its broad *acquis* and remarkable institutional flexibility, the OSCE has become a Jack of all trades. Thematically, regionally and operationally, the diverse array of tasks which preoccupy the present-day OSCE is truly astounding. This has been traditionally reflected in its three dimensions, while in the course of the 1990s it equipped itself with such novel institutions as the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights mentioned before, and the Representative on Freedom of the Media.

Next to its valuable *acquis*, therefore, the OSCE has developed a reservoir of broad-ranging expertise and field experience. It has difficulty, however, in

packaging this and presenting it as a coherent whole. There is a world of difference between organizing elections in Kosovo, advising governments on amending their language laws and conducting a monitoring operation along the Georgian-Chechen border.

Consequently, the OSCE is vulnerable to national governments pursuing a policy of pick-and-choose. One may argue that this is what gives it its famous flexibility, but, equally, it has resulted in a lack of clear political purpose. In this media-driven age, it should hardly be surprising that politicians and the press have difficulty in explaining to a wider audience what exactly the OSCE stands for and what it does. Accounts tend either to focus on the large-scale missions in the Balkans or to get bogged down in exhaustive anecdotal summaries of its broad scope of activities. As a consequence, the OSCE suffers from a chronic problem of visibility.

Thirdly, the lizard may have grown a new tail, but has it really changed its nature? The OSCE has its origins in the Cold War, serving, as it were, as a kind of diplomatic frontline between East and West, breaking down barriers when it could. Today, that picture is, of course, more complex. For one thing, the European Union has increasingly become an actor in its own right. Another development of major significance is the close alignment of the 13 associated countries with the positions of the EU. If the OSCE has retained something of its frontline status, the line of demarcation has thus shifted eastwards.

One set of divisions within the OSCE is determined by those countries already accommodated within the Euro-Atlantic structures and those with a reasonable prospect of joining in the near future on the one hand and, on the other hand, those countries which do not have this prospect. In this respect, the OSCE partly serves as a kind of pre-school for some aspiring countries of the former communist world. By the same token, the OSCE provides a bridge to countries which are not about to join. Furthermore the Council of Europe has become a political actor in areas traditionally held by the OSCE, while NATO's Euro-Atlantic Partnership Council also affirmed itself.

Consequently, in many Western capitals, the OSCE is no longer perceived as the primary over-arching platform for pan-European security. Rather, it has become an instrument of choice for the pursuit of more limited foreign policy objectives, mainly in those regions where neither the EU nor NATO can tread or where they are reluctant to make the necessary political investments. The OSCE's involvement in the Central Asian republics is a case in point, as is the Southern Caucasus, although the EU has recently moved this region higher up on its political agenda. In the Western Balkans, where both NATO and the EU have since become heavily involved, the OSCE has been steadily pushed into the role of junior partner. The most recent and perhaps most illustrative example of this is the way in which the EU assumed a lead role in dealing with the outbreak of inter-ethnic violence in Macedonia.

That the OSCE has been engaged progressively in so many field activities and has evolved into a highly operational organization is in itself proof of the fact that there is a need for such activities. The Netherlands in particular has contributed in many ways towards strengthening the operational capacities of this Organization. However, somewhere along the way the OSCE has lost its central position in the Euro-Atlantic security architecture as a strategic organization responsible for pan-European peace and stability. If the OSCE is to retain its viability and political relevance in the future, it is essential that it refashions an equilibrium between its newly developed operational capacities and its comprehensive and inclusive concept of security.

The OSCE's Stiffest Challenge Yet

The day after last year's Vienna Ministerial Council, several newspapers reported that the days of the Cold War seemed to have been revisited, with a major clash between the United States and Russia. Because only a Ministerial Declaration on the Role of the OSCE in South-Eastern Europe and an in-itself significant Document on Small Arms and Light Weapons were in the end adopted, the annual meeting of foreign ministers was generally seen as a failure. While perhaps only those who were privy to the negotiating process realized that this situation was by no means unavoidable, it is fair to observe that a festering wound within the OSCE had been torn open. Russian Deputy Foreign Minister Yevgeni Gussarov, speaking at the closing ceremony, remarked that this might in fact prove to be a healthy development so as to allow the healing process to start.

The writing had been on the wall for the OSCE since the pull-out of the Kosovo Verification Mission (KVM) and the subsequent NATO air campaign against Serb troop concentrations and military installations. The Norwegian Chairman-in-Office did a truly remarkable job of navigating the OSCE through this intense political minefield and concluding a successful Summit in Istanbul, which resulted in a broad package of substantial political commitments. At the same time, the success of this Summit concealed a deepening division within the OSCE membership. A good ten years after the signing of the Charter of Paris for a New Europe, it would appear that this phase of the OSCE's evolutionary cycle, which started so full of optimism, is nearing its end.

The willingness, for instance, on the part of participating States to continue to invest in new large-scale missions appears to be waning, at least for the time being. A case in point is the new Mission to the Federal Republic of Yugoslavia, established early 2001. Remarkably, the matter of the Mission's mandate proved less controversial than the discussion on the maximum number of international staff. Quite a number of Ambassadors of participating States insisted on a limited staff.

Similar reservations could be observed during the discussions on the temporary strengthening of the Spillover Monitor Mission to Skopje. While the need to increase the Mission's capacity for the purpose of monitoring the border between Macedonia and southern Kosovo was widely recognized, all the Permanent Council could agree to was an increase of eight extra Mission members. And this was in the midst of a potentially destabilizing situation in a country where the CSCE as early as 1992 had fielded its first-ever mission designed to monitor possible spillover. On top of that, Max van der Stoel as HCNM had warned the Permanent Council on numerous occasions about the build-up of inter-ethnic tensions in Macedonia.

Strangely enough, though, only one week later, the Permanent Council also approved an extension of the mandate for the Georgia border monitoring operation, bringing its staff detail back up to summer strength, that is doubling in size to 42 monitors without so much as blinking an eye. What, if anything, do these seemingly contradictory decisions signify?

I mentioned earlier that the metamorphosis of the CSCE into an organization primed for all manner of operational activities could very well imply that a more selective use would be made of it. In fact, the OSCE has to find its way, as it were, in an increasingly crowded labour market. As NATO has made its first steps in the Western Balkans as a peacekeeping organization, this aspect has been irrevocably lost to the OSCE, at least in Central Europe and the Balkans, in spite of the fact that it had been nominally part of its broad mandate. The Council of Europe, too, has increasingly ventured outside its Strasbourg premises, setting up field offices and becoming more operationally involved. In doing so, it interferes, on occasion, with the OSCE's activities, like, for instance, in the case of the status issue of the separatist region of Trans-Dniestria. There have been other examples bordering on unhelpful competition and duplication, which are to be avoided.

The biggest actor to be stepping on the lizard's tail, however, may well become the European Union. The Common Foreign and Security Policy has been steadily taking shape, and with the appointment of the High Representative, Javier Solana, Europe finally may get what Henry Kissinger had found wanting for so long: a telephone number. The European Union increasingly disposes of a considerable arsenal of foreign policy instruments, not least its political and economic weight. Currently, moreover, the European Union is developing its crisis management capacity and with that, its ability to field missions of its own. In time, it will also possess the capacity to deploy military units for the type of operations that are presently undertaken by SFOR and KFOR.

As other international organizations and the European Union are steadily adapting to the new demands of a fundamentally changed security environment, the OSCE will need to resist pressure which would relegate it to some kind of technical sub-contractor. Paradoxically, it has been the relatively successful development of the OSCE's operational field capabilities which at one

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and the same time has left it vulnerable to such pressures. When the political dialogue on any given conflict situation is conducted outside the framework of the OSCE, it may be increasingly difficult to expect this Organization to involve itself constructively and in a meaningful manner.

Another change in this respect is the growing tendency to limit consultations within the OSCE to only the biggest powers; those which, by the way, do not necessarily contribute the largest percentage of the budget

The axiom of "no taxation without representation" may, in case this continues, very well become a considerable factor in the policy deliberations of an increasing number of participating States and affect the future role and potential of this Organization.

Although the OSCE, like any other international organization, is continuously pondering its future course, at this stage it seems important that this process of reflection is taken forward with vigour.

A particularly pertinent case in point, in my view, is the whole issue of arms control and CSBMs in the OSCE. The current arms control systems and applicable CSBMs have proven to be extremely useful in enhancing pan-European security. Not merely because the Treaty on Conventional Armed Forces in Europe (CFE) has assisted in considerably bringing down the numbers of military hardware in a transparent way. But, equally important, because this CFE Treaty with its intrusive verification regime and the Vienna Document with the broad confidence-building nature of its agreed measures, promoted frequent contacts and intensive exchanges of information between former adversaries in ways that were unimaginable two decades ago.

However, care should be taken that we do not, like those Generals, prepare to fight the last war. Again, it should be remembered that the current OSCE arms control regime dates from the Cold War. Naturally, the relevant documents have since been amended to better account for the changed politico-military situation in Europe. But there appears to be little enthusiasm at this stage to look at the possibilities for developing new measures in this field. Yet, the nature of armed conflicts in Europe has changed dramatically. Present-day threats to security arise chiefly from intra-state social and political instability, disputes over power-sharing mechanisms, ethnic tension and often obscure rebel movements, who operate with narrow political agendas and whose sources of finance are often equally obscure. What does seem clear, however, is the correlation between the proliferation of small arms, low intensity warfare and organized crime, especially with regard to the drugs trade, trafficking in human beings and corruption.

The current tools of the OSCE in the field of arms control and, particularly, CSBMs are not up to date with these developments. Some steps, of course, have already been taken, like the adoption at the Vienna Ministerial Council of a Document on Small Arms and Light Weapons. Furthermore, the OSCE is conducting at the moment a broad study on how to enhance its capability to act in the field of police-related activities, building on the substantial experi-

ence gained through the OSCE Kosovo Police Service School and through its role in Eastern Slavonia when this territory was reintegrated into Croatia. At the same time, however, it is of increasing importance that within the OSCE, clear agreements are reached on arms control and CSBMs covering so-called "other forces", including paramilitary forces.

Back to Basics

Looking at today's untidy geopolitical map and the experiences of the last ten years, it is clear that Europe's troubles are far from over still. In the generally jubilant atmosphere which prevailed at the end of the Cold War, Francis Fukuyama may be forgiven for having proclaimed *The End of History*. After ten years of the bloody dealings of Slobodan Milošević, the international community, too, may be forgiven its brief pause for celebrating the promise of a return to normalcy of the Western Balkans.

Although the raising of the Iron Curtain may have brought to an end the stark political and military division of Europe, at the same time much older, historic fault lines have resurfaced with the collapse of the Soviet empire. Many of the conflicts that the OSCE currently deals with are variations on some of the same themes that emerged with the break-up of the Ottoman and Habsburg Empires. Indeed, some historians and political observers argue that the origins of these fault lines must be traced back even further, pointing to the split of the Roman Empire, in 400 AD, in its Western and Eastern constituent halves and the subsequent separate development of the Roman and Orthodox Churches.

Although the economic, social and environmental devastation brought upon Eastern Europe by decades of communist misrule will continue to fuel conflict situations for the foreseeable future, it would be wise to bear in mind that the Soviet legacy is only one of the top layers of this volatile crust. Neither should we underestimate the potentially destabilizing impact of the shock rendezvous Eastern European societies are experiencing with Western capitalism. In any case, all of us involved in foreign policy-making would do well to entertain the idea of "a rediscovery of history", rather than merely propagating the simplistic notion that the advance of liberal democracy is irreversible and therefore a foregone conclusion. Bruno Kreisky once remarked that history has many lessons to teach, but, unfortunately, finds few pupils.

It is obvious that the violent and ethnic break-up of the former Yugoslavia came as a shock to the West. After all, it negated all the values and political principles it had staunchly defended in the last 50 years. Liberal democracy and everything it entails may have emerged victorious from the Cold War, by now it should be abundantly clear that serving as a role model alone will not bring stability and prosperity to the whole of the European continent.

No international organization has more experience in this part of the world than the OSCE, not simply by virtue of its field missions, but especially because every single country whose security is determined by its proximity to these fault lines is represented in the OSCE. Consequently, there is no better place than Vienna for a continuous dialogue on and risk-assessment of (potential) conflicts.

What is needed is that this wealth of experience and expertise is better harnessed and geared towards early warning, conflict prevention, crisis management and post-conflict rehabilitation. The OSCE must invest heavily in building up its position as the foremost knowledge and nerve centre of security issues in Europe, treating all three dimensions equally and in relation to one another. In this respect, it would appear necessary to further strengthen the analytical and planning capacities of the OSCE Secretariat, as proposed in the recent joint Dutch-German paper "Reviewing the OSCE: Food for Thought and some Possible Steps Forward". Also, its suggestion to create informal working groups in Vienna assigned to develop subregional strategies deserves particular consideration.

At the same time, the OSCE must shed the illusion that it can resolve each and every crisis on its own. It is imperative that the OSCE takes the lead in giving real and practical meaning to the Platform on Co-operative Security. This will not be an easy task, as the founding principles of the various European institutions in practice often result in an open-ended interpretation of their various mandates. Consequently, competition between them has become a fact of life and interlocking institutions turn out to have a great potential for becoming interblocking institutions. What is important, though, is that the political imperative of demarcating the respective competencies of the Euro-Atlantic institutions, fully taking into account the comparative advantage of each, takes precedence over the bureaucratic impetus that we sometimes see in practice.

The core of this recommendation is in fact a variation on one of the proposals contained in the Kinkel-Kooijmans initiative of 1994, which introduced the concept of putting the *OSCE first*, in so far that it has a primary responsibility in solving the problems in its own security space, before this degenerates into one of global proportions.

What I have in mind is not a hierarchy between international organizations or some kind of gentlemen's agreement which would give the OSCE an automatic lead role. Rather, the OSCE should function more as a clearing house or nerve centre, where intelligence, analysis, normative frameworks and security dialogue come together in a much more coherent way. Depending on the situation at hand, the Permanent Council may decide on a course of action and deliberate whether to engage the OSCE's own resources or ask other international organizations, including the international financial institutions, to assume responsibility for certain tasks or provide support.

Examples of such inter-institutional co-operation within an OSCE framework could be, for instance, a request by the OSCE to the NATO Maintenance and Supply Agency (NAMSA) to help in the clearing up of unstable munitions, or having the Venice Commission of the Council of Europe help to sort out this or that constitutional bottleneck. Equally, the OSCE could solicit the European Commission to assist the Co-ordinator for OSCE Economic Activities in drafting plans for the social and economic rehabilitation of war-affected regions in the Southern Caucasus. Neither should we ignore the substantial contributions participating States can make on an individual basis.

The point is, if such activities are undertaken outside the framework which the OSCE can offer for common security, they are more likely to contribute to a prolongation or even escalation of a conflict rather than to help in mitigating it. In this respect, it is crucial to bear in mind that in dealing with most of the (potential) conflict situations in the OSCE region, the Russian Federation needs to be positively engaged. The OSCE provides the logical platform to do this, but for the Russians to stay engaged, the functioning of the OSCE must meet at least somewhere their expectations and grievances. Currently, that may not sufficiently be the case. The European Union and United States would do well, therefore, to constructively consider some of the Russian concerns about the development of the OSCE. The upcoming debate on the further enlargement of NATO makes such a reflection all the more necessary.

There is, of course, nothing very novel about the ideas that I am putting forward, except that they refuse to get off the ground. No new frameworks would have to be developed; all the required *acquis* has been formulated already within the OSCE and in other principal documents. I wish to refer specifically in this context to the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation of 1997. Not only is the Founding Act a relatively young document, it is in my view particularly significant, as it commits the two major former rivals to a common approach on European security. Paragraphs 1 and 2 from the chapter on Principles read as follows:

> "Proceeding from the principle that the security of all states in the Euro-Atlantic community is indivisible, NATO and Russia will work together to contribute to the establishment in Europe of common and comprehensive security based on the allegiance to shared values, commitments and norms of behaviour in the interests of all states.
> NATO and Russia will help to strengthen the Organisation for Security and Cooperation in Europe, including developing further its role as a primary instrument in preventive diplomacy, conflict prevention, crisis management, post-conflict rehabilitation and regional security cooperation, as well as in enhancing its operational capabilities to carry out these tasks. The OSCE, as the only pan-European security organisation, has a key role in European peace and stability. In strengthening the

OSCE, NATO and Russia will cooperate to prevent any possibility of returning to a Europe of division and confrontation, or the isolation of any state."[3]

It is purely a matter of implementation, but that is easier said than done. The climate currently prevailing in the OSCE is not conducive for the type of co-operation geared towards promoting a genuine sense of common security.
Breaking this deadlock and positioning the OSCE as the principal knowledge centre on concrete European security issues and clearing house vis-à-vis other international organizations and European institutions will be, I believe, the main challenge for the coming years. Failure in this respect may imply a further political weakening of the OSCE. I believe this would be an undesirable development, as no other organization in Europe has the experience, expertise, broad mandate and, most importantly, the wide membership needed to implement the concept of common and comprehensive security. The OSCE is not that easy to be substituted, neither by NATO nor by the EU.

The OSCE and the Netherlands

Over the last fifty years, Dutch foreign policy has developed a particular affinity for multilateral diplomacy. Following the Second World War, the Netherlands set aside its cherished status of neutrality and became a founding member of the Benelux and the Council of Europe, the forerunners of the present-day European Union, of NATO and the CSCE. This affinity is firmly grounded in rational self-interest, as multilateral organizations offer a more level political playing field and thus serve to temper somewhat the preponderant influence the great powers would otherwise exercise unilaterally. Equally, an active engagement in multilateral fora offers the possibility of increasing one's own capacity to inject ideas we consider important.
Consequently, the Netherlands has consistently invested a great deal of effort and substantial resources in the functioning of international organizations. The OSCE is no exception. The Netherlands is one of the largest net contributors to the OSCE Unified Budget and among the most important financiers of the activities of ODIHR, the High Commissioner on National Minorities and some of the missions in the field. In fact, what the Netherlands contributes to the Unified Budget is only a fraction of the financial resources it makes available to the OSCE through voluntary funding. In addition, The Hague, as one of the official seats of the OSCE, hosts the offices of the High Commissioner on National Minorities and, for the past ten years, the Netherlands Ministry of Foreign Affairs has operated and, in part, financed the FSC

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3   Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation. Issued in Paris, France, on 27 May 1997, in: NATO review 4/1997, Documentation, pp. 7-10, p. 7.

and CFE Communications Network, a crucial link in the OSCE arms control information exchange and verification regime. The Netherlands is furthermore the depository of the CFE Treaty of 1990 and its adapted version of 1999.

Dutch investments in the OSCE, however, have not been restricted to material contributions only. The Netherlands has also initiated various proposals that helped shape the conceptual evolution of the Organization. In addition to the Kinkel-Kooijmans initiative of 1994 and the recent Dutch-German paper that I already mentioned, examples that spring to mind are the initiative towards strengthening the Secretariat and the operational capacities of the Organization, as adopted by the Ministerial Council in Copenhagen of 1997, our contribution to bring about the REACT concept as adopted at the Istanbul Summit and our role with respect to the Document on Small Arms and Light Weapons.

The single most important contribution, though, that the Netherlands may make to the functioning and further development of the OSCE is likely to be in 2003, when it assumes the role of Chairman-in-Office of the OSCE. This promises to be a substantial and hugely challenging task. The burden on the OSCE Chairmanship is generally recognized to be severe and cannot be compared to, for instance, the Presidency of the European Union, which can rely on the support services of such established and large bureaucracies as the Council Secretariat and the Commission.

Given the limited political role of the Secretary General, which in our view needs to be bolstered anyhow, the functioning of the OSCE at present largely revolves around the Chairman-in-Office. Whether this is a good thing or not is a different matter, but it should be clear that in addition to shouldering the responsibility for all of the OSCE's regular activities, future Chairmanships will be expected to provide the necessary political guidance and impetus in shaping the future of the Organization.

As I pointed out earlier in this article, there is a need for the OSCE to reposition itself as the principal knowledge and nerve centre on European security issues and as a clearing house vis-à-vis the other international institutions. In several ways, the Netherlands looks to be well-placed to take this debate further. Given its position in all four Euro-Atlantic institutions, the Netherlands, in its capacity as Chairman-in-Office, should be able to give meaningful direction to a broader discussion on how to elaborate the Platform on Co-operative Security. In this respect, it is vital that the Netherlands not only conducts early consultations with the incoming Presidencies of the European Union, but equally with the United States and those countries that have signalled a dissatisfaction with the present functioning of the OSCE, chief among them the Russian Federation.

The Netherlands is looking forward to joining the OSCE Troika in 2002 and to assume the Chairmanship of the OSCE in 2003. For us, this will be a new and daunting experience. We have a lot to offer. At the same time the Neth-

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erlands and its foreign service in particular may draw some useful lessons. It may also enhance our understanding of some of the underlying tenets of the security issues currently confronting the European continent. The Netherlands is conscious of the task ahead and is fully aware of the heavy responsibility that comes with it. The logistical preparations for the Chairmanship are underway; what should be initiated in the near future are political consultations designed to develop a road map for the future of the OSCE.

Skjold G. Mellbin

The OSCE - A Danish View

1) At the beginning of the 1960s Western Europe and North America were flooded with admonitions being made by the East about the necessity of convening a European security conference and the merits resulting from the various proposals for such a conference offered by the Soviet Union and other Warsaw Pact countries.

These proposals were regarded with a fair amount of scepticism in the capitals of Western countries and by NATO as their purposes could have been manifold, not least to impair the political and military cohesion between NATO countries and to consolidate Soviet hegemony in Eastern Europe. At the same time the Western countries were very much aware that the Cold War was both a dangerous and expensive venture and that détente was therefore desirable if it could be achieved on acceptable terms and could be made to serve certain constructive purposes, not least to mitigate the political and human consequences of the unnatural division of Europe and, in the long term, to keep the possibility open that this division would come to an end.

After extensive consultations with Eastern and Western governments, the then Danish Foreign Minister, the late Per Haekkerup, proposed that the NATO countries should discuss the problems and possible advantages connected with convening a European security conference. NATO enthusiasm was at most modest, but in 1966 the NATO Council took up the matter and six years and a great deal of trouble later the East, the West and the Neutrals agreed that preparatory talks to a "Conference on Security and Co-operation in Europe" (CSCE) should be initiated in Helsinki in November 1972.

In accordance with its attitude in previous years, Denmark participated very actively in these talks, not least by introducing the original text to what was later to become known as "basket III" of the Helsinki Final Act. In the course of the CSCE itself and the follow-up meetings in Belgrade (1977-1978), Madrid (1980-1983) and Vienna (1986-1989) as well as at the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe (referred to as CDE, 1984-1986), Denmark took a comparably active role. This was facilitated by the fact that from the beginning of the preparatory talks in Helsinki in 1972, Denmark had enjoyed the unique position of being the only Nordic member of both NATO and the European Community. For a small country like Denmark, this represented an unusually broad and versatile basis for its participation in the CSCE process and offered it possibilities which it would not normally have at its disposal - a temporary political indulgence, which for obvious reasons did not survive the end of the Cold War. And all that is now history.

2) In 1989, Europe was hit by a political landslide which left a completely new political landscape in its wake. The CSCE was also swept along in this landslide as the basic purposes for which it had been created had now been fulfilled. The question whether this had rendered the CSCE redundant never surfaced (but the leaders in Moscow were left to ponder why the original Soviet plans for a European security conference had produced such completely unintended results).

At the CSCE Summit Meeting in Paris in 1990, an optimism prevailed that was without precedent in the more recent history of Europe. It led the participants to proclaim "a new era of democracy, peace and unity in Europe" in the Charter of Paris. This vision was to guide them in the future activities of the CSCE.

But this vision was shattered as dark skies appeared on the European horizon shortly after the beginning of the 1990s: conflicts in various forms in and between the former communist countries, an unsteady course towards democracy and the full implementation of human rights in some of these countries and the ultimate disaster: the violent break-up of former Yugoslavia. Some of these items have weighed heavily on the agenda of the CSCE/OSCE ever since.

3) The original CSCE was characterized by a feeble structure, but a rich and coherent agenda. Tailored as it was to the overall problems and conflicts of the Cold War, it became the basis for a continuous debate and norm-setting activity in the CSCE centred around the differences and the resulting conflicting views of the two dominating political systems in Europe of that time. The Conference became an important factor in developments on the European continent soon after its establishment in 1975 and this continued until the end of the Cold War.

However, the old structure was manifestly insufficient to deal effectively with the problems and conflicts of the post-Cold War era. To preserve its credibility, the CSCE now had to be equipped to handle the various activities on the spot which developments in and between the participating States demanded. Therefore, the Summit Meeting in Helsinki in 1992 laid the groundwork for a traditional international organization based upon a comprehensive political and bureaucratic apparatus. Hence at the Summit Meeting in Budapest in 1994, the decision was passed to change the name of the "Conference" to "Organization" for Security and Co-operation in Europe, and during the 1990s the activities in the field in the participating States came to play an ever increasing role in the work of the OSCE.

That brings us up to the present and to the question: what now? What is the situation of the OSCE today as a result of the course of events since the beginning of the 1990s? What could be done in order to prepare the Organization in the best possible way to meet the challenges of the future? Denmark does not have a master plan which can provide a complete answer to that last question, there is no one who does. However, Denmark will continue to sup-

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port and participate in the activities of the OSCE at the diplomatic level as well as in the field. In the following a Danish view is offered as to the most important and characteristic features of today's OSCE and the steps that could be taken in order to adjust or correct prevailing conditions where necessary.

4) For obvious reasons, the events of 1989-1990 brought the political debate and the need for norm-setting activity as they had been known by the old CSCE to an abrupt end. From then on there was still some political debate and there was still norm-setting activity. However, most of this was oriented in a rather static manner to Western ideas and standards which since the adoption of the Charter of Paris were in principle accepted - if not always observed - by all participating States. Therefore the sting had gone out of whatever was left of a political debate as well as out of the norm-setting activity, and basic political items were left alone.

The predictable clashes between the parties in serious and concrete conflicts, for example the disintegration of Yugoslavia or Nagorno-Karabakh, and the ensuing unrest and activity in the CSCE/OSCE, became as concrete as their topics and did not lead to any kind of a general discussion of the underlying basic problems. The same is more or less true for other important political achievements, namely the highly commendable activities of the various special institutions of the OSCE in the fields of democracy, human rights, minorities, and freedom of the media, and for the Parliamentary Assembly.

During the negotiations which preceded the adoption of the Charter for European Security by the Istanbul Summit in November 1999, there were ambitions in some quarters to make this document an innovative normative document laying down political guidelines for relations between states, between states and their citizens and between international organizations. But this effort failed. In the end the normative contents of the Charter were basically confined to preserving the *acquis* of the OSCE. Beyond this the Charter provided for a number of additional practical instruments which were designed to strengthen the capacity of the OSCE for crisis management. This was a good thing, but a totally different story.

The military dimension of the OSCE is a phenomenon of its own kind. It goes back to the Stockholm Conference from 1984-1986, and since then has been a very successful enterprise. In the course of the 1990s the Forum for Security Co-operation has been instrumental in the adoption of further confidence- and security-building measures (CSBMs) and various arms control agreements, and it appears to be continuing its work unabated. However, this work is not necessarily dependent upon the political umbrella of the OSCE and in this sense is an independent phenomenon.

5) Today, therefore, the image of the OSCE is closely connected with and dominated by its field activities as carried out through its missions, offices and other forms of presence which assist participating States in dealing with conflicts, crises, democracy-building etc. (classified together as "crisis management" in the following). The variety, importance and complexity of their

tasks is evident if we run through their locations: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Estonia, Georgia, Kazakhstan, Kosovo (in Yugoslavia), Kyrgyzstan, Latvia, the Former Yugoslav Republic of Macedonia, Moldova, Russia (Chechnya), Tajikistan, Turkmenistan and Uzbekistan. The mandates of these OSCE missions and offices do, of course, differ from one case to the other, but their common denominator is to support political processes which are designed to prevent or solve conflicts at various levels.

The very number and the variety of the field activities mentioned above and the way in which tasks have been performed there are proof of the successful implementation of the intention to endow the OSCE with the capacity to exercise crisis management on the spot when conflicts or other serious problems occur. Thereby the OSCE lives up to one of the essential demands which must be met if it is to be perceived as a reliable caretaker of endeavours to handle the many different and complicated problems of the post-Cold War period in Europe. The fact that only few and limited solutions have been found to the problems which the OSCE field presences have been and are dealing with does not say much about the efficiency of these activities, but is rather a reflection of the complexity of the problems at hand. And in cases where efforts in search of solutions have been deadlocked for some time, e.g. Georgia, Moldova and Nagorno-Karabakh, a revitalized political dialogue could create a basis from which such efforts could be set into motion again.

As is well known, however, the OSCE does not have a monopoly in the field of crisis management in its area. Other international organizations also have an appropriate capacity in this regard and may wish, for purposes of their own, to demonstrate this in situations where intervention from the international community is called for. As far as the OSCE area is concerned these other international organizations are notably the UN, NATO and the EU and, considering developments over the last decade, it is necessary to face the question whether there is a natural delimitation of the responsibilities of these various organizations with respect to crisis management in the OSCE area.

6) The ultimate tool of crisis management is, of course, the military peacekeeping operation. In this area, the UN has had long and extensive experience, although it has to be admitted that in Europe, i.e. in the Balkans, UN military peacekeeping has only been a limited success. NATO has also had experience in this field and, evidently, the means to perform in a convincing manner. For the time being the EU does not possess these military means, but that situation is likely to change within the next few years. Since the Helsinki Decisions of 1992 military peacekeeping operations have been envisaged also within the framework of the CSCE/OSCE, but up to now, none have been deployed, and this is not very likely to happen in the foreseeable future.

It follows that when a crisis management operation entails a military element, OSCE participation is only possible in co-operation with one or more other international organizations. The same applies to operations which are so large

that the OSCE cannot cope with them alone under the present administrative and financial circumstances. In these respects the actual operation in Kosovo is a case in point. There the OSCE, with a staff of over 600 international mission members, is responsible for institution- and democracy-building, rule of law and human rights, and together with the EU and the UNHCR is a part of the civilian component under the UN umbrella. The military component KFOR, however, is under NATO command whereby the two components work in close and successful co-operation.

Thus, for practical purposes crisis management conducted by the OSCE on its own means civilian activities on the spot in one or more participating States and with manageable dimensions - which does not necessarily mean small (for example, the Mission to Bosnia and Herzegovina has approximately 200 international staff at its disposal). As mentioned above, experience seems to indicate that the OSCE is well qualified for field work of this kind. But this might also be true of the other international organizations. Therefore, it is also necessary to examine the characteristics and relative qualifications of the various international organizations which are most relevant when it comes to dealing with civilian crisis management in Europe.

7) The United Nations is the oldest of the organizations in question and enjoys indisputable prestige in the international community. The financial resources of the UN are adequate and this combined with the UN's extensive experience in crisis management makes them a significant actor in this area.

However, the OSCE participating States all belong to the same geopolitical region and thus have close relations and possess unique mutual knowledge. Such relations and mutual knowledge do not and could not exist among UN member states in general because of the global character of the UN with respect to both membership and responsibilities, and because they are a minority within the UN, the OSCE participating States cannot be sure that their mutual knowledge will be put to optimal use by the UN if there is a case concerning Europe. This is not overly surprising considering the specificity of many European political problems and the lack of experience among the broad membership of the UN in dealing with those problems. There have actually been cases in which the handling of European problems by the UN has not led to a happy end, and generally speaking the UN has not been known to give high priority to European problems. With the UN in charge there is also a risk of unwanted influences from extraneous sources on the problem or problems at hand, a risk which can never be ruled out completely, but which could be considerably reduced if the OSCE were in charge.

8) NATO as well as the EU include only some of the OSCE participating States. In particular, neither the US nor Russia are members of the EU, and Russia does not belong to NATO. Furthermore, NATO is often perceived as a strictly military organization, still remembered as one of the main antagonists of the Cold War, a perception which - rightly or wrongly - was inevitably fortified by the NATO operation in connection with the Kosovo crisis.

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However in today's Europe, NATO as well as the EU are capable of exercising great political influence, and neither this influence nor the active involvement of NATO and the EU stop at their Eastern borders. NATO has already admitted previous Warsaw Pact states as new members, and more are expected to join. The EU is preparing for a gradual and far-reaching enlargement towards the East, beginning perhaps already in 2002. And both NATO and the EU have stretched out their hands offering extensive co-operative arrangements to countries that are located even farther East than those which are currently categorized as potential members.

This policy may well create a political platform from which either of the two may assert themselves as *bona fide* agents of crisis management in a large part of the OSCE area if and when the need arises. But this should not conceal the fact that both NATO and the EU basically were established for other and very different purposes and that may well affect them in the exercise of crisis management.

9) The authority of the OSCE in the field of crisis management today has various sources: The participating States cover the entire European region and they have close relations among one another as well as unique mutual knowledge, the importance of which I have already emphasized. The OSCE participating States do not have to deal with a large variety of problems throughout the world, but can concentrate on problems of which they have first-hand and profound knowledge. In addition, OSCE decisions are based on consensus which gives them their political strength. And last, but certainly not least: For the OSCE, crisis management has not been a side show, but one of its main purposes after the demise of the old CSCE in the European upheaval around 1990, and the Secretariat and structure of the OSCE have in general been reasonably adapted to this end which is being further promoted by the development of REACT.

It seems clear that these observations constitute a strong case for the claim that the OSCE is not only well qualified, but also the obvious choice when it comes to selecting an agency to carry out civilian crisis management projects within its capacity in the OSCE area, either on its own or as the leader of such a project.

It also seems clear that when it comes to crisis management operations with a military component and/or exceeding a certain size, the Kosovo model has considerable merits. Here the UN and its agencies, the OSCE and the EU have proved that they have been able to carry out a joint operation in which the tasks are distributed according to the particular abilities of each of them and performed within the framework of all-round day-to-day co-operation which also includes NATO.

10) So much for the broad spectrum of qualities that singles out the OSCE as the natural primary choice as an agent for civilian crisis management in the OSCE area. One must, however, also take a look at the internal political conditions under which the OSCE is currently working and conducting activities

in crisis management. Have the participating States in general made a satisfactory commitment to the work of the OSCE? Is there a political continuity which allows opinions and differences to be discussed and which could produce normative innovations as well as overall guidelines for the activities in the field? Neither of these two questions can be answered with an unqualified yes.

With respect to the latter, the OSCE obviously offers an excellent basis for a meaningful discussion of even the most complex political problems, conceptual as well as concrete, in or between participating States. However, for the time being this potential is far from being fully utilized. At the beginning of the 1990s, the participating States envisaged that the new CSCE could assume the role of a kind of regional UN in questions concerning security policy, i.e. discuss such questions with a view to gradually creating a system of rules and norms generally accepted and sometimes, but not necessarily, expressed in resolutions. This idea was realized to a certain degree until the collapse of the first OSCE mission to Kosovo, but today political dialogue as well as norm-setting activity leave much to be desired. The fate of parts of the Charter for European Security is a case in point.

As to the former question it is relevant to recall that the OSCE has three political centres of gravity: Russia, the US and the EU. However, Russia appears to have lapsed back into a hesitant and suspicious attitude to co-operation within the OSCE since the NATO operation in connection with the Kosovo crisis in 1999, and it is at best only very slowly moving back towards mainstream participation in the work of the OSCE. The US seems for the moment to be undecided as to its European policy in general and correspondingly undecided as to how and how much it wants to use the OSCE or NATO in the exercise of its - legitimate and desirable - influence in the European region. And for some time to come the EU has so much to deal with, not least in connection with its enlargement, that there will be few resources and little time to spare for other purposes. The larger EU countries are at the moment apparently reluctant to have the EU too deeply involved in the activities of the OSCE (which does not prevent individual EU members from taking initiatives in the OSCE and co-ordinating them with their EU partners). So, for the time being the three heavyweights seem to be satisfied with having the OSCE performing mainly as a trouble-shooter if need be and this can be done without stirring up the political waters too much.

11) Thus the OSCE is faced with a double-barrelled challenge: to revitalize its political dialogue and norm-setting activities and to bring the great powers out of their self-imposed reluctance vis-à-vis the activities of the Organization. Otherwise there is a risk that the OSCE will be marginalized as an actor on the international scene. It will not be perceived as a political standard-bearer to be taken seriously and consequently its possibilities of exerting a significant influence on developments in and between the participating States will be slight and automatically reduced as time goes by. And in the particu-

lar field of crisis management the role of the OSCE may then be reduced to that of a service organization for victims of political "traffic accidents".

There are, however, no compelling reasons why such gloomy prospects should become true. In 1975, few would have believed that the CSCE would in the course of a few years begin to exert such a decisive influence on European developments to the point that it would become an essential factor in developments leading to the upheavals in the late 1980s and the early 1990s. The OSCE of today has a much larger and stronger political and organizational platform than the CSCE had in its infancy, and it is basically sound. Thus, if the actual or potential problems of the OSCE have been correctly identified in the foregoing presentation it is simply up to the participating States to get down to work on reducing and eventually eliminating them. Denmark, for one, is prepared to participate in an effort aimed at getting the work in the OSCE back on the main track.

12) Before I proceed to the question of what steps could be conducive to this end, I wish to deal with one reform idea which I do not consider useful. I refer to the proposals made to change the status of the OSCE from a political to a legal organization through the adoption of a treaty under international law or a kind of constitution for the OSCE. I see no reason for this. The OSCE has been functioning perfectly well without a constitution. Its institutions have up to now worked as smoothly and efficiently as could be expected; the scope of the political obligations has been agreed upon and these obligations have been fulfilled by participating States to the extent that one could realistically hope for. There is no reason to believe that changing them to legally binding obligations would improve the situation in this respect. On the contrary, discussions on the basis of legal texts would probably lead to splitting hairs thereby complicating procedures without improving anything in substance. For a starter, imagine the nightmare-like experience that might occur if one had to go through a negotiating process between 55 countries followed by a ratification procedure by each of them.

13) I now return to the real challenge which the OSCE is facing today. Efforts to overcome the present reserved attitude of the great powers vis-à-vis the OSCE will be logically connected with efforts to reintroduce the political dialogue. First, the revival of an overall political dialogue, e.g. within the framework of a recurrent general debate, would establish an internal working method likely to become productive. Second, it would also serve to strengthen the external influence of the OSCE by creating an interest in its activities, normative as well as executive, and thus could reinstate the OSCE in its rightful place in the international community.

In the endeavour to induce the great powers to change their present positions some patience is probably needed, but even an initial modest momentum would be helpful. It could well pave the way for a gradual and - why not? - accelerative restoration of the full commitment of those powers to the work of the OSCE. Russia has perhaps already begun a very slow move away from

its noncommittal attitude. Signs of more active and candid involvement by Russia in the day-to-day work of the OSCE would be a positive ingredient in internal NATO and EU discussions aimed at reactivating reluctant Western powers.

In support of a renewed great power commitment it could also be argued that the OSCE has something to offer which cannot be provided by any other international organization. It is, therefore, an additional instrument in international politics even for larger countries who already have various options to choose from when they want to prepare an operation on the international scene.

NATO has served the basic security needs of its members since 1949, and NATO remains a very important factor in the European security structure. Originally founded as the EC in order to prevent that a war should ever again erupt in our part of Europe, the EU has now in the course of more than four decades developed a unique form of co-operation among its member countries to the great benefit of them and their citizens.

However, neither NATO nor the EU can replace the OSCE. For one thing it bears repetition that the OSCE includes all European countries, our close cousins the US and Canada, and the former Soviet republics in Central Asia and the Caucasus and that its originator, the CSCE, was created for particular purposes of its own, first and foremost in an effort to mitigate the unfortunate political and human consequences of the unnatural division of Europe and to preserve the possibility that this division could come to an end.

The end of the Cold War resulted in a great step forward as that division and its symptoms evaporated. But history did not stop in 1990, and new problems appeared on the European agenda. The OSCE is there to help preserve and develop what has been achieved in the way of an undivided Europe by preventing conflicts or see to it that they are solved by peaceful means, and by promoting democracy and human rights. In the course of history, European countries have not always been devoted to such standards, and that is one more reason to preserve the OSCE as a vehicle for efforts aimed at their realization. Such efforts will no doubt be appreciated outside the OSCE, considering that Europe more than once has been the hotbed of wars which in turn have engulfed many countries outside our continent.

14) I assume that nobody is surprised that the arguments in favour of preserving the OSCE and using it to the full extent of its potentialities are as valid as ever. I believe that we shall see the OSCE continue its work, prosper and grow in importance and influence in years to come. Setbacks are unavoidable in any human endeavour. In the case of the OSCE they can be overcome provided that the participating States keep their eyes on the ultimate goal: an undivided Europe at peace with itself, devoted to democracy, human rights and comprehensive co-operation between all OSCE States and open towards the rest of the world.

Bess Brown

Turkmenistan and the OSCE[1]

Along with the other Soviet successor states in Central Asia, Turkmenistan recognized the Helsinki Final Act and other CSCE commitments in 1992, its first year of independence. As was the case for the other successor states, Turkmenistan saw accession to the CSCE as a means of confirming its status as an independent state. It may also have valued membership in this community of states as a means of confirming ties with the best-developed and organized part of the world, namely Europe and North America.

Like other successor states, Turkmenistan may not have fully realized the domestic implications of the commitments it had undertaken in acceding to the CSCE. Its political leadership asserts that the country will become a democratic state based on the rule of law, but it will do so in its own time and in its own way. Such statements, as well as the frequent plea that Turkmenistan's distinctive situation be recognized and understood by the outside world, have put the country at odds with its OSCE commitments.

Additionally, relations between Turkmenistan and the OSCE have been complicated by the country's insistence that it should be treated differently from the other newly independent states that emerged from the disintegration of the Soviet Union. It is argued that Turkmenistan should not be held to its OSCE and other international commitments until adequate conditions can be created. Since its independence, Turkmenistan has been reluctant to enter into multilateral agreements. This approach was reinforced by its adherence to a doctrine of "active neutrality," which has been interpreted as ruling out participation in regional groupings and assuming regional commitments. Promoting regional solutions to regional problems is, however, a basic tenet of the OSCE.

The OSCE in Turkmenistan

In response to recommendations in the report of the OSCE's first Secretary General Wilhelm Höynck on his 1994 trip to Central Asia, an OSCE Liaison Office was opened in the Uzbek capital, Tashkent, on 1 July 1995, which was initially furnished with a one-year mandate. The Office was tasked with facilitating contacts and promoting information exchange between OSCE institutions and all OSCE participating States in Central Asia. In practice, due to the fact that there was already a relatively large OSCE mission in Tajikistan, the Liaison Office concentrated on the four Turkic-speaking countries of

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1   The article presents the personal view of the author.

Central Asia. However, this task was not made easy with only one international staff member. The Liaison Office's mandate also called for maintaining contacts with universities, research institutions and NGOs in Central Asia, assisting in organizing OSCE events in the region and, what was most important, promoting the understanding and implementation of OSCE principles and commitments on the part of Central Asian participating States. From the beginning of its existence, the Liaison Office sought to establish and maintain good relations with the Turkmen Head of State, President Saparmurat Niyazov, and those ministries that dealt with the OSCE's areas of responsibility, in particular the Ministries of Foreign Affairs, Justice and Social Security. Due to the infrequency of visits by the Liaison Office staff to Turkmenistan, little in the way of concrete projects could be organized. However, a regional security seminar, held in February 1998, was organized by the Secretariat in Vienna in direct contact with Turkmen officials.

Turkmenistan was generally on the agenda of high-level OSCE visitors to Central Asia, although it was not always possible for them to meet with the Head of State. Turkmenistan's Parliamentarians have taken part in at least some events of the OSCE Parliamentary Assembly, although they have not always attended its annual meetings.

In 1996, the then Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Audrey Glover, proposed to the Director of the newly founded National Institute for Democratization and Human Rights in Turkmenistan that Ashgabad be the venue for a course on international human rights law. The ODIHR Director sought to encourage the new institute, which was under direct supervision of the President, to assume the role of an ombudsman's office. The institute's Director, Vladimir Kadyrov (since 2000 Turkmenistan's Ambassador to the OSCE), later stated that he had responded enthusiastically to Ambassador Glover's proposal. However for logistical reasons, the ODIHR decided to hold the course in Tashkent.

During visits of Liaison Office staff to Ashgabad, officials of the Turkmen Foreign Ministry expressed hopes that it would be possible to have a permanent OSCE presence in Turkmenistan. Such visits usually included a meeting with President Niyazov, who always took the opportunity to declare how much Turkmenistan valued the OSCE and its status as a participating State. While Turkmen officials were careful not to complain about the presence of the Liaison Office in Uzbekistan, as had been done by officials of some other Central Asian states, they could with considerable justification point to the infrequency of visits from the regional presence, as well as argue that Turkmenistan deserved more attention on the part of the OSCE.

In response to the pleas of officials in those Central Asian states that lacked a permanent OSCE presence (Turkmenistan, Kazakhstan and Kyrgyzstan), as well as to the recommendations of the OSCE Secretariat, the Permanent Council adopted a decision in July 1998 to open permanent presences, i.e. OSCE "Centres", in the three countries.

Due to logistical and staffing issues that needed to be solved, the three new Centres began to function only in January 1999. Each had an international staff of four and their mandates were based upon that of the Central Asian Liaison Office. The mandate of the OSCE Centre in Ashgabad calls for the Centre to promote the implementation of OSCE principles and commitments as well as the co-operation of Turkmenistan within the OSCE framework in all OSCE dimensions. The Centre is also mandated to monitor and report to the OSCE Chairmanship and other OSCE institutions on developments within the country, with particular emphasis on identifying potential conflict-generating situations. Co-operation with other international organizations and institutions is an important element in the Centre's work, as is the maintenance of contacts with Turkmen authorities, non-governmental organizations and institutions of higher education. Another major aspect of the Centre's work is to organize visits to Turkmenistan by high-level OSCE representatives. Practice has shown that such visits are very useful in advancing the understanding of the role of the OSCE.

The presence of the OSCE Centre in Ashgabad has been a learning experience for both sides. Initially, Turkmen officials appeared to expect that the work of the Centre would consist primarily of conveying the viewpoints of the Turkmen leadership to the OSCE. Therefore, the host government was somewhat surprised by its activities, particularly in the field of individual human rights cases.

All Turkmen officials did not welcome the Centre's active involvement in issues of freedom of conscience, freedom of expression and freedom of association (especially the development of civil society). In the absence of reporting on the OSCE and its activities in Turkmenistan in the state-controlled information media, the Centre has found it necessary to publicize the OSCE as best it can to government officials and ordinary citizens alike. In the slightly more than two years of the Centre's existence, it has published and distributed informative materials on the OSCE in the Turkmen language, as well as on civil society in both Russian and Turkmen. International staff members have also elucidated the OSCE to a variety of audiences and individuals. Inclusion of officials from outside the capital in OSCE events in Ashgabad, and the increasing number of OSCE events held outside Ashgabad, are helping to spread knowledge of the Organization and its role throughout the country.

In December 2000, the fifth anniversary of the recognition of Turkmenistan's neutrality by the UN General Assembly provided an opportunity to introduce the OSCE to a large audience of Turkmen officials and academics. This has been followed up by seminars on the politico-military dimension of the Organization, and on the history and overall role of the OSCE for government officials, journalists and students. These events are only the beginning of what must necessarily be an extensive educational effort.

OSCE and Turkmenistan's Neutrality

At the February 1998 seminar on regional security, held in Ashgabad, officials of most Central Asian states used the opportunity to express their specific security concerns. They focused mostly on the dangers to regional stability caused by the conflict in Afghanistan, specifically citing the growing traffic in illegal drugs and weapons, as well as the threat of the spread of Islamic extremism. Turkmenistan's representatives were, however, inclined to play down these problems, citing the official recognition by the UN General Assembly in December 1995 of their country's neutrality as the main international guarantee of Turkmenistan's security.

Turkmenistan's determined commitment to what it characterizes as "active neutrality" has so far confounded most OSCE efforts to draw the country into a more active role in the OSCE's politico-military dimension. For example, Turkmenistan declined to send representatives to a February 2000 conference on the use of confidence- and security-building measures in Central Asia, which was organized in Vienna. Apparently, Turkmen officialdom feared that engaging in such topics would endanger the country's neutral status.

Not only the OSCE has had difficulties involving Turkmenistan in regional security. Although Turkmenistan was the first Central Asian state to join the NATO Partnership for Peace programme, President Niyazov told NATO Secretary General George Robertson, during the NATO leader's visit to Ashgabad in January 2001, that as a neutral state it would not be able to play a more active role in the programme, but that it had no intention of withdrawing.

Turkmenistan and the Economic and Environmental Dimension

The area of OSCE activity in which the Turkmen authorities have been most willing to co-operate with the Organization is the economic and environmental dimension. This accords with the often-repeated assertions of President Niyazov and other leaders that economic prosperity is a prerequisite for democratization. The environment has been perceived as a non-political, and therefore, non-sensitive issue. As a result, the Centre in Ashgabad has had considerable success in gaining governmental agreement to its holding events focused on environmental issues and working with environmental NGOs.

Turkmenistan both signed and ratified the UN-sponsored Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (popularly known as the "Århus Convention"). The Ministry for Nature Protection has been particularly supportive of a series of round tables on the issue of the implementation of the Convention in Turkmenistan. This series grew out of a regional conference on the Convention, which was held under UN auspices and organized by the OSCE

Centre in May 2000. A first round table, bringing together government officials involved in environmental issues, members of environmental NGOs and international experts, was held in Ashgabad in December 2000. This was followed by similar events in the cities of Dashoguz, Balkanabad (formerly Nebit-Dag), Mary and the Caspian port city of Turkmenbashy. The series is to end with a final gathering in Ashgabad, at which specific recommendations made at each regional round table for implementing the Århus Convention will be compiled, evaluated and offered to the Turkmen authorities as the basis for further legislative and administrative action.

An OSCE delegation that visited Central Asia in the spring of 2000 to assess regional water management and try to persuade Central Asian governments to take part in a British-organized conference on water management in the region had considerably less success. The Turkmen leadership politely informed the visitors that the Central Asians were able to solve the problems of regional water management without outside assistance. It was proposed, however, that the OSCE could co-operate with Turkmenistan on the issue of water management on a bilateral basis. This is the type of relationship preferred by Turkmenistan for all its international contacts.

Turkmenistan and the Human Dimension

The most sensitive of the OSCE's spheres of activity for all the Central Asian states has been the human dimension. Turkmenistan is no exception. Turkmen officials argue that their country accepts the need for democratization and liberalization of the economy, but it must be at a pace that will not undermine the existing political and social stability. In their view, the OSCE is trying to force the pace of change by insisting that there should be some progress in the implementation of commitments in the human dimension that have been accepted by all participating States. At the same time, some European and North American participating States have expressed impatience at Turkmenistan's reluctance to make a greater effort in the direction of popular involvement in decision-making, transparency of decision-making and other basic elements of the democratization process.

In 1998, the ODIHR drafted Memoranda of Understanding to be signed with the governments of each of the Central Asian states in which new OSCE permanent field presences were to be opened, and in addition with that of Tajikistan. These Memoranda of Understanding, which involved the implementation of packages of projects in the human dimension, were based on the success of the first of such agreements, signed with Uzbekistan in 1997.

The initial package of ODIHR projects for Turkmenistan included human rights training for border officials and for law enforcement officials, gender-related legal literacy and training of domestic election observers. It also included assistance to the Ministry of Justice in preparing the basis for reform

of the judiciary with the objective of creating an independent judiciary, and assisting the Turkmen government in bringing the country's laws into accord with the international conventions ratified by Turkmenistan. One of the most controversial projects, in the Turkmen view, was the proposal to organize a series of meetings between government officials and genuine grassroots NGOs to help the authorities understand the positive role that non-governmental organizations can play in the development of civil society. The initial version of the project called for Turkmen government officials and NGO members to take part in an already functioning series of government-NGO meetings in Kyrgyzstan.

The presentation of the first-draft Memorandum of Understanding and its accompanying package of projects launched a round of negotiations between ODIHR and the government of Turkmenistan, which remained inconclusive. Turkmenistan remains the only OSCE participating State in Central Asia that has not signed a Memorandum of Understanding with ODIHR. The lengthy period since the appearance of the first draft has seen the original package reduced to four projects - training for border officials, development of gender-related issues, assistance to the development of civil society, as well as legislative assistance involving a review of judicial legislation and the training of judicial and law enforcement agencies. In fact, the Turkmen government specifically requested this last project. However, the Turkmen government has consistently balked at accepting the project package as long as it includes the civil society project, which ODIHR on the other hand has declined to abandon. Various ways are currently being explored on the OSCE side to launch a series of human dimension projects without a formal Memorandum of Understanding.

Soon after the OSCE Centre in Ashgabad opened, it was possible at last to conduct the one-week course on international human rights law that had been promised to Turkmenistan two years earlier. The course was held for the first time in Ashgabad in May 1999, co-sponsored by the OSCE Centre, the Ashgabad office of the UNHCR and the Turkmen National Institute for Democratization and Human Rights. The response was so enthusiastic that it was decided to repeat the introductory course and add an advanced one in January and February 2001 with the same co-sponsors but this time also including additional funding from the British Foreign Office.

In the two years since the opening of the OSCE Centre, there have been many instances in which the Turkmen authorities have found it difficult to understand the work of the Centre in the human dimension, in particular the involvement of the Centre's staff in specific human rights cases. Some officials, particularly those outside the capital, appeared to be convinced that the OSCE was a subversive organization because of its association with non-governmental groups. Such views indicate that extensive educational work by the Centre is required to explain the purpose and motivation of the Organization of which Turkmenistan is a participating State.

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Turkmenistan's Assessment of the OSCE

Despite the occasional misunderstandings in the relations between the OSCE and the government of Turkmenistan, the Turkmen leadership's overall assessment of the Organization remains positive after two years of a permanent and active OSCE presence in the country. For the record, Turkmenistan is committed to the principles of the Helsinki Final Act and subsequent documents adopted by the participating States. It has been willing to engage in constructive co-operation, although it asks that the specifics of its situation be taken into consideration. Turkmenistan was particularly impressed with the report of the first OSCE Secretary General Wilhelm Höynck on what the OSCE can and cannot do in Central Asia. In the report, he noted that the mechanisms of the CSCE/OSCE work progressively less effectively the further east one moved in the former Soviet Union.

The Central Asians, the Turkmen included, insist that their mentality is entirely different from that of Europe - psychologically, culturally, historically and geopolitically - though all the Central Asian participating States insist that they are committed to the creation of a democratic society, within their own context and in their own time. Turkmenistan appeals for compromise and constructive dialogue, and expects the OSCE to take into account the country's need to emphasize economic development as a prerequisite for political reform, as well as its need to forge a nation-state and a Turkmen national consciousness where none has existed in the past.

II.

Responsibilities, Instruments, Mechanisms and Procedures

Conflict Prevention and Settlement of Disputes

Alice Ackermann[1]

On the Razor's Edge: Macedonia Ten Years after Independence[2]

Introduction

The emergence of an armed insurgency movement in Macedonia, over the last few months, has demonstrated once more that the Balkans remains a conflict-prone region, and that Macedonia continues to be in a vulnerable position. After escaping the fate of its more unfortunate neighbours for nearly ten years and being hailed as the only former Yugoslav republic to secede without bloodshed, Macedonia now finds itself at the abyss of war. Once an example for the relative success of preventive diplomacy initiated on the part of a number of indigenous and international actors, Macedonia is quickly becoming an example of failure to act preventively.

Although Macedonia's peaceful secession from Yugoslavia has often been viewed as incidental, some international and domestic efforts were devoted to preventing the outbreak of ethnic war in the early years of independence. For years, Macedonia's multi-ethnic governments pursued a policy of accommodation and power-sharing, if only on a limited basis, gradually expanding the rights of all its ethnic minorities, not only those of Macedonian Albanians. The Working Group on Ethnic and National Communities and Minorities of the International Conference on the Former Yugoslavia (ICFY) led negotiations between ethnic Albanians and the Macedonian government on the expansion of minority rights. The United Nations deployed preventive peacekeepers (United Nations Preventive Deployment Force, UNPREDEP) to Macedonia's borders with Serbia and Albania, the first and only preventive mission in the history of that organization. Its mandate was to prevent a spillover of the wars raging in the other former Yugoslav republics. The OSCE monitored progress towards safeguarding ethnic and other human rights through its Mission in Macedonia's capital Skopje and the intermediary efforts of the

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2   The text of this article was finalized on 25 August 2001 and does not reflect developments over the last few months, including the dismantling of the UCK/NLA and the settlement of the crisis. Un updated account of developments in Macedonia after August 2001 can be found in: Alice Ackermann, Macedonia in a Post-Peace Agreement Environment: A Role for Conflict Prevention and Reconciliation, in: International Spectator May/June 2002 (forthcoming).

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OSCE High Commissioner on National Minorities. Many non-governmental organizations were also engaged in long-term conflict management programmes, directed towards building a sustainable peace on the societal level, promoting ethnic tolerance and more unbiased and multi-ethnic media reporting. But most important in the prevention equation was the political will of the country's leadership, including the Macedonian Albanians, not to go down the path of Croatia or Bosnia by choosing a moderate approach to managing minority relations.[3]

For Macedonia, therefore, the current crisis is a tragic development that is likely to set the country back in terms of economic growth, inter-ethnic co-existence, and long-aspired membership in European institutions, particularly the EU and NATO. Since its independence in 1991, Macedonia had made significant progress towards democratization, economic transition, the guaranteeing and protection of minority rights, and the establishment of peaceful relations with neighbouring countries. Much of this came as the result of a moderate leadership and the support of regional and international organizations, in particular the ICFY Working Group, the United Nations, the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe, to name a few. Although the country has remained ethnically divided, with fragile political institutions, a fledgling economy, a segmented civil society, and still existing grievances on the part of its ethnic Albanian population, for ten years Macedonia managed to survive in a region plagued by war, ethnic violence and instability. In fact, Macedonia was considered to be successful enough that prior to the outbreak of armed confrontations in early 2001, most recent studies predicted that the risk of instability seemed less than it had been in the first few years following independence. The country's leadership had also developed a peace-building capacity adequate enough to manage existing ethnic tensions through the political process.[4] For most experts on the region, the formation of an insurgency movement, therefore, came with little warning and few would have predicted the likelihood of militant mobilization ten years after independence.

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3   See for example, Alice Ackermann, Making Peace Prevail: Preventing Violent Conflict in Macedonia, Syracuse/New York 2000; Alice Ackermann, The Republic of Macedonia and the OSCE - Preventive Diplomacy in Practice, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 69-75; Abiodun Williams, Preventing War: The United Nations and Macedonia, Lanham/Maryland 2000.

4   See for example, Heinz Willemsen/Stefan Troebst, Transformationskurs gehalten: Zehn Jahre Republik Makedonien [Sustained Transformation: Ten Years of the Republic of Macedonia], in: Osteuropa 3/2001, pp. 299-315; Lynn Carter/Alice Ackermann/Goran Janev, An Assessment of Ethnic Relations in Macedonia, unpublished USAID/Macedonia Report, Washington, D.C., 2000. Ted Gurr, in his ongoing project on "Minorities at Risk" tracked 275 ethnic groups and did not find Macedonia to be at high risk of ethnic violence. Cf. Ted R. Gurr, Peoples Versus States: Minorities at Risk in the New Century, Washington, D.C., 2000. See also a more recent study, Ted Robert Gurr/Monty G. Marshall/Deepa Khosla, Peace and Conflict 2001: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy, College Park/Maryland 2001.

How can one therefore explain Macedonia's teetering on the brink of war since February 2001 after years of concerted efforts to prevent violent ethnic conflict? What explains the sudden emergence of an armed insurgency movement in late January 2001 that, came summer, had mustered enough recruits and firing power to threaten the country with an all-out ethnic war? What has been done so far to manage the crisis and what possibilities exist to even now find a political solution to end the conflict? To answer these questions, this article explores the causes of the current crisis, looking at four different explanations that may explain its outbreak - unresolved grievances, groups contending for power, the spoiler effect and the spillover of militant ethnic Albanian nationalism. Thereafter, domestic and international responses will be analysed, with particular reference to the efforts of the OSCE. In conclusion, several policy recommendations, which focus on the implementation of a long-term preventive approach for Macedonia and the region, are suggested.

The Origins of the National Liberation Army (UCK/NLA)[5] and Possible Causes for Its Emergence

It is difficult to determine the exact date and the causes for the emergence of an armed insurgency movement in Macedonia. While it is speculated that the National Liberation Army was already in existence in the autumn of 1999, and that it certainly existed in the year 2000,[6] it did not take responsibility publicly for any violent acts until late January 2001, following a grenade attack on a police station in Tearce. In a communiqué sent to the Macedonian daily newspaper *Dnevnik* dated 23 January, the UCK/NLA stated their objective in rather vague terms - the liberation of ethnic Albanians in Macedonia.[7] In subsequent communiqués and interviews since March, the UCK/NLA emphasized that their armed struggle was aimed at constitutional rights and equality for Macedonia's ethnic Albanian population, rather than the territorial disintegration of Macedonia. Their demands included the following: con-

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5   In the Albanian language, the National Liberation Army translates as *Ushtria Clirimtare Kombetare*, UCK, thus incidentally giving it the same acronym as the Kosovo Liberation Army, which in Albanian is *Ushtria Clirimtare e Kosoves,* UCK. Therefore, in this article the acronyms "UCK/NLA" (National Liberation Army in Macedonia) and/or UCK/KLA (Kosovo Liberation Army) are used.

6   See for example: Stefan Troebst, Groß-Kosovo oder unabhängiges Kosovo? [Greater Kosovo or Independent Kosovo?], in: Frankfurter Allgemeine Zeitung of 19 June 2001, p. 10; International Crisis Group, The Macedonian Question: Reform or Rebellion, in: ICG Balkans Report 109/2001; Mirka Velinovska, New Paramilitary Army is Ready in Macedonia, in: Start, 2 June 2000 (also available at: www.balkanpeace.org); Greek Politician Says KLA Trying to Destabilize Macedonia, in: Intelligence Digest 97/2000, 16-29 June 2000 (also available at: www.balkanpeace.org); Macedonian media reports in April stated that Defence Minister Ljuben Panunovski had accused Interior Minister Dosta Dimovska that she knew of an Albanian insurgency movement as early as August 2000. Cf. Macedonia Divided, in: RFE/RL Balkan Report 33/2001, 4 May 2001.

7   Cf. ICG Balkans Report 109, cited above (Note 6), p. 3.

stitutional nation status for ethnic Albanians, Albanian as a second official language and equal employment opportunities for ethnic Albanians.[8] They have justified violence on the grounds that there has not been any progress in advancing ethnic Albanian rights through the political process over the last ten years.[9]

Little is known about the origin, command structure and size of the UCK/NLA. It is believed that the Kosovo Liberation Army (UCK/KLA) was responsible for the creation of two splinter groups, the now "defunct" Liberation Army of Preševo, Medvedja and Bujanovac (*Ushtria Clirimtare e Preshevas, Medvegjas e Bujanovcit*, UCPMB) based in Southern Serbia, and the UCK/NLA.[10] The UCK/NLA allegedly consists of an odd mixture of "fighters" - veterans involved in the 1981 Kosovo revolt; UCK/KLA veterans, who for the most part, were left out of politics in the new Kosovo; "demobilized" UCPMB fighters, who slipped into Kosovo from Southern Serbia; and Albanians from Macedonia. Moreover, it is believed that the Albanian mafia is financing the UCK/NLA, as they previously financed the UCK/KLA.[11] Additional funding comes from international donations that are diverted to the so-called "National Liberation Fund",[12] and there have been reported cases of extortion on behalf of the UCK/NLA.[13]

While the UCK/NLA's troop strength is said to be around 1,100 men,[14] this figure might be much higher given that the UCK/NLA can recruit among ethnic Albanians in Macedonia, Kosovo and other parts of the former Yugoslavia as well as in the diaspora. There have also been reports of forced recruitment, and the UCK/NLA has been successful in attracting unemployed ethnic Albanian youths, particularly from Macedonia. The UCK/NLA's lead-

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8   Cf. Changes for Macedonia's Constitution?, in: RFE/RL Balkan Report, 28/2001, 17 April 2001; also Paul Wood, Eyewitness: Inside the NLA, BBC News, 20 March 2001, at: news.bbc.co; UCK Sprecher Ahmeti: Wir erkennen die mazedonische Grenze an und wollen keine Trennung [UCK/NLA Spokesperson Ahmeti: We recognize the Macedonian border and do not want a division], in: Deutsche Welle, 7 April 2001, at: www.dwelle.de/MON.

9   For a summary of UCK/NLA communiqués and statements, see: Alice Ackermann, On the Razor's Edge: Is There Still a Place and Time for Long-term Conflict Prevention in Macedonia? Paper presented at the Annual International Conference of the Centre for South East European Studies (CSEES), University of London, 14-16 June 2001.

10   Cf. ICG Balkan Report 109, cited above (Note 6); Lyubov Mincheva, Risk Assessment, unpublished paper for the Center for International Development and Conflict Management, University of Maryland, College Park 2001; Farimah Daftary, Testing Macedonia, in: ECMI Brief 4/2001, p. 2; see also the informative report by Stefan Troebst, cited above (Note 6).

11   OSCE sources, telephone interviews, 25 and 27 July 2001.

12   Reported in Philip O' Neil, NLA Set for Long Haul, in: IWPR Balkan Crisis Report 235/2001 of 5 April 2001.

13   According to a Reuters source, for example, on 31 July 2001, KFOR troops arrested three men in Prizren who were accused of extorting money to support the UCK/NLA. Cf. KFOR, Albania Continue Crackdown on Supplies to UCK, in: RFE/RL Newsline 143/2001, Part II, 31 July 2001.

14   A profile of the UCK/NLA was published in a Frankfurter Allgemeine Zeitung article on 14 July 2001. For a summary, see: Macedonian Rebels: 1,100 "Troublemakers", in: RFE/RL Newsline, 132/2001, Part II, 16 July 2001.

er is forty-two year old Ali Ahmeti who comes from Zajas, a village near Kičevo, and who is believed to have been responsible for UCK/KLA logistics during 1998 and 1999, also participating in gunrunning operations.[15] The UCK/NLA is said to be organized in brigades, which are located in the areas surrounding Kumanovo, Tetovo, Gostivar and Debar. UCK/NLA arms supplies come mostly from Kosovo as well as Albania, Bulgaria and Montenegro.[16] More recently, KFOR troops have been successful in blocking supply lines from Kosovo, and Albania has also stepped up its border controls.[17]

The UCK/NLA in Macedonia not only has the same Albanian acronym as the UCK/KLA in Kosovo, the UCK/NLA's connection to the UCK/KLA is also clear in that it has adopted tactics similar to those used by the UCK/KLA and the UCPMB, not only as to the combat techniques it uses, but also in its attempts to become a political force and gain international recognition. Since the Tearce attack in late January 2001, the UCK/NLA has repeatedly launched a series of major offensives from areas surrounding the cities of Tetovo and Kumanovo. On 25 March, the Macedonian government began a massive bombardment of UCK/NLA-held positions, after having issued an ultimatum to the NLA on 21 March to lay down their weapons within twenty-four hours. The offensive ended on 29 March with a governmental statement that the UCK/NLA had retreated into Kosovo. Although in late March and early April, it appeared that the fighting was over the pattern of on-again, off-again clashes quickly resumed throughout April and May. The crisis came to a head in June when the UCK/NLA moved into the vicinity of Skopje, seizing the village of Aracinovo, from which the Macedonian army was unable to dislodge them. It was only through an EU-brokered cease-fire that serious bloodshed was avoided. It allowed the 500 UCK/NLA fighters to withdraw, albeit with their weapons, under NATO escort to a KFOR base near Kumanovo.[18] The negotiated withdrawal, however, led to massive public outrage and on 25 June, 5,000 protesters attacked the parliament building, chanting anti-Albanian and anti-Western slogans, demanding the resignation of President Boris Trajkovski, and insisting that the government continue to

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15 Cf. Jonathan Steele, Macedonia Rejects Rebel Cease-fire Offer, in: The Guardian of 22 March 2001, at: www.guardian.co.uk/macedonia/story/. The newspaper also noted that the UCK/NLA has claimed that sixty per cent of its fighters are from Macedonia. On Ahmeti and the UCK/NLA, see also: Ali Ahmeti - And a Number of New Faces, in: RFE/RL Balkan Report, 38/2001 of 1 June 2001.

16 Cf. Macedonian Rebels, cited above (Note 14).

17 Cf. RFE/RL Newsline, 141/2001, Part II, 27 July 2001; RFE/RL Newsline, 143/2001, cited above (Note 13).

18 The Institute for War and Peace Reporting stated in their 4 July 2001 Report that Prime Minister Georgievski had accepted the withdrawal of the UCK/NLA fighters from Aracinovo because the Macedonian military had estimated that it would have taken ten days to uproot the insurgents from the village at substantial losses rather than the twenty-four hours that had originally been projected; cf. Vladimir Jovanovski, Skopje Politicians Sober Up, in: IWPR Balkan Crisis Reports, 261/2001, 4 July 2001. A spokesperson for the President's Office noted at a conference at the University of London on 14-16 June 2001 that in some areas the Macedonian armed forces found themselves unable to oust the UCK/NLA from their positions.

pursue their military approach towards the UCK/NLA. In the aftermath of Aracinovo and the violent demonstrations in Skopje, the UCK/NLA stepped up their attacks near Tetovo and Kumanovo, threatening to also take their struggle directly to the capital.[19]

The arrival in early July of U.S. envoy James Pardew and his EU counterpart François Léotard led to a negotiated cease-fire that took effect on 6 July, which allowed political talks to begin under the auspices of the two Western mediators. Although the cease-fire agreement held for more than two weeks, a serious breach occurred on 22 July when the UCK/NLA attacked villages near Tetovo, leading the government to issue another ultimatum to the UCK/NLA - to withdraw from Tetovo by 25 July or face an all-out offensive. The cease-fire breach accompanied a deadlock in negotiations with ethnic Macedonian parties unwilling to make concessions on the expansion of ethnic Albanian rights and rejecting certain provisions in a Western-sponsored draft proposal. On 27 July, negotiations were resumed again - but only after NATO had negotiated another cease-fire to restart talks.[20]

As aforementioned, it is difficult to identify the exact causes for the emergence of an armed insurgency movement in Macedonia, in particular, at a time when Macedonia was seen as having made substantial although slow progress towards minority rights. Among the possible explanations for the UCK/NLA's emergence are unresolved grievances, groups contending for power, the so-called spoiler effect and the spillover of militant ethnic Albanian nationalism. The issue of long-standing grievances deserves particular attention here, not only because the UCK/NLA have made them their "*causa belli*" but political, economic and socio-cultural grievances are most often the causes for ethnic conflict. The UCK/NLA demands, however, are not all that different from those that were the focal point of inter-ethnic negotiations when Macedonia became independent. Since then, ethnic Albanian leaders have fought for the expansion of more collective rights using the political process. It is also not entirely clear why and how these grievances have triggered militant mobilization at this point in time, and not several years ago when inter-ethnic relations were far more tense and the DPA, the ethnic Albanian coalition partner in the present government, took more radical positions.[21]

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19 Cf. RFE/RL Newsline, 121/2001, Part II, 26 June 2001.
20 Cf. Macedonian Cease-Fire Broken, in: RFE/RL Newsline 137/2001, Part II, 23 July 2001; Macedonia: NATO Brokers New Cease-Fire, in: RFE/RL, 26 July 2001, at: www.referl.org/nca/features/2001/07; Rebels Remain in Captured Macedonia, in: The Guardian, 26 July 2001, at: www.guardian.co.uk.
21 The current government was formed in 1998 and consists of a coalition of VMRO-DPMNE (Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity), the Liberal Party (LP), and the Democratic Party of Albanians (DPA). Prior to its inclusion in the current government, the DPA was considered the more radical of the two major Albanian parties. At present there are three Albanian parties, the DPA, the PDP (Party for Democratic Prosperity; in government until 1998 and now considered to be the more radical, although it has lost members and political importance), and the National Democratic Party (NDP) created in March 2001.

The question that beckons then is one of timing: "Why now?" From an outsider's perspective, Macedonia's minority rights record, while not perfect, seems nevertheless substantial enough. Macedonian Albanians seemed to have benefited following the country's secession from the former Yugoslavia and its turn towards democracy. Since 1991, all governments have adopted a power-sharing approach that has included ethnic Albanian parties as coalition partners - even if this division of power remained rather limited in that not exactly the most important ministerial posts were given to ethnic Albanians. Substantial concessions were also made regarding education and broadcasting in the minority languages. Ethnic Albanians, for example, have the right to be educated in their own language at the primary and secondary level. Over the last few years, the country has seen the expansion of Albanian radio and television stations, and the print media. The highly contested issue of an Albanian-language university was temporarily settled in 2000 through a compromise solution suggested by the then OSCE High Commissioner on National Minorities (HCNM), Max van der Stoel, proposing the creation of a multi-lingual institution of higher learning, the so-called South East European University in Tetovo.[22]

At the same time, however, there has also been little progress on the most contentious issues that have been on the agenda since independence - constitutional recognition of ethnic Albanians as a nation and recognition of the Albanian language as the second official language of the state. Since 1991, ethnic Albanian politicians have made compromises on these demands - more primary and secondary education in Albanian; an increase in Albanian language broadcasting; a European-sponsored and funded "Albanian" university; the use of Albanian in areas with an Albanian majority, subject to the Law on Local Government which took years to pass Parliament - all in lieu of demands for changes to the preamble of the constitution recognizing ethnic Albanians as a nation, and the use of Albanian as a second official language. Ethnic Albanian leaders believed that many of these compromises - negotiated under the auspices of the ICFY Working Group on Ethnic and National Communities and Minorities at first, and later the OSCE High Commissioner

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22   The official ceremony marking the beginning of the construction of the South East European (SEE) University took place on 11 February 2001, following the establishment of an international foundation, the SEE University Foundation, on 30 November 2000 that is to manage international funds and oversee the University project. The SEE University is to have an Albanian curriculum with courses also taught in Macedonian and other European languages, and is to include faculties of law, business and public administration, communications, computer studies and teacher training. The University opened on 20 November 2001. Cf. New University Project Unveiled in Tetovo, Former Yugoslav Republic of Macedonia, OSCE Press Release, 12 February 2001, at: www.osce.org/news/. The adoption of a new Law on Education on 25 July 2000 made it possible for this new institution to be established. Prior to this, there was no legal framework that allowed for higher education in the Albanian language. It is for this reason that ethnic Albanians had set up their own university in Tetovo in 1994, which the Macedonian government considered illegal, and which caused serious tensions between the Macedonian authorities and ethnic Albanians for several years.

on National Minorities, during a time when secession was a more serious possibility - could be expanded over time. However, all subsequent governments, including the present one under Prime Minister Ljubco Georgievski not only failed to make good on these promises and expand minority rights but also neglected to convince the Macedonian population that such action was essential for maintaining ethnic peace.[23]

Apart from frustrations over these unresolved contentious issues, ethnic Albanians have a series of other grievances: that the Macedonian state remains primarily identified with one ethnic nation, the Macedonian, indicative by the many Macedonian national symbols; that progress towards local self-government, which would give more political and economic power to municipalities, remains slow; that ethnic Albanians are underrepresented in the police, the military and other administrative professions; and that unemployment, while endemic in the entire country, is more severe for ethnic Albanians because of discriminatory practices. Also with respect to SEE University, some observers are of the view that this is again only a compromise. First, it was only Arbën Xhaferi, the party leader of the DPA, who accepted the idea of the SEE University and not necessarily all the members of his party or those of the PDP. For example, the PDP argues that the so-called Tetovo University, illegally established in 1994, should receive public funding. It is also far from certain how much support there is for the new university from the Albanian population. Teuta Arifi, lecturer at the University of Skopje, has critically remarked in this connection that Western funding would now also benefit SEE University and thus disadvantage other state universities. Furthermore, the language requirements for SEE faculty are so stringent that only ethnic Albanians would have a chance of getting a teaching position there, which would again lead to further inter-ethnic competition.[24] From this discussion on existing grievances one may argue that there is some justification for the UCK/NLA's emergence and the support the Macedonian Albanian population gives them. However, it is not clear whether the UCK/NLA are not simply exploiting these grievances to mask other interests, such as the deliberate destabilization of Macedonia.

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23   The author wishes to thank Ambassador Geert-Hinrich Ahrens, Head of the OSCE Presence in Albania, for his valuable comments and insights regarding minority rights in Macedonia during an interview on 25 July 2001. Ambassador Ahrens served as the ICFY Working Group chairman from 1991 to 1996 and was responsible for negotiations between ethnic Albanians and the Macedonian government on minority rights issues. The Working Group's role in these negotiations is explored in Ackermann, Making Peace Prevail, cited above (Note 3), chapter 5.

24   The author would like to thank Stefan Troebst for providing this information. Cf. also: Stefan Troebst, Dreh- und Angelpunkt ist die Regelung des künftigen Status des Kosovo [The Pivotal Point is the Future Status of Kosovo], interview with Stefan Troebst, Balkans expert and cultural scientist at the University of Leipzig, on the Macedonian Peace Agreement, in: Deutsche Welle Monitor, 17 August 2001, at: www.dwelle.de/M; cf. also: Veton Latifi, Albanian Divisions Threaten Accord, in: IWPR Balkan Crisis Report 271/2001, Part I, 14 August 2001.

There are three other explanations for the emergence of the UCK/NLA, which are equally potent, and which are to various degrees linked to the existence of long-standing grievances. For one, it may be argued that the UCK/NLA have emerged as political contenders in the struggle for power in the state. This contention for power is two-fold, involving an inter-group and in-group dimension. On the one hand, the UCK/NLA is not only challenging the ethnic Macedonian leadership with regard to their legitimate power but also the established ethnic Albanian parties. Although ethnic Albanian leaders over the last ten years established political legitimacy to represent the Macedonian Albanian community in their struggle for more collective rights through political channels, they have now come to be perceived as having failed in their efforts.

Related to this explanation is the argument that the UCK/NLA also function as spoilers of what was until a few months ago considered an "incremental and managed" approach to minority rights. There are two ways in which the spoiler effect works in the case of the UCK/NLA:

1. The UCK/NLA have been attempting to "spoil" a political process by which elected ethnic Albanian leaders in Macedonia have sought the expansion of minority rights over time.
2. The UCK/NLA constitutes so-called "spoilers from outside" - that is, individuals who lost out when the UCK/KLA failed to create an independent Kosovo, and who are now trying to achieve their long-aspired goal of an independent state through the destabilization and disintegration of Macedonia.

From that perspective, the current crisis in Macedonia is a direct spillover from Kosovo and linked to the existence of an all-Albanian nationalist movement which includes Kosovo Albanians, who were sidelined in Kosovo politics, as well as radical Macedonian Albanians, all of whom are seeking to establish a "Greater Kosovo" or some sort of ethnically homogenous entity.[25] There is some evidence for this not only because of the links between the former UCK/KLA and the UCK/NLA but also because of the sources of financial support for the insurgency movement.

Domestic and International Responses: Crisis Management Rather than Prevention

Crisis management rather than escalation prevention has been the dominant approach to the insurgency on the part of domestic and international actors. Much of this has to do with the fact that a state only seldom relies on non-

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25   Cf. Mincheva, cited above (Note 10). Stefan Troebst has documented these connections, cf. Troebst, cited above (Note 6).

military options to control insurgent movements. Because the UCK/NLA used violence from the very beginning, the Macedonian government automatically reacted with counterviolence as it saw the territorial integrity of the state threatened and thus attempted to defend it. Unfortunately, possible non-military options were thus foreclosed because a military solution to the crisis was seen as a much faster and better option. As part of this military solution to the problem, the Macedonian government, which from the beginning referred to the UCK/NLA as "terrorists" and viewed the armed insurgency as a spillover from Kosovo, refused negotiations and instead tried to uproot the UCK/NLA fighters from their bases in towns and villages and force them to withdraw to Kosovo. In the process, Macedonian armed forces were rather heavy-handed in their bombardment of ethnic Albanian villages and there were numerous reports of human rights violations against ethnic Albanians.[26] By May, the government also began to show signs that it was having difficulty coping with the crisis and that the collective decision-making process had become seriously impaired which further inhibited a shift in policy towards a negotiated settlement.

Contending positions emerged within the Macedonian leadership and between ethnic Albanian and Macedonian parties as to how to manage the crisis, all of which affected the government's ability to prevent further escalation and bring the crisis to an end. By May it appeared that Prime Minister Georgievski and President Trajkovski were at odds over whether to continue with a military option or seek a cease-fire, disarming the UCK/NLA with NATO's assistance, and granting a partial amnesty to local UCK/NLA fighters, a compromise solution preferred by the President. Georgievski's mercurial behaviour, promising constitutional change on one day, such as in his "agenda for peace" on 30 May, only to back away from it a few days later, arguing instead that changes in the constitution could lead to the federalization of Macedonia, also became an obstacle in moving towards a political settlement. Inconsistencies in policy approaches can also largely be attributed to differing positions, particularly between Albanian and Macedonian parties, over such constitutional changes that would have granted more rights to ethnic Albanians. Throughout June and July it also became apparent that the government was becoming increasingly immobilized because of the influence of popular pressure, particularly on the part of more nationalist Macedonians, who began to stage several demonstrations, some of which led to violent acts as on 25 June and 24 July, and who have opposed making any concessions to ethnic Albanians or the UCK/NLA.[27]

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26 Cf. Human Rights Watch, Macedonian Government Abuses in Runica Village, in: Human Rights Watch World Report 2001, Macedonia, 29 May 2001, at: www.hrw.org/press; and Human Rights Watch, Macedonian Police Abuses Documented, 31 May 2001, at: www.hrw.org/press. Human Rights Watch also sent letters to UCK/NLA leader Ahmeti, President Trajkovski and Prime Minister Georgievski on 4 May 2001, calling for the protection of the civilian population.

27 Cf. Macedonia: Georgievski Shifts Policy on Constitution Change, in: RFE/RL, 31 May 2001, at: www.rferl.org/nca/features/2001/05; Jolyon Naegele, Macedonia: Possible Turn-

One of the more serious political crises occurred in late May. It threatened to break up the national unity government, consisting of all political parties, which had been formed under EU auspices on 13 May.[28] The crisis was triggered after it had become public that the leaders of the DPA and the PDP had signed a "peace agreement" with the UCK/NLA leader Ali Ahmeti in which they emphasized their common political agenda - changes to the constitution, Albanian as a second official language of the state, more proportional representation, and more local autonomy.[29] The Macedonian government rejected the agreement, as did NATO, the EU, and the OSCE. It was only because of the intervention of Javier Solana, the EU's High Representative for the Common Foreign and Security Policy, who visited Skopje on 28 May, and then again on 29 May, that the collapse of the national unity government was prevented and the coalition partners issued a statement on the annulment of the "peace agreement".[30]

All these incidences demonstrate that the Macedonian government has had considerable difficulties in adopting a common stance towards resolving the crisis. Moreover, the readiness to use force has been surprising. Worse, resorting primarily to a military approach has only exacerbated the violence. As the last few months have clearly shown, threats issued by the UCK/NLA have met with counter-threats by the Macedonian government and vice versa, and this "tit-for-tat" strategy was also evident among all the political parties as their leaders became more unyielding and adopted "maximalist" positions. In particular, the more nationalist elements within the Macedonian government consistently tried to derail negotiations, refusing any compromise on some of the contentious issues. What appears tragic to most observers is that there were few concerted efforts on the part of Macedonian and ethnic Albanian politicians over the last few months in appealing to their respective com-

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ing Point in Macedonia's Interethnic Conflict, in: RFE/RL, 1 June 2001, at: www.rferl. org/nca/features/2001/06; A Breakthrough in Macedonia?, in: RFE/RL Balkan Report 38/ 2001, 1 June 2001; Macedonia Divided, in: RFE/RL Balkan Report, 4 May 2001; Macedonian Security Forces Paralyzed By Power Struggle, in: RFE/RL Balkan Report, 42/ 2001, 15 June 2001; Vladimir Jovanovski, The Macedonian Hawk, in: IWPR Balkan Crisis Report 255/2001, 13 June 2001. On President Trajkovski's Peace Plan, see for example, Trajkovski's "Last Chance" Plan, in: ibid.

28 The PDP and the major opposition party, the SDSM (Alliance of Democratic Forces in Macedonia), were added to the national unity government. Cf. Ulrich Buechsenschutz, The New Macedonian Government in Facts and Figures, in: RFE/RL Balkan Report, 36/ 2001, 18 May 2001.

29 The so-called peace agreement also stipulated an amnesty for UCK/NLA fighters in return for a cease-fire and the UCK/NLA's right to veto decisions regarding ethnic Albanian rights. Its signatories committed themselves to preserving Macedonia's integrity and emphasized that a military solution could not resolve Macedonia's problem.

30 Cf. Veton Latifi/Agim Fetahu, Albanian Deal Threatens Coalition, in: IWPR Balkan Crisis Report 250/2001, 25 May 2001, at: www.iwpr.net; Politische Führer der Albaner in Mazedonien und UCK stellen gemeinsame Forderungsliste auf [Albanian Political Leaders in Macedonia and the UCK/NLA Draw up a List of Common Demands], in: Deutsche Welle Monitor, 24 May 2001, at: www.dwelle.de/MON; Colin Soloway, Albanian "Peace Deal" Controversy, in: IWPR Balkan Crisis Report 251/2001, Part II, 31 May 2001, at: www.iwpr.net.

munities to protect their common state by putting nationalist sentiments aside. The exceptions are perhaps only to be found among some of the local politicians in smaller multi-ethnic communities such as Kumanovo.

Constructive international involvement, mostly by way of third-party mediation, also has come relatively late in the crisis, although it is fair to say that the international community was quick in condemning the violent actions of the UCK/NLA. Although the three major European institutions that have assumed a direct role in the conflict, NATO, the OSCE, and the EU, were able to take a co-ordinated approach, they have basically responded in a reactive rather than a preventive fashion. Perhaps UCK/NLA use of violence and Macedonia's insistence on a military approach to resolving the crisis are mostly to blame for this reactive response. It forced NATO, the EU, and the OSCE to adopt a two-track, but dichotomous, approach to managing the conflict - they would not only support Macedonia's military option but would also simultaneously press for a political solution.

EU's High Representative for the Common Foreign and Security Policy Javier Solana and NATO Secretary General George Robertson have functioned primarily as "trouble-shooters". Under their individual or collective leadership, the EU and NATO have brokered not only temporary cease-fires but have also discouraged Georgievski from declaring a state of war, an action he seriously considered twice, once on 6 May, and a second time on 6 June after stating that only a strong military response would achieve peace, and which could have led to an all-out civil war. In early May, Solana was crucial in the formation of a national unity government and in preventing its break-up a few weeks later. In late June, Solana brokered a cease-fire allowing UCK/NLA fighters barricaded in Aracinovo to leave on buses under NATO escort. On 26 July, Solana and Robertson, accompanied by the OSCE Chairman-in-Office Romanian Foreign Minister Mircea Geoana, rushed to Skopje with the pledge that NATO, the EU, and the OSCE would assist in the implementation of a possible peace agreement. The visit came at a time when negotiations threatened to be derailed because of the unwillingness of the Macedonian delegation to agree to the mediators' draft proposal, and when there were renewed UCK/NLA attacks, the threat of a new Macedonian military offensive, and a riot in Skopje.

It was only in early July, nearly six months after the first violent attacks occurred that the international community was able to persuade the Macedonian government and the ethnic Albanian leaders to engage in political negotiations that were intended to move towards fulfilling some of the most contentious demands of ethnic Albanians so as to undermine the UCK/NLA and avert an all-out civil war. Since the arrival of U.S.-EU envoys, Pardew and Léotard, there were rounds of negotiations where the three different parties - ethnic Macedonians, ethnic Albanians, and the two envoys - presented proposals for a new legal framework that was to resolve the nation status and use of the Albanian language issues. Negotiations also addressed a number of

other issues, such as the representation of ethnic Albanians in the police and other institutions, the selection of local police chiefs, national symbols, and amnesty for UCK/NLA fighters. While already on 26 July, Solana and the NATO Secretary General announced optimistically that an agreement on 95 per cent of all issues had been reached, the most contentious issues remained the use of the Albanian language and the composition and control of police forces.[31] The next few weeks were to be crucial, not only as to whether a political agreement could be produced but also as to whether it was going to be acceptable to all the contending parties and their constituents. At the beginning of August, an agreement was finally reached in Ohrid, which was signed on 13 August by the Macedonian government and representatives of the Albanian parties, but not the UCK/NLA, who did however declare they would be willing to support the agreement. This agreement contains the following measures and stipulations: The official use of Albanian in Parliament, with simultaneous interpretation, and in areas where Albanians make up at least 20 per cent of the population; the publication of laws and other official documents, including identity cards, in the Macedonian and Albanian languages; non-discrimination and equal opportunities for Albanians in the public services; an increase of the number of police officers of Albanian origin by 500 by July 2002 and by another 500 by July 2003 in areas with Albanian populations, after ethnic Albanians had agreed that control of the police rest with the central government; local heads of police however may be selected by the municipal councils from a list compiled by the ministry of the interior; a change in the preamble to the constitution so that it no longer refers to specific ethnic and national groups and the term "citizens of Macedonia" is used in their stead; the introduction of the so-called "double majorities", which the Macedonian media also call the "Badinter mechanism" as Robert Badinter can be attributed with creating this constitutional mechanism that is to protect the representatives of minorities from being outvoted in Parliament; a change in Article 48 of the constitution in which the word "nationalities" is replaced by the term "communities"; the establishment of a new institution, the Committee on Inter-Community Relations to replace the Council for Inter-Ethnic

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31 For a more in-depth discussion of the negotiations and the various proposals and counter-proposals presented, see for example, Ulrich Buechsenschutz, Macedonians React to Albanian Proposals, in: RFE/RL Balkan Report 49/2001, 17 July 2001; and Ulrich Buech-senschutz, Macedonia: Speaking a Different Language, in: RFE/RL Balkan Report 51/2001, 24 July 2001; Saso Ordanoski, Macedonian Talks Avoid Collapse, in: IWPR Balkan Crisis Report 264/2001, Part I, 21 July 2001. The Western proposal included a draft constitution written by Robert Badinter, the French constitutional expert who in the early 1990s headed the EU's Badinter Commission, a group of constitutional experts who established the criteria for the recognition of new states in Eastern Europe and the former Soviet Union. On some of the events in late July cf., *inter alia*, RFE/RL Newsline 141/2001, Part II, 27 July 2001; RFE/RL Newsline 142/2001, Part II, 30 July 2001. For coverage of the course of the negotiations, cf. Breakthrough Reported on Language Issue in Macedonian Talks, and Police Issue to Dominate Macedonian Talks' Next Round, in: RFE/RL Newsline 145/2001, Part II, 2 August 2001 (both reports in the same issue); Peace Talks Resume in Macedonia, RFE/RL Newsline 146/2001, Part II, 3 August 2001.

Relations, which was rarely ever convened; an extension of the Albanians' rights to university education in their language and to the use of Albanian national symbols. Moreover, the UCK/NLA was guaranteed amnesty and on 15 August, NATO mediator Peter Feith signed an agreement with UCK/NLA leader Ahmeti in Sipkovica near Tetovo in which the UCK/NLA declared its willingness to surrender its weapons, ammunition and uniforms to NATO troops. The first NATO troops taking part in operation "Essential Harvest", which was to number between 3,500 and 4,000 men and to implement the demobilization of the UCK/NLA within 30 days, arrived in Macedonia on 17 August.[32]

As to the OSCE's role in the crisis, since February, the OSCE Spillover Monitor Mission to Skopje had increasingly warned of the deterioration in inter-ethnic relations and the threat the UCK/NLA posed to the country, indicative in that it had begun to send daily reports to the OSCE Permanent Council, rather than once weekly as was customary. But even the OSCE with its commitment to early warning and conflict prevention has not been able to render more than crisis management. Again, much of this has to do with the Macedonian government's approach to the crisis, and lately, their resentment against all international pressures. Moreover, the Spillover Monitor Mission remained considerably understaffed, although the number of its members had been increased to twenty-six at that point in time, had little logistical support to undertake serious preventive action, and probably needed a revised mandate to effectively deal with the kind of tasks which would address the ethnic violence witnessed over the last few months, and to engage effectively in overseeing implementation of the political agreement. For the most part, the Spillover Monitor Mission continues its monitoring activities and is expected to assume a major role in what has been referred to as "post-crisis rehabilitation", that is the monitoring of certain provisions associated with the political agreement - short-term and long-term confidence-building measures such as the resettlement of refugees and internally displaced persons; assistance in local reform and the training of an ethnically mixed police force.[33] The OSCE Spillover Monitor Mission has also publicly condemned the "ethnic cleansing" of Macedonians from villages near Tetovo.[34]

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32 Cf. Ulrich Buechsenschutz, The Macedonian Peace Agreement, Part I, in: RFE/RL Balkan Report 58/2001, 17 August 2001; Ulrich Buechsenschutz, The Macedonian Peace Agreement, Part II, in: RFE/RL Balkan Report 59/2001, 21 August 2001; Conditions Met for NATO Role in Macedonia, in: RFE/RL Newsline 154/2001, Part II, 15 August 2001; NATO Moves Into Macedonia, in: RFE/RL Newsline 160/2001, Part II, 23 August 2001. In correspondence with the author on 8 August 2001, Stefan Troebst called attention to the fact that the former Minister of the Interior Frckovski had already between 1992-1993 tried to establish a larger quota for Albanians in the police force. This attempt failed however because younger Albanians who had applied to the police force were ostracized by their families and peers.
33 OSCE source, telephone interview, 26 July 2001.
34 Cf. OSCE Condemns Violence Against Civilians, in: RFE/RL Newsline 139/2001, Part II, 25 July 2001.

Most of the OSCE's activities have remained confined to diplomatic instruments: condemnations and warnings of the escalation of violence; and a number of Permanent Council sessions to discuss the crisis. However, the Permanent Council also authorized additional monitors to the OSCE Mission.[35] On 21 March, the OSCE Chairman-in-Office Geoana appointed Ambassador Robert Frowick as his Personal Representative in Skopje. In a special Permanent Council session, Frowick detailed his role: "to develop a concept for coherent action of the OSCE" in co-ordination with the OSCE High Commissioner on National Minorities and the Head of the Spillover Monitor Mission.[36] Frowick's mission, however, was cut short when it was reported that he had assisted in the negotiation of the so-called "peace agreement" between the UCK/NLA and the two major ethnic Albanian parties and was accused of acting on his own without informing the Macedonian or OSCE authorities.[37] On 1 July, former HCNM Max van der Stoel was appointed Geoana's Personal Envoy with the mandate "to facilitate a dialogue and provide advice for a speedy solution of the current crisis (...)".[38]

The pressures that NATO, the EU and the OSCE have mounted on the Macedonian government to end the crisis politically has resulted in an increased hostile attitude towards Western involvement, both on the part of the Macedonian government, particularly its hard-liners, but also the ethnic Macedonian population. There have been several violent demonstrations, the most recent one on 24 July when nationalist Macedonians attacked Western embassies and offices including that of the OSCE Spillover Monitor Mission as well as destroying OSCE vehicles. There have also been a series of negative statements from the Macedonian government's spokesperson, accusing the

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35   Cf. OSCE, Permanent Council, Decision No. 405, Temporary Strengthening of the OSCE Spillover Monitor Mission to Skopje, PC.DEC/405, 22 March 2001. The Mission was increased from eight to sixteen members. On 7 June, the Permanent Council once more increased the staff by ten members, enlarging it to 26. Cf. OSCE, Permanent Council, Decision No. 414, Further Enhancement of the OSCE Spillover Monitor Mission to Skopje, PC.DEC/414, 7 June 2001.

36   OSCE, Chairman-in-Office, Need for intensified political dialogue in the former Yugoslav Republic of Macedonia, Press Release, 30 March 2001.

37   In a meeting with Geoana on 25 May, Frowick maintained that he never had direct contacts with the UCK/NLA but that he had only met with ethnic Albanian leaders from Macedonia, Albania, and Kosovo, as well as Macedonian leaders from Skopje. Cf. OSCE, Chairman-in-Office, Chairman-in-Office meets with Personal Representative Frowick, Press Release, 26 May 2001. Judging by one source, Frowick was not in a position to notify all parties to the mediation process. Therefore, Frowick's role in the mediation process should in the future be examined again more carefully to be able to yield a fair analysis. It should also be mentioned that Frowick was the first Head of the then CSCE Spillover Monitor Mission to Skopje from September to December 1992 and in 1993, the Founding Director of the NGO "Search for Common Ground in Macedonia"; cf. Ackermann, cited above (Note 3).

38   OSCE, Chairman-in-Office, Van der Stoel appointed Personal Envoy of Chairman-in-Office, Press Release, 29 June 2001. Van der Stoel also made several visits to Macedonia while still High Commissioner. His last visit came just two days before his mandate ended at the end of June. However, there is no publicly available information on the frequency of visits during the crisis or their content. Van der Stoel arrived as Personal Envoy in Skopje on 10 July 2001.

West of having been partisan and siding with terrorists.[39] An intensive disinformation campaign also began once negotiations started, with media reports accusing NATO and the United States of assisting the UCK/NLA.[40] Prime Minister Georgievski himself stirred the fire several times, for example on 18 July when he announced that the latest compromise proposal, which the Macedonian delegation had deemed unacceptable, was interference in the internal affairs of Macedonia and that the West was attempting to impose federalization on Macedonia.[41] Even after the political agreement had been signed and NATO troops deployed in Macedonia, anti-Western and anti-NATO sentiments prevailed, which Patrick Moore of Radio Free Europe described as a "broader propaganda war". For weeks the Macedonian media had been fuelling anti-Western sentiment from which even Western journalists did not escape. Macedonian nationalists blockaded the main road between Skopje and Blace on the border of Kosovo; and the Macedonian population in general sees the NATO troops deployed in Macedonia as supporters of the UCK/NLA.[42]

A Comprehensive Conflict Prevention Plan for the Region

There is a great urgency to implement a comprehensive and long-term conflict prevention approach for Macedonia and the Balkans. But whether such a policy can be adopted soon, or even at all, will not only depend on whether the agreement reached on the most contentious issues such as language use, nation status, and representation in the police, can ultimately be implemented, especially against the will of staunch Macedonian nationalists. At present, many observers are pessimistic on the prospects for a peaceful settlement of the crisis, simply because of the severity of the mistrust and animosity that has been unleashed by the armed confrontations over the last few months and the sentiments of victimization that all parties to the conflict have experienced. Moreover, the readiness with which military force has been indiscriminately used, both by the UCK/NLA and the Macedonian government, has made it difficult to resolve the crisis permanently by political means. Lastly, even if the conflicting parties still want to avert a large-scale war, there is a growing sentiment that each side now seems ready to defend its in-

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39 See here, for example, ... And Issue Ultimatum, in: REF/RL Newsline 139/2001, Part II, 25 July 2001.

40 Cf. Disinformation Campaign in Macedonia, Serbia? RFE/RL Newsline 142/2001, Part II, 30 July 2001.

41 Cf. Macedonian Prime Minister Says West Backs "Terrorists", in: RFE/RL Newsline 135/2001, Part II, 19 July 2001.

42 Cf. Patrick Moore, Skopje's Own Goal, in: RFE/RL Balkan Report 60/2001, 24 August 2001. In regard to the campaign against Western journalists, Moore makes the comment that one had been able to observe the same pattern of behaviour on the part of the Serbs during the Croatia, Bosnia and Kosovo wars as now in Macedonia, for example, Western journalists were sent aggressive e-mails.

terests, and if necessary by force. The threshold for using force had already been crossed several months ago, when the UCK/NLA thought it would be possible to achieve its goals, whatever they may be, through violence and the Macedonian government thought it possible to defeat the UCK/NLA militarily in a relatively short period of time.

However should Macedonia once more have the good fortune to be spared the fate of some of the other former Yugoslav republics, it is crucial that a more long-term approach to conflict prevention be adopted. Such an approach must not only be inclusive of those provisions envisioned as part of the NATO/EU/OSCE post-conflict rehabilitation and confidence-building measures. Moreover, there need to be short-term, as well as more long-term, structural preventive measures, including the following: the creation and institutionalization by the government of a regular forum for inter-ethnic dialogue where progress towards the implementation of those provisions agreed upon in the negotiations and the expansion of minority rights in general can be monitored; the establishment of a multi-ethnic police and military force as well as an ethnically mixed academy for the training of such forces; a textbook reform to eliminate stereotypes from social science books; introduction of educational programmes to reduce extreme nationalist sentiments and promote a civic identity rather than a nationalist one; major party reform to stamp out corruption and nepotism; a reform of the media to stop provocative reporting; major initiatives to address unemployment, particularly among youth; creating more economic opportunities and the building of infrastructure in remote areas of the country but especially those near the Kosovo border which have served as recruiting grounds for the UCK/NLA because of their lack of educational and employment facilities; assistance in local government reforms; and the facilitation of good governance.

A regional approach to conflict prevention is also clearly needed in co-ordination with NATO, the EU and the OSCE, as well as some of the countries in the region to stop the flow of arms and the infiltration of militant groups. Moreover, a demilitarization plan for the entire region should be adopted, and given the success of the UNPREDEP, a similar preventive force should be deployed along the Macedonian-Kosovo border. An early warning and information gathering entity should be created to monitor regional and internal developments; economic assistance should be targeted towards the region in an effort to facilitate post-conflict prevention; cross-border co-operation should be intensified, in particular through projects that enhance the economic conditions of local communities in Macedonia, Kosovo, and Albania. Lastly, however, what is most crucial is that some solution to the Kosovo "problem" be found, because as long as there is neither true political autonomy for Kosovo without the UNMIK and the KFOR presence, nor an independent Kosovo, Macedonia will remain on the razor's edge because despite the planned demobilization of the UCK/NLA by NATO troops extreme

groupings like the UCK/NLA will be very difficult to isolate on a long-term basis.[43]

Concluding Thoughts

While there is still some hope that a full-fledged ethnic war can be averted, on the societal level there is a distinct sentiment that interethnic co-existence is already suffering from irreparable damage. The injustices committed and the narratives of victimization are beginning to resemble those that we have heard about in other parts of the Balkans - houses and shops set on fire; ethnic cleansing of villages; people fleeing their homes; the destruction of cultural assets of a religious nature, for example that of the 14th-century orthodox monastery in Lesok;[44] the demonization of the "other." But there are still a few good examples of local politicians and citizens trying hard to preserve peace in their communities, such as in Kumanovo, a multi-ethnic town of Macedonians, Albanians, Vlahs, Serbs, and Roma. Here, the mayor, Slobodan Kovačevski, and his counterpart, Feriz Dervish, a member of the municipal council, have exerted their influence to defuse ethnic tensions, even in light of the fighting in their area. Whether the creation of new narratives by victims and victimizers can be brought to a halt in time depends on whether the provisions in the political agreement are in fact implemented as quickly as possible, whether the popularity of nationalist extremists on both sides can

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43   According to reports, in the meantime a UCK/NLA successor organization has already been formed in Macedonia, the Albanian National Army under the leadership of Xhavid Hassani, a former UCK commander in Kosovo and Macedonia. The Albanian National Army declared in a communiqué that they did not plan to stop the war or recognize any political agreement. Cf. Iso Rusi, Comment: Last Chance for Peace, in: IWPR Balkan Crisis Report 271/2001, Part I, 14 August 2001; Latifi, cited above (Note 24); Macedonia: How many groups, how many guns?, in: The Economist, 25 August 2001, pp. 36-37. Halil Matoshi reports that the Albanian National Army is made up of fighters from the Kosovar UCK/KLA and the Macedonian UCK/NLA who are not in agreement with the Macedonian peace agreement. Their commando bases are in Macedonia, Kosovo and the Preševo Valley. This rebel movement had existed under the same name before in 1999 as a faction of the Kosovar UCK/KLA. According to their spokesperson Alban Hoxha, the Albanian National Army is fighting for a unified Greater Albania. Cf. Halil Matoshi, The Albanians' New Model Army, in: IWPR Balkan Crisis Report 274/2001, 24 August 2001. UCK/NLA Commander Ahmeti indicated in an interview on Deutsche Welle that the UCK/NLA would set up a political wing so that it will be able to participate in the next election in January 2002 because the fight for Albanians' rights has moved from the battlefield into the Parliament. Cf. Macedonian Albanian Guerrillas to Form Party on the Model of Sinn Fein? in: RFE/RL Newsline 156/2001, Part II, 17 August 2001.

44   The Macedonian government accused the UCK/NLA of destroying the monastery and said this act could be compared to the destruction of the giant Buddhas in Afghanistan by the Taliban. On the other hand, the UCK/NLA gave the Macedonian government responsibility for the destruction charging it with wanting to circumvent the peace agreement. Cf. Moore, cited above (Note 42).

be stemmed, whether moderate politicians can still rescue the political process and whether the UCK/NLA can be isolated permanently.[45]

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45 Opinion polls show that both ethnic groups have lost confidence in their parties and the party leaders. Cf. Ulrich Buechsenschutz, Macedonian Disappointments and Fears, in: RFE/RL Balkan Report 60/2001, 24 August 2001.

Daan W. Everts

The OSCE Mission in Kosovo

The OSCE Mission in Kosovo (OMIK) is an integral part of the United Nations Mission in Kosovo (UNMIK), mandated by the 10 June 1999 Security Council Resolution 1244 to provide an interim international civil administration under which the people of Kosovo could enjoy substantial autonomy. This Security Council Resolution vested in UNMIK all legislative and executive powers as well as the administration of the judiciary. Amongst its key tasks, UNMIK would promote the establishment of substantial autonomy and self-government in Kosovo; perform basic civil administrative functions and facilitate the political process to determine Kosovo's future status; maintain law and order and promote human rights. While supporting reconstruction efforts, humanitarian and disaster relief programmes, the interim administration would also assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

The general strategy of UNMIK was envisaged in five integrated phases: In the first phase, the Mission would set up administrative structures, deploy international civilian police and provide emergency assistance to returning refugees. Throughout the second phase, the focus would be on the administration of social services and utilities and the consolidation of the rule of law. In the third phase, UNMIK would finalize preparations and conduct elections for a Kosovo Transitional Authority. Thereafter UNMIK would help Kosovo's elected representatives organize and set up provisional institutions for democratic and autonomous institutions. The concluding phase would depend on a final settlement of the status of Kosovo.

OMIK, in pursuit of these common objectives, has co-operated with the other UNMIK pillars to this end. For OMIK, these goals have been to help create the rule of law, to help build democratic institutions, and very importantly, to organize and execute municipal and Kosovo-wide elections. Therefore, the OSCE Mission in Kosovo is also referred to as the "Institution-Building Pillar". OMIK's overall activities fall under two main headings, namely "Democratic Governance", which encompasses the Democratization, Elections and Media Affairs Departments, as well as the OSCE-led Joint Interim Administration's Department for Democratic Governance and Civil Society, and "Human Rights/Rule of Law", which covers the Human Rights/Rule of Law Department and the Kosovo Police Service School.

While there have been many highlights in the almost two years of OMIK's presence, the municipal elections of 28 October 2000, unquestionably, crowned them all. For the first time in over ten years, the people of Kosovo went to the polls to decide their local leadership. The successful organization and conduct of the elections have been a tremendous boost for the image and self-esteem of the Kosovars, who proved their democratic credentials. Indeed the international community had repeatedly reiterated the importance of these municipal elections as a benchmark in the progress towards self-governance as defined by Security Council Resolution 1244. The organization of any election required the fulfilment of certain basic conditions applicable to every election. As there was no register from which one could begin to draw up a voters list, in April 2000, UN Civil Administration, in co-operation with OMIK, created the Joint Registration Task Force (JRT) to register Kosovo's population. Approximately one million Kosovars registered. Of these, 38,000 resided outside of Kosovo. The registration period also included the certification of 39 political parties, coalitions, citizens' initiatives and independent candidates for participation in the 2000 municipal elections.

The Central Election Commission (CEC), established to lay down the rules governing elections, was made up of nine Kosovars and chaired by the Head of the OSCE Mission. The CEC successfully delinked the technical from the political in the election preparations in the province. The CEC acted as the principal regulatory body, to oversee the conduct and supervision of the election process, whilst extensive consultations on the decisions made by the CEC took place within the newly created Political Party Consultative Forum (PPCF). The same was true for the Elections Complaints and Appeals Commission (ECAC) which ensured political violence be kept to a minimum through the issuance of stiff penalties for violations of the Electoral Code of Conduct. At the municipal level, the Municipal Election Commissions and Polling Station Committees were created. As part of OMIK's capacity-building mandate, particular emphasis has been placed on progressively transferring electoral expertise to local professionals.

Candidate training was also an essential part of election preparations by the OSCE. Political parties were coached on the necessity of conforming to the new demands for transparency, financial and programmatic accountability and electoral codes of conduct, media rules, etc. Given the requirement that every third candidate on the party list be a woman, a special focus was given to the training of women candidates. It is believed that the selection of the proportional system encouraged a more moderate political climate, prevented the formation of a bipolar political reality and assured small and minority parties of achieving some representation without needing a large share of the vote. The same reasoning applied when OMIK recommended that a system of proportional representation be incorporated in the Constitutional Frame-

work, which was, *inter alia*, to spell out the electoral formula for the Kosovo-wide elections in November 2001.

OMIK officially launched the electoral campaign on 13 September 2000. By the end of the campaign, more than a thousand properly notified rallies had taken place throughout Kosovo. However, a common denominator during the campaign was that every political entity, both in the party programmes and at the rallies, focused, at least initially, on the loftier rhetoric of independence and general economic development rather than concentrating on municipal issues. Anticipating that "central themes" would dominate political platforms, the OSCE conceived the "Voters Voices: Community Concerns" project, designed to encourage the political parties and candidates to focus on concrete and specific issues. It also gave the electorate a tool with which to engage political candidates in discussions and debates. The "Voters Voices" informed the Kosovar electorate of the issues of importance in a municipal election, while the Voter Education Campaign informed the population on the electoral system.

During the run-up to the elections and throughout the campaign period, OMIK ensured equitable access to the media by all political entities. All media were required to provide time for political spots and debates. Donor support allowed OMIK to create a media fund to support the production of these political advertisements. A network of regionally based teams monitored compliance with the media access election rules; panels of local citizens and international experts investigated and referred complaints to the CEC or the Temporary Media Commissioner. OMIK ran its own media training for editors and journalists and for the three regional television stations broadcasting by satellite during campaign period. The result of these efforts was a steady and equitable flow of information about the candidates' platforms and information to all the voters throughout Kosovo. During the electoral campaign, OMIK successfully monitored the media and provided both the quantitative and qualitative analysis that was crucial in allowing assessments on compliance with the Rules and Regulations governing the media prior to Election Day to be made.

On Election Day, turnout was almost 80 per cent, and the percentage of invalid votes was extremely low (3.4 per cent). Remarkably, the day was virtually free of security incidents. The Council of Europe, who were invited to observe the electoral process, declared the elections free and fair. Significantly, all political parties accepted the results, in which the Democratic League of Kosovo (LDK) gained an overwhelming majority. This facilitated the implementation of election results at the municipal level.

While the municipal elections marked a benchmark in the progress towards self-government as defined by UN Security Council Resolution 1244, they were marred by the non-participation of the Kosovo Serb minority. Intensive efforts had been undertaken, in the run-up to the elections, to persuade the community leaders that participation in registration and elections would be

important for the community, as it would affirm their legitimate position and role in Kosovo. In the absence of freedom of movement within Kosovo and in the absence of virtually any return of internally displaced persons (IDPs) from Serbia, Kosovo Serb politicians opted for a boycott but were, after the political changes in Belgrade took root, appointed into various municipal assemblies. However, the process of appointing protective bodies in political structures at the municipal level such as the Communities and Mediation Committees must, however, still continue. With regard to the upcoming central level elections, OMIK is actively pursuing the inclusion of those communities that boycotted, or only partially engaged in the 2000 municipal elections. To this end, OMIK has been investing considerable resources to registering these communities residing both inside and outside Kosovo and on convincing them to participate in the electoral process.

Great strides have been made working with political parties. In all cases, the main target was the development of internal party structure to ensure sustainability. As only four out of the 39 competing political entities received more than one per cent of the total number of votes, since the municipal elections, OMIK has adjusted its post-election activities to reflect the political landscape. For those parties who managed to gain limited representation at the municipal level, political party capacity building and councillor support are being provided. While intensive party development programmes - tailored to the specific needs of the three largest entities - are currently being developed on topics ranging from party consolidation to governance issues, OMIK also continues to provide services to political parties representing minority communities regardless of their level of support at the municipal elections. To allow for the sustainability of party activities, OMIK Service Centres, which have since their inauguration provided services and space to political parties to conduct their activities, will be phased out and handed over to Kosovars.

During the 2000 municipal elections and the preparations for the Kosovo-wide elections of November 2001, OMIK has also concentrated on fostering a transparent civil administration. A major initiative in the promotion of democratic governance and the mainstreaming of these principles into the administration's policy and decision-making process was the creation of the Institute for Civil Administration (ICA). The Institute works to create a professional, apolitical civil service, a formidable task in Kosovo where, until now, the administration has always been highly politicized. The Institute offers short- and medium-term courses that directly benefit the emerging civil service. In the immediate aftermath of municipal elections, OMIK prioritized local governance training for newly elected municipal assembly members and civil administrators. The ICA proved its potential by conducting crash courses for some 600-newly elected municipal assembly members. Such training proved crucial, as, in most cases, the governing party has no well-developed programme of policy action for specific areas of municipal governance.

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However, even in May 2001, more than six months after the elections, the two largest parties, the LDK and PDK (Kosovo Democratic Party), have failed to take a co-operative approach to municipal governance, and, in most municipalities, instead see the municipal assembly as an arena for political manoeuvring and partisan confrontation. Polarization between the LDK and the PDK, and even a degree of factionalism within the LDK, have also led to the widespread politicization of municipal civil administration appointments, especially when it comes to the appointment of the chief executive officer and director positions. Not surprisingly, political parties continue to show a certain lack of ability to organize their legislative activities. This clearly inhibits the emergence of coherent planning for municipal governance or the development of substantive policy content necessary for effective self-governance of municipal affairs. Lack of both experience and proper rules of procedure, as well as a communist-era tendency to expect continuing rule from above have been other general problems slowing the pace. Most boards also have yet to get down to serious work, having been only recently established. Serious capacity questions at the political party level must be addressed for the progress towards substantive self-governance to be sustainable. While these challenges are considerable, many of them can be addressed through the provision of timely capacity-building programmes targeted at both political parties and civil administration. Hence, OMIK provides continuous training to local councillors on local municipal issues.

Developments in civil society are just as essential benchmarks as political participation in ensuring democratic governance. To promote third sector actors, OMIK is engaged in promoting an active civil society. With hundreds of NGOs vying for recognition, tasks and support, OMIK has played a key co-ordinating role. At the central level, an NGO Forum has been created. Likewise, OMIK has worked to substantially restructure the NGO Association of Kosovo. Within the field of civil society support, attention and resources continue to be concentrated on viable NGOs working in the field of human rights, reconciliation, empowerment of ethnic communities and women. Several NGO Resource Centres have been created in different towns to offer communication and meeting facilities to local NGOs. In the minority communities, this civil society structure continues to play an essential role, even more so due to the absence of strong state. The opening of Community Centres in mixed and minority areas has provided an incentive for those communities to further participate in the civil society process. To promote transparency, popular participation, respect for human rights and equal opportunity at both the political and administrative level, OMIK also created the Department for Democratic Governance and Civil Society within the Joint Interim Administrative Structure. This Department plays an active role mainstreaming these principles into the administration's policy and decision-making processes.

OMIK concentrated on media development to promote the development of a free, fair and pluralistic media landscape in Kosovo as an essential institution in a democratic society and especially so in Kosovo. Since 1999, Kosovo's media scene has changed from barren to fertile, with many new media competing for the public's attention. OMIK's involvement has been threefold. First it has facilitated - using core resources as well as special donor funds - the independence, freedom and professionalism of the various media outlets. Second, OMIK has put in place a frequency plan that rationalized the previous chaos across the broadcasting transmission band. Finally, it established a system of regulations that carefully balanced the need for sanctions against defamation and hate speech with international standards of media independence.

Crucial to a functioning democratic process was the development of journalistic standards and legislation to outlaw hate speech and to promote a journalistic code of conduct. To support the improvement and professionalism of existing media outlets with market viability, OMIK has encouraged both Albanian and other ethnic community language media through a comprehensive programme of donor supported training and small grants. Since 1999, tens of newspapers, weeklies and magazines have sprung up; dozens of radio stations and no less than three Kosovo-wide TV stations existed by mid-2001. As part of OMIK's capacity-building mandate, between 1999 and 2000, the Institution-Building Pillar trained more than 720 Kosovar journalists. OMIK has also begun to collaborate with the University of Priština to develop a journalism degree programme, which would create both graduate-level training and academic research opportunities for people wishing to enter the professional media community.

To support the broadcast media in Kosovo, OMIK co-ordinated efforts of all partners to manage the frequency spectrum in the restoration of the terrestrial transmission network largely destroyed during the war. The Kosovo Terrestrial Transmission Network (KTTN) now reaches out to approximately 90 per cent of Kosovo households. OMIK also actively promoted the renaissance of Radio Television Kosovo (RTK) as a public and independent broadcaster. To this end, OMIK has been actively involved in the recast of the Broadcasting Regulation into two draft regulations. The first regulation, currently under final review, will establish an Interim Media Commission to replace the Temporary Media Commissioner (TMC) to provide greater local input into licensing, funding and monitoring of broadcasters. As part of the endeavours to develop self-sustainable institutions, the OSCE established the TMC as an independent body, whose main task is to introduce and uphold journalistic standards. In accordance with UNMIK Regulation 2000/36 on the licensing and regulation of the broadcast media in Kosovo and UNMIK Regulation 2000/37 on the conduct of the print media in Kosovo, the TMC is entitled to take action against violations of the media regulations and/or the associated codes of conduct for broadcast and print media. The second regulation will

establish a legal and funding structure for the public broadcaster RTK. It will establish a Board composed of both internationals and Kosovars to oversee the operation of RTK. OMIK is committed to ensuring that both RTK as a public broadcaster and the private, commercial broadcasters have a level playing field on which to compete.

In line with UNMIK 2001 priorities, a special focus has been made on supporting ethnic communities' access to media in their own languages. With donor support, OMIK has also launched the distribution of Serbian and Montenegrin print media to the Kosovo Serb enclaves. As throughout the 2000 municipal elections, OMIK has endeavoured to ensure fair and equitable access to the media for all ethnic communities and has monitored the conduct of both print and broadcast media during the run-up to the 2001 central elections to ensure compliance with the electoral rules.

Promotion of Respect for Human Rights and the Rule of Law

OMIK's role with regard to human rights and rule of law activities are an integral part of its institution-building mandate. Indeed, since the inception of OMIK, the rule of law has been one of the major problems in Kosovo. While UNMIK is responsible for establishing and administering the judiciary, OMIK is the lead agency responsible for monitoring human rights, as well as assisting in building local capacity for undertaking human rights advocacy. OMIK monitoring activities permit the identification of areas where local legislation and weaknesses within the judicial system are a disadvantage. OMIK also regularly reports on general concerns such as the right to the security of the person, the right to peaceful enjoyment of home and possessions, freedom of movement, and freedom from discrimination and trafficking among others. To build sustainable local capacity for the protection of human rights, OMIK has conducted a number of training sessions on specific issues to facilitate the work of human rights NGOs and to assist NGOs in using the appropriate mechanisms to seek redress for violations.

Ethnic minorities especially have reason to feel less than secure, hence OMIK has set great emphasis in not just monitoring their situation but also actively working on concrete measures to improve their working and living conditions. As indicated in the various *Joint OSCE-UNHCR Assessments of the Situation of Minorities,* the situation of ethnic communities in Kosovo remains deplorable. The combination of a lack of effective policing, the climate of impunity and inadequate detention facilities have all led to significant problems in creating rule of law. Indeed, within the international Mission, the continuing waves of violence highlight the urgent need for a strategic review of security for non-Albanian Kosovars as well as of UNMIK's law enforcement mechanisms. The organization, sophistication and possible premeditation of attacks upon minorities have put into question the efficacy of the in-

stitutional measures put in place to uphold the rule of law. Specifically, the inability of the law enforcement and judicial system to investigate, prosecute and convict perpetrators remains a primary concern since the number of persons convicted for attacks on non-Albanian Kosovars remains negligible.

Of all the many human rights issues in Kosovo, one of the most important in the long-term may well be property rights. This issue is especially important with regard to inter-ethnic relations and the returns of the thousands of displaced Kosovars. The level of destruction, both of property and of records, the years of discriminatory legislation, and the mass movements of persons out of Kosovo (and back) since 1989 have led to a near total collapse in any structure that previously existed for their protection. It has therefore been the responsibility of UNMIK, together with the wider international community, to ensure that a fair and effective system to protect property rights is restored as quickly as possible in order to ensure the rule of law. OMIK, together with its partners, have developed a more focused strategy to address the security and property issues of minorities.

One of OMIK's major successes in the area of human rights was facilitating the creation of Standard Operating Procedures for a co-ordinated inter-agency response to trafficking in human beings. With procedures in place, OMIK focused on legal reform advice. In January 2001, the Regulation on the Prohibition of Trafficking in Persons in Kosovo was promulgated. While application of the law has been slow - due in part to inadequate translation and new legal concepts without accompanying interpretative instructions - OMIK has held various regional round tables to offer an initial background on the Regulation for the judges and prosecutors. Another significant challenge lies in the inherent difficulties in the creation of an effective witness protection programme without which the efficacy of the Regulation is being severely limited. Despite these difficulties, OMIK continues to play a central role in providing direct assistance to victims. The Mission has set up both a shelter and a referral system to ensure a co-ordinated approach by key agencies including the International Organization for Migration (IOM) and the UNMIK Police Trafficking and Prostitution Investigation Unit. Lessons learned from these Procedures are essential in guiding OMIK's work to protect the rights of victims of sexual and domestic violence. OMiK is also training victim advocates and defence counsel to provide support and advice to victims of trafficking, of sexual offences and domestic violence, leading to a co-ordinated, integrated and sustainable system that addresses prevention, protection and prosecution.

As part of OMIK's activities designed to strengthen the independence of the judiciary and rule of law in Kosovo, the Mission focuses on legal community support, for instance through the institutionalization of legal aid in civil matters. The justice system itself is, however, still hampered by a myriad of problems. Among the most critical and long-standing is the absence of a *habeas corpus* remedy by which a detainee may challenge the lawfulness of his/

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her detention and continued executive detention. Other problems include the continued lack of procedures to ensure effective access to defence counsel by detainees and the continued concerns of bias in criminal proceedings. The lack of alternatives to detention for juvenile offenders and the lack of a mechanism to ensure appropriate treatment of the mentally ill are further issues of concern. While significant progress has been made in approaching the structural problems facing the legal system in Kosovo, the necessity for inter-organizational co-operation remains an issue in order to develop a coherent overall strategy to address the problems identified and the immediate, medium- and long-term needs within Kosovo's justice system.

OMIK has contributed to the promotion of the rule of law through the establishment of several institutions. First, the Kosovo Law Centre (KLC) was set up to engage in, and encourage, research into the applicable law in Kosovo. The primary goal of the KLC is to cultivate the professional skills of local legal talent within the Centre in order to establish a professional, locally run, independent and sustainable NGO that embodies and promotes democratic principles, high ethic standards, the rule of law and respect for human rights. Among other major achievements, the KLC has also helped in putting the Law Faculty of Priština University on a firm footing. Secondly, in February 2000, OMIK, in conjunction with the legal community in Kosovo, established the Kosovo Judicial Institute (KJI), which aims at enhancing the legal education of judges and prosecutors along with implementing democratic principles and the observance of the rule of law in Kosovo. The KJI conducts courses for new judges and prosecutors and is engaged in the regular review of judiciary affairs. The Institute has carried out several legal education programmes to familiarize the local judiciary with domestic laws and international human rights standards and instruments. Training and workshops on topics such as the European Convention on Human Rights, pre-trial criminal procedure, criminal investigation, juvenile justice, international humanitarian law, alternative measures to detention, violence against women and property issues have been held. The Council of Europe and the United States Department of Justice have been co-operating on a regular basis with the KJI. OMIK recently published a six-month assessment of judicial proceedings contributing to the further improvement of the judicial system. This report is a critical review of the judicial proceedings of the past six months, tracks progress made since October 2000 and outlines continued problems with the justice system and legal framework.

The Ombudsperson Institution (OI), created by the OSCE on 21 November 2000, holds great promise for assisting vulnerable groups. The OI, operating independently of the OSCE and other UNMIK pillars, is to assure the transparency in Kosovo's administration. The OI's mandate is to accept and investigate complaints against authorities concerning alleged abuses of power and human rights violations by individuals, groups or organizations. Since its opening, the OI has received several hundred cases, of which a majority re-

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late to alleged violations of property rights and discrimination in the area of employment. Since November 2000, OMIK has undertaken a large public awareness campaign through the distribution of public information materials to encourage individuals, groups or legal entities to file complaints pertaining to alleged human rights violations or abuses of authority.

In all instances, the transfer of OMIK-created institutions to the Kosovo consolidated budget and thus the Kosovar public requires the gradual reduction of external and financial resources to ensure sustainability.

Finally, OMIK created the Criminal Defence Resource Centre (CDRC) to address the continued investigation and fair prosecution of alleged violations of international humanitarian law as well as ethnically and politically motivated crimes. The CDRC aims to provide national defence counsel with access to international instruments and research material relating to the rights of the accused in criminal proceedings. It assists them with research, case preparation and strategy for cases where the persons are accused of international humanitarian law offences and/or serious ethnic or politically motivated crimes as well as involving breaches of international standards. The CDRC also assists national defence counsel in opposing the application of existing provisions in domestic law or UNMIK Regulations that violate international human rights laws and to challenge arbitrary arrests and detentions under relevant international standards.

As a member of the Joint Advisory Council on Legislative Matters, set up by the Special Representative of the UN Secretary-General (SRSG) in August 1999, OMIK participates in the revision of the local legislation to review the applicable law, identify areas, which require legal reform, and to draft regulations. OMIK is notably involved in the drafting of a new Criminal Code and a new Code of Criminal Procedures.

In order to promote law enforcement, OMIK, in conjunction with international partners, and under the auspices of UNMIK, has also been mandated to recruit, select and train police officers in order to establish an indigenous police capability within Kosovo. The chief objective is to establish the Kosovo Police Service (KPS), which will be organized and function in a manner consistent with the principles of democratic policing. In 1999, the OSCE established the Kosovo Police Service School (KPSS) to develop the educational foundation upon which a community-based police service will be built. The KPSS endeavours to restore trust and confidence in law enforcement through a training philosophy, which is based on the international standards of human rights. The OSCE's training mandate is to develop and deliver democratically oriented basic police training for approximately 6,000 locally recruited police officers by June 2002. To date, 19 per cent of the cadets who graduated were women and nine per cent Kosovo Serbs. The average percentage of non-Albanians who graduated, including the Kosovo Serbs, is 17 per cent. In the wider context of the new law enforcement priorities spelled out by the SRSG, the OSCE shifted the focus of training activities from basic training to more

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supervisory and specialist training, which anticipates the hand-over strategy of supervisory responsibility by UNMIK Police to Kosovo Police Service officers. The KPSS is currently considered one of the most successful capacity-building projects in South-eastern Europe. Its graduates are clearly well respected in the local community and have already added to more effective law enforcement. This is likely to become more pertinent as more of them are deployed on their own, doing full-fledged police work.

The Way Forward

As in the year 2000, elections remain a key event in accordance with the third phase of UNMIK's strategy as envisaged by Security Council Resolution 1244: to finalize preparations and conduct elections for a Kosovo Transitional Authority. Following the Special Representative's address to the OSCE Permanent Council in Vienna on 1 March 2001, preparations began for central elections on 17 November 2001. The Working Group on the Principles for Provisional Self-Governing Institutions in Kosovo (the Constitutional Framework) began formal consultations on 6 March 2001. The Constitutional Framework, which was promulgated on 15 May 2001, covers powers and responsibilities of the provisional institutions of self-government, powers and responsibilities reserved for the SRSG, and details of the institutions of an Assembly, an executive and a judicial system while it leaves the final political status of Kosovo unresolved.

Kosovo Albanian political representatives have said they would participate in the democratic process outlined by the Constitutional Framework. Kosovo Serb leaders, however, have argued that the Framework would give *de facto* independence to Kosovo while infringing upon their vital interests. As a mediatory solution, UNMIK has with the participation of the OSCE Mission developed an arbitration mechanism, which makes it possible for the representatives of all ethnic groups, in particular those of the Kosovo Serbs, to ensure a second reading of legislative proposals which could affect their "vital interests". If the legislative proposal is not changed in accordance with the wishes of the minority committee through this means, the Constitutional Framework calls upon the SRSG as the last instance to decide upon the issue.

Strategies to ensure the participation and representation of all ethnic communities, in particular the Kosovo Serbs, are being formulated by OMIK. Yet the continued attacks against members of minority groups, the hard-line partitionist tendencies in northern Kosovo and the lack of tangible results in the return of IDPs have also made it more difficult for the international community to come to terms with the Kosovo Serb community. Given the imperative to hold genuinely inclusive elections, meetings have been held in both Belgrade and the northern municipalities of Kosovo where Serbs constitute a majority, to convey the message that participation is a prerequisite for Koso-

vo Serbs to safeguard their interests and co-determine the course of events in Kosovo. Kosovo Serb political leaders' cautious stance with regard to participation leaves some room for cautious optimism. However, it would appear that the key to their participation continues to lie in Belgrade. Only a strong message from Serb/FRY authorities can ultimately help overcome the prevalent reservations. Furthermore, it is clear that mutually positive steps to create confidence between the majority and minority communities are needed and that progress on the issue of return and missing persons must be made. In this respect, the need for a proper return strategy, which would by necessity include low profile returns to areas where Kosovo Serbs already live, is imperative.

Conclusion

Two years after OMIK began building institutions, it is now consolidating the progress made. OMIK has thus shifted its emphasis to focusing on ensuring that the newly created institutions are sustainable in the long term. In this task, two key notions underlie all of OMIK's programmes. All newly created structures have a built-in "Kosovarization" policy, aimed at a gradual handover strategy and management responsibilities to Kosovars of all ethnic communities rather than a continued reliance on international staff. The second principle is that of depoliticization. After a decade of thoroughly politicized governance, OMIK wants to contribute to depoliticizing Kosovo's public institutions, such as the civil service, the police, the judiciary, the public media and the education system. This has implied introduction of new merit and performance-based standards for recruitment and dismissal, promotion, incentive systems and training.

Walter J. Fend

Croatia - A New Era?[1]

Croatia Is Faced with a Double Challenge

Ten years after having declared full independence and six years after the end of the armed conflict on its territory, Croatia is being confronted with a double challenge. On the one hand, this country, like all other reform countries, is endeavouring to drive forward the transformation processes of its economic, political and legal system to be able to ultimately meet the requirements for Euro-Atlantic integration. On the other hand, Croatia is still battling with the direct and indirect results of the war. This war not only took human victims, caused flight and displacement and completely devastated large areas of the country, but has also impeded necessary reforms in the state, society and economy. Moreover, against the backdrop of the armed conflict and the nationalist mood of the country, which stemmed not least from the policies of the regime, there were regressive developments especially in the legal system. These developments were reflected in legislation and/or its implementation which led to ethnic discrimination against the Serbs in Croatia, to be more precise, to all those who were on the "wrong" side of the conflict. This legal framework and the state policy behind it were the main impediment for the return of the refugees who had fled in 1995. Furthermore they hampered reintegration of the Serbian population and thus obstructed reuniting the country.

A Response: The Establishment of the OSCE Mission

In the spring of 1996 the Permanent Council of the OSCE passed a decision to establish a mission in Croatia. On the one hand, its essential mandate was to give advice to the Croatian authorities in their endeavours to structure legislation and its implementation according to international standards, especially in the area of the protection of minorities, and parallel to this, to drive forward the process of reconciliation. On the other, the mandate was also to monitor the functioning and development of democratic institutions, processes and mechanisms. After the mandate was extended to include the area of refugee return around a year later, this field presence was enlarged considerably so that the Mission started the year 1998 with over 200 mission members and about 20 field offices and/or co-ordination centres in all former war zones. This extensive field presence allowed the Mission from that point on

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1 The views expressed in this article are the personal opinions of the author and not the official views of the OSCE Mission to Croatia.

to establish co-operation with the local authorities, police stations, NGOs and representatives of the media, in order to support the return process and its sustainability. However it was even more significant that the local population used the Mission's offices to voice their problems and primarily to seek legal advice. At the beginning of the Mission, these people were for the most part returning refugees and members of the Serbian minority who had remained in the country. This allowed the Mission to gain a representative picture of the existing problems and thus confront the Croatian government as well as its international partners with the realities in the field.

The Political Turning Point in the Year 2000 and Its Implications

The parliamentary and presidential elections at the beginning of the year 2000 marked the end of the almost ten years of autocratic rule by the Croatian Democratic Union (HDZ). While during war and the immediate post-war period, the "Homeland War" (*Domovinski rat*) and the national question dominated politics and people, by the end of the 1990s, it was increasingly the economic and social situation that influenced political discussions and gave people cause for concern. The majority of the population ended their allegiance to the HDZ because the socio-economic situation had become increasingly worse, corruption and misuse of power were becoming ever more evident, the international reputation of the country had suffered during the HDZ rule and the people had become suspicious of the alleged or real influence of the Croats from Herzegovina on politics and economics for which they blamed the HDZ.

The new political leadership began to show distinct colours demonstrating their intention to take measures that would restructure Croatia into a state under the rule of law according to international standards. In public statements, state leaders declared the equality of all citizens in the eyes of the law and proclaimed the individualization of guilt as well as calling upon the Croatian Serbs to return home. In the first weeks and months more meetings than ever in all the years after the end of the Balkan war took place between senior diplomats, in particular from the European Union and the US, with Croatian state leaders. This already made clear that the international community welcomed both the new government and the new President. However, this recognition, which was favourable to Croatia and its people, was less important from the perspective of political stability in the region and the question of returning refugees than the fact that the relations between Croatia and its neighbours, in particular with Bosnia, began to normalize. From this point on, the new Croatian government began treating Bosnia as an integral and sovereign state. Furthermore, after the end of the Milošević regime, although this occurred with a slight delay, there was also an improvement in the relations between Croatia and the Federal Republic of Yugoslavia.

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As for the relationship between the Mission and the Croatian authorities, the climate of confrontation and even at times antagonism that had ruled during the HDZ government softened to a climate of co-operation and joint effort. Nevertheless the government as well as the international community, and with this the OSCE Mission, were forced to admit that the political, legal and administrative framework requiring reform was so extensive and complex that it had created a much greater challenge than generally expected.

New Government Confronted with the Economic Crisis, Its Political Inheritance and the Demands of the International Community

Although the demand made on Croatia by the Mission and the international community to fulfil its European and international commitments, particularly the return and reintegration of refugees, were voiced in the Croatian government programme and speeches of state representatives other factors have been determining the priorities in Croatian policy-making. Essentially, the government is interested in improving the social and economic situation in the country. The HDZ regime failed in this policy area, and political change occurred for this very reason. If perceptible improvements do not take place, sooner or later, this will not only endanger the government but also be detrimental to internal stability. Accordingly, the government has argued that the dreary economic situation is still the real obstacle for the return and reintegration of the Serbian minority. In other words: The rapid economic recovery of the country would lead to fulfilling the demands set forth by the international community. From time to time, Croatian government representatives have presumed to claim that there are no longer any legal and political obstacles preventing the return of the Serbs to Croatia, but only economic difficulties.

The extent to which the return of refugees, the protection of minorities and the establishment of the rule of law, as stated in the Mission mandate, have a direct influence on the economy, can be illustrated by two examples. One of the explicit goals of Croatian policy is Euro-Atlantic integration. Within a period of one year, Croatian foreign policy achieved a number of goals: The country became a member of the Partnership for Peace programme and the World Trade Organization. In May 2001, the Stabilization and Association Agreement (SAA) with the EU was initiated and signed in October of the same year. However, although these objectives were accomplished, Croatian integration in particular into the European Union and NATO will, *inter alia*, be dependent on the points mentioned above. Legal and political security and stability are not only requirements to integrate the country internationally, but are also of decisive importance to induce foreign companies and international financial backers to invest in Croatia. In turn, investment and fresh capital could contribute decisively to economic recovery causing Croatia to come a

great deal closer to EU as well as NATO membership. After all, this would give validity to the government's argument that improvement in the economic situation would then increase the intensity and sustainability of the return and reintegration process.

Another important point with which the new government has been faced since it assumed office has been the country's confrontation with its most recent political past. The question whether the Croatian side may have committed war crimes, co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague as well as the Bosnia policy, particularly the situation of the Croats in Bosnia and Herzegovina, have now and again dominated the public and political debate.

There is a danger that these issues could cause political polarization and be instrumentalized by the right-wing political opposition to arouse nationalist emotions and to link these with increasing social dissatisfaction, which at the end of the day could topple the government. However, it would damage Croatia in the long term to ignore these problems.

In particular, co-operation between the Croatian authorities and the Hague Tribunal has improved perceptibly since the change in government. Formerly the HDZ government had tried in public to discredit the work of the ICTY as being politically motivated. Moreover, it had disallowed the examination of war crimes that may have occurred during the military operations, "Lightning" and "Storm", in 1995 by asserting they were not under the jurisdiction of the Tribunal. In contrast, the newly elected Parliament adopted a resolution in April 2000 that clearly emphasized its intention to co-operate with the ICTY. However, during the second half of the year rumours emerged that Croatian generals were on the list of alleged war criminals. This led the government, not least as a result of political pressure emanating from the street on the part of the extreme political right and veteran organizations, to draw up a document in which it attempted to redefine co-operation with the Hague Tribunal. There was an easing of tensions only after Carla del Ponte, the Chief Prosecutor at the Hague Tribunal, paid a visit to Zagreb in January 2001 to clarify the situation. Following this, it was made clear that there was willingness to co-operate through joint efforts to exhume the victims of alleged war crimes as well as government plans to create special departments within the judiciary and the executive apparatus to deal exclusively with the investigation and prosecution of war crimes. In the summer of 2001, the charges against two Croatian generals because of alleged war crimes during the armed conflict from 1991-1995 have shown that the topic of war crimes and relations with the Hague Tribunal will be a burden to Croatian domestic affairs for some time to come. Disputes within the government on the extradition of the two generals and co-operation with the Hague Tribunal led to

the resignation of several ministers following which the Prime Minister called for a vote of confidence in Parliament.[2]

The individualization of guilt and prosecuting war crimes regardless of ethnic background - emphasized publicly by the new leadership since they assumed office, especially President Stipe Mesić - are two of the most important factors affecting the return of Croatian Serbs and the reconciliation of the various ethnic groups in Croatia.

The Revised Role of the OSCE Mission

At the time the Mission opened its doors in Croatia, physical attacks on Serbs and their property were not infrequent. The obstructionist policy towards the Serbs, inasmuch as they like the Croats had not left the occupied areas of the so-called Republika Srpska Krajina (RSK) at the beginning of the war, was a part of state policy. Even in 1999 local HDZ rulers publicly opposed the return of Serb citizens, who had fled in 1995 abandoning their homes, and promised these dwellings to Croats who had fled primarily from Bosnia and in the meantime had moved into them. In discussions on the importance and purpose of an OSCE presence, Serbs often made the following terse statement, the gist of which was: "There is not very much you can achieve, but without your presence, things would be a great deal worse."

Although the international community does not have any means to introduce sanctions - this is different in Bosnia - the Mission has been able, through its work and reporting system, to confront the appropriate international bodies as well as diplomatic circles and the government in Croatia with the deplorable conditions in the country.

Since the political change, the Mission has been successful in developing its function to assist and advise the Croatian government in a spirit of co-operation although this has not occurred to the extent that was originally expected. For example, the Mission offered to act, based on its extensive field presence as the "additional eyes and ears" of the government in Zagreb, to inform them of the deplorable conditions in the former war areas still governed by the HDZ. However Zagreb initially did not take enough advantage of this opportunity. Although the contacts between experts in the Mission and those in the ministries have been intensified and improved, the active utilization and inclusion of the Mission and its capacities to solve problems jointly with the government has only recently begun.

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2   Premier Ivica Racan's government did in fact win the vote of confidence, however the problem is a long way from being solved. While General Rahim Ademi, who is of Albanian origin, surrendered voluntarily to the Hague Tribunal in July 2001, at the time this article was written, Croatian authorities were unable to trace General Ante Gotovina. This affair led to numerous demonstrations of solidarity for the defendants and harsh attacks against the government from the political right, the war veterans associations as well as parts of the Roman Catholic Church. Meanwhile, in February 2002, Ademi returned from The Hague and has been allowed to defend himself in freedom.

Despite the progress that Croatia has made recently, there are still many aspects of the Mission mandate regarding post-conflict rehabilitation, democratization of the state and reintegrating returnees as well as ensuring a sustainable return process, which remain still to be completed.

Although there should no longer be any real political obstacles[3] for the *return* of the Serb refugees as such - there are approximately a quarter of a million, primarily in Yugoslavia and Bosnia - the process has remained unsustainable because the homes of those who are willing to return or have already returned have either been destroyed or are occupied.[4] In addition to this there is a more specific problem. Those people who had lived in so-called socially-owned apartments were deprived their occupancy right, which was different to the procedure for example in Bosnia.[5] Despite certain reforms, there is still no legislation (nor administrative implementation) on this issue that would be divested of all its existing discriminating elements and give priority to property rights over the rights of the temporary occupant. According to the regulations in force, which however have not yet become law, the property owner may in general only repossess his house or apartment when the so-called temporary user - most often a Bosnian Croat in this case - has been offered a comparable so-called alternative accommodation. The lack of alternative housing is the main reason Serbs cannot regain their property. A second important reason is that the Croatian government has up to now almost exclusively financed the reconstruction of houses that are owned by ethnic Croats.

The establishment and implementation of human rights and in particular minority rights is the prerequisite for surmounting the social tensions still in existence as a result of the armed conflict.

In the spring of the year 2000, laws were adopted on the use of the language and the script of minorities (that is, the Cyrillic alphabet) in the school system as well as in public offices. The representatives of minorities and the OSCE Mission evaluated this very positively. However, a revised version of the

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3   In addition to the application of the Amnesty Law that was not very transparent or uniform, in the course of the revision process, the most recent wave of arrests and indictments related to committing war crimes led to a feeling of insecurity among Serbs willing to return to Croatia particularly in the Danube region.

4   According to an internal audit by the ministry responsible for reconstruction at the end of May 2001, there are still approximately 10,000 houses that are occupied. Of the temporary users, 61 per cent are from Bosnia, six per cent from Yugoslavia (Kosovo and Vojvodina Croats) as well as 29 per cent from Croatia itself and four per cent from other countries.

5   According to statements by non-governmental organizations, 50,000-55,000 people, who left territory under Croatian control during the war, were divested of this right, which in the opinion of international legal experts constituted a *de facto* private property right. Because the majority of these dwellings have in the meantime been sold to third parties, the international community has demanded that former owners at least be compensated for their property loss. However, up to now the Croatian government seems to regard this problem as a taboo subject.

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Constitutional Law on the Rights of National Minorities[6] has yet to be introduced.

In this regard, it must be mentioned that it was a prerequisite for the international recognition of Croatia that minority rights were guaranteed in its 1991 constitutional legislation. However, in the course of the armed conflict quite a few passages were suspended, in particular those relating to the political participation and the autonomy rights of primarily the Serb minority. Revision of constitutional law has already been delayed several times. The proposals contained the regulation of minority representation in upper-level state organs as well as the establishment of minority self-government in addition to the existing self-government system. The difficulty in introducing an adequate legislative proposal in Parliament is probably less a matter of giving consideration to the opinion of the Venice Commission of the Council of Europe, but rather lies in the fact that these far-reaching minority rights even meet with resistance within government parties. Thus the two-thirds majority in Parliament required to make them law is far from assured.[7]

The most clear-cut progress has been made in the area of democratization and the separation of powers. Although this process has not yet been completed, the new government has begun transforming state television, which was misused as a political instrument during HDZ rule, into an independent institution. In the area of state structures, reform of the system of local self-government has been initiated, and is designed to lead to the decentralization of political and administrative responsibilities according to the standards of the Council of Europe and the EU. These reforms were necessary because the HDZ government had centralized excessively,[8] which in time led to disfunctionalities in the entire system. The question of how citizens will be enabled to participate more actively in the political process at the local level is still open.

Furthermore, against the backdrop of the changing political climate, a revival of the NGO scene occurred. Indeed, the protagonists of these non-governmental organizations did not play a minor role in this change of climate. Par-

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6   The exact wording is: Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Communities or Minorities in the Republic of Croatia.

7   A working group under the auspices of the Ministry of Justice was tasked with elaborating a draft law. After several consultations with the Venice Commission, the working group, encompassing experts and Ministry representatives, submitted the final version of their proposals in November 2001 ready to enter the parliamentary procedure. Surprisingly, the government rejected the draft in February 2002 and decided to form a new working group consisting of several ministers, but without minority representatives. This new body has been tasked with drafting a new law by June 2002.

8   While in other reform countries, the centralization of communist rule was ended and local (regional) self-governing units were strengthened, in Croatia the trend went in exactly the opposite direction. While before the disintegration of Yugoslavia, which differed from the other socialist countries because of its high degree of decentralization, the sum of all of Croatia's municipal budgets was 20 per cent higher than that of the Republic, the state budget at the end of HDZ rule was five times as high as the sum of all municipal budgets. Paradoxically, during this same period the number of self-governing units quadrupled, which cast additional doubt on whether the municipal system was functioning.

ticularly in the areas of women and youth, the number of organizations and their activities have increased considerably. In addition, the attitude of the local authorities towards NGOs has changed positively even in periphery areas. While at the beginning of the Mission mandate, NGOs were not seldom seen as an extension of foreign interests, their efforts are now appreciated, particularly in the humanitarian sector. Furthermore, the Mission was also able to make a contribution to this positive development. During the last two years it financed around 120 projects in the framework of its "Peacebuilding Programme for Conflict Prevention" in the areas of human rights, reconciliation, building of democratic institutions and training programmes for NGOs, in particular for women and youth.[9]

Prerequisites and Prospects for Reconciliation

The wounds of war are still fresh in Croatia and neighbouring Bosnia. Hardly anyone - with the exception of extremists who would like to gain political capital by keeping negative emotions awake - doubts that reconciliation will take place. However, it is also constantly emphasized that this will take time. Nonetheless, there is the question whether this process could be accelerated and if so by what means.

The concept that the Serbs are collectively guilty still dominates among the Croats. In any case, the distribution of roles is clear-cut at least in the minds of Croats. They are certain they know who is guilty and who not guilty, who the perpetrators were and who the victims. The majority of the Croats still repress or deny that there were ever attacks, forced displacement of or even crimes against the Serbs.

The point of departure towards attaining reconciliation is surmounting the assumption of collective guilt and casting doubt on the above-mentioned dichotomy arising from the distribution of roles. Particularly the latter is proving to be a painful process because it presupposes that each side must confront the guilt and the perpetrators from their own ranks.

When one hears the statement the Serbs are to blame for everything, one cannot help asking which Serbs do they mean? Those who fought in the Croatian army? Those who fled from the war? Those that lived in the so-called Republika Srpska Krajina, but did not support its violent secession? Or those who were forced to serve as ordinary soldiers in the RSK army? Or do they mean those who consciously implemented a policy of confrontation and who wanted to create a Greater Serbia from the very beginning or who had a part in perpetrating war crimes?

The difficulty and emotion of coming to terms with the past was apparent at the latest at that point in time when it could no longer be denied that there

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9   The total budget in 1999 and 2000 was 200,000 Euro per year. Unfortunately in 2001 no money had been pledged by the time this article was written.

had also been Serb victims and Croat perpetrators and that there had been systematic destruction even by parts of the regular Croatian army beyond the fighting in the war.[10]

A common reappraisal of the recent past and active reconciliation are hardly conceivable without the political will and the support of those politically responsible in the state and in both ethnic groups. To achieve this, the discussion that has already begun must be intensified, especially in the media and predominantly on television, which is still the primary source of information for the people. On the other hand, particularly those NGOs that support the cause of reconciliation must be supported by the state authorities because the failure of the state reconciliation programme[11] has shown that institutional methods to tackle a problem are not the only key to success.

In the final analysis, the framework for the public discussion of the recent past and for the reconciliation process as such, will be created by the fulfilment and implementation of those international legal acts, commitments and not least values that Croatia has acknowledged and committed itself to. These in turn, will contribute to the necessary reform of state and society. It is precisely here that the OSCE Mission can take on an important role through its monitoring, mediating and advisory functions, which those responsible in Croatia should learn to utilize more effectively.

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10 The Croatian Helsinki Federation estimates that in the area of former Krajina and in Western Slavonia, 50,000 Serb homes were systematically destroyed. See e.g.: Drago Hedl (Ed.), Expensive March of the "Neronian Brigades", 13 May 1998, AIM, at: http://www. aimpress.ch/index.htm.

11 In October 1997, the government passed a confidence-building programme, with the goal of promoting the reconciliation process. However, the programme was never effectively implemented because the political will was lacking and the local authorities resisted publicly acknowledging the Serbs' right to return as well as the reconciliation process. As a result of this, the new government gave up the programme, but at the same time attempted a new approach by creating an inter-ministerial co-ordination council, which was to deal, alongside other issues, with the area of reconciliation. Among other things, there are plans to include representatives of the Serbian minority, as well as those of Bosnian Croats who fled to Croatia. However, this body has yet to be activated.

Kathleen Imholz

The OSCE Presence in Albania: From a State of Emergency to a Consolidated State

Looking back at the report of the first Head of the OSCE Presence in Albania, Daan Everts, covering the years 1998/1999[1] that were so noteworthy for Albania, a sense of satisfaction cannot be concealed at seeing how far the country, and the OSCE Presence in it, have evolved. The OSCE Presence is therefore determined to continue in assisting Albania on its path to integration into the greater European community from which it was so long isolated. The OSCE established its Presence in Albania in March 1997 at the request of the government, shortly after a nationwide state of emergency had been declared because of wide-scale rioting in southern Albania. This was triggered by the failure of a number of large pyramid schemes, but the roots of the crisis lay deeper. Albanian institutions had come out of the long post-World War II isolation in a fragile state, and the period over the early 1990s had not been long enough to strengthen them sufficiently. This is not to deny the very real accomplishments of Albanians during even that short period, which proved to be something on which the country was able to build, in its return to normalcy.

Following the parliamentary elections of June 1997, which the OSCE and ODIHR actively participated in arranging and monitoring, Albania began that return to normalcy. A pillar of this was the enactment of a modern Constitution in November 1998 and the succession of laws that followed to implement it. The public order situation, anarchic in early 1997, gradually improved. This is not to say, however, that the return to normalcy was steady. In particular, it was interrupted by two major events, one internal and one external.

On 14 September 1998, the funeral of the assassinated Azem Hajdari, a Member of Parliament from the opposition Democratic Party, triggered serious civil disorder in Tirana's central square. The Office of the Prime Minister and other major ministries, within arm's reach of the building of the OSCE Presence, were attacked and heavily damaged. Though order was quickly re-established, this situation led to the resignation of the then Prime Minister, Fatos Nano, and his replacement by the young Euro-socialist Pandeli Majko.

During Prime Minister Majko's office of just one year, shortly after the end of the civil disorder, not only was the Constitution enacted, but Albania was confronted by the crisis in Kosovo. As the world press showed, Albania received and sheltered hundreds of thousands of Albanian Kosovar refugees,

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1   Daan Everts, The OSCE Presence in Albania, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 271-282.

perhaps close to half a million. The small city of Kukës, 16 kilometres from one of the major border crossing points with Kosovo, was one of the centres of this crisis. The then Vice Prime Minister Ilir Meta made it his headquarters, while an Emergency Management Group (EMG) in the Council of Ministers in Tirana dealt with the crisis there. The OSCE Presence contributed a lot of time and effort to the EMG, in addition to providing border monitors throughout the crisis, as well as during the period before.

Fortunately these high-intensity events, did not last long. While Albania may have been more affected by such events than some other countries, the two years after the Kosovo crisis ended have been calmer. But they have been interesting and important years nonetheless, as Albania has continued to recover from the anarchy of 1997, and after the interruption, has once again begun to progress towards a consolidated democracy with mature and functioning institutions.

Now that Albania is quiet, much international attention has shifted to other parts of the world and, indeed, other parts of the Balkans, for example the former Yugoslav Republic of Macedonia. The fact that ethnic Albanians in that country are at the focal point of the problems there underlines something that should not be forgotten, even though Albania itself is not in the news: Security and co-operation in the Balkans inevitably involve the Albanians, who, in addition to living in their home country, are present in varying numbers in Kosovo, Montenegro, Serbia (outside Kosovo), the former Yugoslav Republic of Macedonia, and Greece. The OSCE Presence in Albania, in co-operation with other OSCE missions throughout the region, has an important role to play. This role includes continuing to observe and assist Albania's maturing institutions and its civil society as well as facilitating the exchange of information beyond Albania's own borders and working on joint projects with other OSCE operations and international or national organizations in general.

Our Mandate

The OSCE Presence in Albania has one of the broadest mandates of all of the missions established by the OSCE. This is in part related to the circumstances under which the mission in Albania was set up. On the basis of a series of Permanent Council decisions, we have been tasked with providing advice and assistance in the fields of democratization, the media and human rights. Our mandate also includes assistance with election preparation and monitoring, ensuring the flexible co-ordination of the efforts of the international community in general, and monitoring the collection of weapons. The co-ordination section of our mandate has been institutionalized in the form of the umbrella organization known as the "Friends of Albania", which was set up after the civil unrest of 1998. This group of countries supporting Albania and other

parties is chaired locally by the OSCE Head of Presence and convenes internationally under the chairmanship of the OSCE and EU in Vienna and Brussels.

We have worked actively on all the aspects of the mandate. Currently, the sectors at our headquarters include the "Friends of Albania", election co-ordination, decentralization and local government, NGO and gender, plus certain aspects of economics and the environment. We also actively monitor the parliamentary activities and maintain press and political sections as well as a liaison with the Council of Ministers of Albania. Last but far from least, the OSCE Presence maintains a Legal Counsellor's Office (LCO), consisting of both foreign and local lawyers and making up what is probably the largest law firm in Albania. The LCO includes our Human Rights Office (HRO), and its functions are wide-ranging. It provides legal advice of all kinds to the Head of Presence and other members of the Presence as well as analysing and commenting on Albanian legislation and acting as co-ordinator of the numerous legal reform efforts going on in Albania. The HRO has been the depository of hundreds of human rights complaints, which have been investigated and processed. It has also worked closely with the new institution of the People's Advocate (Ombudsman), which was created under the 1998 Constitution and began activity early in the year 2000.

The overriding priority of our mandate, of course, remains our role in conflict prevention, which includes undertaking preventive diplomacy when appropriate. This requires flexibility to deal with situations as they arise and is illustrated by the activities we are currently carrying out in the aftermath of the parliamentary elections of 2001. We receive complaints, refer them as necessary, and in some cases investigate them directly or through our field stations. We may take other action in particularly sensitive cases, as recently when we joined ODIHR representatives in staying most of the night in one of the zone election commissions until a heated situation had calmed down and the votes of the zone were tabulated. We then accompanied the ballot box transfer to the Central Election Commission (CEC).

Looking to the future, we plan, among other things, to continue our efforts at reducing the prevailing confrontation between Albania's main political forces, a process to which many within and outside the OSCE Presence have contributed and which has gradually borne fruit. In 1997/1998, the main opposition party neither attended Parliament nor participated in elaborating the Constitution. This boycott was ended, and with any luck will not occur again. When the parliamentary elections are completed, our local government and election specialists will turn to the less dramatic but highly important area of decentralization. Albania has adopted the Council of Europe's Charter on Local Autonomy and enacted a number of decentralization laws pursuant to it, but the test remains ahead. The LCO is undertaking ambitious projects for monitoring and encouraging the implementation of numerous new Albanian

laws, such as the Law on the Status of Civil Servants, which has the potential to change the face of Albanian public administration.

In collaboration with the Netherlands Development Organization (SNV), we will soon open five civil society centres in various parts of Albania, permitting a concentration of resources that will strengthen local NGOs. The first or one of the first of these will be in Kukës, in the extremely poor north-eastern part of Albania. The contribution of Kukës in facilitating efforts to cope with the 1999 Kosovo crisis must not be forgotten. Also in this connection, and in our role with the "Friends of Albania", we are concentrating on co-ordinating efforts for the economic development of this region. To conclude this brief overview of plans for the coming year, we will also expand our efforts in media development and political party development, and turn our attention to the Albanian Parliament as one of the institutions that are to be further strengthened.

The Field Stations

The network of field stations of the OSCE Presence in Albania has grown to the current number of ten. In addition, there is a liaison office in Albania's capital city of Tirana, which is also the headquarters of the OSCE Presence. Each field station is staffed by two to four international and local staff, to guarantee an optimal balance. In addition to providing regional support for all Presence activities, the field stations play an active role in their local communities.

Through our field stations, the OSCE Presence provides something unique. No other international organization reaches so deeply into the heart of the country. Indeed, the network of field stations of the OSCE Presence in Albania is also unique in comparison to other OSCE operations. The benefits of this network are two-fold in that it has effects inwardly and outwardly. The OSCE field stations are in many cases the only contact Albanians in remote areas have with the world outside Albania. Thus, the field stations receive questions from, and can be useful sources of information for local residents. It is equally important that the field stations not only provide support to sector heads at the Presence headquarters, but are also available to assist other international organizations. ODIHR, for example, has expressed its appreciation for field-office support of their long-term and short-term observers in the recent parliamentary elections.

As in all operations of the OSCE Presence, flexibility is a key concept for the field offices. For example, as the activity of extremist Albanians and the Macedonian army grew more intense, the four field stations located near the Albanian-Macedonian border were able to divert some of their manpower to increase monitoring in the border region.

Co-ordination

Co-ordination is a highly important factor in the environment of countries like Albania, where there are many international and local players pursuing diverse and overlapping programmes and goals. The need for co-ordination cannot really be overstated. This part of our mandate has been institutionalized in the "Friends of Albania" framework, but whether or not it has been institutionalized, it will remain a crucial part of the mandate. Indeed, in the coming year we hope to promote a greater sharing of responsibilities with other international organizations within their respective fields of competence. Given the need for leadership in co-ordination, and that flexibility is an OSCE hallmark, we have been supporting the regional anti-trafficking initiative of the Albanian government. Moreover, we have played a leading role in co-ordinating this initiative which includes a daunting number of international organizations who are trying to put an end to trafficking. We will do the same in other areas, like that of organized crime.

The Electoral Code

While the mediation role of the OSCE Presence, which was frequently demanded during the first two years of its existence, has been undertaken more rarely as the country matures, it has remained a role that we can and do play whenever appropriate. One of the most important examples of this in the last two years of our operations in Albania was in the development of the Electoral Code.

Because of changes made in the new Constitution, it was necessary to amend Albanian electoral legislation substantially before the local government elections of 2000 and the parliamentary elections of 2001. The Albanian government decided to produce a comprehensive Electoral Code that for the first time in Albanian history would cover all elections and referenda instead of dealing with them piecemeal.

While, as noted above, incidents of boycotting or refusing to acknowledge the country's major institutions have become less frequent, the entire electoral environment remained very sensitive. It was a complicating factor that the new Constitution had for the first time attempted to create an independent Central Election Commission in Albania. Especially given the history of recent election turmoil in the country, the idea of an independent CEC was welcomed by some, but many remained dubious about it. Among other things, the opposition parties accused the constitutional organs charged with selecting CEC members of being one-sided or dominated by the ruling party. These accusations were also levelled at the President, who is not a member of any party, but was elected by the socialist-dominated Parliament in 1997.

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While the government was working on its draft of the Electoral Code, in January 2000, the Head of the OSCE Presence hosted a meeting of all the parliamentary parties to discuss it, as well as procedures for the forthcoming elections, with a view to seeing that they would be less contentious than previous elections. Out of the first meeting came a plan to convene a technical group consisting of experts from political parties and the international community. For a back-breaking month, from early March to early April, five representatives of the ruling coalition, five representatives of the opposition and five representatives of the OSCE Presence, the Council of Europe and the Washington-based International Foundation for Electoral Systems (IFES) met six days a week at the headquarters of the OSCE Presence. Every clause of the government's draft was up for discussion.

One cannot claim that this process went smoothly. Indeed, for a few days at the beginning of the process and a longer period at the end, the representatives of the opposition refused to attend. This month of six-day weeks proved too short for a complete airing of each article of the Code or even all the important ones. Finally, when the Code went to Parliament, some changes that neither the international community nor the opposition had agreed upon, had been introduced. However, many significant results were achieved. The intensive period of co-operation between representatives of the Albanian government, political party representatives and international experts led to much more agreement than is generally the case with foreign-influenced legal reform. As the next section will show, the Electoral Code that came out of that month of all-party talks stood the test well in the local government elections that followed in the autumn of 2000 and did so also in the parliamentary elections of June-August 2001, although some problems observed are to be worked on in the future.

The Elections of 2000 and 2001

Since election assistance and monitoring is a very important part of our mandate, and of the operations of the OSCE/ODIHR throughout the region, our major focus in both 2000 and 2001 has been the two sets of major elections that took place in Albania. On 1 October 2000, the Albanian people voted for the first time since the autumn of 1996 for the mayors and councils of Albania's 65 municipalities and 309 communes; two weeks later run-off elections were held. These were the first local elections held after the new Law on the Decentralization of Local Government had gone into effect and, as noted above, were the first elections of any kind held under the Electoral Code that had been worked out with so much effort earlier in the year.

On 24 June 2001 (again, run-off elections were held two weeks later), Albanian citizens went to vote for their representatives in Albania's single-house legislature, the so-called Assembly. While at the time this article was written,

the actual composition of the Assembly and the government coming out of these elections were not known, several important points can be made.

Perhaps the first thing to be said about both of these elections is that they occurred at the end of a full term. This fact in itself is a sign of the increasing stability of Albania. When the OSCE first came to the country in 1997, it was to supervise parliamentary elections that would take place, pursuant to a negotiated compromise between the country's major political forces, just a little more than a year after the previous, heavily disputed elections. And after the elections of 1997, the President of the Republic, elected to his second term by Parliament only three and a half months earlier, resigned during a term that still had more than four and a half years to run.

Another general comment is that despite a few problems, the previously untried Electoral Code proved its worth. An extremely positive development has been the striking improvement in operation of the CEC itself between the time of the local elections and the parliamentary ones. As noted, many were dubious that an independent CEC could succeed in Albania. It had begun functioning only four months before the complex local elections were to take place, and its performance in those elections was criticized by the ODIHR, among others. Assisted by new personnel, but also having gained experience, the CEC, so far, has managed the parliamentary elections much better. This does not mean that those elections were run perfectly. However, the idea of the 1998 Constitution, implemented by the Electoral Code, to have an independent, professional CEC that manages and directs all aspects of Albanian elections has begun to work.

While many local and international persons and organizations participated in the electoral events of the past two years, the OSCE Presence has been at the centre of them, performing its multiple roles of co-ordination, assistance, information gathering and monitoring. This will continue to be our task until all aspects of the parliamentary elections are concluded, and thereafter we will actively review the lessons to be learned from the elections and work with the government and interested parts of the international community to set the stage for even better elections to come in the future. The election of the President by Parliament next year will be the first step; local government elections in 2003 will be the second, as the 1998 Constitution now mandates a three-year term for the institutions of local government.

A New Partnership

The parliamentary elections mark a milestone - hopefully positive - not only for Albania but also for the OSCE Presence, which began its operations in Albania just before the last parliamentary elections. At the time of these earlier elections, Albania was in a state of emergency, its institutions fragile or non-existent. Now the institutions have been strengthened substantially, or

even, as in the case of the People's Advocate and the CEC, created and nurtured. A new Constitution is in effect. The country has returned to normalcy, and after ten years of a difficult transition from a one-party state to a pluralistic system, it is poised for development. Thus, the role of the OSCE Presence in Albania does not need to be what it was; it can and should be primarily what the Albanian government and people need and want at this time of further consolidation.

Albania has just received a cautious green light from the European Union to open negotiations for a Stabilization and Association Agreement. It holds the rotating chairmanship of the South Eastern European Cooperation Process. It has hosted meetings of Stability Pact structures and participates actively in all its Tables. It seeks further integration into European and Euro-Atlantic structures. It holds the promise of being a stable and stabilizing force in the historically turbulent Balkans.

Within its broad mandate and with the four years of experience it has had in all aspects of political and civil life in Albania, the OSCE Presence can in these and many other areas continue to carry out the co-ordinating function that it has been performing for many years now. But beyond this, it can seek to work both with the Albanian government and with Albanian society in a new partnership that will serve the needs that they perceive. Many of our current priorities, like the civil society centres, are designed to this end.

All too often, foreign organizations seek to impose their ideas of development on their host countries without really listening to the people of the host country. A frequently heard Albanian saying comes to mind: "Only the owner of the house knows where the roof leaks." For four years, the OSCE Presence has been treated like an honoured guest in Albania, which is, indeed, the Albanian tradition for all guests. Now, perhaps, it is time to become more of a partner than a guest, as Albania enters a new phase of its transition, with a stronger, more consolidated state that has set clear priorities. Our assistance can be as valuable as ever, if channelled in the proper directions. And that is our aim for the years to come.

The OSCE Presence in Albania has been impressed by the high degree of co-operation and hospitality extended to it from all walks of life in Albania - from the highest political circles to the people in the street. The OSCE Presence wishes to express its heartfelt thanks to our Albanian hosts.

Alfred Missong

No End to the War in Chechnya without Negotiations[1]

The War in Chechnya - an "Anti-Terrorist" Operation?

Chechnya remained the scene of armed conflict during the entire year 2000. This so-called "second Chechnya war" began on 18 September 1999 when Russian Federation troops crossed the border into the Republic of Chechnya. Two circumstances were the direct cause of this Russian troop invasion: Firstly, the Russian government held Chechen bandits responsible for bomb attacks on residential buildings in Moscow, Buynaksk and Volgodonsk where numerous people were killed. Secondly, Moscow used the incursion of armed units of Chechen separatists into the Botlikh district of Dagestan, the Russian province neighbouring Chechnya, on 2 August 1999 to justify its military action, which was to be conducted under the official designation "anti-terrorist operation". The more profound reasons for the most recent Russian intervention in Chechnya, however, lie in the more distant past and cannot be presented exhaustively in this article.

While the Russian government has yet to present convincing evidence that the Chechens were guilty of the above-mentioned bomb attacks on residential buildings, the Chechen rebels undoubtedly provoked the Russian government tremendously when they invaded Dagestan, which was enough justification for appropriate military countermeasures. Although these occurrences were the direct cause of the Russian military intervention in Chechnya, one should not forget that already during the years after the signing of the Treaty of Khasavyurt[2] the relations between the Russian Federation and Chechnya had steadily deteriorated and become so aggravated that an explosion was to be expected.

The Collapse of State Order in the Republic of Ichkerya

In Ichkerya, as Chechnya is called by its native people, not only had a system of arbitrary and general lawlessness emerged in which criminal elements were increasingly able to gain influence, but social and economic developments had led to the impoverishment of the largest part of the population. One can say without exaggeration that the general situation was characterized by the complete collapse of the legal and economic order. The public sector of the Republic deteriorated so massively that it could no longer offer even

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1   The article presents the personal views of the author.
2   On 31 August 1996, President Maskhadov and President Yeltsin signed the Treaty of Khasavyurt, formally ending the first Chechnya war.

the most elementary services. Schools were closed, the health system had collapsed and hospitals only treated patients with money, public services like the gas and the electricity supply were totally inadequate. State employees like civil servants and teachers, but also doctors and nurses had not been paid their salaries for years.

Kidnapping became a daily occurrence. Mainly foreigners and representatives of international organizations were the targets of hostage-takers because high ransoms were expected in exchange for their release. However, also citizens of the Russian Federation were frequently victims of this despicable inhuman practice, which unquestionably has a long history in the Caucasus. Although Russian security forces succeeded in freeing all known foreign hostages by the summer of 2000, it was estimated that there had been about 500 local hostages in the hands of Chechen kidnappers in the area of Chechnya controlled by Russian troops at that time.[3]

In addition to the criminal regime that had crystallized in Chechnya, the fact that a shadow economy specializing in smuggling, weapons and drug trafficking had emerged, posed a permanent challenge to the Russian government. After all, there was no economic or customs border between Chechnya and the rest of the Russian Federation so that Chechnya was an open door for the illegal importation of goods of all kinds to Russia. An energetic and rapid intervention by the Russian government was meant to put an end once and for all to this deplorable state of affairs, which was seen by large parts of the Russian population and probably also the Chechen population as a serious threat.

The Reasons for the Russian Invasion

In addition to these considerations, the main reason given by Russian officials for the decision to intervene militarily in Chechnya was the necessity to put a stop to the international terrorist activities of extreme Muslim fundamentalists. The Maskhadov government was not only accused of being incapable of stopping the terrorist fundamentalism described as "Wahhabism"[4] in

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3   Abductions have traditionally been a lucrative activity for Chechen and other Caucasian bandits. Hostages are often used as slaves for long periods and are forced to spend their lives in dungeons, most often foxholes. These hostages represent a genuine commodity, can be sold and resold and finally sold free for ransoms that can amount to several million US dollars. According to statements by Alexander Malinovski, General in the Russian Interior Ministry, if I, as the Head of the OSCE Assistance Group to Chechnya, had been kidnapped, I would have had a "market value" of around seven million dollars. The market value of the other members of the Assistance Group - according to Malinovski - would have been calculated according to their country of origin in Eastern or Western Europe and would have been valued at two to five million dollars.

4   Wahhabism originated in Saudi Arabia and is an Islamic sect with particularly strict and intolerant codes of observance whose adherents have caused fights often ending in physical destruction against the believers of the "laxer" Sufism traditionally present in Chechnya.

its own country, but was deemed to be a willing accomplice in its excesses. The fact that Chechnya's President, Aslan Maskhadov, out of consideration for the demands of his domestic rivals from the circle of commanders Shamil Basaev and Al-Khattab, introduced the Sharia in the whole country at the beginning of 1999, doubtlessly offered further convincing evidence of the dangerousness of his regime and the justice of the war against the Chechen rebels. According to the official Russian interpretation, in Chechnya, Russia is fighting a defensive war as a representative for the entire civilized - Christian? - world against terrorist Islamic fundamentalism supported by shady foreign forces. This terrorist conspiracy is seen to extend from the Philippines to Algeria, has its sights on the Caucasus first, then will destroy all of Russia and finally threaten the whole of Europe.

The chance to meet the Chechen challenge through a "small victorious war" was readily seized upon by the Russian General Staff as it gave them the opportunity to expunge the disgrace of having lost the first Chechnya war. Public opinion in Russia also indicated there was massive support for military recourse against the Chechen "bandits". This doubtlessly made it easier for Prime Minister Vladimir Putin, who was preparing his presidential campaign, to take a decision.

Has Russia Learned the Lessons of the First War?

The "anti-terrorist operation" was designed to achieve a rapid victory over the rebels and was not to repeat the mistakes of the first war. To prevent a reversal in public opinion, a news blackout was successfully declared for the entire war zone. Neither foreign nor Russian journalists were to be allowed to report the news freely as had been the case in the first war. To a large extent the Russian leadership achieved this goal. Only a small number of reports on the atrocities of this war reached the ears and eyes of the world, which today does not seem to be interested in Chechnya at all anymore. However, the Russians were not really able to achieve the main goal of their military operation, the defeat of the bandits, by the end of 2000.

The Russian army was interested in keeping their losses in human life as low as possible and thus when feasible avoided direct contact with the enemy. Their tactics consisted of a massive employment of artillery and air force, which Chechen fighters could do little to counter. Only when their bombings had destroyed enemy positions to the greatest extent possible, were Russian troops to penetrate the area. This strategy was in no way as successful militarily as had been hoped because the rebels entrenched themselves in deep ditches. Politically moreover it had catastrophic consequences for Russia, which cannot be remedied: As a result of the strategy, the victims of the "anti-terrorist operation" now came of course predominantly from the civilian population, who - if they were not able to flee in time - were literally bombed

to pieces. The image of the destroyed Chechen capital, Grozny, was transmitted around the world, which had not seen anything like this since the Second World War. With justification, many asked how a government could so totally destroy one of its own capitals, not showing consideration for its own people and in fact not leaving one stone resting upon the other. However, one must also note that Russian troops had given an ultimatum to the people of Grozny to leave the city through a corridor. Those who did not leave were to be considered as terrorists! Before the first war, Grozny had a population of over 400,000 inhabitants, predominantly Russians. According to estimates, after "liberation" by the Russian army in February 2000, only about 20,000 inhabitants, mainly elderly people who were no longer able to escape, have been living in the underground ruins of this once so beautiful Caucasian capital.

Many of the smaller cities and villages in Chechnya witnessed the same fate as Grozny. Although there are no official records on the destruction caused by war or the number of civilian victims of the "anti-terrorist operation", the estimates of private human rights organizations come reasonably close to the truth, reporting tens of thousands of dead, the destruction of more than half of the Chechen residential buildings and the almost complete destruction of the economic infrastructure.[5] This kind of warfare, not conducted according to generally recognized rules, hardly induced the Chechen people to feel the Russian army was liberating them from an unjust criminal regime. Even those who had expected the gradual return to normal civilian life after Putin officially declared Russian victory on 14 April 2000 became highly disappointed by the arbitrariness of Russian security forces and the numerous gross human rights violations they committed. Many observers got the impression that a large percentage of the Chechen people objected to Russian rule. Because of the lack of discipline of its army, Russia has very likely lost the sympathy of the majority of the Chechens forever. Of course, it should not be concealed that the Chechen separatists have also led their war using the most brutal methods and without consideration for the civilian population.

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[5] On 16 January 2001, the Ingushetian branch of the Russian human rights organization "Memorial" placed the number of civilian victims from the "anti-terrorist operation" in Chechnya at 55,000. According to the official records 1,500 people, predominantly Chechen men, have been reported missing. In addition to Grozny, around 300 of the 425 settlements in Chechnya have been razed to the ground. The reconstruction of residential buildings would cost at least 30 billion US dollars. The Council of Europe even has information that 18,000 people have been reported missing. On 21 September 2000, the Secretary General of the Council of Europe demanded in the Duma that their whereabouts be clarified.

However, President Putin's official victory declaration has by no means ended the hostilities. Although Russian troops are in control of most of Chechnya, they were not able to completely destroy the bulk of the insurgents.[6] The latter were able to retreat to the Caucasian mountains in the southern part of the country and start operations again from there. Many of the fighters were able to disappear simply anywhere in the country and then suddenly strike. The tactics of the rebels was now to avoid all open military confrontation with the superior Russian forces and to deal the Russians small but severe blows when they least expected it using mines or ambushing them. In the further course of the year 2000 it became evident that the separatists have excellent mastery of the rules of the guerrilla war that Maskhadov had declared. However, it also became evident that the people of Chechnya apparently have given the guerrillas the support they need, without which guerrilla warfare simply cannot be conducted successfully.

Without going into the individual stages of the Chechen campaign, which then developed into a guerrilla war, it must be stated the country is far from achieving real peace. In some respects, the general security situation has in all probability gotten even worse than it was during the period of real war. At that time, it was at least clear where the front line ran. Now the enemy may be lurking everywhere. Russian security forces more or less control the country during the day, but it belongs to the rebels during the night. After darkness closes in, the Russians dare not leave their positions, which are the target of regular attacks. If one follows the casualty reports one gets the impression that the Russians have hardly any less dead and wounded on the average than they had during the period of the actual war. However, increasingly even civilians are being murdered. President Maskhadov had sentenced all those who had been prepared to co-operate with the Russians "to death" for being collaborators. Those fighters loyal to him have in many cases already carried out this "verdict". Not only many of the civil servants appointed by the Akhmad-Hadji Kadyrov government, but also in particular religious leaders have been eliminated in this manner for being "traitors". There have already been a series of assassination attempts on Kadyrov himself and many

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6   There are no reliable statistics on the strength of the separatists. The official Russian figures are so contradictory that they create confusion. At the beginning of the war, their forces might have included 20,000 to 30,000 men. The Deputy Chief of General Staff of the Russian Armed Forces, General Valeri Manilov, informed me on 28 June 2000 that there were around 2,000 fighters among the "bandits" at that point in time. However, the Director of the Russian secret service FSB, Nikolai Patrushev, for example, gave a figure of 5,000 fighters on 1 February 2001. They were up against around 120,000 men on the Russian side. Because the bandits have divided up into small groups, they are difficult to defeat, the Russians argue. According to Manilov, the so-called "zachistkas", i.e. cleansing operations, were to have, on the whole, eliminated the dens of the resistance fighters by the autumn of 2000. In these zachistkas entire villages where fighters were presumed to be located were systematically searched. Human rights organizations blamed the perpetrators of these operations of having committed numerous human rights violations.

of his closest friends have been murdered. This is a tactic, which can be described as truly diabolical where civilians who have been labelled as collaborators are targeted for murder and behind which, there is of course a carefully thought-out calculation: It is meant to act as a deterrent to prevent the Chechen people from co-operating with the Russians. In this fashion, the rebels were indeed able to seriously undermine the confidence of the people in the administration appointed by Moscow and spread the fear of co-operating with it.

This of course is only a facet of the terror prevailing in Chechnya which is particularly contemptuous of humanity - a terror, for which unfortunately both sides are to blame. Those who suffer most are in fact the people of Chechnya, and they suffer not only from life's wretched physical conditions, which is truly unimaginable if you do not see it with your own eyes, but in particular from the prevailing system of extensive lawlessness and arbitrariness emanating from those groups who effectively exercise power. Not only the brutal way of implementing the "anti-terrorist operation", which was neither subject to the law of war nor to the Russian legal system, but also the numerous human rights violations committed by Russian organs, which have been unquestionably documented by independent Russian and international organizations, have awakened the attention of the world and led to angry reactions.

Does Anyone Really Want Peace?

Foreign observers have continually asked the question why the Russian government despite the ruthless deployment of overwhelming armed forces has not yet been able to cope with the relatively few insurgents and establish order in Chechnya. Apart from the above-mentioned circumstance that guerrilla warfare is needless to say not waged according to the customary rules and also a superior camp can only win such a war if the local population does not support the guerrillas, there are many things, which remain incomprehensible. Why have the best-trained Russian special units not been able to capture the most important field commanders, Basaev and Al-Khattab, and above all, President Maskhadov, although they are perfectly aware of their whereabouts?[7]

Indeed, there are many indicators that influential forces on both sides do not have any real interest in a rapid end to the war in Chechnya. For the fighters, war has become the only familiar way of life. For large parts of the Russian forces - both military and civilian - this war offers them an opportunity to

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[7] The Obshchaya Gazeta had a simple explanation for this on 18 January 2001: The Russian troops have no interest in capturing the commanders of the insurgents because - in the absence of enemy leaders - they would then have to admit they were waging a war against the Chechen people.

make a great deal of money not to be found elsewhere. It has been affirmed by everyone who is familiar with the situation that a system of corruption and exploitation has become wide-spread in Chechnya which the Moscow central authorities can no longer control and which weighs heavily on their minds. Thus, it is an open secret that a large part of the money, which the Moscow government had made available for the reconstruction of the infrastructure as well as pension and salary payments, has drained away untraceably. Equipment, e.g. cables to repair the Chechen electricity network, is brought in and assembled by the Russian government, only to be dismantled shortly thereafter by "unidentified persons" and resold in Russia. Much of what survived the war has been dismantled and sold at a high profit in the neighbouring regions as non-ferrous metal. The exploitation of Chechen petroleum has proved to be especially lucrative for those with the right connections. The arms trade between Russian soldiers and Chechen fighters had already played a large role in the first war and has blossomed anew today. There are any number of other examples of this institutionalized corruption in which both sides have an existential economic interest.

Thus, throughout the course of time in Chechnya, an interplay between both of the opponents has developed that has served to maintain the status quo, useful to everyone involved. The common interest towering above all differences and the interconnections resulting therefrom are known as the "*tretya sila*" (third force). It cannot be identified concretely, but certainly has a significant background influence on the course of events.

Human Rights Violations without Expiation

International observers and Russian human rights organizations[8] not only reproach the Russian side for its disproportionate use of military force, but specifically for mass shootings occurring during the cleansing operations, the so-called "zachistkas", the most notorious of which were conducted in Alkhan-Yurt, Staropromyslovski and Aldy. There are also complaints that there is daily harassment of the Chechen people through numerous roadblocks, arbitrary arrests and torture, extortion of money and looting on a large scale. The result of this is that the people have a complete lack of confidence in the Russian authorities. The Russian human rights organization "Memorial" assumes that 20,000 arbitrary arrests have been made. Many of these detainees had to be ransomed free by their families, however more than a few disappeared

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8   The most important organizations dealing with human rights violations in Chechnya are "Human Rights Watch", "Physicians for Human Rights" and the Russian organization "Memorial". In the report, which they prepared for the Council of Europe on 23 January 2001, the "Physicians for Human Rights" stated that the crisis in the area of human rights violations in Chechnya had persisted also into December 2000. Abductions, mass arrests, torture, mutilation, electric shocks, arbitrary murders of non-combatants in internment camps ("insulators"), looting, destruction of homes and schools etc. occurred to such an extent that according to international law they were to be qualified as war crimes.

completely. The total lack of institutions for legal protection like the courts, public prosecutors and lawyers makes it impossible for people to assert their rights. The newly elected State Duma Deputy for Chechnya, Aslanbek Aslakhanov, described the prevailing system in Chechnya as "completely lawless and despotic".[9]

After her visit to the Caucasus at the beginning of April 2000, Mary Robinson, the UN High Commissioner for Human Rights, expressed her shock at the human rights violations in Chechnya and the conditions under which thousands of refugees are forced to live. She made the urgent request that Russia establish an independent commission to investigate human rights violations. Also, in April 2000, at the UN Human Rights Commission, the European Union appealed to Russia to conduct an independent investigation of human rights violations. In addition, the Austrian Foreign Minister, Benita Ferrero-Waldner, made the same demand when she visited Russia from 12 to 15 April 2000 in her position as the OSCE Chairperson-in-Office.

Mr. Kalamanov's Office

President Putin had already decided on 17 February 2000 to appoint a man he trusted, Vladimir A. Kalamanov, his "Personal and Special Representative for Human Rights in Chechnya". Kalamanov opened an office in Znamenskoye in the northern part of Chechnya, in which several local employees and three human rights experts from the Council of Europe gather people's complaints and transfer them to the appropriate authorities. Kalamanov investigated 500 cases of abduction and obtained the release of a number of detainees. By his own account 77,000 people were able to obtain a new identity document with his assistance. In addition, he was able to book successes in the construction of the judicial system. In December 2000, four courts were opened in Nadterechny, Naursky, Shelkovski and Gudermes in which 22 judges have been employed. Moreover, a chief public prosecutor's office was established, however, the worst crimes against human rights did not appear to fall under its jurisdiction. It is regrettable that not one member of the Russian armed forces has yet been sentenced for human rights violations. Nothing would have been more helpful to gain the confidence of the Chechen population than serious action by the Russian judicial system to carry out the punishment of crimes.

In answer to the petitions from abroad to establish independent investigatory commissions, the Duma Deputy and former Minister of Justice, Pavel Krash-

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9 On 21 September 2000, the Duma held a special meeting on Chechnya where representatives of the OSCE Assistance Group and members of the Council of Europe also took part as guests. At this meeting, several Russian Duma Deputies portrayed the prevailing circumstances in Chechnya with impressive openness, in particular Aslakhanov, Krasheninnikov, Tkachev, Arbatov, Kovalyov among others. With the exception of the representatives of the government, all speakers dealt with the serious human rights violations committed by the Russian military and Russian security services and the fact that nothing is being done against the offenders.

eninnikov, in the spring of 2000, established a "national public commission of inquiry to investigate violations of and respect for human rights in the North Caucasus". Although it has created several complaint offices and published a progress report, it has most likely not fulfilled the expectations of the international community for the simple reason that it does not have the adequate funding to do so.

The Role of OSCE

The OSCE, which is the international organization predominantly responsible for the maintenance of peaceful conditions in Europe, has of course dealt with the wars in Chechnya from the beginning and has offered invaluable assistance in political and humanitarian terms. Long before the first Chechen war (1994 to 1996) was over, on 11 April 1995, the OSCE Permanent Council decided to establish an Assistance Group in Chechnya. At the same time, this Assistance Group was given a broad mandate including political, social, humanitarian and democracy-building tasks, which they were to fulfil in conjunction with the Russian federal and local authorities, and in full conformity with the legislation of the Russian Federation.[10] Because the Assistance Group's mandate does not have a time limit, according to OSCE regulations, it can only be ended by a Permanent Council decision. Time after time, this mandate has been reaffirmed in its entire scope by all OSCE participating States. This was also reiterated formally at the Istanbul Summit in November 2000, where the role of the Assistance Group in dispute settlement through negotiations was given special emphasis.

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10   In the operational section of the mandate the following tasks were given to the Assistance Group:
"promote respect for human rights and fundamental freedoms, and the establishment of facts concerning their violation; help foster the development of democratic institutions and processes, including the restoration of the local organs of authority; assist in the preparation of possible new constitutional agreements and in the holding and monitoring of elections;
facilitate the delivery to the region by international and non-governmental organizations of humanitarian aid for victims of the crisis, wherever they may be located;
provide assistance to the authorities of the Russian Federation and to international organizations in ensuring the speediest possible return of refugees and displaced persons to their homes in the crisis region;
promote the peaceful resolution of the crisis and the stabilization of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles and pursue dialogue and negotiations, as appropriate, through participation in 'round tables', with a view to establishing a ceasefire and eliminating sources of tension;
support the creation of mechanisms guaranteeing the rule of law, public safety and law and order." Permanent Council, Journal No. 16, 11 April 1995, pp. 2-3.

The Assistance Group to Chechnya and Its Mandate

In contradiction to this confirmation of the Assistance Group's entire mandate, the Russian delegation had already made an interpretative statement on 13 March 1997 at the OSCE Permanent Council, which placed fundamental limits on the Assistance Group's mandate. According to this statement "the part of the OSCE Assistance Group's mandate which is related to mediation efforts in the context of settling the armed conflict and smoothing the way to negotiations has been carried out in full".[11] In the settlement of the second Chechnya war, the Assistance Group is no longer to be granted the role as a mediator, which had been so successful under the management of the Swiss diplomat Tim Guldiman in the first Chechen conflict in leading to ceasefire agreements and the conclusion of the Treaty of Khasavyurt. It is clear that due to the fact that one of the conflict parties had deprived it of its authority to act as a mediator, the value of the Assistance Group was greatly reduced. This could not be changed even by the fact that most of the OSCE participating States appealed to Moscow repeatedly to return all rights to the Assistance Group - as provided by the mandate. What may have triggered the Russians to change their position?

The OSCE Standing in Russia

While in former times the OSCE, which the Soviet Union played a large role in establishing, was in the eyes of Russia the most important instrument towards regulating questions of security and co-operation between European states, its value in Russian foreign policy today has very likely diminished considerably - especially due to the NATO war against Yugoslavia. In the Kosovo conflict, when Russia could not prevent the war even with OSCE assistance, it was forced to recognize the limits of the Organization. Incidentally, the NATO intervention in Yugoslavia served Russia to justify its own operations in Chechnya: If foreign military intervention is permitted in an ethnic conflict abroad then it must be legitimate for a national government to intervene on its own territory! However, theoretically the Kosovo war represented a precedent for foreign intervention in Chechnya, although Russia, of course, is not comparable to Serbia and no one with any rationale has considered a NATO intervention in Chechnya.

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11   Permanent Council, 105th Plenary Meeting of the Council, PC Journal No. 105, 13 March 1997, Annex 3, Agenda item 7(d): Statement of the Russian Federation.

Foreign Countries Demand Negotiations and Offer Mediation in Vain

While during the first Chechen war the Assistance Group was utilized as a constructive instrument for mediation by the Yeltsin government and as mentioned above, in fact played a decisive positive role, during the second Chechen war, the Putin government did not want any international mediation whatsoever. As OSCE Chairman-in-Office, the Norwegian Foreign Minister, Knut Vollebæk, travelled to the Northern Caucasus on 14 December 1999 and offered OSCE mediation services in the conflict. The Russians rejected this offer as well as another proposal by Vollebæk on 20 December 1999 to begin negotiations with the Chechens under OSCE auspices. Similar offers by the legitimate President of Chechnya, Maskhadov, to begin negotiations including international mediators, were also rejected.

The Russians argued as follows: The "anti-terrorist operation" in Chechnya was purely a domestic issue for the Russian government, its goal was to combat and defeat insurgent bandits for the purposes of restoring constitutional order in the renegade Republic of Chechnya. Foreign backup or mediation was not an option. If there were going to be negotiations with the separatists, who were simply branded as "bandits", these could only be conducted on their capitulation. Meetings with the legitimately elected President Maskhadov made absolutely no sense because, in reality, he no longer had any real authority and did not have the situation under control. Because he had neglected to condemn the incursion into Dagestan organized by commander Basaev, Maskhadov had lost all credibility. To have him as a negotiating partner was out of the question. Of course Russia could not meet with the other bandits either. The bandits' only alternative was to surrender to Russian troops or be destroyed.

The Russians advocated this view consistently against the increasingly louder critical voices from abroad, whether these came from international fora like the OSCE, the UN or the Council of Europe or were voiced by individual statesmen. Apparently they were convinced they could defeat the Chechen insurgents militarily. Every offer of assistance in dispute settlement from international institutions was rejected by Putin's government from the start, not least because the Russians were afraid the "terrorists" could understand this as a false signal of international recognition. However, the course of the "anti-terrorist operation" up to now must leave doubt that there is a purely military solution to the problem.

Russia Favours the Council of Europe over the OSCE

Under the intensive pressure created by international public opinion and international organizations, Russia has, however, allowed international observers to enter Chechnya.

Thus, during the actual fighting, on 12 March 2000, a delegation from the Council of Europe, which the Head of the OSCE Assistance Group to Chechnya was allowed to join, travelled to Chechnya and visited the cities of Grozny, Gudermes and Argun as well as the Chernokosovo filtration camp, notorious because of the alleged torture taking place there. As a result of the impressions gained on this trip, Lord Judd submitted a report to the Council of Europe, which did not lead to Russia's expulsion from the Council of Europe, but did lead to the suspension of its right to vote. This was virtually the only sanction imposed by the international community which Russia, due to its actions in Chechnya, was forced to endure. Russia had little reason to be concerned about similar sanctions from the OSCE because as a rule it passes its decisions according to the consensus principle and the condemnation of a participating State is almost impossible. It is therefore comprehensible that in its efforts to limit its damages due to the Chechen crisis on the international level, Russia placed its main emphasis on the Council of Europe and only granted the OSCE a secondary role.

Thus the OSCE was forced to the realization during the course of the year 2000 that the Russian side had granted the Council of Europe permission to send a total of three human rights experts to Chechnya to Kalamanov's office in Znamenskoye, but it would not allow the return of the OSCE Assistance Group under acceptable conditions. Obviously, the Russians, for plausible reasons, favoured the presence of human rights experts from the Council of Europe in Chechnya rather than those of the OSCE Assistance Group. In contrast to the Assistance Group, the experts from the Council of Europe have a very limited mandate. They do not form an independent unit, but merely have the status as employees of a Russian authority. They are under Russian control and their tasks are limited to assisting the Kalamanov office. In contrast to the Assistance Group, they enjoy no independence whatsoever and therefore do not form a real international observer organization.

The Assistance Group's Exile in Moscow

On 16 December 1998, due to a decision by the Norwegian Chairman-in-Office of the OSCE, the Assistance Group to Chechnya was evacuated from Grozny to Moscow because the security situation in Chechnya had deteriorated. The abduction of foreigners had taken on such proportions that most of them had left the country before this date and the Assistance Group was also forced to feel apprehensive about the security of its members. The evacuation to Moscow was described as a temporary measure, to be maintained until the Chairman-in-Office was certain the security situation had improved decisively. This decision by the Norwegian Chairman-in-Office was not only backed by all participating States for the entire period of the Norwegian OSCE Chairmanship - i.e. until the end of 1999 - but was even intensified in

the OSCE Permanent Council meeting on 11 March 1999 to the extent that members of the Assistance Group were no longer even permitted to visit Chechnya. In fact, as Head of the Assistance Group, the first opportunity I had to travel to Chechnya was in March of the following year when I joined the delegation from the Council of Europe.

Austria Assumes the OSCE Chairmanship

At the beginning of the year 2000, the OSCE Chairmanship was transferred from Norway to Austria. This office was a special challenge for Austria as the country had been isolated internationally, a fact that must have had an effect on its ability to act. In a declaration on 31 January 2000, the 14 EU partners of Austria had "downgraded" their relations with it and imposed so-called sanctions against it as a reaction to the formation of a coalition government between Chancellor Wolfgang Schüssel and the Freedom Party of Jörg Haider, seen as leaning towards the extreme right. Other countries e.g. the Czech Republic followed suit. One could assume that this isolation was not very favourable to carrying out the Chairmanship of the OSCE and that others would hardly wish it much success. Austria was also under particularly high pressure to succeed as the country holding the OSCE Chair so that the sanctions imposed against it by the EU would be lifted. This was also evident in relation to the Assistance Group. The question of its return to Chechnya became a means of putting pressure not only on Russia, but also to a certain extent on the Chairperson-in-Office.

The Question of the Return of the Assistance Group to Chechnya

Already on 17 February 2000, that is less than two weeks after the new Austrian government assumed office, the EU demanded the return of the Assistance Group before the OSCE Permanent Council for the first time! At that point, Chechnya was a war zone and the security situation was incomparably more difficult than the previous year when the Permanent Council had prohibited even short-term visits to Chechnya. This demand, which other participating States, in particular the US, later also raised, was of course directed predominantly against Russia and devised to put serious pressure on it to take action. Naturally, Russia was not in a position to guarantee the security of the Assistance Group, but it also did not want to admit that it was not in control of the situation in Chechnya. The OSCE Chair could however not just ignore the petition for the return of the Assistance Group from its exile in Moscow because the Chair would be assessed on how well it succeeded in getting the desires of the participating States accepted. In fact, the Austrian Foreign Minister Benita Ferrero-Waldner showed great courage in accepting this

challenge. She decided that the Assistance Group should go back to Chechnya. She followed this goal emphatically during the entire period she was the OSCE Chairperson-in-Office by continuously negotiating with the Russian offices responsible for this matter.

Following her trip to Russia when she visited, *inter alia*, Chechnya, she declared in a press conference in Moscow on 15 April 2000 that the Assistance Group would return to Chechnya as early as May. It would then temporarily establish an office in Znamenskoye and the measures to be taken necessary for the move, particularly those related to security, were to be negotiated with the Russian authorities responsible.

The Negotiations on the Conditions for Return

In fact, the expectations of the Chairperson-in-Office proved too optimistic. Despite intensive negotiations with the Russian Foreign Ministry, conducted on several different levels, and meetings with other Russian central authorities, the OSCE was unable to resolve all open questions satisfactorily by the end of 2000. In the negotiations with representatives of the Russian Ministry of the Interior on 26 and 27 October 2000 at the OSCE headquarters in Vienna, a Memorandum of Understanding was indeed agreed upon covering the most important security issues and giving grounds for hope that the Assistance Group would be able to start activities in Znamenskoye even before the OSCE meeting of foreign ministers which was to take place at the end of November 2000. Regrettably, however, the Russian side did not honour the agreement made in Vienna, but a new treaty text was proposed, which contained provisions that neither OSCE security experts nor influential OSCE participating States found acceptable. Despite extensive progress, the Romanian Chairman-in-Office will still have issues to resolve with the Russian side.

Although many issues have been resolved, the fundamental problem still remains that Russia has not granted the OSCE any legal capacity, so that it cannot implement legal transactions in the Russian Federation, e.g. rent buildings, import automobiles etc. Furthermore, the questions *inter alia* who will maintain the security of the Assistance Group in Chechnya, which network capacities (radio) they will be allowed to use or whether they hire Chechen auxiliary staff, have yet to be answered.

The Achievements of the Assistance Group in Moscow

Despite the fact they were evacuated to Moscow, the Assistance Group was able to work there very successfully as well. Under the Austrian Chairmanship, the Group provided more humanitarian assistance for impoverished

Chechen refugees than ever before. Thus food was distributed to 24,000 refugees in Chechnya over a period of six months. 100 children who had been severely damaged mentally by the events of the war were given psychological treatment in a sanatorium; clothing, shoes and children's books were given to 2,400 children; hospitals received badly needed medication and kindergartens were set up in two of the camps. A project developed by the Assistance Group supplied 25,000 people in the city of Grozny with drinking water by providing each family with a special filter. The lack of drinking water in Grozny is one of the most serious problems that the population of the former Chechen capital has been exposed to. Many of the other assistance projects developed by the Assistance Group could not be implemented due to a lack of funding.

The importance of the Assistance Group however does not lie so much in the humanitarian assistance it has to provide, but is based much more on the fact that it is the only institution that has been furnished with a comprehensive mandate, which is also recognized by Russia and which has put it in a position to deal intensively with the most important aspects of the Chechnya issue and report on these regularly to the OSCE Permanent Council. It was able to cope with this task to a large extent even from its exile in Moscow. In this manner, the OSCE regularly informed the general public on the latest developments. Without the Assistance Group, the Chechen question would no longer even be on the international agenda! After its return to Chechnya it will naturally be able to fulfil its mandate more easily and comprehensively.

The Goals of the Austrian Chairmanship in Chechnya

What were the goals the Austrian Chairmanship pursued with the Assistance Group to Chechnya? One gets the impression from Russian conduct that it had serious reservations about the Assistance Group if not outright mistrust. Today, Russia sees the then successful Assistance Group mediation activities as having been too one-sidedly pro-Chechen so that apart from the fundamental considerations mentioned above, Russia is not willing to provide it with a political mission any longer. Therefore the Chairperson-in-Office came to the conclusion that the Assistance Group should concentrate on other tasks.

Above all, it should strive to gain the highest possible degree of trust from all authorities in the Russian Federation concerned - the central authorities as well as the Chechen local authorities - and to give evidence that it is a useful instrument for the regulation of the Chechen problem. Instead of conducting a hopeless academic discussion with Russia on its right to a political function or even get involved in controversial public debate, it has therefore always endeavoured to increase its standing in the eyes of the Russians without losing its credibility with the Chechens. Thus it could always keep its options

open for an important political role in future in the case Russia desires this at a later date. And the chances for this do not appear to be that slim, as only a political peace settlement achieved through the process of negotiation can end this conflict. Because Chechens and Russians confront one another with downright irreconcilable hate and deepest mistrust, it is hard to imagine negotiations between the two sides without the involvement of an impartial third party. Only the future will tell however whether this insight will finally lead to a change in the stance of the Russian side. The Chechen side has repeatedly expressed an interest in this kind of negotiation.

Rainer Hermann

Conflict Constellations in Central Asia - Challenges for the OSCE[1]

Central Asia - A Future "Hot Spot"?[2]

There are two primary reasons why, geopolitically, the states in Central Asia have received increasing attention recently: First, due to their presumed natural resources, the Caspian Sea states have strategic importance for the global energy supply in the 21st century. And second - a point that is directly relevant to the OSCE as an organization directed towards security policy - the region as a whole as well as individual states there will have to deal increasingly with how things look for consolidating their stability. This article will focus on the problem areas that are currently a concrete threat to stability in the Central Asian region.

According to press reports, the German Federal Intelligence Service has characterized the security situation in Central Asia as being threatening enough for the topic to be discussed even at the government level between Germany and Russia.[3] The report "Global Trends 2015", which was worked out under the auspices of the CIA, takes an even deeper look into the crystal ball, but is not less pessimist. In this report, a series of experts from different fields of expertise extrapolate global developments and factors to a comprehensive strategic outlook.[4] Any way you choose to assess the methodology in this global study, it is remarkable how often Central Asia is mentioned in connection with conflict potentials. According to the prognosis, social, ecological, religious and ethnic tensions will increase further and threaten to turn Central Asia into a "regional hot spot". Against this backdrop, the report predicts a growing demand for conflict management by the United Nations as

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1   The statements in this article are the personal opinions of the author.
2   The text of this article was finalized in August 2001. Thus, the consequences of the tragic events of 11 September 2001 are not reflected. The US-led international military operation in Afghanistan, the defeat of the Taliban regime and the subsequent establishment of a provisional government in Kabul, as well as the presence of the military from several Western countries in some of the Central Asian states have fundamentally changed the overall security environment in the entire region. Afghanistan and the surrounding countries are now at the top of the agenda of the international community. This can provide also the Central Asian states with a unique opportunity to overcome underlying social, economical and political problems. However, there will be no automatism in overcoming many of the conflict constellations outlined in this article. More than ever before, the OSCE must meet the challenge by making its contribution to this.
3   Cf. Roland Nelles, BND warnt vor Krieg in Zentralasien [Federal Intelligence Service Gives Warnings of War in Central Asia], in: Die Welt, 15 February 2001.
4   National Foreign Intelligence Board, Global Trends 2015. A Dialogue About the Future With Nongovernmental Experts, December 2000, in: http://www.cia.gov/cia/publications/globaltrends2015/index.html.

well as regional organizations.[5] In addition, numerous other recent studies throw light on the Central Asian region, especially with respect to its potential conflict constellations.[6]

The five countries, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan - which within the OSCE framework have in somewhat of a generalization been designated "the Central Asian region" - were admitted to the CSCE (today: OSCE) in 1992 after the dissolution of the Soviet Union. Since then a comprehensive dialogue between them and the OSCE has developed in the political bodies in Vienna and OSCE representatives have become active by making numerous visits to the region. In addition, since 1994, the Organization has continually increased its presence in the field there; likewise the institutions have increased their activities in the region.[7] Thus the OSCE has a promising political as well as operational set of instruments to use its capacity as an organization for security and co-operation in reacting to stability risks in Central Asia.

Therefore there have been repeated calls - for example, by the German Foreign Minister, Joschka Fischer during his visit to the region in May 2001[8] - that the OSCE play a stronger role in implementing conflict prevention in Central Asia. Against the backdrop of these preliminary considerations, in this article, the question will be discussed of how the OSCE can use its capacities to make a concrete contribution to promoting long-term stabilization in the region.

The author is aware that at first glance the topic "conflict constellations" implies that the primary view is on negative aspects and/or there is a danger that positive elements would be not given enough attention. Other regions in OSCE space, like the Balkans or the Caucasus, experienced political change and state-building processes in a manner much more marked by conflict than Central Asia. With the exception of the civil war in Tajikistan, there have not been any serious confrontations there. In addition, dramatic ethnic conflicts, which experts at times forecasted for this region with its numerous ethnic groups, failed to materialize. The political systems have proved stable up to now. While in other successor states of the Soviet Union economic transformation processes have been associated with existential social hardships, in Central Asia there are examples of family and social networks, which were able to cushion the most egregious characterizations of these. Above all, one should not forget that the enormous natural resources and energy reserves of the region offer a chance for positive development in the medium and long term.

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5   Cf. ibid., in particular pp. 32ff.

6   Cf. e.g. International Crisis Group, Central Asia: Crisis Conditions in Three States (ICG Asia Reports, No. 7), Brussels 2000.

7   Cf. Wilhelm Höynck, A Sustainable Stabilization Policy in and for Central Asia, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 205-215.

8   Cf. German Foreign Office press release of 18 May 2001.

How will the security situation in Central Asia develop on a medium- and long-term basis? Can one assume that the southern edge of the former Soviet Union will be transformed into a serious crisis area in which open conflicts, drug trafficking, terrorism and organized crime will create security risks extending far beyond the region itself? The increased attention being given to Central Asia, undoubtedly due to new security risks, is however not only aimed at direct threats but also at even further-reaching structural problems.

The theory behind this article is that the specific challenge lies in the huge number and complexity of the risks to stability and security. In the following, the most significant *problem fields* will be described based on concrete examples. However, the goal is not so much to analyse individual cases but to describe the multilayered aspect of security risks as well as the interdependence of the problem fields. Furthermore, whenever possible, concrete OSCE fields of action are to be discussed. For the first two problem fields, internal as well as external state policy will be dealt with. Following this, a description will be made of the specific actors that have threatened the regimes with violence as well as how these threats have affected the patterns of action taken by the states involved. For the fourth problem field, the areas of tension in the structure of the individual states and in the region will be dealt with. The latter two problem fields include the special complex of Afghanistan as well as the new risks closely connected with this country jeopardizing security in Central Asia.

Problem Field 1: Internal, Structural Problems as a Result of Adverse Developments in the State-Building Process and the Reform Deficits in Central Asian States

As to the structural deficits in the internal reform process, it is not a question of whether the Central Asian states should rush, so-to-speak, to copy certain Western democratic and economic models. It should not be questioned that this type of reform process requires a considerable amount of time and the Central Asian states are justified in frequently voicing this fact. Rather, in the analysis of potential constellations of conflict, the primary focus is on the extent to which internal and structural factors - in connection with other conflict causes, as the case may be - could function to activate or intensify a crisis. However, one should not overlook the fact that in certain ways the five states differ considerably with regard to their potential as well as the dynamics of their reforms.

After having achieved independent statehood, the Central Asian states so far have not been able to adequately balance their political institutions. These states are not being supported by a representative mixture of political institutions (e.g. their political parties lack diversity and there are deficiencies in

their parliamentary systems, their civil societies are not well developed, there is a lack of political participation due to a lack of really free elections etc.) but have developed into very distinctive one-person systems which are highly centralized and organized from top to bottom. Against the backdrop of potential conflicts on succession, this concentration of the whole political system on one person is not without its difficulties as in the case when a head of state is unforeseeably unable to fulfil his duties, for example because of health problems. In addition, in almost all the countries, powerful regional elites are striving to increase their influence and access to resources.[9]

As has always been true, economic development is still a fundamental challenge for all five countries even though in certain respects they have very different prerequisites and perspectives.[10] Especially in economically underdeveloped regions there is a danger that because economic development has failed to occur, this not only causes increasing individual dissatisfaction[11] but also progressively causes extensive and massive poverty. The rapid increase in the population of some of the Central Asian states will also put more pressure on them in future. All the states in the region have to deal with rampant corruption at all political and economic levels. Organized crime is in control of fundamental parts of the economy and is often interconnected with state structures. Of course, the limitations on economic development due to organized crime and corruption are not a specifically Central Asian phenomenon.

The lack of economic perspectives for much of the population as well as the limitations on the legal opportunities for the political expression of dissatisfaction seem to open up the path - almost as if this were a pattern - for the creation of a social basis for radical and/or religious extremist groupings like the "Islamic Movement of Uzbekistan" (IMU).[12] But there is more: There is concern that militant groups will lure young people into their ranks by offering them material incentives. For example, one can assume that in Central Asia, the radical-Islamic movement "Hizb-ut-Tahrir al Islami"[13] (HT) is especially active in recruiting new members from the ranks of young men with no prospects in the economically impoverished regions.

Those states of the region that are more intensively affected, in particular Uzbekistan, have also recognized this development and reacted with increas-

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9   The influence of the regional elites on the current power structures in Uzbekistan is described e.g. in: Alisher Khamidov, Centre-Periphery Relations in Uzbekistan, Cambridge 2001 (lecture manuscript).
10 For a detailed report of socio-economic development in Central Asia: UNDP Regional Bureau for Europe and the CIS, Central Asia 2010. Prospects for Human Development, n.p. 1999.
11 Cf. Bakhodir Musaev, Uzbeks Losing Patience, in: IWPR, Central Asia Reporting, No. 47, 10 April 2001.
12 Cf. Alisher Ilkhamov, Support base for Islamic radicals wider than previously assumed, in: Eurasia Insight, 9 August 2000.
13 Cf. Igor Rotar', Edinaya duga nestabil'nosti - ot Izrailya do Chechni? [A Uniform Bow of Instability - from Israel to Chechnya? Translation R.H.], in: Nezavisimaya gazeta, 5 April 2001; further information also at: http://www.hizb-ut-tahrir.org.

ingly disproportionate repression which in turn has a kind of a spiralling ef-fect on the radicalization process and causes parts of the population to be-come estranged from the political system. The official version for taking re-pressive action is labelled "the fight against international terrorism".

Thanks to its field missions and institutions, the OSCE has an extensive set of instruments to support the Central Asian states in coping with their reform processes. The OSCE already has diverse forms of co-operation and success-ful collaboration albeit with differing intensities depending on the individual state. In the area of legislation, expert opinions worked out by OSCE institu-tions were repeatedly taken into consideration, for example in implementing the right to freedom of religion or freedom of the media. In all five states the local OSCE offices with the support of ODIHR are making efforts to promote the creation of non-governmental organizations and their dialogue with gov-ernments. For example, the OSCE Mission to Tajikistan promoted local in-stitutions through the concrete support of independent media agencies. The OSCE can make a positive contribution to the internal dialogue in the partici-pating States if the parties involved accept this. A concrete example of this are the "round tables" encouraged by the OSCE Centre in Almaty in con-junction with ODIHR and the Parliamentary Assembly. After the ODIHR election-monitoring mission was plainly critical of the parliamentary elec-tions of October 1999, representatives of the government and the opposition in Kazakhstan have been endeavouring at these round tables to achieve im-provements in election procedures. We could extend the list of examples of concrete OSCE activities in Central Asia significantly. However, one must also consider that the OSCE field missions have reached operational limits due to the low number of mission members there.

As diverse as OSCE activities in the area of the human dimension are, the dialogue in this area has proven difficult against the backdrop of human rights practices, which have not been satisfactory with respect to OSCE standards. The Central Asian states have repeatedly called on the Organiza-tion to balance its approach by taking their own specific security concerns further into account. However, the OSCE should make clear that better bal-ance can only mean strengthening the economic and security dimensions, but can in no case mean being less engaged in the area of the human dimension.

Problem Field 2: Deficits in the Search for Co-operative Solutions to Differences in the Interests of Individual Countries in the Region

In the course of obtaining their independence, the Central Asian states had to define their relations among one another: Formerly, Moscow acted as a kind of corrective, but now the Central Asian states must solve mutual problems among themselves. There is a concern related to this that the Central Asian states will not succeed in regulating their relations in a co-operative manner nor are they based on partnership. The five states are very heterogeneous with

regard to their individual sizes, populations, economic strengths etc., which manifests itself in partly very unequal relationships. In particular, the relations between Uzbekistan and Tajikistan have recently become increasingly tense.

Numerous issues on the regulation of borders in the region are particularly critical and controversial. Today, there are differing views on where practically all the border lines run that in former times lay within the Soviet Union and thus had no real significance. The fact that Uzbekistan placed mines on parts of its border during the autumn of 2000 provided additional fuel for conflict. It caused the mood between Uzbekistan and Tajikistan as well as between Uzbekistan and Kyrgyzstan to become considerably more disgruntled. While Uzbekistan maintains that it is meeting its own security interests and in this manner protecting itself from terrorists and drug traffickers, in Tajikistan and Kyrgyzstan, it is largely pointed out that there have been numerous civilian victims. What is more: Uzbekistan has been reproached for unilaterally claiming disputed border sections for itself.[14] A characteristic example of the complexity and difficulty of border issues in Central Asia is the enclave of Sokh located in the region of Batken in south Kyrgyzstan but belonging to Uzbekistan. Uzbekistan is afraid that IMU fighters will plan activities against Tashkent from Sokh and thus insists on having overland access to the enclave.[15]

A phenomenon recurring every year, particularly in winter, is that mutual cross-border energy deliveries are cut off. This indeed often involves outstanding debts, however the gas pipelines are sometimes shut off a little faster when certain other goals are being pursued. At the beginning of 2001 for example, the week-long interruption of Uzbek gas deliveries caused widespread freezing in Kyrgyzstan. The official reason for this was a defective pipeline; however, observers believe that the dispute over Sokh was the real motive for this Uzbek action.[16]

It seems there is also a current tendency to solve problems in one's own interest rather than co-operatively. An example of this was the reintroduction of a visa requirement for the Central Asian states with respect to one another and thus limitations on the freedom of movement for people and commodities. Particularly in the border areas, this led to considerable hardship as well as dissatisfaction among the people involved.

The forced return of former civil war refugees, who have in the meantime settled in Uzbekistan but have no legal status, has been a sensitive issue for Uzbekistan and Tajikistan. Yet these refugees were often ethnic Uzbeks. In a cloak-and-dagger operation during the spring of 2001, a group of 55 people

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14 Cf. Sultan Jumagalov/Vladimir Davlatov/Galima Bukharbaeva, Storm Over Uzbek Landmines, in: IWPR, Reporting Central Asia, No. 33, 12 December 2000.

15 Cf. Arslan Koichiev, Batken Residents Furious Over Uzbek-Kyrgyz Border Deal, in: Eurasia Insight, 25 April 2001.

16 Cf. Arslan Koichiev, Kyrgyzstan and Uzbekistan Map Out Their Differences, in: Eurasia Insight, 5 March 2001.

including numerous children were deported from Uzbekistan. However, Tajikistan refused to admit these people into their country thus forcing them to remain in no-man's-land for weeks.[17] During this time, the OSCE and the UNHCR attempted to find a solution on-site. According to estimates, 10,000 to 30,000 people live in Uzbekistan whose status is similarly unclear.

This example shows that conflicts of interest have up to now not always been solved reflecting the *co-operative security* of all those involved. One of the difficulties here is that in the perception of certain countries, especially Uzbekistan shows little consideration for its weaker neighbours.

Political observers and diplomats on-the-spot have repeatedly reported on how complicated the personal relationship between the five Presidents is. Due to the fact that foreign policy in Central Asia is also presidential policy, this does not make it any easier to come to a mutual understanding in all cases. On the other hand, it is a part of the political culture in Central Asia that disputes and declarations of eternal friendship can occur practically simultaneously. Apparently insurmountable difficulties can be cleared up at short notice with a telephone call between two Presidents.

The search for common solutions through an inter-state dialogue based on partnership is part of OSCE "philosophy". Therefore also in Central Asia, the OSCE should make it a primary task to support any kind of dialogue and co-operation. There are already a considerable number of regional initiatives[18] that have the potential to contribute to security and co-operation in the region. Thus the OSCE together with the Central Asian states could investigate how these mechanisms might be reinforced, should the occasion arise, for instance by exchanging experiences, political support or through common projects in specific areas. Also the Personal Representative of the OSCE Chairman-in-Office for Central Asia, first appointed in 1999 by the Norwegian Chair,[19] could move towards discussing regional issues within the OSCE framework and launching comprehensive initiatives across the countries.

OSCE regional initiatives do not always find the undivided assent of the Central Asian states; "special treatment" of Central Asia within the Organization is not always welcome. For example, not all Central Asian states thought it made sense to appoint a Personal Representative for Central Asia. Also when it comes to solving concrete problems, the involvement of an external actor like the OSCE is not always looked upon favourably. For example, a British initiative within the framework of the OSCE aimed at discuss-

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17   Cf. Report of Forced Deportation Could Heighten Uzbek-Tajik Tension, in: Eurasia Insight, 28 March 2001.
18   For example the "Shanghai Co-operation Organization", the "Conference on Interaction and Confidence Building Measures in Asia", "Economic Cooperation Organization", the "Central Asia Economic Forum" etc.
19   In 1999, a "Personal Representative" of the Chairman-in-Office was appointed for the first time, the German diplomat and former OSCE Secretary General, Wilhelm Höynck. In 2000, the current Secretary General Ján Kubiš took over this post. In May 2001, Wilhelm Höynck was again appointed to this position.

ing long-term regulation of water management in the region was rejected by Turkmenistan and Uzbekistan.

Problem Field 3: The Threat of Radical Armed Groups

The most direct threat potentially leading to a violent conflict in Central Asia is currently the above-mentioned "Islamic Movement of Uzbekistan" (IMU), whom many spectators expected to invade Uzbekistan during the summer of 2001.[20] The IMU is an armed group that originated in the Uzbek part of the Fergana Valley. In the course of newly won independence at the beginning of the nineties, Islam experienced a renaissance initially in the Fergana Valley. Local, religiously motivated groups became established that increasingly also assumed social functions. At the end of the day, the government in Tashkent began to consider these a threat after the loyalty of the local administrations towards the central government was increasingly brought into question. In the Fergana Valley, the so-called "Adolat" movement under the leadership of Tahir Yoldashev was particularly influential. Representatives of the religious movements including Yoldashev were expelled from Uzbekistan and fled to, among other places, Tajikistan during the civil war there. In Tajikistan, these Uzbeks made contacts with the United Tajik Opposition and some of them fought on their side. This circle also included Jumaboi Khojiev, better known as Juma Namangani, who became the military leader of the IMU. Later, these groups escaped to Afghanistan to areas controlled by the Taliban. The vague political goal of the IMU is to create a "Fergana Caliphate".[21] Additionally, the IMU was blamed for the attempted bomb attack on President Islam Karimov in February 1999 in Tashkent. During the summer of 1999, the IMU invaded the region of Batken in southern Kyrgyzstan, and during the summer of 2000, they invaded both southern Kyrgyzstan and Uzbekistan. Also during the summer of 2000, a group of US citizens were kidnapped for a short period leading the US State Department to put the IMU on the list of terrorist organizations.[22]

After the "shock of Batken"[23] during the summer of 1999, in particular Kyrgyzstan and Uzbekistan, but also Kazakhstan became much better prepared for the potential activities of rebel groups. It has to be seen as a security-relevant side effect that the Central Asian states, which have been particularly affected, have been forced to adapt the security apparatus they had inherited

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20   Cf. e.g. Gregory Gleason, IMU Offensive Fears, in: Institute for War and Peace, Reporting Central Asia 43/2001.

21   Cf. Uwe Halbach, Sicherheit in Zentralasien. Teil II: Kleinkriege im Ferganatal und das Problem der "neuen Sicherheitsrisiken" [Security in Central Asia. Part II: Small Wars in the Fergana Valley and the Problem of "New Security Risks"], Berichte des Bundesinstituts für ostwissenschaftliche und internationale Studien [Reports of the Federal Institute for Russian, East European and International Studies] 25/2000, in particular pp. 13-17.

22   Cf. the statement of Richard Boucher, Spokesperson for the US State Department, SEC.DEL/264/00, 15 September 2000.

23   Halbach, cited above (Note 20), pp. 7-13.

from the Soviet period to these new threat potentials.[24] Although it is not hard to understand this, it did also lead to considerable militarization of the region. The Central Asian states felt compelled to divert economic resources, which were urgently needed in other areas, to the security apparatus.

In informal discussions with Western military observers in the region, the view is often expressed that the IMU is less of a danger because of its military potential (depending on the source, they are said to have an estimated 1,000 to 5,000 armed fighters) than because of the increasing backing it is receiving from society, which is due to generally growing dissatisfaction among the population.

In this sense, however, the "*Hizb-ut-Tahrir*" (HT), which claims to have originated during the fifties in the Middle East, seems to be a much greater danger potential because in contrast to the IMU, its arguments are much more ideological. The HT considers itself a party and works conspiratorially in small cells. It is estimated - also by official sources - that in Central Asia it has several tens of thousands of members and that above all young people from economically underdeveloped regions are actively recruited. In the pamphlets distributed illegally by its supporters, it has repeatedly spoken out against violence; instead it is seeking to achieve its goals by changing people's consciousness. Similar to the IMU, the HT is striving to create an Islamic Caliphate in which Sharia law rules. It is unclear what the links between the HT and the IMU are.

The Central Asian states, especially Uzbekistan (with first signs also in Kyrgyzstan, Tajikistan and Turkmenistan) are concerned that their populations will become increasingly susceptible to radical Islamic ideas, in particular because the groups mentioned are said to have links to orthodox religious groups in Arab countries. Against this backdrop, the Central Asian states have reacted to a certain extent with massive repression and suppression even of moderate Islamic groups. Foreign observers, who have visited the Fergana Valley since 1999, have reported repeatedly that due to exaggerated massive arrests the atmosphere in the population has been very tense. It has also been frequently implied that the threat posed by extremists is used as a pretext to justify the use of a strict internal control apparatus against political opponents.

On the one hand, the emergence of groups willing to use violence and terror have induced the Central Asian states, especially when it comes to fighting terrorism, to co-operate more closely on a regional basis. On the other, the attendant circumstances of the IMU invasions of 1999 and 2000 led to considerable discord between Uzbekistan and Tajikistan. It was Uzbekistan's position that Tajikistan was not taking enough action on its territory against Namangani's fighters. Tajikistan denied repeatedly that the IMU was operating from its territory. However, especially a further IMU military operation

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24   Cf. Tamara Makarenko, Central Asia commits to military reform to counter changing internal and external security threats, in: Jane's Intelligence Review 2000, September 2000.

could give Uzbekistan the opportunity to take measures against Tajikistan. In connection with this, rumour-mongers delight in mentioning the name of a field commander in the Tajik civil war, Mahmud Khudoberdiev. Already in November 1998, he had made a futile attempt to advance from the province of Leninabad in the northern part of Tajikistan into Dushanbe. Khudoberdiev is purported to have good contacts with Tashkent.

The threat of armed groups is a very real concern for the Central Asian states. The OSCE has repeatedly and clearly condemned the use of terror and the then OSCE Chairperson-in-Office also made a press statement denouncing the IMU invasions during the summer of 2000.[25] In particular, the Austrian Chair pushed ahead with the topic of Central Asia within the OSCE and backed the Central Asian states by encouraging them to point out security threats as well as enlist support and understanding. However, in its dialogue with the Central Asian states, the OSCE should make clear that in the use of repressive measures, there is a danger that certain groups will become more radical. An important aspect of this is that the great majority of the population in all the Central Asian states rejects violence and terror. In the strategies to fight terrorism in the countries involved, more emphasis could be placed on how to mobilize this potential in a positive manner thus also stigmatizing support for radical organizations. OSCE know-how in the area of strengthening civil society could be a way in which the OSCE could support the Central Asian states in a broadly structured fight against terrorism. In addition, within the framework of the OSCE, the relationship between anti-terror measures and the principles of states founded on the rule of law as well as exercising freedom of religion could be addressed to be able to prevent overly drastic anti-terror measures from producing a counter-productive effect on certain parts of the population. Co-operation with the OSCE in this manner would give an important signal to other countries which are concerned that the fight against terrorism could be used to suppress any form of opposition.

Problem Field 4: Latent Tensions in Inner-State and Regional Structures

Born of the republics of the former Soviet Union, the five new Central Asian states also inherited formidable challenges that are intrinsic to its inner-state as well as regional structures. Therefore, it has to be taken into consideration that this has often been an additional burden for these countries in coping with the already difficult process of state-building and system transformation. These tensions, inherent in inner-state structure, were most violent in Tajikistan where ten thousands of people were the victims of a bloody civil war from 1992 to 1997. Fundamentally, the causes of this civil war were the highly pronounced conflicts of interests between the various regions of Tajik-

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25   Cf. Press release of the former OSCE Chairperson-in-Office Benita Ferrero Waldner on 16 August 2000.

istan and the differences between the regional elites. The regions have also developed in very different ways economically. A peace plan negotiated by the UN and backed by the OSCE, which has been aimed at balancing regional interests, has since the signing of the "General Agreement" in 1997 enabled the country first to declare an armistice and then undergo a phase of gradual stabilization and improvement in the internal security situation.[26] Nevertheless, there are still numerous questions as to whether inner-Tajik peace is sustainable. For instance, the economic situation of this geographically isolated country is extremely critical. As has always been the case, there are still influential groups in the country who are striving to gain significant political influence and better access to resources. During the spring of 2001, the country was shaken by the assassination of the deputy interior minister, Khabib Sanginov, a prominent representative of the United Tajik Opposition. Other external factors like the tense military situation in Afghanistan could lead to more destabilization.

A very prominent catchword in connection with the current conflict potential in Central Asia is the Fergana Valley, which apparently contains all conceivable ingredients for a future regional conflict.[27] Islam has very deep roots in the Fergana Valley. Around ten million people of highly diverse ethnic composition are concentrated in this narrow strip of land stretching across three different countries. This primarily agricultural region is an economic problem zone characterized by high unemployment. There are disputes on the division of workable land as well as the distribution of jobs along ethnic lines that are seen as being potential sources of conflict. The city of Osh and its surrounding areas, which lie in the section of the Fergana Valley belonging to Kyrgyzstan, were already haunted by violent ethnically motivated turmoil during the summer of 1990.

The inner structures of Kyrgyzstan are also characterized, alone geographically, by differences between north and south, which are not always easy to reconcile politically. The southern part of the country feels it has economic disadvantages in comparison to the north and this perception, as has already been mentioned, also follows along ethnic lines: Ethnic Uzbeks make up a large part of the population in the south, but are clearly underrepresented in the municipal authorities. Thus it is suspected that there is the potential here that the population would back the IMU or even the HT. The north-south divide has also had an effect on the central government in Bishkek, which has been forced to take the south into consideration in its policies.

One aspect that should not be overlooked in the wider region - likewise against the backdrop of potential conflict constellations - is the issue of the Uighurs, and in this connection, separatist efforts in the autonomous Chinese

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26   For detailed treatment of the conflict and the peace process in Tajikistan see: Kamoludin Abdullaev/Catherine Barnes (Eds.), Politics of compromise. The Tajikistan peace process, London 2001.

27   Cf. Sam Nunn/Barnett R. Rubin/Nancy Lubin, Calming the Ferghana Valley. Development and Dialogue in the Heart of Central Asia, New York 1999.

province of Xinjiang. Kazakhstan as well as Kyrgyzstan have significant Uighur minorities. It is said that the HT has been appealing directly to ethnic Uighurs in Central Asia to enlist their support.[28] Moreover, during the spring of 2001, rumours circulated that the IMU had changed its name to "*Hizb-e-islami Turkestan*" (Islamic Party of Turkestan) to underline their claim to being a relevant regional influence.[29]

In connection with the structural problems of the region, in particular, one must point out the aspect of the distribution and consumption of natural resources. For example, all five countries are highly dependent on one another in their use of hydro-systems and energy supply.[30] Independent of the environmental effects of inefficient water use, the existential distributional battles over water are deemed to be one of the most important potential conflict causes in the region. On the other hand, the countries of the region often call attention to the fact that they have hundreds of years of experience in utilizing their water resources in common.

As was mentioned above, co-operation between these countries is a central element in the search for joint solutions to regional conflicts of interests. This includes in particular the questions of the use of natural resources or coping with environmental crises. Important donors such as international financial institutions, development aid organizations and bilateral donor countries must make international endeavours that go beyond small projects and aim for example at a de-escalation in particularly tense regions (e.g. the Fergana Valley) by making developmental contributions affecting structure. Realistically, the OSCE can only have a very limited role in this process. It can only make other partners aware, from its own perspective, of the risks in the region and encourage development measures that prevent crisis and conflict.

Problem Field 5: The Conflict in Afghanistan Has Increasingly Had Direct Effects on the Security in Central Asia

Repeatedly, the Central Asian states have pointed out that without a solution to the Afghanistan conflict security will not be sustainable in their countries and thus each of them will be forced to align their policies according to this *external* risk. Time after time, they have started initiatives to support UN peace efforts. Of course, the OSCE does not have a mandate to directly contribute to a solution to the conflict in Afghanistan. In point 14 of the Istanbul Summit Declaration, however, there is a clear reference to threats from neighbouring countries.

The war, which has lasted over 20 years, has changed Afghanistan into a chaotic country in which there is no semblance of order. The Taliban, which

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28   Cf. Igor Grebenshchikov, Kyrgyz Exploit Uigur Minority, in: IWPR, Reporting Central Asia, No. 49, 27 April 2001.
29   Cf. RIA Novosti, 21 May 2001.
30   An introduction to water issues: Philip Micklin, Managing Water in Central Asia, London 2000.

appeared as a new actor on the international scene during the mid-nineties, are also increasingly relevant for the Central Asian states.[31] The military situation in Afghanistan changed during the summer of 2000 when the Taliban offensive was remarkably successful. Especially the capture of the city of Talokan was characterized as decisive in weakening the Northern Alliance. While fighting during former years had taken place mainly during the summer months, during the winter of 2000/2001, for the first time, there was no break in the war. At the same time, the Taliban summer offensive meant a bitter setback for the UN in its peace efforts.[32] Their lack of flexibility in the "Osama bin Ladin question" further drove the Taliban into international isolation, in the end leading the UN Security Council to a resolution on 19 December 2000 placing sanctions on the Taliban.[33] These sanctions then pushed the dispirited Northern Alliance forward politically and especially militarily; for instance, they were able to improve their fighting capacity due to foreign weapon deliveries. At the same time, the Taliban continued to show reluctance towards participating in peace negotiations. Against the backdrop of these developments, the UN Secretary-General Kofi Annan's Special Representative, the Spaniard Francesc Vendrell, repeatedly voiced the fear that the most violent clashes could be expected during the summer of 2001, and that only after this a new assessment of the situation - also with regard to international peace efforts - could be made.[34] However, currently it seems rather improbable that the inner-Afghan conflict will spread to Central Asia. Nevertheless, the present situation in Afghanistan encourages the activities of those groups who are interested in exporting radical and extremist ideas to Central Asia.

As a result of the military escalation, the refugee problem has acquired a new dimension. According to estimates of the UN Special Mission to Afghanistan, alone since the autumn of 2000, because of the hostilities, there were again up to 150,000 refugees in northern Afghanistan fleeing the conflict. This state of affairs deteriorated due to the catastrophic drought in the inner-Asian region during the summer of 2000.

Because the OSCE has not had the opportunity to become directly involved in Afghanistan, it can only give backing to UN diplomatic activities politically. In the analysis of the conflict constellation in Central Asia, it is soberingly apparent that there is no short-term solution to the Afghanistan conflict. Even if there were an armistice, the political and economic rehabilitation of this country, which has been completely destroyed by war, would still have a very long way to go. Therefore, for the Central Asian countries, the focus is

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31 For a history of the origins of the Taliban see: Ahmed Rashid, Taliban: Islam, Oil and the New Great Game in Central Asia, n.p. 2000.
32 Cf. Ahmed Rashid, Afghanistan: The Year in Review, in: Eurasia Insight, 16 January 2001.
33 Cf. UN Security Council, Decision no. 1333 (2000).
34 Statement by Vendrell within the framework of an informal meeting with the delegations of the OSCE participating States on 11 April 2001 in Vienna.

on the question of how to deal with security risks radiating from Afghanistan in the short and medium term.

Problem Field 6: New Security Risks

The Central Asian states are directly affected by "new threat potentials", which are also closely connected to the afore-mentioned problem field: These include international terrorism, drug trafficking and organized crime. Afghanistan has developed into the most important country in international drug trafficking with all its negative implications for the region. During 1999, according to UN estimates, almost four fifths of raw opium manufactured worldwide came from Afghanistan and increasingly heroin production has also been transferred there. It is assumed that a large amount of the drugs produced there is smuggled into the West through Central Asia.[35] It remains to be seen what effect the Taliban interdiction on opium cultivation will have. Although the Central Asian states have taken certain major steps in the fight against drugs, the fact that border and customs authorities have inferior technical equipment remains a problem as does omnipresent corruption. A large part of the operations of armed groups is in all likelihood financed by drug trafficking. These groups, in turn, find an ideal environment in Afghanistan, where military instruction takes place in training camps.

The OSCE is not an organization specifically designed to fight drug trafficking, organized crime and terrorism, as it does not have the technical expertise or the corresponding resources for these activities. On the other hand, in view of their security relevance, it cannot ignore these topics, principally because the core of the entire drug problem in Central Asia lies not least in the fact that the demand for these drugs rests in the European and American markets. The OSCE gives support to the activities of other organizations politically in the sense set out in the Platform for Co-operative Security in the European Security Charter of 1999, in this context especially to the UNODCCP. Based on this and because of the topicality of the new security risks, in October 2000, the Austrian OSCE Chair and the UNODCCP, together with the five Central Asian states, organized an international conference - which was given broad coverage - in Tashkent on enhancing security and stability in Central Asia.[36] Within the framework of this conference, the five Central Asian states adopted two documents on the improvement of co-operation in the fight against organized crime, drug trafficking and terrorism. These documents had been prepared under the auspices of the OSCE and UNODCCP. In addition to this, the OSCE also has the capacity to introduce its comprehensive security approach - which was one of the goals of the Austrian Chair within the

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35 Information given by a UNDCP representative at the 9th OSCE Economic Forum, cf. EF.DEL/78/01.

36 International Conference on Enhancing Security and Stability in Central Asia: An Integrated Approach to Counter Drugs, Organized Crime and Terrorism, Summary Report, Vienna 2001.

framework of the Tashkent Conference - by implementing, for example, its experience in strengthening the rule of law and civil society or by promoting approaches to regional co-operation.[37] The Central Asian states, in turn, could utilize the OSCE and its bodies as a platform to gain bilateral support among the other participating States, for example, in the areas of training and providing equipment.

Especially in the countries of Central Asia where state security organs are often forced to operate under difficult economic conditions, the problem of the uncontrolled distribution of small weapons to organized crime groups including those involved in drug trafficking is also particularly important.[38] Thus the OSCE could make a contribution to backing the Central Asian states in the fight against new security risks by establishing concrete co-operation based on the OSCE Document on Small Arms and Light Weapons[39], for example in the form of training programmes or an exchange of ideas.

The Greater Goal of Long-Term Stabilization Policy - Comprehensive Action in a Complex Environment

It is not infrequent at academic gatherings on the topic of conflict prevention in Central Asia that one hears the question: "What is the OSCE strategy in Central Asia?" Unfortunately, there is no straightforward answer to this question for the simple reason that "the OSCE" is made up of 55 states including the five Central Asian states and has very different interests and concepts on the region. Moreover, the environment is not static, but again and again, additional challenges arise demanding new answers. However, it is clear that the region requires security and peace to be able to achieve a social and economic order in the long term offering the people of the region a worthwhile life. Therefore the Central Asian states as well as the OSCE and its institutions must make long-term sustainable stabilization policy their primary goal.[40] In the following only a few of the elements of this kind of stabilization policy in Central Asia, designed to create a framework for OSCE engagement, will be addressed:

- *Comprehensive security:* The presentation of the conflict constellations based on six problem fields in this article is neither complete nor does it give sufficient coverage of all relevant details. Central Asia is not threatened by a restricted monocausal conflict, but is characterized by a

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37   The Austrian OSCE Chair published a background paper on the Tashkent Conference in which the capacities and limitations of OSCE engagement in the fight against drug trafficking, organized crime and terrorism are discussed: OSCE Chairmanship 2000, The OSCE and Security Aspects in Central Asia, in: Summary Report, cited above (Note 36).

38   Cf. Bobi Pirseyedi, The Small Arms Problem in Central Asia: Features and Implications, UN publications, n.p. 2000.

39   Reprinted in this volume, pp. 503-519.

40   See also: Wilhelm Höynck, cited above (Note 7).

multilayered mixture of interactive internal and external areas of tension. Measures for a long-term stabilization policy should therefore include all aspects of security. Crisis and conflict prevention measures are necessary for all problem fields mentioned above. A few of the options have been mentioned that the OSCE could take, utilizing the instruments at its disposal, to make concrete contributions to the various dimensions.

- *Co-operative approach:* The OSCE and its instruments can only be successful in those states where the states themselves want it to be successful. It would also be wrong to point a finger at "the Central Asian states" or to develop plans in the offices in Vienna or in other Western European capitals that stipulate what would allegedly be "good" for them. This does not mean, however, that one should not look latent problems directly in the eye. It must be part of an approach based on partnership that state policies on the wrong track having an effect on the security of the region are made a topic for discussion.

- *OSCE as political platform:* The Central Asian states can use the OSCE as a possible forum to give their concerns a better hearing. In the meantime, the issue of Central Asia has gained considerable importance within the OSCE and the understanding of their problems has increased remarkably; in particular, the Austrian OSCE Chair during the year 2000 was very active in this respect making Central Asia a focus. In addition, the Central Asian states can give evidence to third-party states and international actors of their willingness to reform by openly participating in the OSCE and complying with OSCE standards.[41]

- *Regional approach:* Many of the challenges not only affect single countries and therefore require co-operative solutions taking into account the interests of the different actors concerned. The promotion of regional dialogue and co-operation should therefore be a priority in the OSCE stabilization policy in and for Central Asia. In this context, particularly the office of the Personal Representative for Central Asia must be mentioned. Under certain circumstances it would also make sense to strengthen already existing regional initiatives outside the OSCE.

- *Continuity and long-term perspectives:* Because the OSCE Chair changes every year, OSCE priorities are periodically reset. A single Chair is not in a position, even through intense involvement in Central Asia, to solve the complexities of the security challenges there on a truly sustainable level. Long-term perspectives and continuity in political dialogue as well as operational activities are therefore the prerequi-

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41 For example, in article 1 of its statute, the European Bank for Reconstruction and Development makes an explicit reference to democracy based on a multi-party system, pluralism and a market economy. The country strategy for Uzbekistan, published by the bank a short time ago, refers for example to the OSCE/ODIHR report on the parliamentary and presidential elections in Uzbekistan. Cf. EBRD, Strategy for Uzbekistan, 3 April 2001, p. 29.

site for a serious stabilization policy. A fundamental element of this are the field presences and the different institutions, which through their long-term mandates guarantee coherence in OSCE activities. Placing an even stronger accent on long-term programmes rather than single smaller projects that have limited effect could contribute further to continuity and long-term perspectives. However, one should not overlook the fact that the OSCE presences in Central Asia are extremely small offices that already fulfil comprehensive tasks and are therefore limited in their operational capacities.

- *Co-operation with other partners:* Realistically, the scope and range of OSCE involvement will always remain limited. Specialized organizations and institutions have far better capacity to implement many of the concrete measures required. Especially in the areas in which the OSCE does not have its own resources, for example in the economic dimension, it is dependent on co-operation with other partners. However the OSCE can take on the role of a political catalyst and - on the basis of its comprehensive security concept - make technical and special organizations aware of the problems of the region.

The answer to the question at the beginning of this article of whether Central Asia will become a regional hot spot depends on a whole host of actors and factors within and outside the region. The OSCE does have concrete options to have an effect on the problem fields described above and is thus able to contribute to the stabilization of the region, but one should not overestimate the OSCE's scope in its current form.

Heidi Tagliavini

Conflict Prevention and Conflict Management in Georgia - The Activities of a Personal Representative of the OSCE Chair

On 29 December 1999, the then Austrian Foreign Minister Wolfgang Schüssel appointed me Personal Representative of the OSCE Chairperson-in-Office for Missions in the Caucasus. It was my task to give support and advice to the Chair on all issues involving the conflicts in *Chechnya/the Russian Federation* as well as in *South Ossetia/Georgia* and *Abkhazia/Georgia*. My mandate included the following:

- promoting the efforts of all parties involved and the international community in finding a solution in conformity with OSCE principles;
- developing strategies for comprehensive initiatives to promote respecting OSCE norms and principles in the region;
- advising and supporting the Chairperson-in-Office[1] to advance these efforts being made in the region;
- fostering close contacts with international organizations (the Council of Europe, the European Union, the United Nations etc.) in the name of the Chairperson-in-Office.

The Caucasus was one of the priorities of the Austrian Chair, which led to the decision to appoint a Personal Representative for this region. My mandate ended on 31 December 2000.

On the Instrument of the Personal Representative of the Chairman-in-Office

The "Personal Representative" is one of the OSCE instruments available to the Chair during its year in office. It is designed to provide support to the Chair for a specific task. The appointment of Personal Representatives is a prerogative of the Chair. To underline its priorities, Austria appointed four Personal Representatives during the year 2000 thus placing emphasis on its efforts in the Balkans, in Central Asia and the Caucasus.[2] In the short history of the OSCE, this instrument has been applied in various ways. Thus before

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1   Benita Ferrero-Waldner assumed the post of Austrian Foreign Minister on 4 February 2000 and thus became OSCE Chairperson-in-Office.
2   For the Balkans: Albert Rohan, Secretary General of the Austrian Foreign Ministry; for Central Asia: Ján Kubiš, Secretary General of the OSCE; for Nagorno-Karabakh: Andrzej Kasprzyk, Personal Representative of the OSCE Chairman-in-Office on the Conflict Dealt with by the Minsk Conference; and Heidi Tagliavini for Missions in the Caucasus.

examining and analysing the conflicts that were included in my mandate, I would like to make some fundamental observations on the instrument of the Personal Representative.

In the 1992 "Helsinki Decisions" under point 22, the functions of the Personal Representative are defined as follows:

> "When dealing with a crisis or a conflict, the Chairman-in-Office may, on his/her own responsibility, designate a personal representative with a clear and precise mandate in order to provide support. The Chairman-in-Office will inform the CSO of the intention to appoint a personal representative and of the mandate. In reports to the Council/CSO, the Chairman-in-Office will include information on the activities of the personal representative as well as any observations or advice submitted by the latter."[3]

Although the "Committee of Senior Officials" (CSO) is no longer in existence - at first it was renamed the "Senior Council", however in the meantime, its tasks have to a large extent been assumed by the Permanent Council (formerly Permanent Committee) - procedure has remained the same. In the past, Personal Representatives have been deployed for short-term as well as long-term missions. My one-year term in office as a Personal Representative of the Austrian Chair not only showed me the problems but also the opportunities connected with this office.

Because the Personal Representative according to definition is primarily employed in crisis and conflict settlement, it is an indispensable prerequisite in achieving the goals as they have been defined above, that the conflict parties accept the Personal Representative and his or her mandate. For example, Georgia expressly welcomed the appointment of a Personal Representative and regarded this as a fitting response by the Chair to the problems existing there. In contrast, Russia took the view that in the case of Chechnya, its intervention in this conflict was an internal anti-terror operation. The history of the second Chechnya war shows quite clearly that Moscow rejects any form of international participation in the political settlement of the conflict. Although Moscow allowed a few human rights experts from the Council of Europe into the area, they can only work within an extremely limited mandate and are integrated in Russian structures. With the exception of this effort, the international community is left with a very limited framework in which it can realize humanitarian operations. Moscow's consistent rejection of the activities of a Personal Representative on the Chechnya issue has led to the fact that my mandate in this case was limited to supporting and advising the Chair - an activity which was after all not insignificant. Furthermore, we

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3   CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: p. 714.

saw an opportunity to make a contribution, although small, to conflict settlement in the creation of an informal network with other organizations that carried out humanitarian tasks or were active in the area of human rights in the North Caucasus.

The position of the Personal Representative is not unproblematic. As a matter of course, he or she stands between the Chair and the OSCE missions in the conflict areas. Therefore, in the case the Personal Representative has been appointed to a longer-term mission, it is certainly important that the Chair differentiate precisely between his or her mandate and that of the Head of Mission and that he strengthen the Personal Representative's position. It is absolutely necessary that tensions and competition between the Personal Representative and the missions be prevented.

Another difficulty may be presented by the time limitation of a mandate. This is particularly true when the Personal Representative is not appointed for the settlement of an acute crisis,[4] but - as was true in my case - to create movement in so-called frozen conflicts like the one in South Ossetia/Georgia. It is obvious that the construction of a network of relations and the creation of a relationship based on trust with the actors of a conflict cannot occur from one day to the next. Both however are basic prerequisites to be able to achieve even partial results in the multi-layered and difficult conflicts like those mentioned. In this sense, it would be important for the Personal Representative as well as his or her dialogue partners that his or her mandate not be limited to one Presidency. Probably, the conflict parties would then also become more actively engaged in the talks.

This line of reasoning gives me the opportunity to indicate the positive potential of this instrument as well. It is no secret that one of the weak points of the OSCE is its lack of an institutional memory resulting from the relatively rapid turnover of mission members, frequently with only short deployment periods. Of course, the yearly change in the Chair does not contribute very much to the continuity of conflict prevention and/or management either. The question remains whether the long-term employment of Personal Representatives would not create an important element of continuity.

Co-operation with the United Nations, which is represented in the various conflict areas (e.g. in the Caucasus, in the Balkans and in Central Asia) by the Special Representatives of the Secretary-General, could become better co-ordinated at the level of high-ranking representatives and thus intensified, as was shown in my own case by the example of the conflict in Abkhazia/Georgia.[5]

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4   An example of this kind of short-term mission was the mission of the former Spanish Prime Minister Felipe González in Belgrade in December 1996 whose mandate was "to seek information from all political forces and institutions, including the media, and from the judiciary on the facts and events relating to the municipal elections including the annulment of their results".

5   See the section on Abkhazia in this article.

It has become increasingly definite and clear that the conflicts in the Caucasus are linked internally and thus cannot be solved individually. Therefore a regional approach is required. Various politicians within and outside the region have expressed this view. Also the OSCE may have to deal increasingly with this kind of approach as well as developing corresponding activities. A Personal Representative could provide the appropriate instrument to represent the OSCE and co-ordinate its activities in the region and would in this sense be a useful addition to the missions in the field.

In my opinion, there are definitely reasons for the OSCE to retain the instrument of the Personal Representative. However, the problems linked to this function mentioned above, should first be discussed and clarified within the Organization.

The Conflicts in Georgia

In light of the above and on the basis of the concrete activity in South Ossetia and Abkhazia, I will now deal with the contribution a Personal Representative can make within the framework of his or her mandate and considering the given situation in a conflict area.

In examining the conflicts in Georgia, first the difficult domestic and foreign policy situation in this country should be described:

- Economic problems have been increasing.
- Social dissatisfaction has been growing due to poor living conditions (high unemployment, month-long loss of earnings, low energy supply).
- The presence of several hundred thousand refugees (from Abkhazia and South Ossetia, but also Chechnya) has created further unrest and difficulties (humanitarian and social problems, health, education, security etc.).
- The weakness in state structures is practically an invitation to circumvent the law; criminality and corruption as well as pushing through specific interests are no rare occurrence.
- Relations with Moscow, not free of tension, have a direct effect on the process of conflict resolution.

These kinds of internal difficulties do not make it easy for the international community to set things in motion in Georgia. Up to now, Georgia itself has also done relatively little to convince the secessionist areas that a return to the Georgian state would be attractive and advantageous for them. Moreover, a solution to the Georgian conflicts can no doubt occur only if Russian interests are taken into account, which means that both countries have to co-operate.

Since the second half of the 19th century, Ossetians who originally came from the North Caucasus have settled in the fertile southern slopes of the Caucasus in Georgia but have never broken off their ties with the North. Completely in harmony with the prevailing spirit of change at the end of the eighties in the 20th century, they demanded a revaluation of their political status with respect to Georgia. However, this was rejected by Tbilisi and led even then to bloody conflict. Even before the disintegration of the Soviet Union in 1991 and as a reaction to Georgia's declaration of sovereignty with respect to Moscow, South Ossetia announced its secession from Georgia in 1990 and expressed its desire to be annexed to North Ossetia as a constituent republic of the Russian Federation. Terror acts and military clashes caused tens of thousands of Georgian and Ossetian inhabitants of South Ossetia to flee their homes.[6] In 1992, Russia deployed paratroopers putting a violent end to the bloody clashes in South Ossetia - on the territory of the already independent Georgia - and induced Georgians and South Ossetians to sign an armistice agreement (the so-called Sochi Agreement). Immediately thereafter negotiations were begun with Russia as a mediator and with the participation of the OSCE.

Since 1996, the negotiations have stagnated and thus also weakened the various mechanisms keeping the situation in the region under control.[7] The following three points are the main obstacles to the settlement of the conflict:

- the question of the territorial integrity of Georgia as well as the status of South Ossetia,
- the state and legal relationships of the two parts as well as
- security guarantees for future agreements, which are to regulate the relations between Georgia and South Ossetia.

To lend new dynamics to the negotiations, at the OSCE Summit Meeting in Istanbul in 1999, the Heads of State or Government encouraged that a meeting of experts take place to further progress on the most important issues in dispute. In addition, the Georgian side demanded that the role of the OSCE be strengthened to balance Moscow's influence, which is seen as too strong. The South Ossetian side, in contrast, was satisfied with the status quo. In this case, the status quo means the threefold Russian presence in South Ossetia

- as a mediator in the political negotiations,
- as commander-in-chief of the peacekeeping forces and moreover

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6   The majority of the Ossetians fled to the North Caucasus, while the Georgians living in South Ossetia fled to other areas in Georgia.
7   These are the Joint Control Commission (JCC) as a regulatory organ and the Joint Peace-keeping Forces (JPKF), which consist of Russians and Georgians as well as North and South Ossetians.

-   as North Ossetian participant in the negotiations, as the natural ally of South Ossetia so to speak.

The Baden meeting of experts,[8] promoted in Istanbul, took place in mid-July 2000 and produced the following concrete results:

-   For the first time state and legal relationships (territorial integrity of Georgia, the status of South Ossetia and the guarantee question) were dealt with and it was agreed that these issues would in future be handled as a "package", that is, these questions cannot be negotiated individually.
-   Furthermore, the parties tasked the Austrian OSCE Chair to begin consultations in co-operation with the Russian Federation on a guarantee for future agreements.

As the Personal Representative of the OSCE Chairperson-in-Office, I thus assumed the following activities for the Chair after the Baden meeting:

-   consultations on strengthening the OSCE's role in the Georgian-Ossetian conflict management process;
-   consultations on the perceptions of the conflict parties on the guarantee issue;
-   confidence-building measures to ease tensions by encouraging concrete suggestions to questions still open (the signing of an overdue economic rehabilitation agreement between the Russian Federation and Georgia, convening the Joint Control Commission to regulate all issues pending alongside the peace process, especially in the security area, separating the peace negotiations from other practical issues etc.).

Since September I have, together with the Representative of the Russian Federation, Ambassador Mikhail Mayorov, and the Head of the OSCE Mission to Tbilisi, Ambassador Jean-Marie Lacombe, conducted three rounds of consultations on these issues in Tbilisi and Tskhinvali (South Ossetia). One may note the following results: Although both sides would be willing to conduct a dialogue on both the question of strengthening the OSCE's role as well as the guarantee issue, as could be expected, the ideas on these problems have varied greatly. Georgia backs the idea that the OSCE Troika be included in the negotiations. South Ossetia is sceptical on this and adheres to the status quo. There are also broad differences in the opinions on the question of guarantees: South Ossetia understands these to be "hard" guarantees, i.e. military security guarantees. In contrast, Georgia goes along with the OSCE, which understands the guarantees as a comprehensive system to secure the economic, social, humanitarian and human rights aspects of future coexistence.

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8   Baden near Vienna.

These regular consultations made it possible to introduce a certain dynamic into the conflict resolution process. After the OSCE and the Austrian Chair had for a long period advocated this, the Economic Rehabilitation Agreement was finally signed on 23 December 2000. Hence, the Joint Control Commission could be reconvened. For the first time it met jointly with the EU Commission, which was actively engaged in this conflict financially in the areas of energy and transport, in April 2001. In addition, a schedule was agreed, also before the year ended, on further meetings to continue the political dialogue. In this manner, a dynamic was conferred to the peace process that it would be wise to maintain, particularly because the geopolitical situation in the region has activated tensions, which have negative effects on the willingness to resolve the conflict.

Abkhazia

During the entire period of Soviet rule, a latent conflict was smouldering between Abkhazia and Georgia that periodically burst into bloody conflict. During the period of perestroika, when Georgia itself was striving for independence from Russia, these tensions reached the peak of their irreconcilability. After Abkhazia's one-sided declaration of sovereignty (immediately annulled by Georgia) in 1990, the Abkhaz Parliament declared independence in 1992, which led the Georgian National Guard to invade Abkhazia. After a little over a year, Abkhazia won the war against Georgia - undeniably, not without outside support. In 1994, an armistice, mediated by Russia and also signed by the United Nations and the OSCE, was concluded in Moscow. Furthermore, an agreement on the regulation of the status of Abkhazia and an agreement with the participation of the UNHCR were signed on refugee return.[9]

Since then a CIS peacekeeping force[10] of around 1,600 men has been deployed in the conflict area to monitor the maintenance of the armistice, which is in turn being observed by the United Nations Observer Mission in Georgia (UNOMIG), a force of around 100 men. The UN also head the so-called Geneva Process on questions of security, refugee return and economic and social reconstruction. However, Moscow's role in the peace negotiations should not be underestimated. The OSCE is only active in Abkhazia within the framework of its mandate in the human dimension with a few projects on the development of civil society and protecting human rights.

For a time, until 1998, there were no more serious incidents in the conflict area. However in May 1998 after months of tension and provocations on both sides, a short but violent military conflict broke out in the Abkhaz border

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9   Massacres of the civilian population, carried out by both sides, had led to a mass exodus out of Abkhazia. Around 250,000 refugees, primarily ethnic Georgians, still live outside Abkhazia today, a large majority in Tbilisi.

10   The CIS Peacekeeping Force falls under a Russian supreme command comprising almost entirely Russian units.

area, the Gali district. This caused the entire population, around 80,000 Min-grels,[11] who had in the meantime returned to the area, to flee for the second time since the end of the 1992-94 war. Only thanks to the rapid UN reaction could the so-called May incidents be stopped. However, it could not be prevented that the inhabitants of the area were expelled and there was plundering followed by the burning of houses.

In considering the situation in Abkhazia, one should not underestimate the Russian factor: The common language is Russian, the currency is the Russian rouble, the Russian Federation alone, not jointly with Georgia, controls the border to Russia and the Russian presence, especially in the form of the Russian military, is significant. This shows how far Abkhazia has in all respects distanced itself from Georgia. Thus Abkhazia has become a test case for bilateral relations between Moscow and Tbilisi.

Acknowledging the leading role the UN play in political negotiations, the OSCE sees itself as a supporting organization in the Abkhaz peace process. At the Istanbul Summit Meeting, the Heads of State or Government adopted a declaration stating that the OSCE should play a more active role in Abkhazia. Following a Georgian initiative they appealed to the OSCE Chair to, in co-operation with the UN, deploy a fact-finding mission to investigate the accusation of continued "ethnic cleansing" in the Gali district. The meetings I held in the headquarters of the United Nations in March 2000 revealed initially that the UN, which in their Security Council Resolutions on Abkhazia for a variety of reasons,[12] have always avoided using the phrase "ethnic cleansing", were not willing to co-operate with the OSCE on a mission of this kind. Apart from this, Abkhazia - which would have had to physically allow its deployment - was not interested in this kind of a mission.

On behalf of the Austrian Chair, I then looked for a viable wording, which Georgia could also accept. The fact-finding mission became a Joint Assessment Mission to evaluate the situation of refugees who have already returned to the Gali district with the goal of examining their humanitarian, social, economic and security requirements.[13] In this manner the OSCE was able to,

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11   One of the many ethnic groups in Georgia; they live in the "border area" between the con-
      flict parties and are thus the real victims of this situation.
12   Above all, the UN emphasized the consequences that would result from this kind of con-
      demnation: They would be obliged to bring criminal charges against Abkhazia if in fact
      ethnic cleansing were ascertained. Without a doubt, UN structures, especially the Security
      Council with its right to veto, are not suitable to make serious condemnations in this case.
13   The mandate is as follows:
      "Within the framework of the UN-led Geneva Peace Process, to assess conditions relevant
      to the safe, secure and dignified return of refugees and internally displaced persons (IDPs)
      and to the reintegration of those who have already returned to their places of previous
      permanent residence in the Gali district.
      The purpose of the assessment mission is to foster greater international support for the
      process of return, including consideration of the possible provision of assistance to return-
      ees, and to contribute to the general stability in the area."

- win the UN for this operation,
- convince the Abkhaz leader, Vladislav Ardzinba, of the usefulness of this undertaking,
- win over the Georgian side and
- invite a representative number of international organizations to co-operate with it.

The Joint Assessment Mission (JAM) materialized just in time, before the OSCE Ministerial in Vienna in November 2000. Thus, the guidelines of the Istanbul Summit Meeting were met although there were certain limitations. Any other activity in this area would not have been attainable. Specifically, the Joint Assessment Mission

- promoted co-operation between the UN and the OSCE in Georgia, whereby, one must also mention the goodwill of the current Head of the UN Observer Mission, Ambassador Dieter Boden, without whose commitment the Mission would never have been realized;
- offered the opportunity to various organizations to target adequate assistance to a particularly vulnerable group of refugees;
- created the consciousness that the miserable state of refugees can only be sorted out by using practical measures, which - after many years of futile efforts in this direction - in the end, could lead to the establishment of a UN/OSCE Office for Human Rights in Gali to find concrete solutions to the problems of this target group;
- strengthened the role of the OSCE in Abkhazia.

This Mission as well has once again shown that refugees are particularly disadvantaged in post-conflict situations and at least elementary humanitarian assistance is still necessary. Therefore, as long as a conflict has not been solved, in particular, national and international humanitarian organizations will be in demand.

An Initiative to Promote Security and Stability in the Caucasus in a Regional Context: "The Caucasus - Defence of the Future"

As was mentioned at the start, it has become increasingly clear that the conflicts in the Caucasus are linked internally and can therefore not be solved individually. For this reason, various politicians, within but also outside the region, have more or less clearly voiced their opinions in favour of a regional approach to conflict resolution. The Austrian Chair has also studied these ideas with interest. It suffices to mention a seminar, which I encouraged at the *Centre Henry Dunant* in Geneva in April 2000 on "Strategies to Promote Stability in the Caucasus".

It certainly belongs to a regional approach that a dialogue be set in motion between all interested circles in the region on a secure and stable future for the Caucasus. Because the fronts between politicians have become more hardened than not, it is particularly important that this kind of a dialogue is not only conducted by politicians, but in particular also by writers and intellectuals. Together with the OSCE Representative on Freedom of the Media, Freimut Duve, we therefore launched an initiative with the goal of inviting over twenty authors from the region of the North and South Caucasus to present their visions on a secure and stable future for the Caucasus in essays and then publish these as a book. Freimut Duve has already co-ordinated and realized a similar project with authors from the former Yugoslavia.[14]

The project seems to be turning into a success: Already by the end of November 2000, the two English and German versions entitled "The Caucasus - Defence of the Future" or "Kaukasus - Verteidigung der Zukunft"[15] were presented to the OSCE delegations and the press within the framework of the OSCE Ministerial in Vienna. In January 2001, presentations of the Russian version[16] followed in Tbilisi, Moscow and St. Petersburg. The book also found a predominantly positive echo in the press. However, even more important: The interest in the region seems to be growing steadily. One can only hope that a regional network made up of personalities that are actively engaged in conflict resolution and prevention will be created similar to the one in South-eastern Europe.

Now after my OSCE activities, we are currently endeavouring to further develop this idea with a continuation programme supported by Switzerland. The plan is to make the necessary funding and instruments available as start-up aid for the construction of a network and to find forms, which bring interested circles (writers and intellectuals) together and prevail upon them to use their tools to work on building consciousness and structuring civil society.

14   Freimut Duve/Nenad Popovič, In Defence of the Future, Vienna/Bolzano 1999.
15   Freimut Duve/Heidi Tagliavini, The Caucasus - Defence of the Future and Kaukasus - Verteidigung der Zukunft, Vienna/Bolzano 2001.
16   Freimut Duve/Heidi Tagliavini, Kavkaz v poiskakh mira, Literaturno-khudozhestvennyi zhurnal "Glagol", Moscow 2000.

Hans-Georg Heinrich

OSCE Conflict Management in Georgia: The Political Context

Differentiation can be made between global, regional and local factors in the environment surrounding the conflicts in Georgia. Through their interests, but also through the formal conflict-solving mechanisms, the great powers have become directly involved. In the much-invoked regional approach, the initial assumption is that the whole area comprises a system. Thus changes in part of this space would affect other areas or even the whole region. This is certainly a correct assumption although it is unclear how strong the mutual dependencies are. Indeed, the term "regional approach" can be used as a political instrument. For actors who are not interested in solving a specific conflict, utilizing a regional strategy can be an opportunity to delay and, for a calculable period, block the solution to an individual conflict by instead pointing to a solution for the entire region. However, this concept can also mean that the responsibility for solving the conflict is shifted to the regional or the great powers. This is also the case incidentally, for the so-called Stability Pact for the Caucasus, the essential contents of which are obviously meant to be an agreement between the great powers and/or the regional powers on their respective future spheres of influence in the Caucasus region. The views on how to demarcate concrete interest lines specifically are then dependent on the political strategy in question.

The assumption here is that the individual conflicts in Georgia are dependent upon one another or can be attributed to common factors and moreover that they are used as political instruments.

In 1992, the Georgian government asked the CSCE/OSCE[1] to assist them in resolving the conflict existing at that time in South Ossetia/the Tskhinvali region. In October 1992, the OSCE Mission to Georgia was set up under circumstances similar to civil war. The conflict with Abkhazia led to an extension of the mandate, which in the end was completed in 1999 with the establishment of border monitoring along the Chechen section of the Russian/Georgian border. In addition, the Mission has taken on the task of assisting Georgia in safeguarding human rights and democratization. This means the OSCE has a strong presence, at least on paper, in one of the most important crisis regions in the world, which is characterized by an explosive mixture of ethnically motivated separatist efforts, cultural and religious diversity, conflicting strategic and economic interests between the great and regional pow-

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[1] In the following the distinction between the CSCE and the OSCE will no longer be mentioned.

ers as well as having weak forms of institutionalization, statehood and democracy.

Georgia owes the international community's interest primarily to its geopolitical position. Important commercial arteries, traffic and transportation routes run through its territory. It lies in the strategic apron south of the Russian Federation border line and at the same time has a common border with Turkey, a member of NATO. The pro-West position of the present government and the relatively advanced level of the democratization process in comparison to other Caucasus states suggest that Georgia can lead the way in accepting and reinforcing Western and international values in the Caucasus region. However at the same time, Georgia shares many of the problems of the other successor states to the former Soviet Union. Its shattered infrastructure, the fact that black market activity is a high percentage of GDP and the resultant low tax revenues as well as wide-spread corruption do not bode well for the future of the country. Moreover Georgia was not spared the disintegration processes typical for the dissolution of an empire. Although South Ossetian and Abkhaz separatism was not followed by secession in other parts of Georgia it has become increasingly clear that the central government in Tbilisi has progressively lost influence in the course of the economic and energy crises and not just in the conflict areas.

In view of the fact that the attempt at a military solution to the conflicts in South Ossetia and Abkhazia was unsuccessful, Georgia had hopes that the internationalization of the conflicts would strengthen its position. One of the reasons why Georgia is oriented towards the West is that its hopes have been dashed that Russia would in one way or the other help it regain Abkhazia. Moreover Georgia has had to rely on Western financial assistance. A Western orientation in foreign relations and domestic stabilization therefore have become the dominating goals in Georgian policy since 1995. This policy did in fact lead to stabilizing the situation. However, Georgia is paying double the price: Firstly, Georgia is still closely tied to the Russian economic market and it is still under the Russian sphere of influence, which occasionally leads to contradictions in its orientation towards the West. And secondly the stabilization policy has contributed to the fact that these conflicts have up to now remained unsolved and developed into so-called "frozen conflicts".

The interests of the great powers in the Caucasus are by no means diametrically opposed and the chances are rather slim that this region could turn into the front line of a new Cold War. Russia and the United States both have an equal interest in stemming the flow of drugs and weapons as well as preventing and eliminating Islamic extremism. The war in Chechnya however has brought weapons and drugs (primarily to finance the Chechen resistance) to the whole region. Moreover Georgia is particularly and directly affected by military operations because both conflict parties are endeavouring to utilize its territory to wage war: Chechen fighters are seeking to escape pursuit by Russian units and the Russian leadership is attempting to put the screws on

the Chechens. There is a lot of political pressure being put on the Georgian government to agree to joint military operations in the Georgian Pankisi gorge which has been underlined by the introduction of certain measures such as a visa requirement for bilateral traffic in December 2000. In this manner, the war in Chechnya has destabilized the entire region and a stabilization of the situation is not very likely in near future.

These are the prevailing circumstances (indeed not very favourable) under which OSCE activities in Georgia take place. Its Mission is the guest of the Georgian government and can thus not assume the role of a neutral mediator. However, the representatives of South Ossetia and Abkhazia regularly reproach the OSCE for just this reason. Neutrality is however also excluded due to the policies of the international community who - if at all - encourages and recognizes territorial changes only when they are achieved conjointly. There have been precedents in which the international community has recognized the unilateral secession of sections of a sovereign state. However, the results of this were seldom encouraging (e.g. the disintegration of Yugoslavia). Therefore, with regard to its various separatisms, Georgia can reckon with the support of the international community. This is also true of the position of the Russian Federation, which alone due to Chechen separatism feels it is necessary to favour the principle of territorial integrity and sovereignty over the right to self-determination.

Against this backdrop all expectations and hopes for a speedy solution to the frozen conflicts in Georgia are exaggerated. The will to solve the conflicts politically is not very strong. However, it is most likely on the Georgian side. The conflict parties are not satisfied with the status quo but have more or less accepted it. Up to now, the most important contribution of the presence of the international community has been that they have transformed the military conflicts into institutionally anchored dialogues. However, this came about only because the conflict parties were prepared to enter into a dialogue and because a military presence made up of CIS peacekeeping troops was established in both conflict zones.

In addition to the war in Chechnya, the question of dismantling Russian military bases on Georgian territory brought some movement into the routine course of Georgian policies and policy-making. The decision to establish a border monitoring mission along the Chechen section of the Georgian-Russian border, a Georgian desire, was a welcome opportunity for the OSCE Mission to Georgia to demonstrate its competence in conflict prevention. This mission mandate includes the observation of cross-border traffic, however the mission does not have the right to implement direct control. Additionally, there is no authorization to make observations or to report on fighting taking place on the territory of the Russian Federation. As a result of the deployment of OSCE border monitors, cross-border traffic has decreased to a minimum (in any case, since the only road connection leading through Shatili was closed in the winter of 1999, the only way to cross the border is on a

very steep mule track). For these and other reasons, official reports are always polished over diplomatically and have remained unimpressive. The Georgian side has been citing these reports as proof from the international community that the Russian reproaches that Georgia was maintaining or allowing training camps for Chechen fighters on Georgian territory had no basis. Russia, on the other hand, has been pressing for a comprehensive monitoring mission along the entire border. It is too early to make a final evaluation of the success of this mission. However, it has shown that the co-operation between rival states within the framework of the OSCE is feasible even if the task is highly sensitive (the monitoring mission is headed by a Danish general and there are two deputies, one from the US and one from Russia). Moreover, the co-operation at the operational level between Russian and Georgian border troops is excellent and has not been affected by the political static accompanying it.

The OSCE role with respect to the disbanding of the Russian military bases has not yet been defined. At the OSCE Summit in November 1999 in Istanbul, the Russian Federation agreed to gradually close their bases on Georgian territory.[2] In addition, Russia made a commitment to withdraw so-called TLE (Treaty Limited Equipment) from Georgia within the framework of the CFE Treaty. In the meantime, the latter has taken place with the OSCE assuming verification tasks to a certain extent as well. There are still differences of opinion between Russia and Georgia on disbanding the Russian bases in Gudauta, Batumi and Akhalkalaki. The Georgian government wants a withdrawal within the shortest possible time frame whereas the Russian side has suggested a time frame of up to 15 years. Moreover there are differences as to how the base in Gudauta (in Abkhasia) will be used in future. The Russian side has suggested transforming it into a recreation centre for CIS peacekeeping troops while the Georgians are pushing towards the maximal demand for a total surrender of the property to the Georgian army.

This is also in keeping with the perception of the Georgian government that the conflicts "froze" because of the presence of the (predominantly Russian) CIS peacekeeping troops. Thus, also in the future the OSCE will be under

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2   The original of this text is as follows: "(2) No later than 31 December 2000 the Russian Side will withdraw (dispose of) the TLE located at the Russian military bases at Vaziani and Gudauta and at the repair facilities in Tbilisi. The Russian military bases at Gudauta and Vaziani will be disbanded and withdrawn by 1 July 2001. The issue of the utilization, including the joint utilization, of the military facilities and infrastructure of the disbanded Russian military bases remaining at those locations will be resolved within the same time-frame. (3) The Georgian Side undertakes to grant to the Russian Side the right to basic temporary deployment of its TLE at facilities of the Russian military bases at Batumi and Akhalkalaki. (4) The Georgian Side will facilitate the creation of the conditions necessary for reducing and withdrawing the Russian forces. In this connection, the two Sides note the readiness of OSCE participating States to provide financial support for this process. (5) During the year 2000 the two Sides will complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia."

double the pressure: The Georgian side will try to force proposals that are directed towards the withdrawal of CIS peacekeeping forces from Abkhazia and South Ossetia and/or replacing them (this will occur under the concept of "internationalization") with a Georgia-friendly army (e.g. that of the Ukraine or Western states). For the Russian Federation these proposals are currently not acceptable and *ultra vires*. It views Georgia, not only but primarily, as being indispensable strategic territory in connection with the Chechen conflict. And it would like to prevent NATO (in whatever form) from advancing into the area.[3]

The negotiations on military and other guarantees for a future peace agreement between Tskhinvali and Tbilisi, which were the result of the Baden Meeting,[4] are, to put it mildly, premature - apart from the fact that the main points of the interim document are still open. The same is true *mutatis mutandis* for the Abkhasia conflict. Here the OSCE does not have a mandate for political negotiations, but the practical difficulties are the same as those in South Ossetia. As a lead agency, the UNOMIG must essentially be content to carry out mediatory activities that guarantee a prolongation of the mandate in the Security Council.

The basic lines of future conflicts are already beginning to emerge. Because of the weakness of state structures, there is a danger a further disintegration will occur. This is not as true for Ajaria as it is for Javakhetia, which is inhabited by Armenians. If the Russian base in Akhalkalaki is closed, economic problems in this region will, despite international aid, become more severe. In addition to this there is still the politically highly controversial issue of the return of the Meskhetians to this area to which Georgia committed itself on the occasion of its admittance to the Council of Europe (1999). The only solution here would be to implement infrastructure projects, which should be organized to include all ethnic groups to lessen the resistance of the local authorities to repatriation. Incidentally, the issue of the return of the Meskhetians to Georgia is a perfect example of a conflict that calls for a regional approach. This conflict is virulent because their legal status and the practical circumstances under which Meskhetians live in their current localities (especially in southern Russia and Azerbaijan) are instable, threatened and/or difficult. Desired and possible controlled repatriation thus does not only demand advanced concessions from Georgia, but also requires guarantees from all guest states as well as international co-ordination. This would be a genuine task for the OSCE, who due to the difficulties in solving the conflicts in Georgia up to now has only been able to book a few concrete successes in this area of its mandate.

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3   The presence of US military advisers will be accepted as a mixed blessing as long as it underpins the Russian claim that international and Chechen terrorists are hiding in the Pankisi gorge that borders Chechnya to the south.

4   A meeting of experts from Georgia and South Ossetia/Tskhinvali, decided upon at the OSCE Istanbul Summit in November 1999, took place at the beginning of July 2000 in Baden near Vienna.

The Human Dimension and the
Development of Democracy

Hans-Joachim Heintze

Human Rights and Political Interests - Is there a Double Standard?

In the spring of 1999, NATO led a costly high-tech war against the Federal Republic of Yugoslavia in order to prevent further human rights violations in Kosovo. Since 1999, there has been ongoing controversy among politicians and scientists on the intensity of the preceding attacks, which had lasted for years, by Serbian rulers against the ethnic Albanian population and the number of victims of these attacks, which gave cause for this war.[1] The OSCE, which before the NATO war, had tried to verify the real situation in Kosovo on the ground, found itself forced, after the "Račak massacre", to leave the country without having achieved its goals.[2] In contrast, there was no question that in the spring of 1994 over half a million Tutsi had become the victims of genocide in Rwanda. Nevertheless, this did not cause the international community to intervene immediately. On the contrary: The UN blue helmets stationed there were actually evacuated while genocide was taking place. Until 24 June 1994, the people of the world remained merely as onlookers.[3] This modus operandi has frequently been criticized. How can one explain these different reactions? The answer lies in the structure of international law and in particular in that of the protection of human rights.

Human Rights and Co-operation between States

States are sovereign.[4] As a result, international law is based on agreement. This means that unlike domestic law, international law cannot be legislated in Parliament, but is created through consensus - i.e. a mutual concurrence of wills. It follows that states are only bound by norms that they have agreed upon. This presupposes the expectation that law created in this fashion will also be voluntarily implemented.

After the Second World War, following the shock of the genocide policy implemented by national-socialist Germany, and under the pressure of public

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1   Again recently, Dieter S. Lutz, Völkermord, Moral und die Unabwendbarkeit von Kriegen am Beispiel Kosovo [Genocide, Morals and the Inevitability of War in the Example of Kosovo], in: Hartwig Hummel, Völkermord - friedenswissenschaftliche Annäherungen [Genocide - Approaches from Peace Research], Baden-Baden 2001, pp. 26ff.

2   Cf. Heinz Loquai, Der Kosovo-Konflikt - Wege in einen vermeidbaren Krieg [The Kosovo Conflict - Paths Leading to a Preventable War], Baden-Baden 2000, pp. 45f.

3   Cf. Gunnar Heinersohn, Lexikon der Völkermorde [The Dictionary of Genocide], Reinbek 1999, p. 333.

4   However, it is undisputed that the nature of state sovereignty has changed since the Westphalian Peace of 1648. Cf. Nico Schrijver, The Changing Nature of State Sovereignty, in: The British Yearbook of International Law 70 (1999), Oxford 2000, pp. 65ff.

opinion, states were prepared to accept obligations under international law on the protection of fundamental human rights. This was achieved through the 1945 Charter of the United Nations. However because this treaty only established a general obligation, a long process was required for the codification of human rights. In principle, this process has now been completed and human rights have henceforth represented an extensive body of law in international law, including detailed regulations on almost all areas of daily life.[5] The instruments created by the United Nations and its specialized agencies have been supplemented significantly by regional agreements including those generated by the OSCE.

Human rights treaties are based on the idea of international co-operation between states to promote and develop human rights.[6] Thus they should be preventive and hinder human rights violations. This is achieved in that states comply with these rights on their territory. This goal is, for example, stated in Article 2 of the International Covenant on Civil and Political Rights (ICCPR). This Covenant declares that each State Party "to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant (…)". It is therefore necessary that the particular state in question adopts legislative and other measures "to give effect to the rights recognized in the present Covenant". If the rights in the ICCPR are violated, any person within the states must be given the opportunity to claim effective remedy. Thus, especially national judicial legal protection has to be developed.

Human Rights Treaties Place Limits on the Political Freedom to Make Decisions

In principle, human rights norms apply to the domestic affairs of a state. However a state party to a treaty has made a commitment to other treaty parties that it will implement the regulations. Thus a legal relationship between all state parties exists. Without a doubt this places limits on political freedom. At the end of the day, a state party to the treaty is accountable to the other state parties that it is implementing the treaty and the provision in the ICCPR granting an inter-state complaints procedure is a mechanism to ensure this accountability is being realized. Ultimately, by becoming a party to a human rights treaty, a state takes on obligations which place limits on its sovereignty. This brings up the question why states adopt such treaties in the first place. The reason for this is the interest of states in international stability, which is also based on the stability of each single member in the international

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5   Cf. Mary O'Rawe, The United Nations: Structure Versus Substance, in: Angela Hegarty (Ed.), Human Rights, An Agenda for the 21st Century, London 1999, pp. 15ff.

6   Cf. Zdzislaw Kedzia/Scott Jerbi, The United Nations High Commissioner on Human Rights, in: Gerhard Baum et al. (Ed.), Menschenrechtsschutz in der Praxis der Vereinten Nationen [The Protection of Human Rights in the Practice of the United Nations], Baden-Baden 1998, pp. 85ff.

community. True inner strength in a state however can only be achieved when the peoples' right to self-determination is realized and human rights are complied with extensively. Otherwise, only an apparent stability will emerge, which at the slightest easing of suppression will lead to the collapse of the state or even - as the rapid end of the socialist states showed - to the end of an entire political system.

International and national stability are linked. If there are mass and gross violations of human rights on the territory of a state, this will inevitably have international consequences. These are manifested primarily through large-scale cross-border refugee flows and violence. The idea is that through international co-operation this type of problem will be prevented.

Because the international community is thus interested in securing human rights within states, international law control procedures have been adopted that are meant to monitor compliance with human rights - to the extent possible, this is to be conducted non-politically - as well as developing them further in the states parties to international agreements.[7] The aim of this was to create enforcement procedures, which are as remote from state structures as possible. For this purpose, expert committees were established who are bound to the respective treaties and whose central task is to monitor the progress of the implementation of the treaty in question in the member states.

Almost all UN human rights treaties now contain specific state reporting procedures. These stipulate that the States Parties are to report to the committee responsible at regular intervals on the situation in their countries. In these reports they are to give an account of legal, administrative and other measures relevant to human rights. In addition, they are to give details on any obstacles preventing the realization of these rights.[8]

Without a doubt there is the danger that states will "whitewash" these reports. Nonetheless, this possibility has been reduced by very stringent regulations on form so that "unpleasant questions" cannot be excluded. Moreover, the committee discussions are held in the presence of representatives of the reporting state, who may be asked questions on specific aspects of its report.

The goal of the whole mechanism is not to pass sentence on a state in the form of a court procedure with a prosecution and a defence. On the contrary, common ways are to be found to allow the best possible implementation of the treaties in the member states. Of course it is inevitable - as is always the case when states take action - that they will consider their political interests. This is why it is so important that all these enforcement procedures be carried out publicly. Anyone can read the state reports and the committee statements on these. In this manner, a certain amount of public pressure is placed on

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7   Cf. Wolf von der Wense, Der UN-Menschenrechtsausschuß und sein Beitrag zum universellen Schutz der Menschenrechte [The UN Committee for Human Rights and its Contribution to the Universal Protection of Human Rights], Berlin 1999, pp. 27ff.
8   Cf. Manfred Nowak, U.N. Covenant on Civil and Political Rights - CCPR Commentary, Kehl 1993, pp. 546ff.

states.[9] Because of the increasing influence of NGOs, this pressure has become institutionalized. In general, there is no "double standard" used here because discussion and co-operation - and less "evaluation" - are in the foreground.

It is obvious that reporting procedures can only work preventively. These are to serve the work on emerging conflict fields and they presuppose the willingness of states to co-operate. They are doomed to failure when states commit mass and gross human rights violations and refuse to co-operate or are no longer capable of fulfilling their commitments ("failed state").

The Special Features of the OSCE

In comparison to the UN codification of human rights, it is evident that the OSCE is not striving to create legal norms although human rights have become the "centre of all OSCE activities".[10] In contrast, in its documents, the OSCE lists standards for the conduct of its participating States on human rights that have a high degree of moral authority.[11] This is the result of the fact that these instruments were established according to the consensus principle, i.e. they were negotiated until none of the OSCE States had any express objections against them. Thus these documents are backed by a broad-based willingness by the states, which frequently finds expression in an explicitly articulated "politically binding character".[12]

The advantage of the OSCE approach is that the instruments are thus passed far more quickly than international law treaties. The latter are characterized by a lengthy codification process that is further lengthened by a ratification process until a treaty finally enters into force. For example, the codification of the ICCPR lasted from 1949 to 1966 and it took another ten years to become law because of the requirement that a minimum of, after all, 35 states ratify it. Passing decisions on OSCE instruments, in contrast, can occur within a short time frame. The Charter of Paris, which was a visionary document, had already been passed in 1990 - about a year after the fall of the Berlin Wall.

To be sure, it is evident that states often only agreed to OSCE documents because they were not legally binding. This conduct has been recognizable in

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9   Cf. in general Wolfram Karl, Stille Diplomatie oder Publizität? - Überlegungen zum effektiven Schutz der Menschenrechte [Silent Diplomacy or Publicity? - Considerations on the Effective Protection of Human Rights], in: Eckard Klein (Ed.), Stille Diplomatie oder Publizität? [Silent Diplomacy or Publicity?], Berlin 1996, pp. 13ff.

10   Wilhelm Höynck, Die menschenrechtliche Dimension der OSZE [The Human Rights Dimension of the OSCE], in: Baum et al. (Ed.), cited above (Note 6), p. 242 (author's translation).

11   Cf. Maria A. Martin Estebanez, The OSCE and Human Rights, in: Raijka Hanski/Markku Suksi (Eds.), An Introduction to the International Protection of Human Rights, 2nd ed., Åbo 1999, pp. 329ff.

12   Incidentally, this does not exclude the increasing legalization of OSCE norms. Cf. Hans-Joachim Heintze, The International Law Dimension of the German Minorities Policy, in: Nordic Journal of International Law 68 (1999) 2, pp. 117ff.

UN votes in which states, in so-called "explanations of vote", made reference to the fact they did not want to disturb the consensus; if there had been a formal vote, however, they would not have voted in favour. Here, it is evident that states feel that the (legally) less binding nature of OSCE documents allows more leeway in maintaining their political interests. At best, one speaks of OSCE norms in this context as "soft law", a code of conduct, which has a very general legal foundation and perhaps the perspective of, at some point, acquiring the nature of customary law.[13]

The reserve that the international community shows in its assessment of the significance of OSCE documents in terms of international law is in peculiar contradiction to the explosive power of these agreements, which ultimately were essential in contributing to the collapse of "real socialism" (not least because of the human rights deficit there). Without a doubt, these agreements increased the limitations on the political leeway of the socialist states more than the fact that they were party to UN human rights treaties, which played a rather subordinate role in public perception.

Political Barriers of Prevention: the Example of the HCNM

The political character of OSCE instruments and the straightforward ease of their application have made it possible for the OSCE to give priority to taking preventive action with regard to human rights. Prevention presupposes a huge willingness to co-operate free from accusations that rights have been violated.[14] It is significant that in 1990 only an organization like the OSCE was capable of dealing with the protection of minorities, which had been a "hot potato" particularly for Europe and which the Council of Europe had evaded for decades as if it were a "disreputable business".[15] The OSCE was only being consistent when - after the ice had been broken - it created the office of the High Commissioner on National Minorities (HCNM), which was a revolutionary innovation.[16]

The HCNM was conceived as an instrument of conflict prevention in connection with minority issues according to the relevant idea that the international community can effectively influence minority problems through peace-

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13   Cf. Brigitte Reschke, Minderheitenschutz durch nichtvertragliche Instrumente: Soft Law im Völkerrecht? [Protecting Minorities through Non-Contractual Instruments: Soft Law in International Law?], in: Hans-Joachim Heintze (Ed.), Moderner Minderheitenschutz [Modern Protection of Minorities], Bonn 1998, p. 58.

14   Cf. Steven R. Ratner, Does International Law Matter in Preventing Ethnic Conflict?, in: Journal of International Law and Politics 32 (2000) 3, pp. 647ff.

15   Felix Ermacora expressed this very pointedly in: Der Minderheiten- und Volksgruppenschutz vor dem Europarat [The Protection of Minorities and Ethnic Groups in the Council of Europe], in: Theodor Veiter (Ed.) System eines internationalen Volksgruppenrechts [A System of International Rights for Ethnic Groups], Volume 3, II, Vienna 1972, p. 75 (author's translation).

16   Cf. Max van der Stoel, Peace and Stability through Human and Minority Rights, Baden-Baden 1999, p. 22.

ful means only at their inception. If the exchange of hostilities has begun, one can only intervene through military means and this at great expense. Therefore the appointment of the HCNM, whose task is to uncover minority conflicts at the earliest possible stage and settle them, was a sagacious move and as practice has shown also successful.[17] Although the appointment of the HCNM was a bold move, there are also clear-cut limits to his mandate. These seem to indicate a political orientation in his activities according to the maxim "use a double standard".

This begins with the fact that the HCNM takes action from a position as far removed as possible from an individual person belonging to a national minority. It is not the HCNM's function to act as a kind of ombudsman for the concerns of national minorities by acknowledging and examining their complaints. In other words, he is High Commissioner *on*, and not *for* national minorities. His mandate even expressly rules out dealing with individual complaints. This already shows that it is not a matter of placing all persons belonging to minorities in OSCE space on the same level. In fact, the HCNM merely negotiates with government representatives and officials from a very limited number of OSCE participating States.

Moreover, the mandate contains other excluding factors: *First* it includes only situations, which could endanger security *between* states. Situations within a state are not the object of HCNM activities. Logically, minorities who are not the titular nation in another state, i.e. who do not have a "kin-state", are not embraced in the mandate, because especially in this case, there is no inter-state connection.

Thus the HCNM does not deal with the Roma although they are distributed over several OSCE participating States. This was decided in 1993 after the HCNM conducted a study on the Roma situation in OSCE space recommending increased social integration of the Roma. The responsibility for Roma and Sinti issues was then transferred to the Warsaw Office for Democratic Institutions and Human Rights (ODIHR). This transfer of responsibility reflected the OSCE opinion that there was no necessity for conflict prevention in a political sense even though urgent improvements in the situation of the Roma and Sinti will be required in guaranteeing civil rights fully and in view of social and economic discrimination.[18] Nevertheless, the Warsaw Office is at least one other OSCE institution dealing with these problems. On the other hand, this limit to the HCNM mandate means that the OSCE does not deal in any form whatsoever with the conflicts of ethnic groups within a state - like those of the Corsicans in France or the Kurds in Turkey.

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17 Cf. Max van der Stoel, Reflections on the Role of the OSCE High Commissioner on National Minorities as an Instrument of Conflict Prevention, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 381ff.

18 Cf. Romani Rose, OSCE Policy on Roma and Sinti Must Be Changed, in: OSCE Yearbook 1999, cited above (Note 17), pp. 327ff.

Second, the clause in the mandate, which expressly states that the HCNM is not permitted to consider situations involving organized acts of terrorism, is crucial. This explicitly excludes once again situations like those of the Kurds, the Corsicans, the Basques, and also - until terrorist activities have been surmounted completely - the Northern Irish. This exclusion is backed in another section of the mandate: The provisions on potential sources of information prohibit the HCNM from acknowledging communications from any person who practises or publicly condones terrorism. The fundamental significance of this limitation on the HCNM mandate for the OSCE in general is made clear by the fact that a corresponding provision has been included in the mandate of the Representative on Freedom of the Media, which was passed in December 1997 at the OSCE Ministerial in Copenhagen.

At first sight, the limitations in the mandate seem comprehensible. Without a doubt terrorism must be outlawed. In practice however, this had the consequence that the HCNM implemented his activities exclusively in the new democracies in Eastern and South-eastern Europe.[19] In contrast, situations like those in Northern Ireland, the Basque region, Corsica or the status of the Kurds are excluded, which does not do justice to the seriousness of the minority problems in these regions. Nevertheless, at that time, the states concerned, Great Britain, Spain, France and Turkey, did everything they could in political terms to prevent the establishment of the HCNM at all. When this became inevitable, they structured the mandate in such a way that their states would not fall under its scope. For security reasons, the United Kingdom even reserved the right, if necessary, to "regulate" the access of the HCNM to its territory or to a particular place on its territory.[20] In the EU and NATO member states, it seems the general opinion that they have adequate instruments for conflict settlement at their disposal and do not need international assistance. Thus the impression was strengthened that in the OSCE a double standard was being applied "which was perceived by Eastern democracies as having their minds made up for them".[21]

The first HCNM, Max van der Stoel, tried to counter this impression, for example, by also offering assistance to Western states in post-conflict situations. According to the mandate, he is free to use this option. In general, with the exception of the restrictions mentioned above, the mandate does not place any limitations on the self-initiative of the HCNM. He is to recognize ten-

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19   Cf. Hans-Joachim Heintze, Minority Issues in Western Europe and the OSCE High Commissioner on National Minorities, in: International Journal on Minority and Group Rights 7 (2000) 4, p. 386.

20   Cf. Interpretative Statement by the United Kingdom, CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: pp. 774-775.

21   Berthold Meyer, Zwischen Souveränitätsvorbehalten, Selektions"zwängen" und Selbstüberschätzung [Between Reservations on Sovereignty Grounds, "Compulsory Selection" and Self-Overestimation], in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (Ed.), Friedensbericht 1999, p. 255 (author's translation).

sions at the "earliest possible stage", which according to his judgement have the potential to escalate into a conflict. He is to contribute to their containment, and in the case of the concrete danger of escalation, to issue a so-called early warning to OSCE political bodies. In contrast to the legal mechanisms for the protection of minorities, it is clear that all these steps - from the first moment tensions have been recognized to formally issuing an early warning - are dependent on the political assessment of the HCNM; i.e. they are not subject to a legally verifiable, fixed procedure.

To be able to make a timely assessment of when and where conflicts of interest and tensions are occurring, it is indispensable that the HCNM continually monitors minority-related developments in the OSCE participating States. This statement immediately raises the question of sources of information. Apart from its long-term missions and its Centres in Central Asia, the OSCE does not maintain any diplomatic missions in its participating States. Thus, in many cases there are no reports the High Commissioner could resort to. On the other hand the regular flow of information is vital for the HCNM: He is dependent on a tight information network ranging from public media, reports from press agencies, contacts with other international and non-governmental organizations, official statements by governments and minority representatives and studies from the academic world to consultations of all kinds. Connecting a network of this kind takes a great deal of time and it is also no easy task to evaluate and utilize the wealth of information springing from it.[22]

The connection between sources of information and the HCNM's personal judgement reveals the central feature of the post of the High Commissioner. This feature is the independence of his political judgement given to him by the mandate, which leaves to his discretion alone which situation he deals with. This again creates a "compulsory selection" which is ultimately decided upon using political criteria. Undeniably, the mandate sets stringent limits on this.

The states concerned cannot impede him from dealing with a situation by resorting to the objection, for example, that it is an "internal affair". On the contrary, the mandate requires they co-operate with him. He is also free at any time to visit any location and speak to any person that he wishes to contact. Of course, he cannot force this issue. Thus he was barred from Kosovo until 1999.[23]

In summary, it must be emphasized that the HCNM ultimately must, within the framework of his mandate, decide upon which minority problem he will deal with. He has made significant contributions to surmounting critical

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22   Cf. Jakob Haselhuber, Institutionalisierung ohne Verrechtlichung: Der Hohe Kommissar für Nationale Minderheiten der OSZE [Institutionalization without Legalization: The OSCE High Commissioner on National Minorities], in: Heintze (Ed.), cited above (Note 13), p. 124.

23   The formal pretext preventing a visit there was the unclear status of Yugoslavia in the OSCE. Cf. Valery Perry, The OSCE suspension of the Federal Republic of Yugoslavia, in: Helsinki Monitor 4/1998, pp. 44ff.

situations in Eastern and South-eastern Europe. Nevertheless, the impression remains that the HCNM is merely an instrument directed towards the East and that the "old Western democracies apparently have a double standard in this respect".[24] Towards the end of his period in office van der Stoel clearly worked against this orientation in that he moved away from concentrating on specific countries in his activities and also addressed general cross-sectional problems in protecting minorities. He created three expert groups for this purpose aimed at developing the educational, language and political rights of persons belonging to minorities to participate in public life.[25] He presented these recommendations to all OSCE States and utilized them in his discussions. Undoubtedly, this was a skilful move on the part of the HCNM allowing him to circumvent the all too stringent political restrictions of his mandate and exerting an influence on all states to respect minority rights.[26]

Legalization of Human Rights and "Communities of Values"

In the Charter of Paris, the OSCE declared itself a community of values based on human rights, democracy and the rule of law. Admittedly, this was merely a proclamation because as it has such a loose organizational structure, the OSCE does not really have the capacity to enforce the values stated therein. In contrast, for the Council of Europe these values have more than just declaratory character. A development has taken place there, which has actually "legalized" human rights norms and thus taken them out of the orbit of politics.

This was achieved through the 1950 European Convention on Human Rights (ECHR). This Convention does not differ fundamentally in substance from the ICCPR. The big difference lies rather in the enforcement procedure. While the UN Covenant contains primarily political implementation procedures, the ECHR has its own Court, namely the European Court of Human Rights (ECourtHR). If someone believes his/her rights have been violated, after having exhausted all domestic legal remedies, he/she can appeal to this Court. This is a judicial procedure, free of political influence, which ends in a judgment. This binding judgment generally contains a state obligation to make reparations or pay compensation to a victim. Up to now states have met this obligation, because if they had not, they would be threatened with the sanction of expulsion from the Council of Europe.[27]

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24 Meyer, cited above, (Note 21), p. 255 (author's translation).
25 Cf. Hans-Joachim Heintze, The Lund Recommendations on the Effective Participation of National Minorities in Public Life, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 257ff.
26 Cf. John Packer, The origin and nature of the Lund Recommendations, in: Helsinki Monitor 4/2000, pp. 29ff.
27 Cf. Mark Janis et al., European Human Rights Law, 2nd ed., Oxford 2000, p. 8.

The question whether the ECourtHR has, out of political opportunism, a double standard on human rights, can be answered in the negative. On the contrary, the Court has time and again pronounced judgments, which were politically unwelcome and in particular when politics had failed to find a political solution. Currently, this has yet again been made clear in the case of Turkey.

Turkey has long been accused of serious violations of fundamental human rights. These are primarily accusations against the police for their use of torture,[28] attacks in the "fight against terrorism" in the Kurd areas[29] and the refusal to grant rights to the Greek Cypriots in Northern Cyprus.[30] The violations of human rights are so extensive that political action on a broader level would be necessary. Up to now however, EU states have instead exercised reserve because Turkey lies in an important strategic region and is struggling to achiever inner stability.

In particular, the solution of the Cyprus problem - which must also include resolving the issue of the massive human rights violations there (in the end, "ethnic cleansing" occurred there too) - requires concerted international political efforts. All states with the exception of Turkey have refused to recognize Northern Cyprus, which was created following Turkish military intervention, as a sovereign state and have instead demanded that a political solution to the problem be found. Nevertheless, political forces have not been able to solve the conflict. Because of a lack of political initiatives the victims of human rights violations transferred their hopes to the ECourtHR. This kind of behaviour is well known in domestic public law and is often practised when legislators are unable or unwilling to take action for political reasons. Experience has shown that this course is entirely feasible. For example, the problem of racial segregation in the US during the fifties was not surmounted through legislative measures and political action, but through the verdicts of the US Supreme Court, for example through its famous decision in the case of *Brown v. Board of Education* in 1954.[31]

Nevertheless, in the instance of Northern Cyprus, the route through an international court has not been trouble-free, because once a case of "ethnic cleansing" is brought before the court, thousands of similar cases can also be appealed. This is the major difference to the above-mentioned problem of US racial segregation. In the US case, it was a question of a change in the inter-

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28 Cf. Ralf Alleweldt, Auf dem Wege zu wirksamer Folterprävention in der Türkei? [On the Way to Effective Prevention of Torture in Turkey?], in: Europäische Grundrechte-Zeitschrift 27 (2000) 7-8, pp. 193ff.

29 Cf. Amke Dietert-Scheuer/Cem Özdemir, Kurden: Verfolgt in der Türkei - Ungeliebt in Deutschland? [Kurds: Victims of Persecution in Turkey - Unloved in Germany?], in: Franz-Josef Hutter et al. (Ed.), Das gemeinsame Haus Europa [The Common House of Europe], Baden-Baden 1998, p. 225.

30 Cf. Loukis G. Loucaides, Essays on the developing law of human rights, Dordrecht 1995, pp. 108ff.

31 Cf. Heike Steinberger, Rassendiskriminierung und Oberster Gerichtshof in den Vereinigten Staaten von Amerika [Racial Discrimination and the Supreme Court of the United States of America], Cologne 1969, p. 173.

pretation of the 14th amendment of the US Constitution, which became binding for all similar cases, while the ECourtHR deals exclusively with the individual claim of the applicant. Ultimately, this has led to overtaxing the bodies responsible for the protection of human rights. The *Loizidou* case is a good example of this.[32] It received a great deal of attention because Turkey was made responsible for human rights violations in Northern Cyprus. After the Turkish invasion of 20 July 1974, the Cypriot applicant, Titina Loizidou, was unable to utilize several plots of land in Kyrenia, which is part of Northern Cyprus. In 1989, Mrs. Loizidou filed a complaint, which stated that the continual refusal of access to her property was a violation of the right to respect for her home according to Article 8 of the ECHR and a violation of the right to the peaceful enjoyment of her possessions according to Article 1 of the additional Protocol No. 1 to the ECHR. In 1993 the Commission dismissed this appeal as being unfounded. Thereupon, the case was referred to the Court by the government of the Republic of Cyprus according to Article 48 lit. b of the ECHR (in the version of additional Protocol No. 9). In an initial move, the Court dismissed Turkey's preliminary objection that this was an alleged abuse of process aimed only at a discussion of the status of the Turkish Republic of Northern Cyprus (TRNC).[33] The judgment of the ECourtHR of 18 December 1996[34] stated that Turkey was accountable for the refusal of access to the property of the applicant Loizidou and thus for the loss of control over it. This limitation was a violation of Article 1 of the additional Protocol No. 1 to the ECHR. In contrast, however, it was not in violation of Article 8 of the ECHR. Based on this, on 28 July 1998 the ECourtHR ultimately pronounced judgment obliging Turkey to pay approximately 1.1 Million DM in damages and costs of the proceedings. As was to be expected, numerous similar cases have been brought before the ECourtHR. The Loizidou judgment has been frequently criticized because ultimately the facts in question involve the political problem, which has yet to be solved, that the Cyprus conflict poses. At any rate, Turkey is in a dilemma: If it complies with the judgment, it will have acknowledged the fact that Northern Cyprus is not an independent state, which goes against Turkish doctrine up to now. However, if it does not pay the damages, it is threatened with exclusion from the Council of Europe for failure to comply with a judgment.

Thus, on the whole, the Loizidou judgment leaves us with ambivalent impressions. On the one hand, justice, which is independent and not influenced

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32 Cf. Christian Rumpf, Türkei - Zypern - EMRK. "Loizidou" und seine Folgen [Turkey - Cyprus - ECHR. "Loizidou" and Its Consequences], in: Zeitschrift für Türkeistudien 10/1998, pp. 233ff.

33 Cf. ECHR, *Loizidou v. Turkey*, Application No. 15318/89, Report of 8 July 1993, reported subsequently in European Court of Human Rights, *Loizidou v. Turkey* (Preliminary Objections), Judgment of 23 March 1995, Series A, No. 310, pp. 22-23

34 ECHR, *Loizidou v. Turkey* (Merits), Judgment of 18 December 1996, pp. 15-18; cf. also the comments of Christian Rumpf, in: Europäische Grundrechte-Zeitschrift 24 (1997) 20, pp. 555ff.

by politics, carries great weight for human rights questions on the international level. However, it does not seem to be an instrument for dealing with human rights violations on a massive scale. For this, political action is required. Ultimately, political and legal protection of human rights must be combined and also co-operation between the different human rights organizations must occur. This moves us on to the question of which international mechanisms can be utilized in the case of human rights violations on a massive scale.

Reactions to Serious Human Rights Violations

Human rights violations occur in every single state. In general, they are resolved through domestic remedies. In part, international assistance is required, for example in surmounting developmental weaknesses in the realization of social human rights.

Regional organizations make a fundamental contribution to solving human rights problems. They have the basic advantage that they unite states with a common history and similar values. Therefore, there are frequent demands that regional organizations, within their scope, should combat violations of human rights more intensively. In fact the OSCE - which has contributed immensely to dissolving Eastern European regimes that were not based on the people's will - has also been making efforts to combat human rights violations. A mechanism was specifically created for the "human dimension" at the Vienna Follow-up Meeting (1986-1989), which was improved in Moscow in 1991 (the Moscow Mechanism).[35] Ultimately, this means the OSCE can become involved in the human rights situation in a state against its will, which fundamentally breaks through the consensus principle upon which OSCE work is based in other respects. Nevertheless, the measure is aimed at obtaining a publicity effect and can be seen as *primae facie* evidence that serious human rights violations exist.[36] In practice, the effect of this mechanism has remained rather minimal, even though it served to exclude what was left of former Yugoslavia from OSCE work at that time.[37] Thus the question remains whether more drastic measures should be taken and to which institution these could be linked.

In the case of massive and severe human rights violations in a state that refuses to co-operate internationally, states true to the law will strive to place this topic on the agenda of the UN Human Rights Commission. This occurs by introducing a resolution condemning the country in question for the hu-

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35   Cf. Katrin Weschke, Internationale Instrumente zur Durchsetzung der Menschenrechte [International Instruments to Enforce Human Rights], Berlin 2001, p. 337.
36   Cf. Arie Bloed, Monitoring the CSCE Human Dimension: In search of its effectiveness, in: Arie Bloed et al. (Ed.), Monitoring Human Rights in Europe, Dordrecht 1993, pp. 58f.
37   Cf. also a critical evaluation by Sandra Mitchell, Human Rights in Kosovo, in: OSCE Yearbook 2000, cited above (Note 25), pp. 241ff.

man rights violations committed and demanding an immediate end to these deplorable circumstances. At the 54th Session of the Commission (1998) for example, 200 different human rights violations were dealt with and resolutions were adopted on the human rights situation in 13 countries. The great importance of the Human Rights Commission is that it takes on a glasshouse function. The debates in this body receive international recognition and are important for the reputation of a state.

Of course a verdict on human rights violations through a resolution by the Human Rights Commission is a highly political instrument. This has been shown repeatedly when human rights violations in powerful states are to be addressed. Thus the EU refrained from introducing a resolution draft condemning China for human rights violations in 1998 although this had been prepared for seven years. This suggests that there were political (and economic) reasons for making this move, although officially it was stated that effective opportunities to influence China had been found. Moreover, this is why the foreign offices involved have denied that there was a case of "double standards".[38] Whatever the fundamental reasons for the lenient treatment of China ultimately were, one cannot deny that the Human Rights Commission is an organ that, under the agenda item "human rights violations in all parts of the world", does not really deal with all existing violations. Very often the question: "Silent diplomacy or publicity?"[39] has been asked. However, even just asking this question has a political character and demands making a selection counter to the legal principle of equal treatment. However, even when a state has been condemned, the Commission does not have any coercive measures at its disposal, with the exception of mobilizing public opinion, for putting a real stop to human rights violations.

Under these circumstances, the only option remaining is for individual states to place unilateral sanctions on the states violating human rights. Of course, ultimately this reaction is guided by national political interests and not the seriousness of the human rights violations actually committed.[40]

Often the only option remaining is making an appeal to the UN Security Council.[41] After the end of the East-West conflict, there were great expectations that the Council would establish effective protection of human rights. These expectations were primarily nourished by Resolution 688 (1991),

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38 Cf. Michael Schäfer, Brückenbau - Herausforderung an die Menschenrechtskommission [Building Bridges - A Challenge for the Human Rights Commission], in: Baum et al. (Ed.), cited above (Note 6), p. 65.

39 Wolfgang Gerz, Stille Diplomatie oder Publizität? [Silent Diplomacy or Publicity?], in: Klein (Ed.), cited above (Note 9), pp. 47ff. (author's translation).

40 Cf. Carmen Thiele, Wirtschaftssanktionen und Menschenrechte im Völkerrecht: Das Helms-Burton-Gesetz [Economic Sanctions and Human Rights in International Law: The Helms-Burton Law], in: Humanitäres Völkerrecht - Informationsschriften 11 (1998) 4, pp. 223ff.

41 Cf. Heike Gading, Der Schutz grundlegender Menschenrechte durch militärische Maßnahmen des Sicherheitsrates - das Ende staatlicher Souveränität? [Protection of Fundamental Human Rights through Military Measures of the Security Council - the End of State Sovereignty?], Berlin 1996, pp. 205ff.

which dealt with the Kurds in Iraq, and has repeatedly (but incorrectly) been cited as a breakthrough in this area.[42] In spite of all shortfalls, the Council has developed a certain practice in characterizing specific serious violations of human rights as a threat to or breach of international peace. This interpretation according to Article 39 of the UN Charter is the prerequisite for permitting the Council to deal with a specific problem without intervening unduly in the internal affairs of a state. Since 1991 the Council - first having established a threat to peace - has made the decision to intervene militarily in the former Yugoslavia, Somalia, Haiti and Rwanda to prevent human rights violations.[43] However, the specific circumstances and causes of these violations were varied. It has been impossible to filter out any specific criteria to determine which human rights violations would be considered so serious by the Council that it would impose coercive measures. Scientific research in this area has failed.[44]

This is not surprising because the UN Security Council is a political and not a legal organ. Its task is ensuring international peace and therefore it requires political leeway in making decisions. This can certainly have the effect that the Council makes different assessments of similar situations or ignores them completely. Thus because of pressure from public opinion, the Council (un-willingly) dealt with the fate of the Kurds in Iraq in 1991 and adopted a half-hearted resolution that raised more questions than it answered and in the end induced the US military to impose "no-fly zones" in Iraq (which they insist upon maintaining even today) without a mandate from the Council.[45]

In contrast, a similar situation, i.e. the civil war scenario in Sudan, which has been going on for years, has not interested the Security Council. Morally this may be condemnable, but it is permissible under international law. Therefore the Council has always placed great value on not creating precedents for taking action in case of human rights violations; solving of individual cases has always been emphasized. In particular, China has continually raised ob-jections to the Security Council having authority in the field of human rights.[46]

There is a legal limitation - which however cannot be enforced - on the con-duct of the member states in the Security Council when they no longer focus

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42   Cf. Hans-Joachim Heintze, Die Resolution 688 (1991) des Sicherheitsrates der Vereinten Nationen und der internationale Menschenrechtsschutz [Resolution 688 (1991) of the United Nations Security Council and International Protection of Human Rights], in: Hu-manitäres Völkerrecht - Informationsschriften 4 (1991) 1/2, p. 46.

43   Cf. the evidences in Harald Endemann, Kollektive Zwangsmaßnahmen zur Durchsetzung humanitärer Normen [Collective Coercive Measures for the Enforcement of Humanitarian Norms], Frankfurt/M. 1997, pp. 182ff.

44   See, for example, the study by Andreas Stein, Der Sicherheitsrat der Vereinten Nationen und die Rule of Law [The United Nations Security Council and the Rule of Law], Baden-Baden 1999, p. 390.

45   Cf. Nico Krisch, Unilateral Enforcement of the Collective Will: Kosovo, Iraq, and the Security Council, in: Max-Planck Yearbook of United Nations Law 3 (1999), Heidelberg 1999, p. 73.

46   Cf. Höynck, cited above (Note 10), p. 252.

interest on ensuring world peace - an activity with which they have been entrusted by the international community - but focus on their national interests. This illegal behaviour has been observed repeatedly. One of the latest drastic examples of this, which also had a devastating effect on safeguarding human rights, was the Chinese veto in February 1999 against continuing the preventive deployment of blue helmets in Macedonia because Macedonia had established diplomatic relations with Taiwan for economic reasons.[47] This UN retreat was the factor that made the military clashes, which materialized in the spring of 2001, between the National Liberation Army (*Ushtria Clirimtare Kombetare,* UCK/NLA) and the Macedonian armed forces possible.

Thus the Security Council once again belied its task of making international peace more secure. This kind of failure - that is, political misuse - has certainly contributed considerably to the fact that the criticism of the most important body of the United Nations and its composition has increased continuously in the past few years. Finally one must say that the Council could definitely be an effective instrument in protecting human rights. The fact that this has not occurred up to now lies in its practice of applying a double standard according to solely political interests - often even determined exclusively by national interests - and thus disregarding obligations under international law.[48]

However most recently the Council has - certainly because of the general helplessness about how to deal with ethnic conflicts - embarked on a course which is certainly a slight detour from the political arbitrariness of dealing with serious human rights violations. What is meant is the creation of the two *ad hoc* tribunals for the former Yugoslavia and Rwanda. Both tribunals are a novelty in international law and differ dogmatically from the International Court of Justice (ICJ), international courts of arbitration and the ECourtHR. The first two courts mentioned are organs of peaceful conflict settlement, the ECourtHR however is ultimately an instrument to enforce the public-law claims of persons whose human rights have been violated. In both instances, the goal of a case is not to penalize a state or a person. In contrast, the point in the tribunals is to punish natural persons who have committed international law crimes. In these cases, personal guilt must be proven before an independent criminal court. It is in the nature of these tribunals that they are not influenced by politics. As a consequence, these tribunals must not apply double standards. In fact, particularly the Yugoslavia Tribunal has to a very large degree placed limits on state sovereignty because states must - if the Tribunal

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47   Cf. Manfred Eisele, Die Vereinten Nationen und das internationale Krisenmanagement [The United Nations and International Crisis Management], Frankfurt/M. 2000, p. 137.

48   In the current literature, the question has even been raised whether the Security Council could also pass decisions violating human rights and whether the Council is subject to legal control. Cf. Jana Hasse, Resolutionen des UN-Sicherheitsrates contra Menschenrechte? [Do UN Security Council Resolutions Contradict Human Rights?], in: Vierteljahresschrift für Sicherheit und Frieden (S+F) 2/2000, pp. 158ff., as well as Jochen Herbst, Rechtskontrolle des UN-Sicherheitsrates [Legal Control of the UN Security Council], Frankfurt 1999, pp. 204ff.

calls for this - transfer cases against a defendant to The Hague and hand over the accused person.[49] In addition, investigations by the international prosecution must be given backing.[50]

With the decision by the UN Security Council to create the tribunals, a process has been launched which has led to the further legalization of the protection of human rights in international law - at least with respect to combating the most serious violations of this body of law. This process will be continued through the creation of a permanent International Criminal Court, probably next year. Naturally, this kind of criminal court will only be able to deal with a few very serious international crimes. Its significance however will go far beyond this because a basic preventive effect will emanate from it and many potential perpetrators will be deterred by the simple existence of an international criminal court, as experience has shown. However, even criminal courts can only be truly successful in contributing to the enforcement of human rights through the support of politicians and policy-makers.

Summary

Human rights in international relations fulfil the requirements that have to be placed on every law: Rights and obligations have been stated in a sufficiently precise manner and represent a generally binding and equal standard for all states. This has always been confirmed when these rights have been linked to legally shaped enforcement procedures. Thus the judgments of the ECourtHR are free of political influence; here double standards are not applied.

However most human rights treaties are not linked to these kinds of legal enforcement procedures. Their implementation is usually realized through political means so that ultimately this conforms with political interests. It is inherent in the whole concept that inevitably a double standard is used - dependent on political interests. This means that the political will to enforce human rights must be strengthened because the extent to which human rights are actually implemented depends on the strength of the law.

In practice, it has been shown that public opinion is a fundamental factor in the enforcement of law. This realization is of outstanding importance for human rights and relativizes the importance of politics. Namely, today human rights are no longer only implemented by states to the exclusion of the public, but rather with the co-operation of civil society. Its reinforcement has led to

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49   The fact that the former Yugoslav President Milošević has been forced to appear before court is certainly one of the high points in the enforcement of international law in this new millennium. Cf. Süddeutsche Zeitung of 4 July 2001, p. 7.

50   Cf. Hildegard Uertz-Retzlaff, Über die praktische Arbeit des Jugoslawien-Strafgerichtshofes [On the Practical Work of the International Criminal Tribunal for Former Yugoslavia], in: Horst Fischer et al. (Ed.), Völkerrechtliche Verbrechen vor dem Jugoslawien-Tribunal, nationalen Gerichten und dem Internationalen Strafgerichtshof [International Crimes before the Yugoslavia Tribunal, National Courts and the International Criminal Court], Berlin 1999, pp. 87ff.

the fact that people worldwide are demanding their rights guaranteed and insisting on unified standards. In this manner, the act of "using different standards" is being gradually reduced. The creation of international criminal jurisdiction will also contribute to applying unified standards for the most serious human rights violations and thus force back political arbitrariness.

However, even in future enforcing human rights without political implications will not be attainable. Ultimately, this will mean seeing human rights as a part of the rule of law and democratic order, which, in an international "community of values" must go beyond the domestic sphere. If on this basis there once will really be "global governance", then it must be based on a unified standard of human rights. Of course until then, politics has a long way to go before it subordinates itself to law.

Sonja Lokar

The Women's Role In Armed Conflicts[1]

The Case of the Stability Pact Gender Task Force

Do Women Play a Special Role in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation?

In the South-eastern part of Europe, this is not an academic question. We can answer it in a very concrete way by analysing the role of women throughout all three phases of the conflicts in the today's Stability Pact region: pre-war, war and post-war.

All the countries of today's Stability Pact region are countries in transition. Transition is just one form of globalization. War is just one form of postponed and disfigured implementation of transition - the most brutal, inhuman and destructive way.

When transition started picking up momentum in the mid-1980s, in post-Tito's Yugoslavia, the tired communist elite gave up, admitting that the Yugoslav League of Communists did not have any acceptable answer to the challenges of globalization. New political actors came onto the scene.

In Serbia (with the autonomies of Vojvodina and Kosovo ruined) and in Montenegro, former communists who had become nationalists, came to power. In Slovenia, Croatia, Bosnia and Herzegovina and Macedonia, central and right wing, mostly nationalist parties or party coalitions were democratically elected and started the difficult process of transition.

All over the world, transition is essentially a huge redistribution of political power and wealth within each nation as well as between nations. The trend is undisputed. The rich and the mighty are becoming richer and mightier, the poor and the powerless are becoming poorer and more powerless.

In some cases, like the Balkans, transition became at the same time a savage attempt to newly partition state territories and even newly distribute populations. Aggressive nationalist civil wars were simply the handiest of tools for this redistribution.

Transition has taken on different patterns in the Stability Pact region. Slovenia dealt with its transition through a slow gradual reform process, Hungary was subject to a form of shock therapy, Romania, Bulgaria, Albania and Macedonia are going through "stop and go" shock therapy. In Croatia, Bosnia and Herzegovina, Kosovo, Montenegro, Serbia and Vojvodina, "ethnic" wars have masked a very brutal and distorted transition. Warlords and organized criminals became the main profiteers in this process.

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1   This article reflects the personal opinions of the author and not those of the Stability Pact Gender Task Force.

Whatever the pattern of transition, it is obvious that transition is hostile to human capital. In all the countries of today's Stability Pact region, women were just this: human capital. They had been rather well educated, usually employed on a full-time basis and economically independent, made their own decisions on family planning,[2] and in addition carried out 90 per cent of the responsibility for their households and children. And now suddenly they were supposed to play fake roles by being "queens of the home" and "mothers of the nation".

Through the first multiparty elections in all the countries of this region women were practically excluded from political decision-making bodies. At best they became objects of ultra-conservative exclusively male politics, at worst, victims of the wars, led by aggressive, conservative, nationalist and exclusively male politics.

Table 1

Percentage of Women in Parliaments and in Governments in Some Countries of the South-Eastern European Region

Country	Women's Right to Vote	Best % of Women in Parliam.	% of Women Elected 1990/1	% of Women Elected 1992/4	% of Women Elected 1996/8	% of Women Elected 1999	% of Women Ministers 1999
Albania	1920	1974-33,2	3,6	5,7		6,4	11,11
Bulgaria	1944	1981-21,8	12,9	13,3		10,8	0
Hungary	1958	1980-30,1	7,3	11,4	8,3	8,3	8
Romania	1946	1985-34,4	3,6	4,1	7,3	7,3	0
Slovenia	1943/6	1982-26	11	14	7,8	7,8	0
Croatia	1945	1982-17	4.4	5.8	7.8	7.8	?
BiH	1945	1982-23	5	3	26	26	0
Serbia	1945		3	?	?	5.5	5.5
Vojvodina	1945						
Montenegro	1945		3	?	?	?	0

Source: Documentation of the CEE Network for Gender Issues and Inter-Parliamentary Union's publications 1995-1999

Before the transition and wars, the majority of women reacted very similarly to men. Frightened to death they would have to take personal responsibility for their own lives and for very complex communities, which real freedom inevitably brings with it, in most cases they opted for the easier solution. During the periods of growing unemployment and poverty as well as being confronted by all forms of discriminations they either developed private strategies of survival or became followers of the new and "neo"-nationalist leaders. The collective working class identity and conformist behaviour of the

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2   The exception to this rule was Romania, where abortion was illegal.

socialist period were easily transformed into a collective ideology and conformist acceptance of the only right nation - "my nation".

Mainstream political culture did not change a bit. It remained based on autocratic leadership, on exclusion of the other, on state-induced and unlawful political and/or armed violence. The first solution - private strategies of survival - meant that the majority of women withdrew to their private lives, the second put them on the bandwagon drawn by a fiery nationalist horse. Both ended up with a hangover from "ethnic" wars without victors.

Women in general are not better than men. The majority can be brainwashed and sucked into extremist ideologies. Milošević's most ardent supporters were the well-to-do women of his establishment. They were ironically named the "Movement of Fur Coats to Protect the Winter".

Even certain civil society women's groups, primarily established to save their sons from the dangers of the war, have been susceptible to manipulations. The group "Fortress of Love" in Croatia is a well-known case in point. Some women in the wars were also informally as well as officially leading warmongers (Mirjana Marković, Biljana Plavsić). Some women were soldiers in regular armies and in militias. Some were war profiteers. However, the majority of women remained powerless civilians.

In the modern wars at the end of the last millennium, it was ten times more dangerous to be a civilian than to be a soldier.[3] The main roles assigned to the women in a war are the role of keeping every day life moving along and the role of the victim: victim of rape, victim of "collateral damage", refugee, displaced person, widow. Women suffer through war in a different way than men. This is why women tend to be more realistic. This is why they are quicker to reject war as a solution, why they are quicker to understand that reconciliation is the only way to the normalization of every day life. This is why they have less trouble forgiving and forgetting. This is why some women become the most ardent pacifists, this is why they are the first to opt for peace agreements. This is why they are also the first to start the process of reconciliation.

As survivors of war strife and atrocities, many women are qualified to take on the leadership of societies after a conflict. Instead, they are so often marginalized once again.

The Question Is: Why and How Must This Be Changed and Who Will Be Able to Do It?

In the written history of humanity, women have never been organized as a separate self-conscious political subject.

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3   Cf. FAFO and NUPI Conference: "From Marginalization to Integration of Women in Peace Building", Recommendation for Policy and Practice, draft version of the report, Oslo, Norway, January 2001.

During the French Revolution, they were explicitly forbidden to ask for equal citizenship. The penalty for this request was death by the guillotine (Olympe de Gouges).

In socialist revolutions, women were asked to participate, but only as disciplined soldiers, as comrades in the class struggle. Revolutionaries did proclaim equality between men and women but the whole communist "avant-garde" was very macho and autocratic. Women were explicitly forbidden to join forces in any kind of independent organization. The penalty for mere allusion to such an attempt was incarceration and death in one or another kind of a Gulag.

After Tito's death and before the outbreak of war, in Yugoslavia (Slovenia, Croatia and Serbia), a minority of women began to band together in independent civil society organizations and in new women's movements. At the end of the 1980s, these groups began asking for political and personal rights for women. They were closely associated with the new civil society movements that spoke for human and civil rights, disarmament and demilitarization of society, the rights of homosexuals, and environmental protection. After the first multiparty elections these new, democratic, modern women movements were totally marginalized. Newborn, mostly nationalist political parties came to power with a new political agenda, the agenda of "ethnic" wars. On this agenda there was no place for modern gender equality policies. Women's movements from different Yugoslav republics endeavoured jointly to prevent the wars by trying to win public support in civil society. These attempts were never given serious support by international mainstream politics and they never picked up any real momentum within their own nations; all of them failed.

Many new women's civil society groups were born in war times, especially in Kosovo, Croatia, Bosnia and Herzegovina, Macedonia, Serbia, Vojvodina, Montenegro and Albania. They came out as a moral protest against the war (for example, the "Women in Black" in Serbia who attempted to stop the war and to punish war criminals, the Anti-War Campaign in Zagreb and the Centre for Anti-War Action in Belgrade). They were created out of the need for women's self-help, to assist the victims of armed conflicts, and as a women's response to the breakdown of the state social welfare system under conditions of state terror or war (Biser's International Women's Initiative, Medica Zenica, Women from the Una River, all in Bosnia and Herzegovina).

Throughout the wars in the states born of the former Yugoslavia, all these women's groups remained active and well connected in informal but effective networks. Moreover, they learned how to network with women's movements all over the world, and to use the opportunities available to get the support of international governmental organizations in coping with some of the effects of these wars. In this manner, at the 1995 Beijing UN Conference on Women, rape during war became a crime against humanity under international law,

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and in the Beijing Platform for Action for the first time a chapter was included on the role of women in armed conflict prevention and resolution.

Nevertheless, neither in international mainstream politics nor in the public opinion of their own countries were these women's groups given any attention or recognition as possible actors for peace and democratic change.

The Stability Pact as an international initiative for rebuilding peace, and bringing democracy, human rights, prosperity and safety to this region, did not come completely out of the blue, but after a decade of armed violence.

The Dayton Agreement did not solve the problems of the democratic coexistence of the three nations - Serbs, Croats and Muslims - in Bosnia and Herzegovina. It merely stopped their armed struggle. The NATO bombing did not solve the problem of Serbs and Albanians coexisting and living together peacefully in Kosovo. It merely stopped the persecution of Albanians in Kosovo. The bombing did not solve the issue of the Serbian minority or the Roma people in Kosovo nor the issue of the Albanians in the Federal Republic of Yugoslavia, let alone the entire Balkans. The armed conflicts in Macedonia recently showed the complexity of the Albanian national question to its full extent. Neither the NATO bombing nor the subsequent peace agreement solved the problems in Yugoslavia. The process of its disintegration continues: The Kosovo problem is "frozen" under an international protectorate, Montenegro continues to try to secede, in Vojvodina separatists tensions are mounting. Transition by war proved the most profitable path for those who could hide their greed and power hunger behind a pretext of unsolved national questions.

The authors of the Dayton Agreement did not see women as potential actors for peace, reconciliation, and democratization.[4]

International mainstream politics was too busy dealing with the national big bosses of the war conflicts. In the countries where there was armed conflict, which were destroyed by the wars, where rule of law was not well-established, where the media were restricted and where warlords held power, there was no way to make these women's groups visible.

Is It Realistic at all to Consider Women as a Potential Politically Active Group, Willing and Capable of Developing Itself into a Political Force and Consciously Preventing the Repetition of Misusing Transition to Wage Ethnic Wars?

As early as 1994, the Party of European Socialists in the European Parliament understood that newly born social democratic parties in the countries of transition need assistance in building truly democratic programmatic profiles and organizational structures. So they established a small foundation, the

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4   Cf. Analysis of the Gender Aspects of the Dayton Peace Agreement: Kvinna till Kvinna, presented at the Beijing +5 UN Conference, New York 2000.

European Forum for Democracy and Solidarity and within it a special women's working group in order to share the good social democratic tradition of supporting gender equality as one of the crucial values of social democratic politics.

In 1998, this working group was transformed into the Central and Eastern European (CEE) Network for Gender Issues, an electronic network with its seat in Budapest that links all social democratic women's groups in Central and Eastern Europe as well as many civil society women's groups working for women's human rights.[5] This Network, in co-operation with the Norwegian Labour Party's women's organization, the Norwegian Labour Women, adapted a Norwegian training module called "Women Can Do It" to the needs of the social democratic women in Central and Eastern Europe. In 1998-1999, the CEE Network for Gender Issues started systematic training of social democratic women leaders and their allies in civil society. The work of this Network was crucial for the development of gender equality awareness and for the enactment of the first quota regulations in the party statutes of some social democratic parties in the CEE region. Even before the establishment of the Stability Pact, the Network had already begun to have an influence in the Stability Pact region on the programmes and statutes of the social democratic parties in Slovenia, in Croatia, and in Bosnia and Herzegovina. This was very important because women's civil society groups working for gender equality and peace gained their first allies in political power structures. However, until the late nineties all these allies were rather weak opposition parties.

On the level of the international mainstream politics in the Balkans, the potential of women, organized in civil society, to promote democracy and peace was first discovered by the OSCE Mission to Bosnia and Herzegovina. Nationalist leaders of all the three sides were constantly undermining the most important decisions of the Dayton Agreement. In both open and hidden ways, they blocked the return of refugees and the internally displaced, the joint governance of ethnically mixed cities as well as the normal functioning of elected legislative and executive bodies. Only women, organized in civil society, were courageous enough to show an open interest in peace, reconciliation, democratization and the normalization of every day life.

Once discovered by influential internationals who wanted the Dayton Agreement to become a success (US Ambassador Swanee Hunt to Vienna, US Ambassador Robert L. Barry, Head of the OSCE Mission to Bosnia and Herzegovina, Elisabeth Rasmussen, Deputy Head of the OSCE Mission to Bosnia and Herzegovina), these women's groups started to get substantial and systematic support from the OSCE Mission to Bosnia and Herzegovina, not only for their work with the victims of armed conflicts, but also in their at-

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5   Further information on the CEE Network for Gender Issues at the website of the European Forum for Democracy and Solidarity: www.europeanforum.net/gender_issues/index.htm.

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tempts to make women become a political power. Thus, the programme "Women in Politics" was started.

Joint efforts of the OSCE Mission to Bosnia and Herzegovina, women's NGOs and a few strong women politicians from different political parties persuaded international actors to accept the enactment of the first quota rule in the Provisional Electoral Law for the Bosnia and Herzegovina elections of 1998. Suddenly instead of the three to five per cent women in the Parliaments of the Republika Srpska and the Federation of Bosnia and Herzegovina, 26 per cent of Parliamentarians were women. This was enough to demonstrate what they would be able to reach if they gained equal rights, but it was not enough to really change mainstream politics.

The OSCE Mission to Bosnia and Herzegovina "Women in Politics" programme (headed by Mary Ann Rukavina) began systematic co-operation with the CEE Network for Gender Issues. The goal was to make this first women's breakthrough into mainstream politics sustainable, to offer the necessary insight into the problems of gender equality to these new women politicians and to give them training in the skills required in modern democratic politics.

When the Stability Pact was established, again there was no formal place for women in its structures. There was a vague perception that there was one and only one real gender equality problem that should be tackled within the Stability Pact: the problem of trafficking in women and children.

However, when the Stability Pact initiative was launched, women of this region were prepared to reject their role as objects and victims of aggressive, nationalist, exclusively male politics. They were also strong enough to refuse to be reduced to the role of solely being the victims of trafficking, this time by the male-dominated international politics.

Upon the initiative of Ambassador Barry and women from Bosnia and Herzegovina and with the help of the CEE Network for Gender Issues, an appeal was started and within a week signed by over 150 very different women's NGO groups from twelve countries in the Stability Pact region. In this appeal, women openly asked to be stakeholders and equal partners in the international community and their own national governments to rebuild peace, good neighbourly relations, prosperity and safety in their countries and region.

A day before the Stability Pact Summit, the OSCE Mission to Bosnia and Herzegovina invited the representatives of the signatories of this women's appeal to take part in a conference and a press conference. On this occasion, Bodo Hombach, Special Co-ordinator of the Stability Pact, met with a delegation of the women's conference. He promised to support their demands within the framework of the Stability Pact. He even agreed to their demand that a woman be nominated as a chair of the Stability Pact Working Table I (Democratization and Human Rights). Despite his sincere efforts, this never materialized.

It required a great deal of lobbying and a number of additional efforts, before the women of the Stability Pact region got the green light to establish the Stability Pact Gender Task Force.

The second difficult battle was on the mandate of this new Task Force. While international women politicians for gender equality proposed mainstreaming gender equality in the work of all three Stability Pact Working Tables, male leaders of the Stability Pact - as has already been mentioned - were focused on merely one issue: trafficking in women and children.

However, the Stability Pact Gender Task Force was very different from all other task forces in Working Table I. It had emerged from the various democratic women's groups from civil society in all the countries of the region. Its programme was based on national and regional assessment of the most urgent needs of the women in this region.

The Stability Pact Gender Task Force rejected the mainstreaming approach - i.e. to incorporate gender equality into prevailing thought as well as strengthening the inclusion of women in political concepts and practice - the moment there were no women's "streams" in the Stability Pact countries. How was one to mainstream without a stream? There were no strong nation-wide gender equality movements, neither strong nor numerous women politicians in political decision-making bodies and nearly no governmental and parliamentarian bodies for equal opportunity policies. Who would then be able to do the mainstreaming?

The Gender Task Force also rejected dealing with the trafficking issue. Not because the issue is not a significant problem, but to avoid once again reducing the role of women in the Stability Pact region to that of victims, this time through international mainstream politics.

The Gender Task Force started to deal with the synergy resulting from the multifarious activities and positions of women in the trade unions, in the media, in governments, in all political parties, in Parliaments as well as in international non-governmental and governmental organizations. It systematically uses the exchange of best practices in the region and in the worldwide women's movement. Its four regional projects in 2000 and 2001 are strongly focused on one single issue: political empowerment of women.

OSCE support, first from its Mission to Bosnia and Herzegovina, and then its Secretariat in Vienna, was of crucial importance for the establishment of the Stability Pact Gender Task Force. The OSCE has offered constant logistic support to the Gender Task Force, which works under its auspices. However, in developing its strategy, the Gender Task Force is independent. The fact that it reaches so many women in the Stability Pact region is due to the enormous amount of voluntary work conducted by thousands of women activists jointly implementing Stability Pact Gender Task Force regional projects in their countries. They are connected in *ad hoc* national networks of women's groups and governmental bodies for promotion of gender equality.

From the outset (it was formally established in November 1999), the Stability Pact Gender Task Force was based on two pillars - one governmental and one consisting of NGOs in eleven countries of the region. It also has an informal Advisory Board, and from May 2000, an information office, the Gender Task Force Clearinghouse in Sarajevo, with one full-time staff member managing activities. The second professional staff member, who works half-time for the Gender Task Force, holds the position of chair, and is based at the CEE Network for Gender Issues Office in Budapest.

Results

The women leaders of the Gender Task Force knew exactly what they wanted: not only to help women to enter male politics, but to change its values, priorities, and the rules of the game. Instead of the politics of hatred and exclusion, the politics of consensus, respect for differences, and inclusion were to come to the fore. Instead of the politics of so-called big issues, the politics of small issues of social and gender equality in everyday life were to be dealt with. Instead of the politics of big autocratic leaders, transparent, responsible politics with clear and respected democratic procedures were to be on the agenda.

They knew that these were ambitious goals and that they could reach them only if they based them on the most recent international binding documents on gender equality, if they were to cross all borders, build women's solidarity and enter into politics through the main door, as a well-organized and strong group. *Indeed, these women made the decision to become a specific political force.*

The overview of the results of the Gender Task Force's most important regional project - "Women Can Do It" - shows how they made their first steps in the right direction (see Table 2).

However, these facts and figures do not tell the most important things: Where before there were dispersed women's NGOs and small, separated women's political party organizations, today we have nation- and region-wide women's networks with a clear perception of a common goal. Where in the past national mechanisms for gender equality were either very weak or even non-existent, today we are making formidable efforts to build them up and extend them as well as giving them a strong gender equality mandate. Where in the past there was disgust with politics, cynicism and apathy, we now have a new vision of democratic politics, optimism and action.

Table 2
Facts and Figures about SP GTF Women Can Do It Project 2000-2001
(Presented at the SP GTF Regular regional meeting in Sarajevo, February 11, 2001)

Country	Type of Elections	Project Type	ToT Seminars	Trainers Trained	Local Training/ Campaigns	Trained Politicians Activists	Geographic Outreach	Activist Outreach to Voters	Media Outreach to Voters	Results-Elected Women	Notes
Albania	Local	WCDI	1	40	40 1 National Media Camapign	1080	Whole country		Nation-wide	Trend reversed, going up	Impossible to get formal data
Monte-negro	Local	WCDI	3	75	2	41			Nation-wide		Ongoing project
Bosnia and Herze-govina	Local	WCDI	3	65	175	3258	Whole country		Nation-wide	From 5.3% to 18.2%	Open lists
	National	WCDI	1		15	300	Whole country			From 27% to 19%	Closed/ open lists 40% of elected wo-men were trained
					1 National Media Camapign		Whole country				
Croatia	Local	WCDI WVCDI	3	51	4	100			Nation-wide		Ongoing project
Mace-donia	Local	WCDI WVCDI	1 1	60 70	120 1 National Media Campaign	2400	Whole country	36 000	Nation-wide	From 105 to 165 counc. From 0 to 3 female mayors	Impossible to get official data

Romania	National	WVCDI	2	28	26 28 Press Conference		26 out of 40 districts Whole country	720	Nation-wide	From 6% to 9%	
Serbia/ Vojvo-dina	Local Provin-cial	WCDI	1	27	56	960	DOS governed localities		Nation-wide		Impossible to get formal data on locally elected women
	Federal Presi-dential	WVCDI			3 Interactive Media Campaigns	970	Whole country	460 000		From 5.2% to 11%	
	National	WVCDI		65	4 Media Campaigns		Whole country	390			
Recapi-tulation		6 WCDI 6 WVCDI		481	483 Local Trainings 11 Media campaigns	8139 women politicians 970 activists		497 110		From average 7% of female MPs SP trend goes up to 12%	

WCDI = Women Can Do It; WVCDI= Women Voters Can Do It; ToT= Train the Trainer training

*Schematic Recapitulation of the Role of the Women in Times of Transition in
the Stability Pact Region*

From the mid-1980s till today, the Balkans has experienced all phases of war.

Preparatory phase of the armed conflicts 1986-1991:

- downturn in economic development;
- mounting social tensions;
- destabilization of former predominant political players;
- formation of new mainstream political leaders by transformation of development impasse and social tensions into ethnic exclusion and hate;
- massive abuse of mass media to persuade people of all nations to accept war as a solution;
- exploitation of the Serb national minority to eliminate the rule of law and to dissolve the legal state authorities in Kosovo, Vojvodina, Montenegro, Croatia and Bosnia and Herzegovina;
- hidden low scale arming of future adversaries in the armed conflict, who had not been armed previously.

The role of the women in the pre-war phase:

- The majority withdraw into their private lives or are sucked into the new mainstream politics.
- A minority becomes organized in new women's movements, first for political and personal rights of women, disarmament and demilitarization, as well as - before the outbreak of wars - becoming active in the prevention of armed conflicts. These groups remain marginalized in their own nations and never receive serious support from mainstream international politics.

The war phase:

- The attempt to exploit the multinational army to prevent peaceful separation of Slovenia fails, thus the "Serbianization" of the Yugoslav People's Army is begun.
- Underground fighters (criminals, paramilitary mercenaries) are sent to start armed conflicts in Croatia. The Yugoslav People's Army is exploited as an occupational army.
- The same model is used in Bosnia and Herzegovina combined with the fact that the now purely Serb Yugoslav People's Army has already occupied it.

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- Classical territorial wars, sold to the domestic and international public as inter-ethnic civil wars, ravage Croatia as well as Bosnia and Herzegovina from 1992-1995.
- NATO bombs Republika Srpska.
- In November 1995, the Dayton Peace Agreement is signed.

The role of women during the war phase:

- The majority of the women become victims of war atrocities and its economic spillover effects.
- Former women's peace movements become actors in providing humanitarian aid and international justice to the victims of wars.
- The UN Conference on Women in Beijing proclaims rape in war as crime against humanity, as well as devoting a chapter in the Beijing Platform for Action to the necessity of an active role for women in the prevention and resolution of armed conflicts.
- Women begin to organize within some political parties (mostly social democratic and centrist ones) and within trade unions. First quota regulations are established in the statutes of political parties (in Slovenia, Croatia as well as Bosnia and Herzegovina).
- International mainstream politics completely ignore a possible women's role in the formulation and implementation of the Dayton Peace Agreement.

The post(?)-war phase:

- Serbian crackdown on the Kosovo Liberation Army/UCK (1999);
- NATO bombing of the Federal Republic of Yugoslavia (1999);
- Stability Pact Initiative (July 1999);
- Peace Agreement with the Federal Republic of Yugoslavia (1999);
- Albanian terrorism against the Serbian minority in Kosovo (1999 till today);
- gradual democratic takeover of the political leadership by the more democratic political parties: Djukanović in Montenegro, Racan's coalition in Croatia, the Democratic Opposition in Serbia and Vojvodina, Rugova's victory in local elections in Kosovo (2000);
- shaky implementation of the Dayton Peace Agreement in Bosnia and Herzegovina; slow growth of the parties supporting a multi-ethnic and territorially integrated Bosnia and Herzegovina; unexpected renewal of the extreme nationalist parties of Serbs and Croats in Bosnia and Herzegovina;
- Albanian minority extremists' armed rebellion in Macedonia (March 2001).

The role of the women in the post-war phase:

- permanent efforts to instil real equality into mainstream politics with clear perception of how to change it;
- first enactment of the quota rule in the Provisional Electoral Law in Bosnia and Herzegovina in 1998, 26 per cent of the Members of Parliament are women; 30 per cent quota rule on open lists enacted in the Permanent Bosnia and Herzegovina Electoral Law, 18 per cent women elected on local and entities' levels; national equality machinery established at state and entities levels;
- creation of the Stability Pact Gender Task Force, focusing on political empowerment of women;
- women receive 21 per cent of the seats in Croatian post-Tudjman Parliament and also receive the posts of deputy prime minister and three ministers; national state equality mechanism is upgraded;
- crucial role of organized democratic women's movement in Serbia and Vojvodina in ousting Milošević, twelve per cent (previously five per cent) women elected in Serbian national Parliament, many more women in important positions in executive in Vojvodina and Serbia;
- positive spillover effect in the perception of possible women's role in Kosovo: gender equality department in the OSCE Mission in Kosovo (OMIK), 30 per cent quota rule enacted for the first free local elections in Kosovo; eight per cent of women elected to the posts of local councillors on open lists;
- organized efforts to ensure that better prepared women get elected to the future Parliaments of Albania, Macedonia, and to local governments in Croatia; begin of the parity campaign in Slovenia;
- organized women's struggle in Macedonia to be included as equal partners in the political solution to the crises before it becomes too late.

With the support of the OSCE, for the first time ever, the actors of mainstream international politics gave the women of South-eastern Europe a small chance to devise strategies and implement a plan for their own political empowerment.

The Future?

The Stability Pact Gender Task Force pays a high price for its originality and stubbornness in maintaining regional women's groups' ownership of their projects: no institutional stability, no guaranteed future. Its first results are not irreversible. The Gender Task Force must take a new step in its development and needs stronger, more reliable, long-term support from the international community. It requires small, but very professional regional centres for

the development of concrete gender equality policies as well as national offices in all countries of the region. The continuation and upgrading of the "Women Can Do It" training modules for all present and up-and-coming women politicians are just as indispensable as the enlargement of its focus on the issues of the economic empowerment of women and their systematic participation in building peace, safety and security in their countries and in the region.

Women of the twelve countries transformed the Stability Pact into their new window of opportunity. With the support of the OSCE, they invented and put in place a new international institution to work for them: the Stability Pact Gender Task Force.

Democratic Europe and international democratic mainstream politics will have to find one way or the other to stabilize and develop the explosive South-eastern part of Europe. After their experience with the Stability Pact, there is a realistic hope that women of this region will find a way to persuade the international community to take them seriously as equal stakeholders and real partners in any of their future endeavours for peace, democratization and prosperity in this region.

Christina Boswell

OSCE and Forced Displacement: An Area for Expansion?

Introduction

Although not one of its central competencies, the OSCE's mandate, activities and commitments cover a range of areas relevant to the problem of forced displacement. Most directly, ODIHR's Migration/Freedom of Movement Unit promotes the human rights of migrants through seminars, training and institutional capacity-building. Moreover, its activities in the field of trafficking in human beings aim to protect victims of trafficking and develop measures to combat trafficking networks. Yet many of the OSCE's wider activities can also be understood as having an impact on forced displacement. Activities and normative commitments in the areas of conflict prevention, democratization, human rights and national minorities can all play a role in the prevention of forced displacement, in protecting the displaced, or in promoting reintegration after their return.

Arguably, it is these broader OSCE activities on prevention, democratization and national minorities - rather than the more specific measures on migrant rights - that constitute the OSCE's most important contribution towards addressing the problem of forced displacement. Indeed, these types of preventive activity are increasingly favoured by OSCE States as the best long-term means of addressing the causes of flight. Over the past decade, there has been a growing recognition of the need to shift the focus of international refugee policy away from reactive protection activities to more holistic and comprehensive approaches to addressing the causes of displacement and finding "durable solutions" to refugee problems. The OSCE seems to be well-placed to develop such comprehensive strategies in three senses. First, its traditional linkage of the human and security dimensions - the so-called "comprehensive security concept" - should provide an excellent analytical base for developing holistic approaches. Second, its range of activities explicitly encompasses many of the components of these new solutions. And third, the scope of OSCE membership makes it a good forum for dialogue between refugee producing and receiving countries.

This article will examine how well-placed the OSCE is to respond to these challenges of forced displacement. It will start by describing the debate on "new solutions" to displacement, and then outline OSCE activities in this area to date. It will suggest that two main institutional factors constrain further progress in this area: the internal organizational structure as well as the mandate and legal basis. The article will conclude by considering how far the Or-

ganization can and should expand its activities in this area in the light of these constraints.

OSCE and "New Solutions" to Displacement

The shift towards prevention and the so-called "new solutions" can be understood as the product of two main changes in attitudes towards displacement over the past two decades. First, from the late 1980s onwards, and especially since the end of the Cold War, there has been growing public hostility in Western Europe and North America to asylum seekers and "illegal" immigrants. To simplify somewhat, European refugees in the 1950s and 1960s were seen by the West as an important symbol of communist oppression.[1] The number of refugees was limited, and Western states and North America were by and large keen to grant extensive rights and permanent residence to these victims of communist persecution. As the numbers fleeing developing countries increased in the 1970s and economic recession generated higher unemployment, European states began to introduce more restrictionist immigration policies. This encouraged substantial numbers of migrants to use the "asylum route", in turn triggering public concern about the "abuse" of asylum systems. The subsequent removal of restrictions on free movement in Eastern and Central Europe since 1989 created additional anxieties about Western Europe being "flooded" with immigrants and refugees arriving from or via Central European countries. These concerns were to some extent given a practical basis in Germany, which received approximately 1.4 million migrants from Central and Eastern Europe from 1988 to 1993, as well as 350,000 displaced persons from the former Yugoslavia, and almost half a million asylum seekers.[2] However, the restrictionist entry policies, introduced by most Western European states in the late 1980s and early 1990s, failed to reduce influx, instead fostering the exponential growth of illegal movement and trafficking in human beings. Far from being received as victims of ideological oppression, asylum seekers now tend to evoke fears about illegal entry and employment, trafficking and organized crime, and are seen as imposing an unacceptable burden on Western European welfare systems.

The second shift that influenced the debate on refugee policy was linked to changing conceptions of security and intervention in the 1990s. Whereas during the Cold War refugee policy was limited to an essentially palliative protection approach, the emerging pattern of humanitarian intervention after 1990 changed expectations about what could be done to address refugee

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1   Cf. Leon Gordenker, Refugees in International Politics, New York 1987; Kim Salomon, Refugees in the Cold War: Toward a New International Refugee Regime in the Early Postwar Era, Lund 1991.

2   Cf. UNHCR, The State of the World's Refugees: In Search of Solutions, Oxford/New York 1995, p. 202.

problems. Furthermore, the nature of conflicts that erupted in the 1990s - in particular the use of "ethnic cleansing" to advance political strategic objectives - was perceived to lend new political significance to displacement.[3] As the United Nations High Commissioner for Refugees (UNHCR) pointed out, the involuntary movement of people was not simply a by-product of conflict, but an end in itself.[4] In some regions (notably the Balkans and Central Africa), displacement also contributed to the spillover of conflict and instability into neighbouring countries.

These domestic and international developments prompted a policy shift away from palliative protection measures to prevention and "solutions". Thus rather than focusing on the protection of refugees once displacement had occurred, multilateral actors became increasingly convinced of the need to target measures towards preventing displacement and addressing the "root causes" of flight through conflict prevention and mediation, human rights monitoring, capacity-building and development.[5] There has also been growing emphasis on providing protection for refugees and internally displaced persons (IDPs) in their regions of origin, or encouraging the early repatriation of refugees in the context of post-conflict peace-building activities. The characteristically Cold War policy of providing permanent protection to refugees - the so-called "exile bias" - has been replaced by what has been coined the "new paradigm", or "new solutions" to displacement: prevention, protection in regions of origin, and the promotion of refugee repatriation.[6]

These new solutions have not been without critics. A number of commentators have characterized this new focus as an attempt to "contain" displacement in regions of origin, thereby relieving industrialized states of their obligations to assist refugees.[7] Refugee and human rights groups have expressed concern that such preventive approaches represent a form of "burden-shifting" to poorer countries, and fear that they may increasingly be seen as a sub-

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3   In this context, it should be pointed out that this type of ethnic "unmixing" was not a new phenomenon. It had been widespread in the inter-war years, with a series of mass expulsions and population transfers in the Balkans and parts of South-eastern Europe. It had even been the official policy of the League of Nations, which organized population transfers of minority groups between Greece, Turkey and Bulgaria in the 1920s. See Michael Mann, The Dark Side of Democracy: The Modern Tradition of Ethnic and Political Cleansing, in: New Left Review 235/1999, pp. 18-45; Michael R. Marrus, The Unwanted: European Refugees in the Twentieth Century, Oxford/New York 1985.

4   Cf. Sadako Ogata, Managing and Solving Forced Displacement: Issues and Dilemmas, remarks at the Carnegie Council on Ethics and International Affairs, 1996.

5   The first major proposal for this kind of approach was Sadruddin Aga Khan's Study on Human Rights and Massive Exoduses, UN Commission on Human Rights, Thirty-Eighth Session, E/CN.4/1503, 1981. UNHCR Executive Committee Conclusions from 1989 onwards also demonstrate an increasing trend towards addressing "solutions", including prevention.

6   Cf. UNHCR, cited above (Note 2), pp. 43-44.

7   Cf. James Hathaway, New Directions to Avoid Hard Problems: The Distortion of the Palliative Role of Refugee Protection, Journal of Refugee Studies 3/1995, pp. 436-458; Guy Goodwin-Gill, Refugee Identity and Protection's Fading Prospect, in: Frances Nicholson/Patrick Twomey (Eds.), Refugee Rights and Realities: Evolving International Concepts and Regimes, Cambridge 1999, pp. 220-249.

stitute for asylum. Others, however, have welcomed this shift in focus as a means of channelling more resources into conflict prevention and humanitarian assistance. Provided prevention is treated as complementary to refugee protection - so the argument runs - increased efforts to alleviate the causes of displacement are in the interests of both affected populations and receiving states.

However the balance is struck between traditional protection and new solutions, it would appear that the OSCE is well-placed to make a contribution to developing the latter. As the Supplementary Human Dimension Meeting in Vienna in September 2000 concluded, the OSCE "is able to bring together security and humanitarian issues and, thus, is in a unique position to tackle the real causes of displacement, and to address situations of protracted displacement".[8]

This unique position stems from three features of the Organization. First, the OSCE's traditional emphasis on the "human dimension" as a central aspect of security provides the Organization with a good framework for analysing different aspects of the problem of displacement and developing appropriate responses. While other agencies dealing with displacement, such as the UNHCR, IOM and ICRC, are bound by relatively narrow mandates, the OSCE can combine individual human rights and protection concerns with considerations of conflict prevention and regional stability. By contrast, the UNHCR was heavily criticized for deviating from its refugee protection function when it attempted to provide in-country protection in Bosnia.[9] The UNHCR has also been criticized for being too "political" in its focus, especially in situations where it has been guided by concerns about the impact of refugee flows on general stability, rather than focusing exclusively on individual refugee protection concerns.[10] The OSCE has no such constraints linked to its mandate or focus of activities. Indeed, the Organization has stressed the link between the human dimension of displacement and regional security in a number of declarations. Thus the Lisbon Summit Declaration of 1996 states that forced migration is one of "the acute problems within the human dimension", which "continues to endanger stability in the OSCE region".[11] The ability to recognize and take into account the different dimen-

8   OSCE Supplementary Human Dimension Meeting. Migration and Internal Displacement, Vienna, 25 September 2000, Final Report, p. 8.

9   Cf. Mikhael Barutciski, The Reinforcement of Non-Admission Policies and the Subversion of UNHCR: Displacement and Internal Assistance in Bosnia-Herzegovina (1992-1994), in: International Journal of Refugee Law 1-2/1996, pp. 49-110; and S. Alex Cunliffe/Michael Pugh, UNHCR as Leader in Humanitarian Assistance: A Triumph of Politics over Law, in: Frances Nicholson/Patrick Twomey (Eds.), cited above (Note 7), pp. 175-199.

10   Cf. S. Chimni, Solutions to Global Refugee Problems and the Language of Security: A Disturbing Trend, internal paper, Delhi 1996.

11   Organization for Security and Co-operation in Europe, Lisbon, 1996, Lisbon Document 1996, in: Institute for Peace Research and Security Policy at the University of Hamburg/ IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 419-446, here: p. 421.

sions and repercussions of forced displacement is a precondition for developing holistic responses.

Secondly, the Organization has a wide array of policy tools for addressing each phase of forced displacement: from preventive activities such as democratization, capacity-building and election monitoring, early warning and conflict prevention, through humanitarian assistance and protection once displacement has occurred, to post-conflict reconstruction and rehabilitation after repatriation. This should present the OSCE with a unique capacity to develop comprehensive strategies for dealing with forced displacement in Europe. Whereas other organizations have traditionally focused on protection and assistance measures once refugee crises have erupted, OSCE activities have since 1992 encompassed a broad range of instruments for prevention.

Finally, unlike the EU, OSCE membership embraces not only major countries of destination for refugees and asylum seekers, but also some of the most significant refugee producing countries. Moreover, the OSCE incorporates most of the countries through which refugees and migrants from other regions transit to reach Western Europe (excluding the Maghreb), as well as a number of countries in which migrant trafficking networks operate. Thus the OSCE offers an inter-governmental forum for addressing all phases of displacement, from the causes of flight in countries of origin, over the organization of trafficking and transit through third countries, to border controls and asylum systems in receiving countries as well as readmission agreements between sending and receiving countries. Again, this places the OSCE in a unique position to develop comprehensive approaches.

The next section will consider how these expectations have been met in practice. It will outline the OSCE's main activities in relation to displacement, and conclude by considering some of the institutional limitations the Organization faces.

OSCE Activities on Forced Displacement

Most OSCE activities in the field of migration and forced displacement come under the responsibility of the ODIHR, including freedom of movement and migration, trafficking in human beings and internal displacement. A number of other OSCE institutions also conduct activities relevant to forced displacement, including the activities of the High Commissioner on National Minorities (HCNM) and of the long-term missions.

ODIHR

Migration/Freedom of Movement
Activities related to migration and freedom of movement were established in the 1975 Helsinki Final Act under the human dimension. Initially, the goal

was to facilitate travel and promote "human contact" in Europe, although specific commitments in this direction remained limited, and a right to leave any country and return to one's own country was not recognized until 1989. During the Cold War period, the then CSCE also adopted various standards on the treatment of migrant workers. From 1989 onwards, the emphasis shifted towards facilitating free movement between countries. The ODIHR Migration/Freedom of Movement Unit is currently involved in projects to promote freedom of movement, in particular through capacity-building of border services and reform of internal freedom of movement rules, *inter alia* in Armenia, Azerbaijan, Kyrgyzstan, Russia and the Ukraine. However, it should be noted that while the OSCE has promoted free movement in some contexts, it has been more reticent about criticizing Western European states' restrictive entry policies. This lack of consistency may become increasingly problematic as EU accession obliges Central European states to introduce more restrictive border controls with their eastern neighbours, thereby limiting free movement and personal contacts between these countries.[12]

One important activity in past years has been participation in the 1996 regional conference on CIS displacement.[13] The conference was initiated by the UNHCR in close co-operation with the IOM and the OSCE ODIHR, and produced a Programme of Action to develop national migration systems and policies, as well as legislation on displacement in the countries concerned. Partly to enhance its input into the process, the OSCE decided in 1994 to set up the post of an ODIHR Migration Adviser. The CIS conference was in many ways a pioneering initiative, which brought together a range of international and national actors to address displacement problems in a holistic fashion. It was hailed at the time as an excellent example of a preventive approach.[14] The model has not been applied elsewhere, although arguably it might be a useful approach for addressing ongoing problems of displacement in the Balkans.

The OSCE has also dealt with the themes of migration and forced displacement in human dimension seminars and meetings. As early as April 1993, the then CSCE held a "Human Dimension Seminar on Migration, Including Refugees and Displaced Persons", which stressed the need for a comprehensive approach and inter-agency co-operation to deal with displacement problems in the CSCE region. Interestingly, at this stage the CSCE was not yet considered to have a significant role in dealing with these issues, as the UNHCR and IOM were still assumed to be the relevant agencies for developing and

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12   Cf. Heather Grabbe, The Sharp Edges of Europe: Extending Schengen Eastwards, in: International Affairs 3/2000, pp. 519-536.

13   The full title is: Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States.

14   Cf. UNHCR Activities in Relation to Prevention, Executive Committee of the High Commissioner's Programme, Standing Committee, EC/46/SC/CRP.33, 28 May 1996, paragraph 21; Kemlin Furley, Prevention, the CIS Conference, and UNHCR in the CIS Countries, paper presented at the UNHCR Consultation on Prevention, Geneva, February 1997.

implementing policies.[15] This assumption had significantly changed by the time of the September 2000 "Supplementary Human Dimension Meeting on Migration and Internal Displacement". The meeting produced a number of recommendations on enhancing the OSCE's role in protecting and assisting displaced persons, and especially the internally displaced (see below).

Trafficking in Human Beings
The OSCE has been involved in measures to combat trafficking in human beings since 1991, when it began to address the problem in the context of stopping violence against and exploitation of women, including victims of trafficking. Trafficking was treated as a human dimension issue, with a focus on assisting victims, rather than being defined as a security issue. At the Ministerial Council in Vienna in 2000, however, the approach was expanded to include measures to combat international organized crime.
Since then, this more multi-dimensional approach has been furthered through activities within the Stability Pact for South Eastern Europe. ODIHR chairs the Stability Pact Special Task Force on Trafficking in Human Beings, created in September 2000. The Task Force is seeking to develop a comprehensive approach to the question, focusing on prevention of trafficking, as well as protection of victims and prosecution of traffickers. This is reflected in the fact that measures involve co-operation with two of the Working Tables of the Stability Pact: Security Issues, as well as Democratization and Human Rights. The Task Force launched a strategy for combating trafficking in March 2001, which includes projects to identify the socio-economic causes of trafficking. In April 2001, it held a round table on the problem of trafficking in Belgrade, which dealt with prevention as well as protection and awareness-raising.

Internally Displaced Persons
The OSCE has been promoting UN-defined Guiding Principles on internally displaced persons, mainly through legal capacity-building. In May 2000, the ODIHR and the Brookings Institute jointly hosted a regional workshop on internal displacement in the South Caucasus, held in Tbilisi, which aimed to develop solutions for the problem of IDPs in Armenia, Azerbaijan and Georgia.
Internal displacement was the main topic under discussion at the September 2000 Supplementary Human Dimension Meeting. In their conclusions, the participants stressed that the OSCE had the potential for further development in this field, and the meeting recommended that the Organization's activities be expanded through extending the mandate of the High Commissioner on

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15   Cf. Guy Goodwin-Gill, Towards a Comprehensive Regional Policy Approach: The Case for Closer Inter-Agency Co-operation, paper prepared for the OSCE Human Dimension Seminar on Migration, Including Refugees and Displaced Persons, Warsaw, 20-23 April 1993.

National Minorities, as well as encouraging a greater role for the ODIHR. Significantly, the meeting report suggests that: "If this does not prove to be effective, it might be necessary to allocate responsibility to a particular body."[16]

The OSCE's interest in IDPs should be understood within the context of the ongoing inter-institutional wrangle over which organization should have primary operational responsibility for IDPs. This has been a subject of more or less explicit conflict, in particular between UNHCR and ICRC, for a number of years. It is not clear what comparative advantage the OSCE would have over these other two organizations to justify its assuming a lead role in IDP protection and assistance in Europe. It certainly has less practical experience than the UNHCR in providing protection, care and maintenance for displaced populations, and less experience than the ICRC in assisting war-affected populations. Moreover, it has a less robust legal basis and mandate for protecting the rights of affected populations against states - a problem that will be returned to in the next section. Nonetheless, the OSCE does have missions in many countries affected by IDP problems, and can play an important role in assistance and protection in co-operation with other agencies.

Other ODIHR Activities

In a broad sense, most of the activities of ODIHR in the areas of election monitoring and democratization can be understood as having a generally beneficial impact on the problem of displacement, in the sense that these mitigate the problems that cause flight. Elections are also often a central aspect of peace-building, and can go hand in hand with efforts to promote refugee repatriation and reintegration.

ODIHR also serves as a Contact Point for Roma and Sinti Issues, and in 2000 organized a series of meetings in Skopje, Oslo, Helsinki, Bratislava, Tarnow and Prague on the position of Roma refugees and asylum seekers. These were part of the lead-up to an international consultation on Roma refugees and asylum seekers, held in Warsaw in October 2000, which addressed various protection and assistance problems faced by Roma asylum seekers, including the problems of Roma refugees from Kosovo.

Conflict Prevention through the HCNM and Long-Term Missions

OSCE institutions carry out a variety of activities in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation, all of which are highly relevant to forced displacement. Measures in the fields of early warning and conflict prevention can help to address the causes of forced displacement, and crisis management activities can also include measures to protect and assist refugees and IDPs in the context of humanitarian

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16 OSCE Supplementary Human Dimension Meeting, Final Report, cited above (Note 8), p. 5.

emergencies. Equally, OSCE activities in the area of post-conflict rehabilitation can encompass measures to assist the return and reintegration of displaced persons. The OSCE has recognized the importance of addressing the problem of displacement within its conflict-prevention activities. Thus, the Rome Ministerial Council (the then CSCE Council) in 1993 agreed that: "In the context of conflict prevention and crisis management, the issue of mass migration, namely displaced persons and refugees, will be addressed, as appropriate, by the CSO (Council of Senior Officials, today the Senior Council, C.B.) and the Permanent Committee (today the Permanent Council, C.B.) of the CSCE, taking into account the role of other relevant international bodies."[17] The main OSCE institutions dealing with conflict prevention are the High Commissioner on National Minorities and the long-term missions.

National Minorities
The post of the High Commissioner on National Minorities was established in 1992 to prevent the escalation of tensions involving minority groups through early warning and preventive diplomacy. As such, the HCNM aims to contribute towards preventing one of the principle causes of forced displacement in Europe. The High Commissioner's preventive activities usually take the form of advocacy work through discussions and recommendations, as well as capacity-building through training and workshops on minority issues. These activities can clearly have an impact on displacement, through reducing discrimination against and persecution of particular groups, and alleviating inter-ethnic tensions that can lead to violent conflict. Examples of the linkages between the High Commissioner's activities and prevention of displacement include promotion of Albanian minority rights in Macedonia, which could help to avoid ethnic conflict and displacement; and activities to reduce discrimination against Roma and Sinti, which can alleviate pressures to seek asylum elsewhere.
More directly, the High Commissioner frequently addresses issues of forced displacement in his discussions with authorities. Thus he has focused on the problems of Serbian minority returns to Croatia in discussions with the Croatian government in past years.

Missions
The OSCE is active in a number of countries affected by forced displacement, including Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Kosovo and recently also the Republic of Yugoslavia (outside Kosovo). It has also been involved in protection activities in several of its missions, particularly in the Balkans. Thus in Kosovo, for example, personnel from the Kosovo Verification Mission were redeployed in Albania and Ma-

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17   CSCE, Fourth Meeting of the Council, Rome, 30 November-1 December 1993, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995, The Hague/London/Boston 1997, pp. 192-214, here: p. 203.

cedonia from April 1999 to help the UNHCR in its protection and assistance activities. OSCE staff helped with logistics, registration, interviews and management of refugee camps.

In Croatia, the OSCE has been involved in monitoring the return and reintegration of refugees and IDPs since 1997. Decision no. 176 of the Permanent Council authorized the Mission to "assist with and to monitor (…)"[18] Croatian government legislation and commitments on the return and on the protection of the rights of returnees. One of the main focuses is addressing the various legal and security problems faced by Serb minority returnees, including the ongoing problem of property repossession. The Mission has been working with the UNHCR to promote co-ordination of international activities on return through local Area Return Facilitation Groups.

Opportunities and Constraints

These various activities related to displacement can be assessed from a number of perspectives: for example, according to how far they meet their stated goals or what their impact is on the welfare of affected populations. What is interesting for the current discussion is how far they contribute to the "new solutions", in the sense of developing a holistic approach to displacement issues. The Final Report of the September 2000 Supplementary Human Dimension Meeting recommended that the OSCE "consider migration within a broader framework dealing with conflict resolution, regional stability, economic progress and the development of civil society", and that it "develop comprehensive, multidisciplinary approaches to migration, including the security aspects".[19] How far has the OSCE managed to bring together activities in these disparate areas and define such comprehensive approaches?

Intra-Organizational Fragmentation

The first apparent problem is that of fragmentation between different divisions, especially in the areas of democratization and human rights, conflict prevention and national minorities. Activities on trafficking, freedom of movement, conflict prevention, and national minorities fall within different OSCE institutions, each of which have their own goals, priorities and decision-making structures. This type of fragmentation can undermine the effectiveness of policies in two ways.

First, given the inter-linkages between displacement, human rights and security, it is important to have a good understanding of how they affect one an-

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18   OSCE, Permanent Council, Decision No. 176, PC.DEC/176, in: PC-Journal No. 121 of 26 June 1997.

19   OSCE Supplementary Human Dimension Meeting, Final Report, cited above (Note 8), p. 7.

other in particular country or regional situations. Thus for example, displacement can in some cases spread tensions or conflict to host countries, as witnessed in the case of Kosovo and Macedonia. Displacement of particular ethnic groups can also alter the strategic balance in places of origin, as in Bosnia and Herzegovina or Nagorno-Karabakh. Moreover, large-scale repatriation can destabilize minority relations and affect human rights in areas of return - again South-eastern Europe provides ample examples of this. Equally, repatriation is often critical for effective democratization after conflict, for example in the context of elections. Finally, policies on free movement - especially asylum policy and border control - can influence trends in trafficking, as has been the case with Western European immigration and asylum policy over the past two decades.

Given these inter-linkages between different aspects of displacement and their possible repercussions for human rights and security, it is important to develop a holistic framework for analysing policy on displacement. As mentioned earlier, in principle the OSCE has a good analytical framework for doing this through its concepts of the human and security dimensions. However, it would benefit from developing an in-house analytical capacity which could better define the complex linkages between different aspects of displacement and the OSCE's broader activities.[20] This could involve integrating (or "mainstreaming") displacement concerns - whether these be related to prevention, protection or repatriation - into all relevant OSCE activities. It would also imply co-ordinating policies between relevant OSCE institutions dealing with displacement issues. This co-ordinating function could perhaps be assumed by establishing a Focal Point for Migration.

The second reason for integrating policy in these different areas is more pragmatic. One of the advantages of emphasizing the links between human rights, security and displacement is that it provides an additional incentive for refugee receiving states to invest more resources into prevention. Given that industrialized states are highly concerned about the supposed "costs" of asylum seekers, the promotion of "new solutions" - such as prevention or humanitarian assistance - may be seen as a good means of limiting the numbers seeking protection in Western Europe. Indeed, this desire to limit influx was mentioned in part two of the paper as one of the main determinants of the shift towards "new solutions". If this type of concern is effective in generating increased financial and political commitment to addressing the causes of displacement and promoting peace-building, it is not to be scorned. But the linkages need to be more clearly spelled out: The OSCE should clearly define the range of tools and policies necessary to prevent or find solutions to forced displacement.

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20 This is certainly a trend in many national policy contexts, as well as within the EU. A good example are the Conclusions of the October 1999 EU Justice and Home Affairs Council at Tampere, which stressed the need for "greater coherence of internal and external policies of the Union".

It was pointed out earlier that there are risks inherent in the shift towards new solutions, notably the concern that these preventive approaches become a substitute for more traditional protection obligations. Here one comes to the second main institutional limitation of the OSCE in the field of forced displacement: the OSCE's lack of legal basis and capacity, and its limited political scope for criticizing state practices or engaging in robust advocacy.

This type of more assertive approach however is often vital for promoting the protection of refugees and IDPs. Displaced persons have by definition lost the protection of their country of origin, and thus require international protection from countries of asylum or international organizations. Where states are reluctant to provide this protection, international organizations and NGOs often need to lobby hard to promote the rights and interests of displaced people. And this requires what a former Director of the UNHCR Division of International Protection has termed an "intrusive mandate", as well as a robust legal basis.[21] The UNHCR and the ICRC have both of these. They are mandated to protect the interests and rights of war-affected populations or refugees, not to promote the concerns of states or their nationals. Their mandates are given legal weight through the respective Geneva Conventions.[22] Thus both organizations can hold states to account for violating international legal standards. This contrasts with OSCE norms, which lack legal force; and its consensus based decision-making procedures, which are premised on the salience of national sovereignty over human rights. In this respect, it is interesting to note that minority issues are dealt with by the High Commissioner *on* rather than *for* National Minorities - a formulation that is far weaker than UNHCR and ICRC roles in protecting specific populations.

Given these institutional constraints, the OSCE's main contribution to policy on forced displacement is likely to remain in the areas where there is minimum conflict with state interests: prevention and peace-building. Its expansion into more intrusive areas of protection would bring it into conflict with the interests of its participating States. In this respect, it is uncertain how suitable the OSCE would be to assume a more central role in IDP protection activities. It may be that core protection activities - including advocacy of the rights of displaced persons to often hostile host authorities and governments - are best undertaken by human rights and refugee protection organizations with more independent mandates and policy-making structures.

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21   Comments by Dennis McNamara on the occasion of the UNHCR External Research Advisory Committee, Geneva, October 1997.
22   In the case of the ICRC, the legal basis are the Geneva Conventions on Protection of Civilian Persons in Time of War of 1949 and their Protocols; for UNHCR it is the Convention relating to the status of refugees of 1951, and its 1977 Protocol.

Conclusion

The OSCE has the potential to play a pivotal role in developing new solutions to problems of forced displacement. Its comprehensive security concept and broad range of activities make it well-equipped to define and implement holistic approaches to displacement in the OSCE region. Furthermore, its broad membership should facilitate dialogue and co-operation between countries of origin and transit and those receiving refugees. The Organization should exploit these advantages, and develop organizational structures that facilitate better analysis of the causes and impact of forced displacement, and that allow for more effective co-ordination of the various activities that relate to displacement.

A more serious constraint, however, is the OSCE's lack of legal basis and political scope for criticizing the practices of participating States on refugee and asylum policy. Thus while it is well-placed to incorporate interests in regional stability, conflict prevention and limiting influx (the sort of perspective not available to agencies with mandates more narrowly focused on individual rights issues), it nonetheless lacks the scope to mount a more robust defence of refugee rights where these conflict with the interests of receiving countries. Thus the OSCE can contribute most valuably in areas where there is a convergence of interests between participating States and the goals of prevention or peace-building. In these fields, the OSCE should seek to maximize its comparative advantage by developing its analytical capacity to define the complex linkages between displacement, human rights and security; and, drawing on this analysis, ensure a comprehensive and co-ordinated approach to all of its activities related to forced displacement.

Savelina Danova-Roussinova

Roma in Bulgaria: Human Rights and State Policies

In the introductory chapter of his *Report on the Situation of Roma and Sinti in the OSCE Area*, the OSCE High Commissioner on National Minorities stated: "My intention in embarking on this study was and remains principally to raise the awareness of the policy-makers to the particular situation and needs of Roma and Sinti, to focus debate on their conditions and to offer some general recommendations. By doing so, I hope to stimulate concrete action leading to real improvements in the nearest future."[1] The issues dealt with in this article are directly related to the two accents in this statement: *awareness* and *concrete action*. Roma problems in Bulgaria persist because, on the domestic plane, they have long been locked out of the mainstream political and social policy domain. In the past years, following growing concerns about the Roma condition at the international level, a promising political awareness has become evident in Bulgaria too. In speeches and documents, public officials and politicians have declared their resolve for a meaningful policy addressing Roma problems. This new awareness, however, has remained confined to the rhetorical realm, and has not yielded real action.

Roma in Bulgarian History

The earliest historic evidence indicating the presence of Roma on the Balkans is found in the records of Byzantium dating back to the 9th century.[2] According to scholarly research, the approximate period of the first mass settlement of Roma on today's Bulgarian lands dates back to the 13th-14th century.[3] Large numbers of Roma arrived on the Balkans with the Ottoman invaders in the 14th century.

Within the Ottoman Empire, Roma had a specific status. Notwithstanding the official division between the faithful (Muslims) and the *raya* (non-Muslims) in the Ottoman Empire, Roma - both Christians and Muslims - lived as an ethnically determined group. They preserved many of their ethno-cultural traits, for example, their nomadic way of life, traditional occupations, etc. On the other hand, regardless of their religion, for taxation purposes, Roma were treated as *raya*. Many records from this period demonstrate that Roma were considered an inferior group and were subjected to degrading treatment by

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1   Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, Report on the Situation of Roma and Sinti in the OSCE Area, April 2000.
2   Cf. Elena Marushiakova/Vesselin Popov, Gypsies in the Ottoman Empire, Hatfield 2001, pp. 12-13.
3   Cf. Elena Marushiakova/Vesselin Popov, Gypsies (Roma) in Bulgaria, Frankfurt am Main et al. 1997, pp. 18-19 and 23.

the rest of the population.[4] For example, despite the fact that Roma did not have the status of slaves in the Ottoman Empire, there had been many cases of enslavement of Roma. Unlike the Roma in Western Europe, however, Roma in the Ottoman Empire were never subjected to mass persecutions.[5]

Following the establishment of the independent Bulgarian state in 1878, a significant number of Roma remained within its boundaries. In the period 1878-1944, their number varied between two to three per cent of the total population. During this period, Roma started to organize themselves for participation in public life. Already at the turn of the 19th century, the Roma campaigned for the restoration of their civil and political rights. In 1901, the first Roma conference, which convened in the town of Vidin, decided to launch a campaign against the amendments to the Election Law adopted in May 1901, which disenfranchised non-Christian and nomadic Roma.[6] The lack of response to the petition of Roma denouncing the amendments prompted the calling of the first Roma congress in 1905, which adopted a second petition to the National Assembly against the Election Law amendments. These actions taken by the Bulgarian Roma, quite unprecedented for that time, were largely publicized in the international press, and shortly afterwards the National Assembly abolished the discriminatory texts from the Election Law.

During the Second World War, Bulgarian Roma were not deported to German concentration camps, however, in many places in the country, they were kept together with Jews in temporary camps. Roma were denied access to the central parts of Sofia, they were not allowed to use public transportation and were given smaller food rations than the rest of the population; marriages between Bulgarians and Roma were outlawed.[7]

Throughout the communist rule, Roma suffered gross suppression of their identity by infringement of their right to speak their mother tongue in public, the right to associate, and the right to publish and disseminate information in their mother tongue. Comparatively liberal policies in the late 1940s and early 1950s, when the Bulgarian state encouraged Roma organizations, education and culture, gave way in the next five decades to a rigorously pursued policy of assimilation. In 1956, the Communist Party began closing all Roma institutions. In 1958, a decree from the Bulgarian Council of Ministers forced nomadic Roma to settle down. In the 1950s and early 1960s, with the explicit purpose of "Bulgarianizing" people of non-Bulgarian ethnic origin, Bulgarian authorities enforced several regulations obliging ethnic Turks and Roma to change their Turko-Arab names and take on Slavic names. This policy cul-

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4   Cf. Marushiakova/Popov, cited above (Note 2), pp. 46-49.
5   Cf. Donald Kenrick/Grattan Puxon, The Destiny of Europe's Gypsies, Chatto 1972, pp. 42-56.
6   Cf. Marushiakova/Popov, cited above (Note 3), pp. 29-30.
7   Cf. Elena Marushiakova/Vesselin Popov, The Bulgarian Romanies during the Second World War, in: Donald Kenrick (Ed.), In the Shadow of the Swastika. The Gypsies during the Second World War, n.p. (Centre de Recherche Tsiganes and University of Hertfordshire Press) 1999, pp. 89-93.

minated in 1984-1985 when the Bulgarian government carried out the most massive campaign to force changing of non-Slavic names of Bulgarian citizens of Turkish and Roma origin.

Roma After the Fall of Communism

The fall of communism brought the restoration of most of the civil and political rights of Roma. One significant exception was the ban on the formation of political parties along ethnic and religious lines, first introduced in the Law on Political Parties of April 1990 and then reaffirmed by the 1991 Constitution of Bulgaria. In November 1990, this ban was applied to preclude the registration of the first national Roma organization, the Democratic Union Roma, as a political party.

Despite formal equality for all citizens proclaimed by the Constitution, Roma in Bulgaria do not have access to the opportunities enjoyed by the majority. With high levels of anti-Roma sentiments in society, Roma face serious threats to their security. They are targets of violence perpetrated by both officials of the state and non-state actors. Roma are discriminated in employment, education, healthcare, housing and administration of justice. They are vastly underrepresented in the institutions of the state, and the latter are generally unresponsive to their needs and concerns.

The results of the 1992 census[8] in Bulgaria give insight into the position of Roma in society. According to this census the number of Roma in Bulgaria is 313,396 or 3.7 per cent of the total population.[9] It is generally admitted, however, that these official figures grossly underestimate the number of Roma in the country and that the distortion of the real picture is largely due to the intense hostility towards Roma in Bulgarian society. In order to avoid the social stigma, many Roma preferred to identify themselves as either Bulgarians or Turks. According to expert evaluations, a more realistic estimate of the number of Roma amounts to 600,000-800,000, i.e. between 7.2 and 9.6 per cent of the total population.[10]

Negative Stereotypes towards Roma

The census results have been reinforced by a number of surveys of inter-ethnic attitudes, which show deeply rooted and enduring negative prejudices and

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8   In March 2001, a new census of the population was conducted, the results of which are expected to be published by mid 2002. Unlike the previous census, according to the 2001 Census Act, respondents are not obliged to answer questions about ethnicity, religion and mother tongue.

9   Cf. National Institute for Statistics, Results from the Population Census: Demographic Characteristics, vol. 1, Sofia 1994, pp. 194 and 222 (in Bulgarian).

10   Cf. Jean-Pierre Liégeois, Roma, Gypsies, Travelers, n.p. (Council of Europe Press) 1994, p. 34; Ilona Tomova, Gypsies in the Period of Transition, Sofia 1995, p. 13 (in Bulgarian).

social distance towards Roma. Thus, 84 per cent of Bulgarians in 1994, and 84 per cent in 1997 defined Roma as "lazy and irresponsible"; 85 per cent of Bulgarians in 1994, and 84 per cent in 1997 asserted that "Roma cannot be trusted or counted on"; 59 per cent of Bulgarians in 1994, and 68 per cent in 1997 said they mind living with Roma in the same neighbourhood; and 28 per cent in 1994, and 40 per cent in 1997 said they mind living with Roma in the same country.[11] The same surveys reveal that Roma and the other ethnic minorities feel discriminated against in much higher proportions than Bulgarians. A survey from June 1997 shows that 54 per cent of Roma are worried about ethnic or religious discrimination while the respective share of Bulgarians is 35 per cent.

Racial stereotyping of Roma in public space has singled them out as prone to crime, inferior and hindering the progress of the country. The media have contributed a significant share to the process of fostering and reinforcing these attitudes. Where Roma were concerned, hate speech discourse did not have an alternative in the media until the late 1990s. Racist language and dehumanizing images of Roma were proliferated especially in the press. The most common stereotypes fostered daily by the press included: Roma are a criminal group; Roma are lazy and irresponsible; Roma are abusive parents and spouses; and Roma are drug-dealers and prostitutes.[12] A slight improvement in this situation can be observed in the past two to three years. However, the routine practice of publishing accounts of the ethnic origins of the suspects or perpetrators of a crime when they were Roma, remained unchanged. Roma and other minorities also remain targets of racist discourse in the fringe media. Show programmes broadcast by both the National TV and private TV stations occasionally portray Roma as criminals.

Media news about Roma and the images of Roma are being produced predominantly by non-Roma. Until the end of 1999, Bulgarian National TV did not broadcast Roma programmes nor programmes in Romani, except incidental programmes produced by non-Roma. Currently, there is one Romani programme which is produced by a joint Roma-Bulgarian team. To date, no programme in Romani exists on National Radio. Attempts of Roma organizations to advocate the launching of such programmes were met with resistance by the National Radio administration in 1996-1997.

In addition to the persistent denigration of Roma by the media, public officials in Bulgaria also use hate speech against Roma. In a number of cases of collective violence against Roma in 1993-1994, village mayors spoke before

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11   Cf. Krassimir Kanev, Dynamics of Inter-ethnic Tensions in Bulgaria and the Balkans, in: Balkan Forum 2/1996, pp. 213-252; Krassimir Kanev, Changing Attitudes Towards Ethnicity in Bulgaria and the Balkans 1992-1997, in: Thanasis Sfikas and Christopher Williams (Eds.), Ethnicity and Nationalism in East Central Europe and the Balkans, n.p. 1999.

12   For more information on hate speech against Roma in the media see the following articles: Romophobia in the Media, Focus, newsletter of the Human Rights Project, March-April 1996; Counting the Demons, Obektiv, Newsletter of the Bulgarian Helsinki Committee, February-May 1997; Ethnic and Religious Minorities in the Balkan Mainstream Press, Balkan Neighbours 5/1997.

angry crowds, gathered to punish Roma, and instigated them to become violent against Roma. In a more recent case, in March 2000, Bulgarian villagers, who launched a campaign to expel the Roma from the village, were joined by the mayor of the village who supported their claims.

Protection Against Discrimination in Bulgarian Law

Bulgarian legislation provides a minimum anti-discriminatory standard through provisions in the Constitution and other laws. The Bulgarian Constitution proclaims the principle of equality regardless of ethnic or racial origin, religious belief, political affiliation, etc.[13] A number of acts regulating different spheres of social life also have general anti-discrimination provisions. These acts include: Social Assistance Act, Law on the Protection of the Child, Labour Code, Penal Code, National Education Act, Code of Criminal Procedure, and some other. In addition, Bulgaria has ratified all major international and European instruments for the protection of human rights and minority rights, among which are the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Elimination of All Forms of Racial Discrimination, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities and others. They are part of the domestic legislation and supersede legislation stipulating otherwise.

Notwithstanding the existing protections against discrimination in Bulgarian legislation, the principles of equality and non-discrimination have never significantly influenced social life, nor have they been enforced in legal practice. Judgements based on anti-discrimination provisions have not been delivered so far. The Bulgarian state has not enacted comprehensive anti-discrimination legislation.

The very recognition of the phenomenon of discrimination based on ethnicity by Bulgarian authorities is being rendered uncertain by controversial statements in this regard. The *Framework Programme for Equal Integration of Roma in Bulgarian Society,* which was adopted with a decision made by the Council of Ministers on 22 April 1999, explicitly recognizes the existence of discrimination and makes elimination of discrimination "the central political priority of the Bulgarian state".[14] However, in its opinion on the Framework Programme, the Legislative Council of the Ministry of Justice denied the ne-

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13   Cf. Constitution of the Republic of Bulgaria. Official translation in: Council of Europe, The Rebirth of Democracy: Twelve Constitutions of Central and Eastern Europe, Strasbourg 1995. Article 6(2) states: "All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status."

14   Framework Programme for Equal Integration of Roma in Bulgarian Society, Part II - General Principles (author's translation).

cessity of a specialized governmental body for protection against discrimination, the establishment of which was envisaged by the Framework Programme. The Council argued that the very principle, on which the formation of such a body is founded, is unconstitutional, since this principle envisages that "the Bulgarian nation is a mixture of different ethnic groups. This idea is contrary to the idea embodied in the Constitution about the unity of Bulgaria."[15] Several months after the adoption of the Framework Programme the government disagreed with the conclusion of the United Nations Committee on Economic, Social and Cultural Rights (CESCR) that Roma are subject to discrimination in receiving land as well as in receiving social assistance.[16] Towards the end of 2000, Bulgarian authorities set up a drafting committee representing different government offices with the task to prepare a draft law for protection against ethnic discrimination.[17] Regarding the law, public officials, among them members of the drafting committee, have stated that it is unnecessary given the existing anti-discrimination provisions in other legislation.[18]

The Reality of Everyday Life: Human Rights Violations against Roma

All pervading anti-Roma attitudes have a detrimental impact on the status of Roma in society. The Roma experience in the post-communist years is marked by exclusion from social and political life and systematic violations of their human rights. As it was emphasized by the High Commissioner on National Minorities "(d)iscrimination is a defining feature of the Romani experience".[19] After the review of the latest reports by the government of Bulgaria from 23 April 1997, the United Nations Committee on the Elimination of Racial Discrimination (CERD) noted the following areas of concern: *de facto* discrimination of Roma in the enjoyment of both their civil and political, as well as of their economic, social and cultural rights; failure of the government to effectively counter racial violence against Roma perpetrated by racist groups and by law enforcement officers; the constitutional ban to form parties on ethnic, racial and religious basis.[20]

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15 Opinion of the Legislative Council of the Ministry of Justice on the Framework Programme from 19 January 1999 (author's translation).

16 Cf. Replies by the Government of Bulgaria to the List of Issues: Bulgaria. 09/07/99 (CESCR), paras. 4.1, 4.3. and 4.4. United Nations High Commissioner on Human Rights, Committee on Economic, Social and Cultural Rights, 21st session, Geneva, 15 November - 1 December 1999.

17 By the adoption of the Framework Programme for Equal Integration of Roma in Bulgarian Society in April 1999, the Bulgarian government committed itself to draft an anti-discrimination law within one year of the Programme's adoption, i.e. by April 2000.

18 Discussions held during the conference "Recent Mechanisms and Principles for Protection against Discrimination on Ethnic Basis and the Bulgarian Legislation", Sofia, 22-23 February 2001.

19 High Commissioner on National Minorities, cited above (Note 1), p. 23.

20 Cf. Concluding Observations of the Committee on the Elimination of Racial Discrimination: Bulgaria, 23/04/97, CERD/C/304/Add.29.

Roma in Bulgaria are targets of racially motivated violence committed by both state and non-state actors.

Police brutality stands out as one of the most egregious forms of violence against Roma in Bulgaria. Endemic practices of torture and ill-treatment of Roma are commonly racially motivated. When the Council of Europe's monitoring on Bulgaria was closed in January 2000, the Parliamentary Assembly of the Council of Europe indicated, as an outstanding concern, the "continuing cases of police brutality, particularly towards Roma".[21] In its progress report on Bulgaria for 2000, the European Commission also noted that "a number of human rights organisations have made critical reports in the period since the last report about police violence which provide cause for concern. These indicate that violence against Roma is higher than against other Bulgarians and that when complaints are made against law enforcement officials alleged to have been involved in brutal treatment, very few result in trials."[22]

In the period 1992-2001, both domestic and international human rights organizations documented and reported a widespread pattern of police abuse against Roma.[23] For the period between 1992 and 1998, at least 14 Roma men died in police custody, or as a result of the use of firearms by law enforcement officers.[24] By December 2000, law enforcement officials or private security guards had killed at least another seven Roma.[25]

After 1990, police carried out a number of punitive raids on Roma neighbourhoods. During these raids Roma, including children, women and elderly, were beaten up and their property was destroyed.

In addition to the violent attacks by state actors, private groups also committed assaults on Roma individuals and Roma neighbourhoods, beat and abused people and destroyed property. Human rights monitors documented at least

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21 Resolution 1211 (2000) of the Parliamentary Assembly of the Council of Europe, at: http://stars.coe.fr/ta/ta00/eres1211.htm.

22 European Commission, 2000 Regular Report from the Commission on Bulgaria's Progress Towards Accession, 8 November 2000, at: http://europa.eu.int/comm/enlargement/dwn/report_11_00/pdf/en/bg_en.pdf

23 For more information see especially: Amnesty International, Bulgaria: Tsvetelin Petrov: a 16-year old Roma boy, severely burned in police detention, August 2000; Amnesty International, Bulgaria: The shooting of Atanas Djambazov, a 14 year old Roma boy, August 2000; European Roma Rights Center, Profession: Prisoner. Roma in Detention in Bulgaria, December 1997; Amnesty International, Reported Ill-Treatment of Roma in the Montana Region, September 1997; Amnesty International, Bulgaria: Shootings, Deaths in Custody, Torture and Ill-Treatment, June 1996; Dimitrina Petrova, Violations of the Rights of Gypsies in Bulgaria, Report of the Human Rights Project, Sofia 1994; Human Rights Watch/Helsinki, Bulgaria: Increasing Violence against Roma in Bulgaria, November 1994; Amnesty International, Bulgaria: Turning a Blind Eye to Racism, September 1994; Amnesty International, Bulgaria: Torture and Ill-Treatment of Roma, May 1993; Human Rights Watch/Helsinki, Bulgaria: Police Violence Against Gypsies, April 1993; Helsinki Watch, Destroying Ethnic Identity: The Gypsies of Bulgaria, June 1991; Human Rights Project, Annual Report 1999, Annual Report 1998, Annual Report 1997.

24 Cf. European Roma Rights Center, Written Comments of the European Roma Rights Center on the case of *Assenov and others v. Bulgaria*, 29 April 1998, para. 6, available at: http://www.errc.org/publications/litigation/eu_sc_assenov.pdf.

25 Cases of arbitrary use of firearms by the police officers against Roma are described in the Annual Reports for 1998 and 1999 of the Human Rights Project; see also reports of the Bulgarian Helsinki Committee, available at: www.bghelsinki.org.

five such raids of private groups in Roma neighbourhoods between 1992 and 2000. Skinhead attacks on Roma, although not as widespread as in other countries of Europe, occur not infrequently and in a variety of contexts. At least four Roma lost their lives as a result of such attacks, between 1994 and 1999, in addition to many others who were physically abused.[26]

The Response of the State to Violence against Roma

Violence against Roma is compounded by a pattern of impunity for the perpetrators. None of the mass punitive raids by police in the Roma neighbourhoods were adequately investigated and no one was punished either as an organizer or as a perpetrator. Law enforcement officials were rarely prosecuted for ill-treatment of Roma and only very rarely brought before the courts. When law enforcement officials were punished, the punishments were usually not commensurate with the gravity of the crimes. In one recent case, a police officer, who was found guilty of the killing of a Roma man in June 1998, won an appeal and received a suspended sentence of two years and four months, after the court of first instance had originally sentenced him to 15 years of imprisonment.[27]

In 1998 and in 2000, the European Court of Human Rights in Strasbourg condemned Bulgaria on two cases involving Roma victims, *Assenov v. Bulgaria* and *Velikova v. Bulgaria.* The Court found Bulgaria in breach of the European Convention on Human Rights, for failing to adequately investigate and offer effective remedy to official violence.

In many cases Roma, who had been victims of civilian violence, were confronted with indifference on part of the law enforcement and judicial authorities. Police and prosecution authorities have repeatedly failed to protect Roma in cases of mob violence, by either not responding to the calls for action, or by failing to bring perpetrators to justice. The provisions of the Penal Code (Article 162)[28] envisaging criminal responsibility for racially or ethnically motivated crimes are not enforced. No court decision based on Article 162 is known to have been delivered so far. Following a police raid in the Roma neighbourhood in the village of Mechka from July 1998 when dozens of innocent people were beaten up and their property was destroyed, Roma

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26 For a detailed description of two recent cases, see European Roma Rights Center, Racial Discrimination and Violence against Roma in Europe, ERRC statement submitted to the 57th Session of the United Nations Committee on the Elimination of Racial Discrimination, available at: http://errc.org/publications/legal/index.shtml.

27 More information on this and other similar cases is obtainable through the archives of the Human Rights Project, Sofia.

28 Article 162 stipulates: "(1) A person who propagates or abets to racial or national hostility or hatred or to racial discrimination shall be punished by deprivation of liberty for up to three years and by public censure. (2) A person who uses violence against another or damages his property because of his nationality, race, and religion or because of his political convictions shall be punished by deprivation of liberty for up to three years and by public censure." (Author's translation).

received threats of violent attacks from their Bulgarian fellow villagers. Several Roma then filed a complaint with the District Prosecutor of Pleven and demanded that criminal proceedings be initiated under Article 162. The District Prosecutor turned down the complaint with the argument that the complainants mixed up the terms "nationality and race" with "ethnos and ethnic", i.e. that the crime envisaged by Article 162 does not apply to ethnic groups.[29] Two years later, in March 2000, when the Bulgarian villagers from the same village launched a campaign to expel the whole Roma community, and effectively prevented Roma from access to the local shops and restaurants, the Prosecutor's office again failed to open criminal proceedings for the instigation to racial hatred. One of the main concerns of the United Nations Committee on the Elimination of Racial Discrimination, expressed upon its review of the Bulgarian report in April 1997, was the low prosecution rate of racist violence. Thus, the CERD concluded that it seems that "such crimes against ethnic minorities are not considered to pose a significant danger to public order".[30]

Discrimination against Roma

Violence against Roma went alongside unrelenting discrimination in all spheres of social life.

In December 1999, the Committee on Economic, Social and Cultural Rights deplored "discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land"[31] in it's Concluding Observation, pending the submission of Bulgaria's third periodic report under the International Covenant on Economic, Social and Cultural Rights (ICESCR). In its two reports on Bulgaria, published in 1997 and 2000 respectively, the European Commission against Racism and Intolerance (ECRI) noted the "particularly underprivileged situation of the Roma" as "meriting particular attention"[32] in terms of discrimination in all spheres of social life.

Roma were affected disparately by the negative social consequences of the transition to a market economy in Bulgaria after 1989. The 1998 report of the rapporteurs of the Parliamentary Assembly of the Council of Europe, Mr. David Atkinson and Mr. Henning Gjellerod, suggests that 80 to 90 per cent of the Roma population is unemployed.[33]

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29   Cf. Human Rights Project, Annual Report 1998, p. 8.
30   Concluding Observations of the Committee on the Elimination of Racial Discrimination, cited above (Note 20), para. 9.
31   Concluding Observations of the Committee on Economic, Social and Cultural Rights: Bulgaria, 08/12/99. E/C.12/1/Add.37, para. 11.
32   European Commission against Racism and Intolerance (98) 46, Introduction; cf. ECRI (2000) 3, especially paras. 31-46.
33   Cf. Parliamentary Assembly of the Council of Europe, Honouring of Obligations and Commitments by Bulgaria, Information Report from 7 July 1998, AS/Mon (1998) 37,

Among other factors, discrimination of Roma in employment has significantly preconditioned this disparity. Evidence exists that Roma were not only the first to lose their jobs when state industries were closed, but also were refused jobs when their ethnic background became known to employers. According to a 1994 survey, 36.6 per cent of surveyed Roma indicated ethnic discrimination as a reason for the high unemployment among them.[34]

The social condition of Roma, under the circumstances of long-term unemployment, is further aggravated by the enforcement of the Regulations for the Application of the Social Assistance Act from November 1998, which limit the period of social welfare benefits for the unemployed to a maximum of three years. This regulation, which on the surface appears neutral, has in fact a discriminatory impact on Roma who constitute a large part of Bulgaria's long-term unemployed.

A recent study on Roma access to social protection, health care and housing, conducted in Bulgaria, Romania and Macedonia, reveals the disparate effect of legislation on Roma in these areas, as well as a variety of discriminatory practices applied to Roma by public authorities.[35] For example, many poor Roma are excluded from the health insurance system and therefore from medical care, despite the existence of non-contributory health insurance for the socially disadvantaged. Since a large number of poor Roma do not appear in the registers for the unemployed and are not eligible for social support, they are consequently excluded from the health insurance system as well.[36]

Exclusion of Roma in Bulgaria is perpetuated by discrimination in education. According to the 1992 census, the general level of education of Roma is much lower than the country's average. Roma with high school diplomas constituted 4.9 per cent of the Roma population older than 6 years, and those with university diplomas constituted only 0.1 per cent of the same population. The respective shares for Bulgarians were 36.5 and 8.9 per cent.[37]

Such a poor level of education of Roma has resulted from several decades of denial of equal education opportunities to Roma. Fundamental to this inequality is the segregation of Roma children in the educational system. The prevailing part of Roma children attend segregated schools; school authorities often effectively preclude Roma children from enrolment into mixed schools, and in the mixed schools where Roma children are enrolled, they are often relegated to segregated classes. Already in the 1940s-1950s the authorities started building schools for the Roma in the segregated Roma neighbourhoods. While in the first years of their functioning these schools had a positive impact on Romani education, over the years, the educational

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p. 20. This figure is also cited in the Second Country Report of ECRI from 18 June 1999, cited above (Note 32), para. 43.

34   Cf. Tomova, cited above (Note 10), p. 72.
35   For more information on Roma access to social protection, health care and housing see Ina Zoon, On the Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia, New York (Open Society Institute) 2001.
36   Cf. ibid., pp. 92-93.
37   Cf. National Institute for Statistics, cited above (Note 9), p. 303.

standards have eroded. In the 1970s, the schools in the Roma neighbourhoods were officially called "schools for children with inferior social status and culture" and some of these schools had special curriculae with an emphasis on vocational training at the expense of academic subjects. The *de facto* segregated schools in the Roma neighbourhoods continued to exist after the fall of communism. The special curriculae were abolished in 1992-1993, but the educational environment in these schools did not change, and they continue to offer low quality education.

Another form of segregation of Roma in education is the channelling of Roma children to "special schools". Currently, Roma children are overrepresented in all "special schools" of Bulgaria - orphanages, schools for the mentally retarded, and schools for delinquent children. More than one half of the pupils at these schools are Roma and some of them end up in these schools as a result of purely social reasons and racial bias interfering with the decisions of the competent bodies. Tracking Roma children to the special schools for the mentally retarded is often the result of manipulation of poor Roma parents by school authorities who emphasize the benefits of the social support provided by the state in these schools. Pressure from the majority population to get rid of the Roma in mixed schools is also a factor influencing this process.

Where Roma children are part of the regular schools, incidences of humiliating treatment by schoolteachers and physical abuse by both the school staff and the non-Romani children are not rare.

Roma in Public Affairs

Discrimination of Roma largely contributes to their exclusion from participation in public affairs. Roma have always been grossly underrepresented in national office. It was not before the local elections in October 1999 that Roma political parties took part in the election process. Two of them - the Free Bulgaria Party and the Bulgarian Future Party - were successful and had respectively 102 and four local officials (municipal councillors and mayors) elected.

Since 1989, each National Assembly has had one or two Roma Members of Parliament elected on the tickets of mainstream parties. This practice, however, has proven to be a dead-end road for the representation of Roma in parliamentary politics. It not only accounts for severe underrepresentation of Roma, but also makes the Roma-cause contingent on the policies of the majority parties, generally indifferent, if not hostile, to the aspirations of Roma.

There are two dominating characteristics of Roma participation in public services: Their number is disproportionately low and their functions are symbolic. As public employees, the few Roma involved in various structures of the central and local governments are lower level officials. With one exception - the appointment in March 2001 of a Roma woman to the position of

Secretary of the governmental National Council on Ethnic and Demographic Issues - no Roma are employed as top-level officials in Bulgarian institutions. After the adoption of the Framework Programme for Equal Integration of Roma in April 1999, 24 Roma were employed as experts in the District Government Offices throughout the country. Their functions and powers, however, were not determined. Many of these people do not even have formal job descriptions.

Policy Towards Roma

Policy towards Roma, understood as a coherent and comprehensive approach to the problems of Roma, has been absent from the agendas of all governments since 1989. The fact that Roma issues have never been considered with due responsibility is demonstrated by the institutions with a mandate to deal with these issues. All governmental bodies, which were set up at different periods after 1989 to address minority issues, including Roma issues, had an unclear mandate and no decision-making powers. Roma were not represented in these bodies. For example, the Interdepartmental Council on Ethnic Affairs at the Council of Ministers, which existed for one year between 1994-1995, never convened during this period. Bulgarian authorities traditionally defined Roma problems as socio-economic and downplayed the ethnic dimension of these problems. This concept was reflected in the establishment in June 1995 of an advisory body representing the ethnic communities, the organizations of women, the disabled, pensioners, etc. The title of this body, National Council on Social and Demographic Issues, as well as its target groups, unambiguously classified the problems of the ethnic minorities as social problems. This body was replaced by the National Council on Ethnic and Demographic Issues (NCEDI) established in December 1997 by the government of the United Democratic Forces (UtDF). The link between ethnic and demographic issues in the title of this institution, apart from the racist overtones it has, displays the continuing tendency of interpreting minority issues through the paradigm of social issues. The NCEDI, which is currently the only governmental institution dealing with both ethnic minorities and Bulgarians abroad, has only consultative and co-ordinating functions.[38] Roma organizations, which can be associated members of the NCEDI, are supposed to participate in the discussions with the regular members - representatives of vari-

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38   The National Council on Ethnic and Demographic Issues (NCEDI) was established by Decree 449 of Bulgarian Council of Ministers from 4 December 1997. According to its goals, stated in Article 1 of its Rules and Regulations, the NCEDI has to "facilitate consultation, co-operation and co-ordination between government bodies and non-governmental organizations with the aim to form and realize a national policy with regard to ethnic and demographic issues and migration". According to Article 2 (2) the NCEDI is empowered to "co-ordinate with the state bodies and with the non-governmental organizations concrete measures in execution of accepted international obligations from the Republic of Bulgaria in the sphere of the rights of Bulgarian citizens belonging to minority groups and their integration in society" (author's translation).

ous ministries. In general, the NCEDI rarely convened, except for a short period at the end of 1998 and the beginning of 1999, and it did not have a single meeting in 2000.

One notable exception to the overall pattern of neglect of the Roma issues was the adoption of the Framework Programme for Equal Integration of Roma in Bulgarian Society by the government of the UtDF in April 1999. The adoption of the Framework Programme was a serious political commitment on part of the Bulgarian government. This document proclaims the elimination of discrimination against Roma as one of the main political priorities of the Bulgarian state. It envisages the enactment of legislation for protection against ethnic discrimination and establishment of a specialized state body for prevention of discrimination with broad powers, including the investigation of discriminatory acts and imposition of sanctions on juridical and private persons. By adopting the Framework Programme the Bulgarian government also committed itself to implementing a comprehensive policy for equal opportunities for Roma, including desegregation of the Roma schools, establishment of a government fund for support of businesses, which offer employment to Roma, regulation and legalization of Roma dwellings, introduction of instructions in Romani in public schools, etc.

The campaign for the elaboration and adoption of the Framework Programme was also the first instance of Roma participation in policy-making. The idea for the drafting of a comprehensive policy document originated at the grass-roots level of Roma organizations in Bulgaria. The elaboration of the Framework Programme involved about 70 Roma organizations. Following a nationwide campaign launched by them, the Framework Programme became an official document of the government.

The political will demonstrated by the government with the endorsement of a policy document formulated by the Roma, however, was exhausted with its adoption. By April 2001, two years after the adoption of the Framework Programme, no concrete actions for its implementation had been made, and the government had not allocated funds for the fulfilment of the Programme's tasks either.

Conclusion: Roma Activism

In the decade of building democratic institutions and civil society in Bulgaria, Roma have vigorously sought their recognition as an equal and integral part of society. While the state has remained overwhelmingly distanced from the process of finding solutions to the myriad of problems facing Roma, Roma non-governmental organizations and individuals have counteracted inactivity at the official level by consolidating their efforts and undertaking actions in various fields. Starting from 1990, Roma in Bulgaria established a number of organizations focusing on human rights advocacy, protection of the social and economic rights of Roma, and the promotion of Roma culture and media.

Roma NGOs created a network for monitoring Roma rights and providing legal aid to victims of human rights abuse. Their efforts account for the large publicity that the issues of violence and discrimination against Roma gained at the domestic and the international level, and contributed to challenging the widespread impunity for human rights violations against Roma. Roma organizations undertook to mediate between Roma communities and the local authorities, and to help facilitate Roma access to social services in a variety of ways. The first appearance of Roma in the electronic media in 1996 was accomplished as a result of negotiations between Roma organizations and radio stations throughout the country.

In the period 1998-1999, a national campaign involving over 70 Roma organizations led to the adoption of the Framework Programme for Equal Integration of Roma in Bulgarian Society by the government of the United Democratic Forces. The Framework Programme took shape as a result of a nation-wide consultative process, initiated by the Sofia-based Roma rights advocacy organization, the Human Rights Project, in early 1998. In October 1998, representatives of major Roma organizations gathered at a round table in Sofia, endorsed the document and demanded that the government adopt it as a major document defining its future policy towards Roma. Following the round table, a working group representing Roma organizations in the country undertook to negotiate the adoption of the Framework Programme with the Bulgarian government. Over the following six months, Roma representatives and representatives of the governmental National Council on Ethnic and Demographic Issues debated the fundamental principles of government policies pertaining to Roma. Despite serious controversies, concentrated mainly over the issue of recognition of discrimination against Roma, at the end of March 1999, it became evident that the government would endorse the Roma-supported document. The most successful Roma rights advocacy campaign in Bulgaria was concluded on 7 April by an agreement between the Roma community and the government that was followed by a Decision of the Council of Ministers from 22 April 1999, endorsing the Framework Programme.

One year after the adoption of the Framework Programme, notwithstanding its commitment to develop a long-term strategy for removal of the segregated Roma schools in the Roma areas and undertake decisive measures to ensure free admission of Roma children to "normal schools", the government failed to address these issues. The prospects for a change in the state of Roma education came with the action of a Roma non-governmental organization. In mid-2000, the Vidin-based *Drom* Foundation started a campaign for the integration of Roma children into the mainstream educational system. The goal of this campaign was to eliminate the continued segregation of Roma children into an all-Roma school, which offers inferior education, and to ensure that the children have access to mixed schools in the town of Vidin. Thus, in September 2000, around 300 Roma children from the Roma neighbourhood

in Vidin began the new school year by being bussed to the six regular mixed schools in the town.

All these achievements of Roma organizations would not have been made possible without the support and the active involvement of a small circle of liberally minded non-Roma individuals in Bulgaria and the international community. Roma organizations benefited from the political and moral authority and the concern for Roma problems of such organizations as the Council of Europe, the Organization for Security and Co-operation in Europe, and the European Union.

The work of Roma organizations and the activities of the international community, however, cannot substitute the responsibilities of the state. Long-lasting departure of the state from its duties regarding Roma has led to the present condition, and it will take political will and concerted efforts on the part of the state to redress Roma for the denial of equal opportunities.

The Building of Co-operative Security

Andrew Cottey

Democratic Control of Armed Forces in the OSCE Area: Problems and Challenges[1]

The end of the Cold War and the collapse of communism have had enormous repercussions for the armed forces of the OSCE participating States. Old Cold War missions were rendered redundant overnight. Defence budgets and force structures were cut. Military strategies had to be fundamentally re-thought and armed forces were asked to take on new peacekeeping and intervention missions. Even in the established democracies of the West, these changes have posed major challenges and created new stresses in relations between the armed forces and society. Against the background of already difficult political and economic transitions, the countries of Central and Eastern Europe have faced the far more demanding task of converting communist militaries into the armed forces of democracies. Furthermore, the successor states of the Soviet Union and Yugoslavia had to create armed forces either from scratch or from the remnants of the Soviet and Yugoslav militaries. In addition, armed forces were important actors in the wars that broke out in Yugoslavia and parts of the former Soviet Union.

These developments have had major implications for civil-military relations - which may be broadly understood as the relationship between the armed forces and the societies which they are a part of - in the OSCE area. One of the core elements of civil-military relations is the relationship of a country's armed forces to domestic politics. Thus a primary concern of academic literature on civil-military relations has been to explore military praetorianism - the phenomenon of military intervention in domestic politics (whether through direct means, such as military coups and the establishment of military governments, more subtle forms of pressure on or oversight of civilian authorities, or in coalition with other authoritarian forces) and military influence over states' foreign and military policies (where it is argued that praetorian militaries may be more prone to pursue aggressive foreign policies and use armed force). From a democratic perspective, military praetorianism contradicts the fundamental principles that the people of a country should choose their government, and that the government should define the policies of the state.

There is less consensus, however, on exactly what constitutes an appropriate normative model of civil-military relations for democracies. The terms "democratic control", "civilian control", "democratic armed forces" and "democra-

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tization of the military" are often used vaguely and interchangeably, with no clear definition of exactly what is being discussed. The most appropriate definition is that in a democracy, armed forces should be under the political control of the legitimate, democratically elected, civilian authorities of the state.[2] This implies that the military as an institution should not be involved in domestic politics, and should be the apolitical servant of the democratic government and/or president. It also implies that defence policy (in terms of the overall direction of defence policy, the defence budget and the structure of the armed forces) and foreign policy (especially military aspects of foreign policy, such as decisions on the use of force) should be under the control of the elected government and/or president. The core of democratic civil-military relations may thus be understood as *political control of the military by the state's democratically elected authorities*.

Democracy, however, involves more than simply the free and fair election of a political executive and that executive's control of state institutions and policies. Democracy also involves constraints on the power of the state and the political executive (in order to prevent the abuse of that power), parliamentary oversight of the executive and its conduct of public policy, the right to free speech and expression, as well as the opportunity for wider non-governmental, "civil society" discussion of public issues. Thus, it may be argued that democratic civil-military relations also require constraints on the state's or executive's use of the armed forces, parliamentary oversight of the armed forces and defence policy, the right to free discussion on matters relating to the armed forces, and (at least the possibility of) an informed "civil society" debate on such matters. More controversially, some argue that conscript-based armed forces - drawing on the tradition of the "nation in arms" - are more "democratic" than fully professional (i.e., all volunteer) militaries, because the former are more likely to reflect the broad socio-political make-up of society. While there are various arguments for (and against) conscription, it is suggested here that, as long as a country's military is under the control of democratically elected authorities, conscription should not be seen as prerequisite for democratic civil-military relations, and conscript-based armed forces are not necessarily more democratic than professional armies. Against this background, this article examines the challenges of securing and consolidating democratic control of armed forces in the OSCE area.

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2   Cf. Andrew Cottey/Timothy Edmunds/Anthony Forster, Democratic Control of Armed Forces in Central and Eastern Europe: A Framework for Understanding Civil-Military Relations in Post-Communist Europe, Working Paper 1/99, ESRC, "One Europe or Several?" Programme (Sussex European Institute), Sussex 1999 (also published as TCMR Paper 1.1, Civil-Military Relations, in: Internet Resource Centre, September 1999, http:// civil-military.dsd.kcl.ac.uk/TCMR%20Papers/Theoretical_Framework.htm).

The Western Democracies: Postmodern Militaries?

In Western Europe and North America, the period since 1945 has witnessed the spread and consolidation of democratic control of armed forces. Some countries, notably the United States and the United Kingdom, but also states such as Sweden and Switzerland, had long-standing traditions of democratic, civilian control of armed forces that were not disrupted by the Second World War, and continued into the post-war period. In countries such as France, the Netherlands and Belgium, the re-emergence of democratic control of the military was part of the wider re-establishment of democracy following liberation. The experience of France, where the political instability of the 1944-1958 Fourth Republic and troubled colonial withdrawal from Algeria produced fears of a military coup, however, showed that the consolidation of democratic civil-military relations was not necessarily easy. In Germany and Italy, where the military had been a central pillar of the wartime fascist regimes, the establishment of democratic control of the armed forces was an important part of post-war democratic reconstruction. In Germany, this produced the unique concept of the "citizen in uniform" as a bulwark against a return to militarism or authoritarianism.

In Southern Europe, authoritarianism and military praetorianism continued until the 1970s. The militaries were important pillars of Franco's regime in Spain and the Salazar/Caetano regime in Portugal, and undertook coups in Greece in 1964 and Turkey in 1960 and 1980. In the 1970s, Spain, Portugal and Greece underwent transitions to democracy and these countries have subsequently consolidated democratic political control of their militaries (although not without an attempted coup in Spain in 1981). In the case of Turkey, the military withdrew from government, and democratic elections were re-introduced in the 1980s, but the armed forces continue to have substantial influence over domestic politics (forcing the fall of an Islamist-led government in 1997), as well as foreign and defence policy.[3] Nevertheless, by the 1990s, all members of the EU and NATO (with the exception of Turkey) had relatively secure democratic political control of their armed forces. While their specific models of civil-military relations vary significantly - in terms, for example, of conscript or professional armed forces, the respective roles and powers of presidents, governments and legislatures, and the nature of national debates on defence - all the countries of Western Europe and North America have political control of the military by democratically elected authorities, parliamentary oversight of the armed forces and wider "civil society" debates on defence policy.

Recent decades have, however, heralded a number of major social, political, technological and international changes with important implications for civil-military relations and democratic control of armed forces. Charles Moskos

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3   Cf. Gareth Jenkins, Context and Circumstance: The Turkish Military in Politics, Adelphi Paper 337, Oxford 2001.

and his colleagues argue that the cumulative impact of these developments is fundamentally changing the nature of armed forces, creating what they call "postmodern militaries". The postmodern military is defined by: reduced threats to national territory; the development of smaller, largely professional (i.e., volunteer) armed forces; the adoption of new missions, in particular peacekeeping and humanitarian intervention; a requirement for professional soldiers to develop new roles and skills, for example as statesmen; public indifference towards the military; civilians as a major component of the armed forces; the integration of women and the acceptance of homosexuals within the armed forces; and the acceptance of civilian service as an alternative to military service.[4]

The emergence of postmodern militaries is driven by a number of factors. First, broad social attitudes to issues such as deference to authority, race, gender and sexuality have changed significantly since the 1960s, generating pressure for armed forces to reflect these changes in their own practices. As a consequence, most Western states are currently undergoing difficult debates about the role of women and homosexuals in the military. Some analysts, particularly in the US, also argue that there is a growing gap between the attitudes of the general public and the military towards a wide range of political and social issues. This raises important issues for the future direction of civil-military relations.

Second, military force structures and missions are changing fundamentally. The end of the Cold War has undermined the rationale for large, conscript-based ground forces to defend national territory, and militaries are now asked to undertake new peacekeeping and peace enforcement tasks. The so-called "Revolution in Military Affairs" (RMA) also generates increasingly complex military technologies that may change the nature of warfare. As a consequence, the countries of Western Europe are moving from conscript to volunteer armed forces by reducing the proportion of conscripts and increasing that of volunteers, while also reducing the period of time conscripts serve (how far this trend will proceed remains to be seen). This trend may widen the gap in social attitudes between civilian society and the military. The RMA however may require new skills of the military and weaken the distinction between soldiers and civilians.

New peacekeeping and peace enforcement missions give the military an increasingly important role in shaping the conduct of such operations. Thus, when US Joint Chiefs of Staff Chairman General Colin Powell (currently, as a civilian, Secretary of State in George W. Bush's administration) advanced the so-called "Powell Doctrine" (which argued that the US should only intervene militarily when it could do so with overwhelming force and a clear prospect of victory and limited casualties) and opposed intervention in Bosnia, critics argued that he had over-stepped the boundary of military advice to

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4   Cf. Charles Moskos/John Allen Williams/David R. Segal (Eds.), The Postmodern Military: Armed Forces After the Cold War, New York/Oxford 2000.

the civilian authorities and was undermining democratic, civilian control of the military. Large, multi-national peace operations, such as those in Cambodia, Somalia, Bosnia and Kosovo, have also created complex new arenas of civil-military interaction, generating new civil-military, but also civil-civil and military-military tensions and disputes between the many actors involved.

In combination, these developments are having a major impact on armed forces, the political dimension of civil-military relations and wider relations between military and society in the West. The fundamental principles of democratic political control of armed forces and military non-intervention in domestic politics appear to be sufficiently well entrenched that these changes are unlikely to threaten democracy in the West. They are, however, likely to continue to raise difficult questions about the appropriate balance between civilian political control and deference to military expertise in peacekeeping and intervention operations, as well as the wider place of armed forces in Western societies.

Central and Eastern Europe: On the Road to Democratic Civil-Military Relations? [5]

The transformation of civil-military relations in Central and Eastern Europe has been far more dramatic than in the West. Under the Soviet system - which was imposed on the other Warsaw Pact states and paralleled in Yugoslavia and Albania - the military was subjugated to Communist Party control, all officers were members of the Party, Party cells were established within the military and soldiers received extensive communist political education. At the same time, the armed forces were allowed a high degree of autonomy with regard to the development of most aspects of defence policy, with defence ministries staffed largely by the military and which were themselves effectively subordinate to separate General Staffs. As a consequence, when communism collapsed, there were fears of military intervention in domestic politics, whether in support of communism or in coalition with other authoritarian and nationalist forces. Establishing democratic, civilian control over defence policy and military aspects of foreign policy also appeared likely to be problematic.

During the revolutions of 1989 in Central and Eastern Europe, there was a concern that either these countries' national armed forces or the Soviet military - whether acting alone or with other hard-line forces - might intervene to halt the democratic transition. In the event, once Soviet leader Mikhail Gorbachev decided not to intervene, the Central and Eastern European and Soviet

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5   This section draws on Andrew Cottey/Timothy Edmunds/Anthony Forster (Eds.), Democratic Control of Armed Forces in Central and Eastern Europe: Guarding the Guards, Basingstoke 2001.

militaries acquiesced to this decision. The new democratic governments in these countries, however, remained wary of their militaries. Thus in the early 1990s, a series of steps were taken to de-politicize armed forces and place them under democratic, civilian control: Formal constitutional arrangements, subordinating the military to the Communist Party, were ended; senior military commanders (particularly those considered loyal to the Communist Party) were dismissed; Party cells in the military and communist political education were abolished; new constitutional and institutional arrangements placed the military under the control of democratically elected civilian authorities; and new legal and institutional constraints were put in place to prevent the involvement of the military as an institution in domestic politics.

Since the early 1990s, a core group of Central and Eastern European states - specifically the Czech Republic, Hungary, Poland and Slovakia in Central Europe, the Baltic states in the north and Bulgaria, Romania and Slovenia in the south - have made substantial progress in consolidating democratic control of armed forces. In these countries, the military has not to any significant degree intervened in domestic politics; connections between the military and former communist parties have been severed; the armed forces are controlled by democratically elected civilian authorities; parliaments provide oversight of both the armed forces and the executive's control of the military; and there is an emerging "civil society" debate on the armed forces and defence. This is not to say that civil-military relations in these countries have been, or are, entirely free of difficulties. In many of these countries, deep political divisions - in particular "Cold Wars" between centre-right parties and former communists - and new but contested political institutions have at times generated disputes between presidents, governments and parliaments over the control of the military and defence policy. In this context, politicians have sometimes attempted to draw the military into politics, in order to gain the perceived advantage of the support of the armed forces. In the most infamous case, in Poland in 1994, attempts by the then President Lech Walesa to gain the support of the military in struggles with his domestic political opponents led NATO governments to issue fairly blunt warnings that democratic, civilian control of the military - and Poland's prospects for membership in the Alliance - were threatened by such developments. Such disputes, however, have been part of the problems of transition, and have generally resulted in further institutional reforms, strengthening civilian, political control of armed forces, and the trend is towards the consolidation of democratic control of the military.

The relative success of this core group of Central and Eastern European states in establishing democratic, civilian control of the military is striking and appears to be explained by four factors. First, it reflects the more general trend of democratization in these countries, and the de-legitimization of alternatives to liberal democracy. Thus, even where these countries have faced very severe economic crises - most notably in Bulgaria and Romania in the mid and late 1990s - there has been no serious threat of or calls for military rule as

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a possible road to "national salvation". Second, despite decades of communism, the loyalty of the armed forces to the communist system appears to have been largely skin deep. The experience of subordination to the Communist Party also meant that there was already a tradition of civilian control of the military and relatively little culture of independent military intervention in politics. As Walesa put it in the Polish case, the armed forces were like a radish: red (communist) on the outside, but white (Polish, national) on the inside.[6] Third, democratic control of the military has been part of the broader goal of integration with the West, embodied in the idea of the "return to Europe", and has become a *de facto* condition for membership in NATO and the EU. More concretely, through the Partnership for Peace (PfP), NATO has provided practical aid and advice to the Central and Eastern European states in reforming civil-military relations. Fourth, the institutional reforms undertaken in the 1990s have formalized democratic, civilian control of the military, built consensus in favour of democratic models of civil-military relations and reduced the vulnerability of civil-military relations to the vagaries of domestic political change.

In contrast, the situation in most of the former Soviet Union and the former Yugoslavia has been more problematic. In the late 1980s, elements within the Soviet high command were amongst the constituencies opposing Gorbachev's reforms. When the Soviet military intervened in the Baltic republics early in 1991, it was unclear whether they were operating on the orders of President Gorbachev, independently in their own right or in coalition with other hard-line forces. The involvement of elements of the Soviet high command in the August 1991 coup against Gorbachev crystallized fears of possible military praetorianism. The failure of the coup and the subsequent break-up of the Soviet Union weakened the position of the military, and made its leaders wary of intervening in domestic politics. As the new Russian state was established in the early 1990s, the link between the armed forces and the Communist Party was broken, and the military was placed under presidential control. Political instability and tensions between President Boris Yeltsin and his communist (and other) opponents, however, led to speculation about the possible emergence of a strongman authoritarian ruler, backed by the military (with General Alexander Lebed often cited as the most likely candidate), a military coup to "restore order" or "save the nation" or a civil war between "communists" and "democrats" with the military divided and fighting on both sides. The October 1993 parliamentary "coup" in Moscow brought these issues to a head, raising fundamental questions about the loyalty and political control of the military. In the event, the military sided with Yeltsin (as arguably the Russian constitution suggested they should) and the "coup" was suppressed. Following these events, Yeltsin consolidated presidential control of the military, but also co-opted the military (and other security and intelligence

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6   Cf. Thomas S. Szayna, The Military in a Postcommunist Poland, Santa Monica 1991, p. 43.

forces) by allowing them substantial influence over aspects of foreign, defence and, in some cases, domestic policy - a trend that has continued under President Vladimir Putin.

Assessing the extent and problems of democratic control of the military in Russia and the other former Soviet states is problematic. The formal links between the armed forces and the (former) communist regime have largely been broken, the military in these states has been placed under presidential control, the military generally plays no direct role in politics, there are constitutional provisions for parliamentary oversight of defence policy, and there are, to varying degrees, emerging "civil society" debates on defence. In practice, however, the new political systems in most of the former Soviet republics are defined by strong presidential rule, weak parliaments and rather limited constraints on presidential power with civil-military relations in these countries reflecting this reality. In these circumstances, presidential control of the military and continuing powerful informal connections between governing elites and armed forces create the potential for authoritarian abuse of the military. This has been most obvious in Belarus and the Central Asian states, where the military and other security forces have become both instruments of and partners in increasingly authoritarian regimes. More recently, President Putin's efforts to strengthen the Russian state have provoked fears that presidential control of military and security forces could be an important element of a new authoritarianism in Moscow. Similarly in Ukraine, presidential control of military and security forces has been one of the central features of civil-military relations in the newly independent state. In late 2000/early 2001, the "Kuchmagate" scandal - in which President Leonid Kuchma was accused of having ordered the murder of an investigative journalist and more generally abused presidential power - raised fears of growing presidential authoritarianism in Ukraine.

In the former Yugoslavia, political control of armed forces was a central element of the conflicts of the 1990s. As Yugoslavia began to disintegrate in 1990-1991, there were fears of a military coup in Belgrade. The leadership of the Yugoslav People's Army was amongst the key forces advocating military action in an attempt to prevent the break-up of the Yugoslav federation and "protect" the Serbian minorities outside Serbia. In Yugoslavia and Croatia, the armed forces were drawn into the authoritarian, nationalist politics of Slobodan Milošević and Franjo Tudjman. Civilian, executive control of the military was one of the key instruments of power for Milošević and Tudjman, but in both countries the military also remained a semi-autonomous actor with influence of its own. Milošević and Tudjman used various strategies to maintain the loyalty of the military, but also to limit their independence and power (for example, appointing loyalists and removing critics within the senior ranks of the military, but also directing relatively high levels of state resources towards the military, and supporting or turning a blind-eye to military involvement in corrupt political-economies). In Bosnia, the development

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of three separate armed forces reflected the ethnic division of the country between Serbs, Croats and Muslim "Bosniaks", but also saw the development of considerable military autonomy (as well as connections between the Bosnian Serb and Bosnian Croat militaries and their Yugoslav and Croatian counterparts). With the fall of the Tudjman and Milošević regimes in 1999 and 2000, establishing democratic, civilian control of the military became one of the many challenges facing the countries of former Yugoslavia - a task made particularly difficult by the autonomy and widespread economic corruption of the armed forces which developed in the 1990s.

In addition to the challenge of de-politicizing the military, the post-communist states have also faced the problem of securing democratic, civilian control over defence policy and military aspects of foreign policy. The communist legacy of relative military autonomy in the development of the armed forces and defence policy has made this task particularly difficult. At the beginning of the 1990s, the one effective lever that governments controlled was the overall level of defence spending and this was generally cut drastically both to reflect the region's new political realities and also as a means of asserting a degree of control over the military. Since the early 1990s, the post-communist states have taken a number of further steps designed to establish democratic, civilian control of defence policy and policy-making. In general, these have included: the formation of governmental structures - national security councils and the like - tasked with overseeing defence policy; the appointment of civilian defence ministers, the civilianization of defence ministries and the subordination of general staffs to defence ministers; the establishment of mechanisms for the financial oversight of defence spending; the strengthening of parliamentary defence committees; support for the development of independent defence and security research institutes; and strategic reviews to determine the direction of defence policies. The core group of Central and Eastern European states noted above have made most progress in successfully implementing these reforms. Even in these countries, however, critics argue that poor political leadership, resistance from the military, weak and ill-informed parliamentary committees, inadequate systems for the planning and control of defence budgets and a lack of civilian defence expertise continue to undermine political control over defence policy, and hinder the modernization of armed forces.

Again, the former Soviet and former Yugoslav republics have generally made much less progress in establishing political control over defence policy. In Russia, Ukraine and the other former Soviet republics, defence policy-making remains very substantially influenced by - if not under the effective control of - the military, with uniformed defence ministers, military-dominated defence ministries, autonomous general staffs, ineffectual parliamentary oversight and only limited political control over defence budgets and force structures. In Yugoslavia and Croatia, the armed forces' role in the conflicts of the 1990s allowed them to develop considerable autonomy with regard to

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defence policy. These problems have also extended to decisions on the operational use of armed forces. In particular the Russian military appears to have had significant influence over, and perhaps substantial autonomy regarding, the decisions to launch and conduct operations in the former Soviet Union (for example in Moldova, Georgia and Chechnya).[7]

A Role for the OSCE?

Given the OSCE's role in both promoting democracy and addressing military security problems, it is perhaps surprising that it has not played a more prominent part in addressing civil-military relations and democratic control of armed forces. Neither the 1975 Helsinki Final Act nor the 1990 Charter of Paris for a New Europe made significant reference to civil-military relations or the principle of democratic control of armed forces. While the 1990 Copenhagen Document on the OSCE's human dimension committed participating States to ensuring that armed forces and police are "under the control of, and accountable to, the civil authorities",[8] it did not go further in defining normative standards for democratic control of armed forces. Recognition that democratic control of armed forces was both an important part of the larger process of democratization in post-communist Europe and a significant dimension of security, however, contributed to the adoption of the OSCE Code of Conduct on Politico-Military Aspects of Security in 1994. The Code of Conduct identifies democratic political control of armed forces (and paramilitary and internal security forces, intelligence services and the police) as "an indispensable element of stability and security", and commits participating States to maintaining such control, providing for legislative approval of defence expenditures and ensuring that their armed forces are politically neutral.[9] Since then, implementation of the Code of Conduct has been reviewed annually (from 1996 within the framework of the Annual Implementation Assessment Meeting/AIAM of the OSCE Forum for Security Co-operation/FSC, and since 1999 through a separate information exchange on implementation of the Code under FSC auspices). The OSCE has also held two follow-up conferences on the Code in 1997 and 1999, as well as various *ad hoc* seminars on the implementation of the Code (both in general, and as it relates to individual states). Moreover, the OSCE Secretariat's Conflict Pre-

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7   Cf. John W.R. Lepingwell, The Russian Military and Security Policy in the "Near Abroad", in: Survival 3/1994, pp. 70-92.

8   Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 439-465, para. 5.6, p. 442.

9   Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995, The Hague/London/Boston 1997, pp. 145-189, Chapter IV, Code of Conduct on Politico-Military Aspects of Security, pp. 161-167, paras. 20-33, pp. 164-166.

vention Centre (CPC) has developed a questionnaire on the implementation of the Code as a basis for annual reports.

Despite these developments, the OSCE plays a relatively low-key and limited role with regard to civil-military relations and democratic control of armed forces. Instead, NATO and activities within the Partnership for Peace framework have come to play the leading role in this area. This reflects NATO's primary role as a politico-military security organization, and the desire of many Central and Eastern European states to gain membership in the Alliance (for which democratic, civilian control of armed forces is now a precondition). NATO as an institution, individual NATO members, as well as the NATO Parliamentary Assembly have therefore invested significant resources in supporting Central and Eastern European states in their efforts to establish democratic control of armed forces and defence policy. While NATO is likely to continue to play the leading role in this area, however, the contribution of the OSCE should not be dismissed. The Code of Conduct provides the only widely accepted pan-European set of norms in this area. The annual review of its implementation and *ad hoc* seminars on the Code, further, are useful means of supporting on-going efforts to establish and consolidate democratic control of armed forces in post-communist Europe. The OSCE could also explore other possible activities in this area (for example, the development of the CPC - or alternatively the Office for Democratic Institutions and Human Rights/ODIHR - as repository of information and expertise on democratic control of armed forces, the expansion of OSCE sponsored activities to support the implementation of the Code of Conduct or the use of the OSCE Parliamentary Assembly as a forum for discussing and providing advice on parliamentary oversight of defence). In countries such as Russia, some of the other former Soviet republics and Yugoslavia, where NATO is viewed with antipathy, the OSCE may have a particularly useful role to play in promoting democratic control of armed forces and defence policy.

Pál Dunay

The CFE Process after the Second Review Conference of the Treaty

Since its inception, the CFE process has kept the arms control experts of the States Parties to the Treaty on the go. CFE-related activities have been carried out on two parallel tracks: First, negotiations have been going on almost continuously since the signing of the Treaty in late 1990 to deepen and broaden the scope of commitments as well as to adapt the Treaty to constantly changing realities. Second, commitments were implemented by carrying out the following four groups of activities: The incorporation of the Treaty and its implementation regulations into the national legislation of the signatories; the exchange of information as stipulated by the Treaty; verification, primarily on-site inspections; reductions of Treaty Limited Equipment (TLE) set forth by the Treaty or contained in other legally or politically binding, multilateral, bilateral and unilateral documents. All these task fields are interrelated.

Important junctures in the CFE process included the signature of the CFE Treaty in November 1990 and of the Concluding Act of the Negotiations on Personnel Strength in July 1992, the entry into force of the Treaty in November 1992, the completion of the reduction phase in November 1995, the First Review Conference in May 1996 and its most important achievement, the modification of the flank rule as well as the adaptation talks starting in February 1997 and leading to the signature of the adapted Treaty in November 1999 at the Istanbul OSCE Summit Meeting.

It would be possible, however, to set up another list of events, which were not directly related to the existence and operation of the Treaty, but have had a major impact on it. The end of the East-West conflict had a significant impact on the strategic relevance of the Treaty, the dissolution of the Soviet Union complicated its entry into force considerably, and the first wave of NATO's Eastward enlargement undermined the original strategic rationale of the Treaty, its bloc-to-bloc structure. This led to the fact that the goals set forth in the preamble of the Treaty, i.e. to prevent surprise attack and large scale offensive action, have today become only marginally relevant. New objectives have gained *de facto* prominence. These include regulating bilateral and subregional military balances of power, maintaining a historically unparalleled measure of transparency in military matters achieved in the last decade and creating a conventional arms control regime that extends throughout Europe by opening the Treaty to all OSCE participating States whose territory is located in the area where the Treaty applies.

There are two important structural changes that have affected the CFE process mentioned less frequently: First, the common threat perception shared by

the states that negotiated the CFE Treaty had become irrevocably outdated by the time the Treaty was signed. As there was no longer a shared threat that the Treaty could protect against, it addressed a security matter, which had little importance for the States Parties. It could be applied to address matters which in of themselves were important, but affected the interests of the States Parties to the Treaty in completely different ways. This is a reflection of the fundamental change in the European security landscape away from a common threat to dealing with specific threats linked to the unresolved conflicts in Eastern Europe and the Caucasus. Second, this meant that the 1990 CFE Treaty, which started from the existence of two opposing groups, has become increasingly based on fiction. As long as the 1999 Treaty adaptation does not enter into force this fiction will remain the basis of the Treaty. In reality, most of the 30 States Parties to the CFE Treaty belong to NATO or are aspiring to gain membership in this organization. Some of the non-NATO countries regularly align their policies with NATO, often in the hope that NATO will support them in balancing their asymmetric security relationship with Russia. This has been the case recently with Azerbaijan, Georgia and to some extent the Republic of Moldova. Consequently, a large group of States Parties have been pursuing similar interests, which have been resisted by a few States Parties with counter-interests.

This article deals with the current situation and the prospects of the CFE process also by examining the following three topics: First, the general assessment of the Treaty made by the Second Review Conference; second, the compliance record of the Treaty; and third, the perspectives of the entry into force of the adapted Treaty.

The Assessment of the CFE Treaty Made by the Second Review Conference

The CFE Treaty set forth that at "five-year intervals (…) the Depositary shall convene a conference of the States Parties to conduct a review of the operation" of the Treaty (Article XXI, para. 1). The First Review Conference took place in 1996, and in light of the changed strategic conditions, focused primarily on the adaptation of the flank rule. There was no similarly prominent item on the agenda of the Second Review Conference. The States Parties gave a generally positive overall assessment to the Treaty and concluded "that in general the CFE Treaty was operating and being implemented in a satisfactory manner".[1] Beyond certain non-compliance concerns, there were very few observations made on the general functioning of the Treaty. It was agreed that the Treaty continued to contribute to European security generally

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1   Formal Conclusions of the Second Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiations on Personnel Strength, in: CFE Treaty Review Conference, Vienna 2001, CFE-TRCS.JOUR, 28 May-1 June 2001, Annex 2, point 4.

and the States Parties to the Treaty viewed it as "a cornerstone of European security".[2] However, one could also say that the Treaty was a "dormant" cornerstone. Because, on the one hand, the decline in the significance of the military dimension of security led to the fact that the CFE Treaty, which structures this security dimension through limitations and transparency measures, has also lost importance. On the other, the Treaty reinsures against a remilitarization of European foreign policy. For although one can argue about the extent to which the CFE Treaty has led (among others) to the current security structures in Europe, the Treaty, as will be demonstrated below, will be an important point of reference in the case the States Parties again turn towards a foreign policy which relies more on militarily means.

Only on three points criticism on the non-implementation of Treaty provisions was formulated. On the one hand, the States Parties noted "that certain numerical limitations established by the Treaty were being exceeded" and expressed their expectation "that the remaining excess (would) be eliminated as soon as it (was) possible".[3] Although this passage was clearly directed at the Russian Federation, it was not mentioned by name. On the other, the States Parties made the problem of TLE "unaccounted for and uncontrolled within the area of application" a subject of discussion and noted "that this situation adversely affects the operation of the Treaty".[4] Also in this case, no one is mentioned by name. In the "Formal Conclusions", it is stated in relative detail that the Joint Consultative Group (JCG) had not completely fulfilled the mandate assigned to it by the 1996 First Review Conference to update the Protocol on Existing Types of Conventional Armaments and Equipment (POET). Of course, the States Parties have modernized their arsenals during the last decade and thus decommissioned certain types of conventional weapons as well as purchasing and putting into service new ones. This would have required that regular updates of the lists be made, a task the JCG apparently did not fulfil adequately. Thus the lists have become inaccurate as discarded types, models and versions of conventional armaments and equipment have not been removed from them. In the document, it was recommended that the JCG consider updating the lists annually as well as creating an electronic version of the lists in all official languages of the Treaty.[5] The fact that this minor technical matter was mentioned by the States Parties at all in the concluding document of the Review Conference makes clear that the States Parties wanted to address non-controversial issues where it was easy to find common ground. Of the eleven presentations addressing the POET topic, in ten its shortcomings were mentioned without adding more controversy to the argument. Only the delegation of Norway stated a bit more clearly that the "lack of clarity as to which weapon systems are actually covered by the

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2   Ibid., point 2.
3   Ibid., point 4.
4   Ibid.
5   Cf. ibid.

Treaty will hamper the work of our inspectors for years to come and cause unnecessary frictions and ambiguities".[6] Furthermore the States Parties only raised certain implementation issues in general without explicitly addressing the problems linked to these, which the JCG was to deal with further including limitations and related Treaty obligations, interpretation of Treaty counting rules, notifications and exchange of information as well as verification issues.[7] All in all, one could say that the Second CFE Review Conference was a far more classical exercise in diplomacy than the first conference. Criticism on the inadequacy of Treaty implementation was simply presented in a problem-oriented manner within the framework of a balanced general assessment without naming specific states.

The Compliance Record in Light of Current Developments

Despite the fact that review conferences provide an excellent opportunity to analyse the effects of treaties, the Second CFE Review Conference made little use of this option. This may well be due to the fact that there has been a high level of compliance during the nearly ten years since the Treaty entered into force. Nearly 94 per cent of inspections left no doubt that States Parties were complying with the Treaty. When there were violations, they were of relatively little strategic importance and did not aim at affecting the strategic relationship of the States Parties. They did, however, have a significant impact on some conflicts, domestic and international alike. However, these subregional conflicts only affect a small number of States Parties.

In one of my earlier studies, I established the following categories of analysis: 1. Causes of violation due to: a) changes in the strategic importance of a part of the area of application; b) obligations to fulfil military requirements for pending (burning) conflicts; c) inability to carry out reductions set forth under the Treaty. 2. Time frame in which non-compliance occurs, divided into three phases: a) events that occurred before the signature of the Treaty; b) events that occurred between the signature and entry into force of the Treaty; c) events that occurred after the entry into force of the Treaty. 3. State Party committing the violation and/or attitude of the State Party not complying with the Treaty: a) recognition of the Treaty violation; b) denial or non-recognition of the violation.[8] Each of these three approaches may prove useful tools in drawing conclusions about compliance with the Treaty. The primary focus of the following section, however, is on the causes of violation.

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6   Statement by Norway at the Opening of the Second CFE Review Conference, Vienna 28 May 2001. Delivered by Mr. Jan Arve Knutsen, Deputy Director General of the Ministry of Foreign Affairs, p. 2. The other delegations that referred to the POET problem were Canada, the Czech Republic, Germany, Greece, Hungary, Poland, Portugal, Slovakia, Spain and Turkey.
7   Cf. Formal Conclusions of the Second Review Conference, cited above (Note 1), point 4.
8   Cf. Pál Dunay, The CFE Compliance Record a Decade After Treaty Signature, in: Vierteljahresschrift für Sicherheit und Frieden (S+F) 4/2000, pp. 327-333, p. 328.

It has been necessary to modify the focus of the earlier study for the following reasons: First, this analysis is to focus exclusively on current compliance problems. Second, it should not be forgotten that some compliance problems are related to the Treaty signed in November 1990 and others to the political commitments taken upon the signature of the adapted Treaty nine years later at the Istanbul OSCE Summit. Although this differentiation is significant, it is not mentioned in the official statements. The former are political violations accompanied by violations of international law whereas in the case of the latter it is impossible to speak of a breach of international law. Because this difference, however, does not necessarily affect the strategic relevance of a specific Treaty violation, even the violation of a political commitment could be cause for concern.

The war in Chechnya has had a direct bearing and the same effect on the CFE Treaty both in 1995/1996 as well as since 1999. First, in both cases Russia exceeded its flank ceilings in the three land categories of Treaty limited armaments. Second, during the hostilities no reliable information exchange was possible partly due to the "fluidity" of the situation, partly due to the reluctance of Russia to provide relevant information. Third, due to security and personal safety reasons it was impossible to carry out inspections in the area where the military action took place so that one-sided information could not be checked by conducting on-site inspections. Thus it remains difficult to get reliable information about compliance.

During the second war in Chechnya, the Russian Federation provided information to the Joint Consultative Group on 19 October 1999. It reported the possession (on 10 October) of 1,493 battle tanks, 3,534 armoured combat vehicles (ACVs) and 1,985 artillery pieces in its flank area. This exceeded the flank sub-limit, agreed upon by the negotiating group on 30 March 1999, by 193 battle tanks, 1,394 ACVs and 305 artillery pieces.[9] After achieving their most important military objective, the occupation of Grozny, Russia indicated its willingness to station a division-strength unit north, and a regiment-strength unit south of the Terek river in Chechnya. On 1 July 2000, the excess armaments in Chechnya were reduced to 150 battle tanks, 885 ACVs and 317 artillery pieces. Although there was a decrease in two categories, this was still a significant violation of the flank rule.

The Russian Federation updated this information regularly. For both tactical and strategic reasons, the Second Review Conference offered another opportunity to do this. Strategically, this was to make it clear that Russian intentions coincide with those of the other States Parties. Tactically, it was to prevent suspicion and to avoid that because of pressure from its partners, Russia would be obliged to provide information. It was clear the discussions at the

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9   It is interesting to note that the States Parties were ready to measure Russian compliance against a document agreed upon at the adaptation talks, although it had no legal status whatsoever. This took place a month before the signature of the adapted Treaty that in fact incorporated this agreement. Cf. Decision of the Joint Consultative Group on CFE Treaty Adaptation, JCG.DD/4/99/Rev.4, 30 March 1999.

Review Conference would centre on the conflict(s) Russia has been involved in as well as their effect on the Treaty. Russia has in a masterly manner prevented this development or rather steered it in a non-confrontational direction. In a notification issued upon the first day of the Review Conference it stated that "as of May 25 (three days before the Conference opened, P.D.) (...) Russia has in the flank area 1,304 tanks, 2,246 ACVs and 1,609 artillery systems".[10] In the official notification further details were provided. It was pointed out that during the period between 1 January and 25 May 2001 the number of ACVs counted against flank ceilings decreased by 544 pieces. Furthermore, it was mentioned that of the TLE in the flank area, 18 battle tanks, 352 ACVs and 93 artillery systems were stationed there temporarily.[11] The head of the Russian delegation emphasized that "the trend towards a full compliance with the flank obligations is obvious".[12] Russia substantiated its position with a dynamic analysis emphasizing that it is gradually achieving compliance. Other countries, some at the Review Conference, some on other occasions, based their statements on the actual situation: "Presently Russia is not in compliance with certain aspects of the Treaty, in particular current or adapted Treaty limits in the so-called 'flank' area, which includes Chechnya."[13] In spite of the above-mentioned reductions, one month after the end of the Review Conference the number of Russian TLE still exceeded the permitted level by 143 pieces on the flank and has since then actually increased by 31 ACVs and two battle tanks.[14] With this approach, Russia wanted, on the one hand, to demonstrate that it intends to comply with the Treaty. On the other, it does not want to jeopardize its security interests and in fact no country would place compliance with arms control over its vital security interests. Or as Russian officials stated, they will not comply with Treaty limits until Moscow completes its self-described "anti-terrorist operations" in Chechnya.[15] It seems that even though setbacks may occur, these two tendencies can be harmonized at least temporarily in Chechnya. Going inch by inch, Russia will be able to achieve full compliance with the flank regulation. At the same time, the Russian government also intends to demonstrate the difficulty in complying with the Treaty when the security situation is fragile and when, as Moscow formulates it, there have been separatist tendencies in southern Russia. The conflict around Chechnya may abate tempo-

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10   Statement of Yury S. Kapralov, Director of the Department for Security Affairs and Disarmament of the Ministry of Foreign Affairs of the Russian Federation at the Opening Ceremony of the Second CFE Review Conference, Vienna, 28 May 2001, p. 3.

11   Cf. Clarifications to notification CFE/RU/01/174/F00.RC.DEL/29/01, p. 1, and Uvedomlenie F00.CFE/RU/01/174/F00/O.

12   Statement of Yury S. Kapralov, cited above (Note 10), p. 3.

13   Press Statement of Richard Boucher, State Department Spokesman on Conventional Armed Forces in Europe (CFE) Review Conference, Washington, D.C., 5 June 2001, at: http://www.usinfo.state.gov/topical/pol/arms/stories/01060603.htm.

14   I am grateful for this piece of information to Hans-Joachim Schmidt of the Peace Research Institute Frankfurt (PRIF).

15   Cf. Wade Boese/Christopher Fischer, Pragmatism in practice: CFE seeks to secure Europe's future, in: Jane's Intelligence Review 2/2000, p. 18.

rarily but it cannot be resolved under the current conditions. This argument not only reflects reality but also illustrates that the Russian government is aware that attaining full compliance is on shaky ground and may therefore not be lasting.

As was already the case with the outbreak of hostilities in 1999, the Russian position has had fair acceptance by other States Parties. Countries, which have been fiercely opposed both to the first and the second Chechnya operation, expressed their reservations about the repercussions on the CFE Treaty. However, they have approached this problem similarly to the Russians and expressed their critique in a professional diplomatic manner on the arms control policy level. Those delegations, who gave their opinion on the information provided by Russia at the beginning of the Review Conference emphasized the same issues. The States Parties welcomed the information provided and more importantly its content which reflected further progress towards compliance with agreed flank levels and thus the gradual ending of Treaty violations. The US delegation emphasized that without "a great deal more information, without increased transparency and access, we will necessarily remain in doubt as to the extent of the reductions and as to whether Russian forces have indeed returned to agreed levels".[16] Russia was reminded that the other States Parties "look forward to the indispensable transparency measures with regard to these reductions, as promised on many earlier occasions".[17] The British delegation, which was among the States Parties who put Russia under gentle pressure throughout the Review Conference, entered into more details. "We look forward to hearing from the Russian delegation (...) further details and explanations of those figures which will enable us to better understand their significance and how they relate to their stated commitment to reduce their holdings to agreed levels. We look forward to the earliest possible *verifiable compliance* with those agreed levels."[18] On the whole, it seems Russian compliance with flank levels may be achieved soon. In this process, external actors could influence domestic developments at least marginally by using arms control as an instrument.

In contrast to the primarily domestic Chechnya conflict, there are a number of interstate conflicts, which have had a bearing on compliance with the CFE Treaty. One of them is directly related to the CFE Treaty of 1990 whereas two others involve the political accords on the adaptation of the CFE Treaty achieved in November 1999 in Istanbul. The former deals with the case of the Russian presence in Armenia and its involvement in the conflict over Nagorno-Karabakh.

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16 United States of America Delegation to the Second CFE Treaty Review Conference, Opening Remarks of Assistant Secretary of State Avis T. Bohlen, Vienna, 28 May 2001, p. 2.

17 Second CFE Review Conference, Statement by Ambassador Johannes C. Landman, Vienna, 28 May 2001, p. 2.

18 CFE Review Conference: Text of General Statement by Mr. John de Fonblanque, Head of United Kingdom Delegation to the OSCE, RC.DEL/8/01, Vienna, 28 May 2001, p. 2 (emphasis in the original).

Russia has supported Armenia's position during the entire period of the conflict over Nagorno-Karabakh. It has been co-operating closely with Armenia, which has deployed troops there, including battle tanks, ACVs and heavy artillery. In order not to lose its edge over the Armenian forces, Azerbaijan in turn has also violated some limitations. The Russians supplied armaments secretly to the Armenian troops stationed on the occupied territory of Azerbaijan between 1994 and 1996, a fact that former Russian Minister of Defence, Rodionov, later admitted. These armaments included 84 T-72 battle tanks, 50 BMP-2 armoured infantry fighting vehicles and 72 artillery pieces of the D-1, D-20 and D-30 types.[19] Since then Azerbaijan has repeatedly expressed the view that the military co-operation between Russia and Armenia threatens subregional stability and that Armenia has continually violated its CFE commitments. Most recently in connection with the withdrawal of Russian forces from Georgia, Azerbaijan aired the demand that Russia should not only withdraw its forces from Georgia but from the whole Trans-Caucasus. An Azeri source claimed that the Russian armaments withdrawn from Georgia have been re-deployed in Armenia and thus pose a direct threat to the security of Azerbaijan.[20]

The Review Conference focused on one specific aspect of the conflict, namely the so-called UTLE (unaccounted and uncontrolled TLE) problem. One can differentiate between three groups of States Parties in relation to this issue. The first group is made up of those states, which are participating in the conflict and where therefore the UTLE problem is a central issue, namely Azerbaijan and Armenia. The second group consists of states, which are involved in other conflicts where this issue has also been present, like Moldova and Georgia, or of states like the Russian Federation, which is engaged in them in one capacity or the other. The third and largest group consists of States Parties, which the UTLE problem does not affect and for this reason either have not expressed their view on it at all or for various reasons shown their solidarity with one party or the other. The greatly differing ways in which the UTLE problem affects the States Parties and the corresponding perceptions on it is just *one* example of how difficult it is to speak about indivisible security in Europe on the basis of the CFE Treaty. This is reflected in the common statement by the delegations from Azerbaijan, Georgia, Moldova and the Ukraine, which emphasizes that "(w)hile Azerbaijan fully shares the view of its CFE partners that the Treaty should play a central role in promoting stability and security in Europe we still have to state that a blatantly non-complied Treaty could hardly become a cornerstone of security of my country, as well as security of the South Caucasus in general".[21]

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19   Cf. The Arms Control Reporter, 2 April 1997, p. 407.B.558.
20   Cf. L.E. Mamedolg, Azerbaijan dolzhen vistupit' protiv militarizatsii Armenii, in: Zerkalo, 26 October 2000. at: http://www.zerkalo.az.
21   Delegations of Azerbaijan, Georgia, Moldova and Ukraine, Statement at the CFE Treaty Review Conference opening plenary meeting, RC.DEL/6/01, Vienna, 28 May 2001, p. 3.

Azerbaijan took the position that "the CFE community has been obliged to tolerate the situation when hundreds of pieces of TLE belonging to a State Party have been illegally deployed in the territories of Azerbaijan in gross violation of the Treaty provisions. Quite obviously, these weapons and military equipment must be counted against maximum levels for holdings of that State Party which for many years has been concealing these TLEs from the CFE community in the occupied territories of Azerbaijan (...) The issue of UTLE was identified as a serious problem and put into agenda of the CFE Treaty implementation process, and the JCG was accordingly tasked to deal with this challenge. However, no real progress has been achieved so far (...) Regrettably, the adaptation process also failed to look thoroughly into specificity and complexity of the South Caucasian region in terms of its place in the evolving European security architecture."[22] The carefully formulated description of Nagorno-Karabakh as occupied territory illustrates the depth and nature of the problem. Armenia took a similarly resolute position: "We must address the statements of a certain State Party that continue in a manner and language contrary to the spirit of the present (...) Treaty documents, concerning so-called questions related to UTLEs (…) They also put forward so-called facts that are unfounded and unsubstantiated, they refuse to recognize that certain issues are dependent on the solution of pending political conflicts. UTLEs can neither be used to anticipate and to predetermine political solutions, nor shape those outcomes through the backdoor. Our Government will resist any attempt to force by way of technical and definitional tricks the matter of the status of territories, entities and interstate relations (...) Some of these unresolved issues affect the other non-State Party [sic!] to the conflict, besides the Republic of Armenia and our immediate neighbour. Our delegation unequivocally is of the opinion that UTLE related questions are not the same in all conflict-affected areas. Therefore, we do not believe that a single format and single paradigm apply to all cases. Our position is about the unique features of a situation more relevant to us, we do not want to be implicated in models that we consider inapplicable to our situation. 'U' means unaccounted for, and 'U' means uncontrolled. We do not know in this case where others try to implicate us, that they are not uncontrolled. Therefore, they remain simply an accounting problem to be resolved once it is determined whose account it is."[23] For understandable tactical reasons, Armenia wanted to singularize the issue and thus separate it from other conflicts where the UTLE problem has also been present. Thus it was able to prevent the formation of an "anti-UTLE coalition" by parties facing the same problem. It was interesting to observe that Russia, who has stationed TLE in the area, did not find it necessary to react at all to the UTLE problem in the Nagorno-

It is clear that the part of the text was presented by the Azeri delegation in its national capacity.

22   Ibid., p. 2.
23   Opening Statement by the Armenian Delegation, RC.DEL/25/01, Vienna, 28 May 2001, p. 2.

Karabakh conflict. It is possible that this is part of the adaptation of the Russian policy towards the Trans-Caucasian area taking a more balanced approach to the two parties. Another explanation however seems more persuasive, that is, Russia does not want to engage in a multilateral debate about this issue and intends to address the delicate UTLE matter bilaterally. This would be in accordance with the Russian position during the CFE adaptation talks where the Russian government did not want to discuss sensitive matters, like the fact that Russian troops were stationed on the territory of other countries, and instead always referred these issues to bilateral fora.

The Second Review Conference offered a perfect opportunity to address compliance. This made clear that in the cases of Chechnya and Nagorno-Karabakh as well as the cases of Georgia and Moldova, which will be dealt with in the following, violations of the CFE Treaty were a symptom and not the cause of the problem. Without a lasting political solution, sustained observance of CFE rules will remain inconceivable.

The case of the Russian presence in Armenia has been different from the Georgian and Moldovan cases in the following respects. First, whereas the latter two states have successfully made the process of dealing with their problems with Russia multilateral through CFE adaptation talks, which resulted in the political commitments in the "Final Act of the Conference of the States Parties to the Treaty on Conventional Forces in Europe" of 19 November 1999, Armenia has not been able or willing to achieve this. Both the establishment of the GUAM group (Georgia, Ukraine, Azerbaijan and Moldova) - all those countries that had encountered somewhat similar problems with Russia - and the discussion within the framework of CFE fora have been a part of making the process more multilateral. However, Armenia has kept the issue of Russian TLE at the bilateral level. Second, in the cases of Georgia and Moldova, Russia has become involved in domestic conflicts, whereas the case of Armenia is an inter-state dispute with Azerbaijan. Third, in the cases of Georgia and Moldova the so-called UTLE problem has played a less central role than in the case of Armenia. Fourth, in the cases of Georgia and Moldova, there are already political commitments that could lead to a conflict settlement whereas this is not the case with Nagorno-Karabakh.

Georgia

A formal but only partial solution was achieved at the Istanbul OSCE Summit in November 1999. Russia made the commitment to reduce its levels of TLE in Georgia by 31 December 2001 so "that they will not exceed 153 tanks, 241 ACVs and 140 artillery systems",[24] i.e. the level of basic tempo-

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24 Joint Statement of the Russian Federation and Georgia, Istanbul, 17 November 1999, point 1, Annex 14 of the Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, CFE.DOC/2/99.

rary deployment in the adapted CFE Treaty.[25] Russia committed itself further to withdraw its TLE from the military bases in Gudauta and Vaziani and at the repair facilities in Tbilisi no later than 31 December 2000 and to disband both bases by 1 July 2001.[26] Russia was forced to acknowledge that the international community was giving constant attention to whether the above commitment was being fulfilled. This was reflected at the November 2000 Vienna OSCE Ministerial Council meeting. There the outgoing Secretary of State, Madeleine Albright emphasized that her country "looks for continued progress on Russian withdrawal from Georgia, including completion of the first phase of equipment withdrawal by year's (i.e. the year 2000, P.D.) end, and the closure of specific military bases by the middle of next year".[27]

Russia fulfilled its commitment to reduce its TLE stationed in Georgia and within the stipulated period withdrew 35 tanks, 313 ACVs as well as 27 artillery systems and destroyed a further 24 tanks, 90 ACVs and two artillery systems. The Vaziani airbase was returned to the Georgian authorities in due course and time by 1 July 2001. The base in Gudauta, according to the Abkhaz leadership, however fulfils "peacekeeping functions". Its closure would render the negotiated settlement of the conflict more difficult. The situation is rendered more delicate, as the Abkhaz leadership is apparently reluctant to contribute to reconciliation. It suspended its participation in the peace process in spring 2001. According to the Georgian leadership the tasks of the Gudauta base could be fulfilled in other ways. This view is apparently not shared by the Russian military. It has continued stationing its forces at the base and denied the UK access to conduct an on-site inspection there.[28] Russia also accused Georgia of making unrealistic demands with regard to handing over the Gudauta military base. The Russian Ministry of Defence said "the timetable for Russia's withdrawal did not allow time to build new accommodation in Russia for the hardware and troops stationed there".[29]

Georgia granted Russia the right to continue stationing TLE at two other bases, in Batumi and Akhalkalaki, up to the level mentioned above. Both sides made the commitment to "complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki" during the year 2000.[30] Because the Akhalkalaki base is the biggest employer in a southern region of Georgia predominantly inhabited by Armenians, its closure could pose additional problems.

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25   Cf. Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, CFE.DOC/1/99, Article VII, para. 1, B (1).
26   Cf. Joint Statement of the Russian Federation and Georgia, cited above (Note 24), point 2.
27   Intervention by Secretary of State Madeleine K. Albright, OSCE Ministerial, Vienna, 27 November 2000, at: http://www.usembassy.ro/USIS/Washington-File/100/00-11-27/eur 104.htm and http://www.prop1.org/nucnews/2000nn/0011nn/001127nn.htm.
28   Cf. Ambassador David T. Johnson, Statement on Georgia to the Permanent Council, Vienna, 4 July 2001, p. 1. at:http://www.usosce.rpo.at/archive/2001/07/4georgia.htm.
29   Http://news.bbc.co.uk/hi/english/world/europe/newsid%2014180000/1418260.stm, cited in: News-Press-Reports@bits.de, 6 July 2001, p. 1.
30   Joint Statement of the Russian Federation and Georgia, cited above (Note 24), point 5.

The issue of Russian withdrawal of its troops from Georgia seems to have attracted more attention than the UTLE issue in the conflict between Armenia and Azerbaijan. This could be due to several different factors, for example the importance Georgia has attributed to the faithful and timely implementation of the accord. In the joint statement of the GUAM countries, they did not elaborate upon the withdrawal of Russian forces from Georgia. However, the Georgian delegation addressed this matter in detail at the Review Conference. Like the evolution of the process their statement was characterized by "on the one hand - on the other hand" assertions. Georgia acknowledged that in the year 2000, significant progress was achieved in Russian TLE reductions and noted the timely and transparent withdrawal of TLE and the withdrawal/closure process of the Vaziani base with satisfaction. On the other hand, the Georgian delegation expressed a number of concerns: First, the Gudauta base closure/withdrawal that should have been started on 3 May 2001 was not yet launched at the time of the Review Conference. Second, the talks to determine the duration and conditions of the operation of the two Russian military bases in Batumi and Akhalkalaki were not yet concluded. The Georgian side emphasized that talks on this issue "could not last forever" and Tbilisi expected to resolve the issue by 1 July 2001. Third, Georgia complained about the lack of transparency during the withdrawal of equipment and closure of the bases. Fourth, the UTLE problem was mentioned as an issue of special importance in the two most important conflict areas, those of Abkhazia and the Tskhinvali region in South Ossetia where the self-proclaimed regimes were completely dependent on the existence of UTLE in the zones.[31]

The withdrawal of Russian troops and TLE raises a number of questions both with respect to the bases and in view of the broader political constellation. It is apparent that Russia heavily dislikes the idea of fully withdrawing its forces from Georgia, evidence for which was provided after the formal resolution of the matter in Istanbul. During the second Chechnya war, the Russian government criticized Georgia for not being able to adequately control the common border of the two countries. Consequently, according to Russia, "Chechen terrorists" received supplies and reinforcement from Georgia.[32] Moscow's dissatisfaction was also reflected in that the withdrawal of Russian forces did not even start until August 2000. Later withdrawal activities focused on land forces and Russia postponed the reduction of its air force as much as possible. To put pressure on Georgia, the Russian government took measures that were not closely related to the base closures. At the beginning of 2001, Russia introduced a visa regime for Georgian citizens. Because many Georgians work in Russia and their income is an important part of the Georgian economy, this measure created serious problems for Georgia. At

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31   Cf. Statement by the Delegation of Georgia at the Second Review Conference of the CFE Treaty, RC.DEL/24/01, pp. 2-3.

32   In connection with this it is necessary to call attention to the fact that Chechnya is part of the Russian Federation and therefore the Russian government could have attempted to control the border between Georgia and Chechnya from its side.

about the same time energy deliveries, primarily of gas, were suspended, which demonstrated that Russia wanted to consolidate its superiority. In light of the fact that the territorial integrity of Georgia is being faced with challenges from different directions, it is difficult to predict whether the withdrawal of Russian troops and TLE will be completed or whether Georgia will consent to their continued but limited presence. Georgia's current determination gives evidence of the former, though this may still change. Georgia used the Review Conference to flag this problem and thus direct the attention of other States Parties towards a question which is regarded as central to its sovereignty. The fact that many States Parties expressed their support for the Georgian agenda reconfirmed that Georgian assumptions had been correct. It should not be overlooked, however, that Russia did not make any additional commitment with regard to Georgia during the Review Conference. Apparently the Russian government wants to negotiate these issues bilaterally in the hope that it will be able to place greater pressure on Georgia.

Moldova

Here, Russia made fewer commitments than it had to Georgia in the Istanbul Summit Document. In the Final Act of the Conference of the CFE States, Russia committed itself to withdrawing its TLE from Moldova by the end of 2001, and in the Istanbul Summit Declaration the OSCE States welcomed "the commitment by the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002".[33] However, Russia made the withdrawal of its approximately 2,500 troops conditional on the political solution of Trans-Dniestria's status.[34] Russia has often put forward the argument that the withdrawal of its troops from the territory would undermine stability and pointed out the logistical problems of transporting huge amounts of ammunition through the Ukraine.[35] In reaction to this Moldova asked for financial assistance from OSCE participating States to help settle the problem. The U.S. indicated at the beginning of 2000 that it

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33 Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, cited above (Note 24), and Organization for Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 413-424, here: p. 418.

34 In spite of this Moldova has interpreted the Russian commitment made in Istanbul to withdraw its TLE as "unconditional". Cf. Statement of the Delegation of the Republic of Moldova to the Second CFE Review Conference, RC.DEL/7/01/Corr.1, Vienna, 28 May 2001, p. 1. To give support to this position, the Republic of Moldova at the Istanbul Summit Conference in 1999 already made a unilateral statement renouncing "the right to receive a temporary deployment on its territory due to its Constitutional provisions which control and prohibit any presence of foreign military forces on the territory of Moldova"; cf. Statement on behalf of the Republic of Moldova, Annex 13 of the Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, cited above (Note 24).

35 Russia has made a formal statement that the reason for its troop presence in Trans-Dniestria is to protect two major strategic ammunition depots.

would make 30 million US dollars available for a withdrawal if the local leadership in Tiraspol (Trans-Dniestria) were co-operative. However, it took several months to get out of the stalemate caused by the inability of OSCE participating States to finalize the financial arrangement.[36] The Russians used this stalemate as a pretext and did not begin any substantial withdrawals of Russian TLE until late 2000. Despite the Russian promise to complete the withdrawal of Russian TLE by the end of 2001 and withdraw its troops by the end of 2002, there was little progress on this issue.[37]

It is interesting to note that there has been a direct link between high profile OSCE events addressing withdrawal and demonstrative action taken by Russia to signal progress on the matter. On the eve of the Istanbul Summit three train-loads of equipment were withdrawn and as of the November 2000 OSCE Ministerial Council meeting one train-load of dual-use military equipment followed.[38] The Second Review Conference of the CFE Treaty was not preceded by similar symbolic steps, though intensive diplomatic activity had characterized the months before. Before the opening of the Conference, the Head of the OSCE Mission to Moldova signed a document in Moscow on the use of the so-called voluntary fund. Several countries had joined the U.S. effort and because the fund started to contribute to the potential to settle the conflict many of them found it appropriate to mention their contribution at the Second CFE Review Conference.[39] A little over a week before the opening of the Review Conference, high level consultations were held between Russia and Moldova on the concrete modalities regarding the withdrawal of Russian TLE with a view to meeting the established deadlines.[40] A few weeks after the Conference ten battle tanks belonging to Russian forces in Moldova were destroyed.[41] These facts indicate that Russia does not want to appear as a country that violates its commitments and tries to harmonize their fulfilment with its national interests.

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36 As it was pointed out by the U.S. Ambassador at a meeting of the OSCE Permanent Council: "The United States has long been willing to help with the costs associated with the Russian military withdrawal process through the OSCE voluntary fund. But conclusion of an exchange of letters on the procedures for use of the fund remains a vital prerequisite for reimbursement of expenses associated with these withdrawals. It seems to us that completion of this exchange of letters would be both a practical first step towards completion of the withdrawal process and an action which would be in Russia's own best interest." Ambassador David T. Johnson, Statement on Moldova to the Permanent Council, Vienna, 3 May 2001, p. 1, at: http://www.osce.usia.co.at/mold3may01.html.

37 On this see Zdzislaw Lachowski, Conventional Arms Control Agreements: Issue of Compliance, in: Ian Anthony/Adam Daniel Rotfeld (Eds.), A Future Arms Control Agenda: Proceedings of Nobel Symposium 118, 1999, Oxford 2001, p. 234.

38 Cf. Statement on Moldova Delivered by Ambassador David T. Johnson to the Permanent Council, Vienna, 7 December 2000, p. 1, at: http://www.osce.usia.co.at/moldova7dec00.html.

39 Cf. for example, statements of the Czech Republic and the United Kingdom.

40 Cf. Statement of the Delegation of the Republic of Moldova, cited above (Note 34), p. 2.

41 Cf. Statement on Moldova Delivered by Ambassador David T. Johnson to the Permanent Council, Vienna, 4 July 2001, at: http://www.usosce.rpo.at/archive/2001/07/4moldova.htm.

It is difficult to determine overall what has brought about the change in the Russian attitude. Certainly there have been major and energetic steps taken recently to settle the dispute. The change from Boris Yeltsin to Vladimir Putin as well as the change of the political course in Chişinău after the recent elections may also have played a role making Moscow more co-operative. There have also been indications that Chişinău may allow Russia to keep a permanent military base in Moldova and to station its troops legally on Moldovan territory.[42] In spite of these welcome changes, it may be premature to conclude that the settlement of the Trans-Dniestria conflict has already been achieved without considering the possibility that setbacks may occur. Russia expressed its intention to set some seventy TLEs aside and continue to station them within the framework of peacekeeping operations to be agreed upon in future. In view of the fact that there is no agreement on monitoring a future peace agreement, this was a questionable claim. Moreover, neither the CFE Treaty, nor the Final Act of the Conference of the CFE States mentioned this option. Thus in the absence of an accord to the contrary it does not seem feasible.[43]

The Second CFE Review Conference took place at a time when important developments were occurring in certain conflict areas, which have had negative repercussions on the Treaty regime. Even though the CFE Treaty does not change the course of events in these cases it contributes to conflict settlement by setting certain standards. For some of the States Parties it represents an important instrument to measure the performance of others against the CFE Treaty as well.

The Perspective of the Entry into Force of the Adapted Treaty

The adapted CFE Treaty makes the accession of any OSCE participating State whose territory lies within the area of application of the CFE Treaty between the Atlantic Ocean and the Ural Mountains possible. It shall enter into force ten days after the instruments of ratification by all States Parties are deposited.[44] This means that all the 30 signatories have to ratify the Treaty. This would be an important step moving beyond the CFE Treaty of 1990 whose structure still reflects the East-West conflict. Consequently, it is in the best interest of each State Party to bring the adapted Treaty into force.

In light of the Russian Federation's non-compliance with the flank rule and the doubts concerning compliance with respect to its commitments in Moldo-

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42   For a detailed account cf. Claus Neukirch, Moldovan Headaches: The Republic of Moldova 120 Days after the 2001 Parliamentary Elections (CORE Working Paper 3), Hamburg 2001, especially pp. 24-25.

43   Cf. Special Envoy Dunkerley, Statement on Moldova to the Permanent Council, Vienna, 17 July 2000, p. 2, at: http://www.osce.usia.co.at/dunkmold17july00.html.

44   Cf. Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, cited above (Note 25), Article XVIII, para. 1, and Article XXXI, para. 3.

va and Georgia, in May 2000, NATO stated the following in its final communiqué: "We remain concerned about the continued high levels of Russian Treaty Limited Equipment in the North Caucasus in relation to the Treaty's Article V ('flank') limits. These levels must be brought into line with Treaty limits, in a manner consistent with agreed counting rules and procedures, if entry into force is to be possible. We have noted Russia's assurances that this breach of CFE limits will be of a temporary nature and expect Russia to honour its pledge to reduce to CFE limits as soon as possible and, in the meantime, to provide maximum transparency regarding its forces and equipment in the North Caucasus. It is on this basis that Allies will continue to work towards bringing the adapted Treaty into force. Pending the completion of this process, the continued implementation of the existing Treaty and its associated documents remains crucial."[45] Since then this has been the basis of NATO policy concerning the ratification of the adapted CFE Treaty. Many non-NATO countries have shared this position. Despite the fact that Russia has gradually moved closer to compliance as far as the flank rule of the 1990 CFE Treaty is concerned and has taken steps to live up to its political commitments in the withdrawal of its TLE from Georgia and Moldova, the common NATO position remained unchanged.

At the Review Conference, the signatories of the adapted Treaty were able to ascertain the following: First, two countries have ratified the Treaty: Belarus and Ukraine. Belarus stated at the Conference that it had "completed internal procedures for ratification (...) on 18 July 2000. The ratified documents were deposited on 6 October 2000 with the Depositary of the Treaty (...)"[46] Second, Russia declared at the Review Conference "its intention to introduce this document (i.e. the adapted Treaty, P.D.) for ratification to the State Duma in the nearest future, and calls on all other participants of the CFE Treaty not to create artificial obstacles in the way of its entry into force".[47] Third, NATO member states, including the Depositary, and a number of like-minded countries, reiterated their position that "(t)hey would like to see entry into force of the adapted Treaty as soon as possible. We therefore call upon all States Parties to rapidly fulfil the conditions that make ratification by all States Parties possible."[48] The U.S., who held a reserved attitude at the CFE Review Conference, left no doubt about its resolve on ratification: "The United States and other NATO members stated that ratification of the Adapted Treaty will be possible only in the context of full and verifiable compliance with agreed limits, consistent with the agreements contained in the Istanbul Final Act and

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45   NATO, Final Communiqué, Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000, Press Release M-NAC-1(2000)52, 24 May 2000, para. 51.

46   Statement by the Head of the Delegation of the Republic of Belarus, Ambassador V.A. Gaisenak, at the Opening Session of the Second CFE Treaty Review Conference, RC.DEL/2/01, Vienna, 28 May 2001, p. 2.

47   Statement of Yury S. Kapralov, cited above (Note 10), p. 3.

48   Second CFE Review Conference, Statement by Ambassador Johannes C. Landman, Vienna, 1 June 2001, p. 1.

Summit Declaration."[49] Fourth, those States Parties, in which non-compliance would significantly affect their security perception, have reiterated their position and expressed their views concerning the prospect of entry into force bluntly: "Without full implementation of Russian commitments taken in Istanbul the possible outcome of the ratification process in Georgian Parliament could easily be envisaged - the adapted Treaty will not be ratified."[50] Moldova emphasized that "(t)he unconditional implementation of the Istanbul Decisions have a paramount importance for the earliest ratification and entering into force of the adapted CFE Treaty".[51] Fifth, Russia also expressed its opinion concerning the broader implications of the current situation and warned about a grey area, which,"(w)hile the Agreement on Adaptation is in general in line with today's realities, but has not yet formally entered into force, will start to threaten the viability of the Treaty regime and, in the long run, the stability in Europe".[52] For the prospects of the CFE process the Russian Foreign Ministry declared that "the possible entry of the Baltic countries into NATO would have destructive implications for the key CFE provisions, concerning, in particular, the flank limitations, and the area of stability in Central and Eastern Europe".[53]

These statements obviously present certain dilemmas. A year and a half after the signing of the adapted Treaty and under the condition of improving Russian compliance with the Treaty, it is open to question whether non-ratification by NATO serves any useful purpose. It is clear that full compliance with the Treaty would be the best possible scenario. However, a further delay of the ratification process may not foster compliance. It seems some of the major Western European countries understood this more clearly than e.g. the United States. In addition the NATO states have apparently been more severe towards Russia than towards other states whose compliance also leaves a bit to be desired.[54] The very small number of ratifications makes it easier for those states, which due to their direct involvement in conflicts in the area of application are determined not to ratify the Treaty. Furthermore, accession to the adapted Treaty will only be possible after its entry into force.[55] This is of practical importance for the Baltic states or Slovenia, who would like to join NATO. In the end, the longer the time period that has passed between signature and entry into force the less viable the CFE process will be. As was correctly stated by the Hungarian delegation at the CFE Review Conference: "The prolongation of the ratification process has the danger of eroding a cur-

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49 Press Statement of Richard Boucher, cited above (Note 13).
50 Statement by the Delegation of Georgia, cited above (Note 31), p. 2.
51 Statement on behalf of the Republic of Moldova, cited above (Note 34), p. 2.
52 Statement of Yury S. Kapralov, cited above (Note 10), p. 3.
53 Press Release of the Russian Ministry of Foreign Affairs in connection with the completion of the work of the second Conference on Review of the Treaty on Conventional Forces in Europe, 4 June 2001, at: http://www.ln.mid.ru/website/b.../3090b13eda127bff 43256a62003c0fbc?OpenDocument.
54 I would like to thank Hans-Joachim Schmidt of PRIF for his thoughts on this.
55 Accession to the 1990 CFE Treaty is not possible.

rently effectively functioning arms control and disarmament regime, and gradually downgrading its importance."[56] The Formal Conclusions of the Second Review Conference could only voice "the hope that the third such Conference would review operation and implementation of the adapted CFE Treaty".[57]

Conclusions

The CFE Treaty has functioned adequately since 1990. The States Parties thus held their Second Review Conference under favourable circumstances. Even though they had reason to be critical of the insufficient progress made in a number of crucial areas there was no reason to portray this as a crisis. The best reflection of this is the diplomatically formulated and sometimes all too smooth concluding document of the Review Conference.

In spite of its adaptation, the CFE Treaty has partly lost its relevance. The most important reason for this is the fact that European security has become increasingly fragmented. Security phenomena affect different parties quite differently. Those security problems, which can be dealt with through classical means of arms control are concentrated in the area of the former Soviet Union. Other signatories of the adapted Treaty have only been affected indirectly by them.

The majority of the States Parties are members of NATO or would like to become members. This leads to a situation in which the common position of the Atlantic Alliance must be harmonized primarily with the major external, i.e. non-NATO State Party to the Treaty, the Russian Federation. This seems to be in contradiction with the fact that in the absence of a common military threat smaller States Parties have a better chance of representing vital national interests. As national interests have become more highly valued in the CFE process, the task of bringing an agreement like the adapted CFE Treaty into force has become more demanding.

It will be necessary to consider thoroughly the right moment for the ratification of the adapted Treaty in order not to lose momentum in the process. It will be necessary to be flexible in order to give adequate recognition to the improvement in Russian compliance with the Treaty. Ratification by NATO member countries should open the way for the accession of interested OSCE participating States to the adapted Treaty in the foreseeable future.

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56   Statement by Dr. Ferenc Gazdag, Head of Department for Security Policy and Arms Control at the 2nd CFE Review Conference, RC.DEL/13/01, Vienna, 28 May 2001, p. 2.
57   Formal Conclusions of the Second Review Conference, cited above (Note 1), point 7.

Zdzislaw Lachowski/Adam Daniel Rotfeld

Success or Failure? CSBMs in the Post-Cold War Environment[1]

Introduction

The European experience with confidence- and security-building measures (CSBMs) is generally and rightly regarded as a success story. In conditions of enmity and distrust, two politico-military groupings entangled in the complexities of the Cold War managed to negotiate and agree on a regime that helped overcome a lack of confidence in each party's intentions both on the military and political planes. While the 1973-1987 inter-alliance talks on Mutual and Balanced Force Reductions (MBFR), a "hard" arms control enterprise, fizzled out, confidence-building measures not only survived but were also developed further and paved the way towards enhanced political dialogue and more substantial and militarily significant steps. Since the end of the Cold War, the CSBM *acquis* within the Conference on/Organization for Security and Co-operation in Europe (CSCE/OSCE) has been reviewed repeatedly and attempts have been made to use some of its achievements in various security environments. With the end of the Cold War, arms control was eclipsed by other co-operative security tools: crisis management, conflict prevention and peacekeeping operations. The change of the international security environment, the new rules for regulating international relations and the qualitatively different threats and challenges justify the question whether the steps elaborated in another period are still relevant in addressing the altered conditions, whether they are of use after the end of the Cold-War confrontation and in view of the widespread use of new instruments for dealing with contingencies.

This article examines the experience as well as the place, role and tasks of military-related confidence and security building in Europe after the Cold War. First, a historical review of the evolution of CSBMs, their role and status is presented. Then, the nature and tasks of such measures are addressed. This is followed by the examination of the compliance record of CSBMs since 1989. Finally, we set out to assess the relevance of the experience of Europe for non-European contexts.

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[1] This article is a revised and updated version of the paper presented by the authors at the OSCE seminar for its Mediterranean partners on "Confidence-Building Measures and Confidence- and Security-Building Measures: The Experience and Its Relevance for the Mediterranean Region", held in Portoroz (Slovenia), from 30-31 October 2000.

Confidence-building measures (CBMs) and CSBMs have been discussed and analysed in numerous publications.[2] They drew interest particularly in the heyday of the 1980s. That interest in measures to enhance security and stability, and in other instruments of arms control, dwindled with the end of the bloc confrontation in Europe and the world, as their applicability to deal with new risks and challenges emerging on the continent became a moot point. However it was never completely abandoned, and the search for new measures and approaches has continued since then.

There were at least six major premises for the confidence-building dialogue. The *first* was the limited number of actors - two major politico-military blocs with antagonistic ideologies and political systems, but nonetheless sharing an interest in avoiding serious military conflict. An important, though less conspicuous role was also played by the group of the neutral and non-aligned countries. The *second* premise was the fairly high degree of stability of the European security system accompanying the high tension and confrontation in East-West relations. The *third* element was the fairly recent emergence of the antagonism between the European actors. There was no deep-seated historical ideological hostility obstructing a dialogue between the adversaries. The successive crises of the 1960s (Berlin, Cuba, Czechoslovakia) brought home to Western and Eastern leaders the necessity to elaborate measures for staving off an outbreak of war between East and West. The 1969 NATO Harmel Report, the settlement of certain aspects of the German question (the Quadripartite Agreement on Berlin, the agreements between the FRG and its partners and neighbours: the USSR, Poland and GDR) and the German *Ostpolitik* stressing the renunciation of use of force (*Gewaltverzichtspolitik*) at the threshold of the 1960s and the 1970s - each in its own way cleared the path to inter-bloc détente and dialogue. The *fourth* premise was the spectre of inadvertent major military conflict or nuclear annihilation that both sides wanted to avoid. The configuration of massive armaments, conventional and nuclear, especially in Central Europe, called for some measure of mutual re-

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2   For a catalogue of more than 160 various CBM proposals discussed at that time see Brian J. Gillian/Alan Crawford/Kornel Buczek (Eds.), Compendium of Confidence-Building Proposals, second edition, Ottawa 1987. See also e.g., Wolf Graf von Baudissin (Ed.), From Distrust to Confidence. Concepts, Experiences and Dimensions of CBMs, Baden-Baden 1983; Karl E. Birnbaum (Ed.), Confidence-Building and East-West Relations, Laxenbourg Papers 3/1983; Rolf Berg/Adam Daniel Rotfeld (ed. by Allen Lynch), Building Security in Europe. Confidence-Building Measures and the CSCE, New York 1986; James E. Goodby, The Stockholm Conference: A Report on the First Year, in: Department of State Bulletin, February 1985; Kevin N. Lewis/Mark A. Lorell, Confidence-Building Measures and Crisis Resolution. Historical Perspectives, in: Orbis, summer 1984; Stephen F. Larrabee/Dieter Strobe (Eds.), Confidence-Building Measures in Europe, New York 1983; Sverre Lodgaard/Karl. E Birnbaum (Eds.), Overcoming Threats to Europe: A New Deal for Confidence and Security, Oxford/New York 1987; James Macintosh, Confidence (and Security) Building Measures in the Arms Control Process: A Canadian Perspective, Ottawa 1985.

assurance in the absence of disarmament or arms control. The *fifth* factor was the creation of a political framework (the CSCE) for elaboration, negotiation and review of implementation. The *sixth* factor was the civilizational and cultural affinity of the states concerned - their shared values and goals were conducive to mutual understanding, albeit not always in equal measure and often stifled for ideological and political reasons.

At least five stages can be distinguished in the history of confidence-building discussions and endeavours.

1. *The "pre-history" phase*. In the post-World War II period, the powers tried to inject a sense of confidence into their mutual relations, especially in the face of the deepening East-West bloc confrontation. At the peak of the Cold War, with its excessively militant strategies and postures, there was hardly any room for institutionalized military-related measures to enhance confidence. Nevertheless, or maybe because of it, the idea took shape in the mid-1950s with the "Geneva spirit" of détente between the two superpowers and blocs. President Dwight D. Eisenhower's proposal on Open Skies of 21 July 1955[3] was hastily interpreted by the Soviet Union as an attempt to legitimize espionage against the USSR. Nevertheless this and the Soviet suggestions to exchange observers at strategic places within NATO and Warsaw Treaty Organization (WTO) territories set in motion a process towards the Geneva Surprise Attack Conference of 1958 and concepts of nuclear-weapon free zones (the Rapacki plan[4]). While these potentially valuable initiatives fell victim to the deep mistrust and divergent outlooks of the antagonists - the Soviet broad "political-declaratory" *versus* the Western "military-technical" approaches - they set a precedent for a multilateral East-West forum to exchange views on CBMs. The first period of détente ended definitively with the Cuban and Berlin crises in the early 1960s. The concept for an Open Skies negotiation was to wait until the end of the Cold War, when President George Bush put forward a new proposal for such a regime. As a result, the Treaty on Open Skies was signed in 1992.

2. The next stage embraced *the first generation of confidence-building measures*. However, the 1973-1975 Helsinki Conference on Security and Co-operation in Europe was not primarily focused on CBMs. Its main aim was political arrangements (the Declaration on principles guiding relations between participating States) and humanitarian accords (human rights, contacts between people and the free flow of ideas and information). CBMs were covered by a small appendix, initially meant to justify the word "security" in the name of the Conference rather than to aim at a significant dialogue. The MBFR and its associated measures were designed to address the main issues of security in relations between the two blocs, NATO and the WTO. For

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3 Statement by President Eisenhower at the Geneva Conference of Heads of Government, Aerial Inspection and Exchange of Military Blueprints, 21 July 1955, in: The Geneva Conference of Heads of Government, 18-23 July 1955, Department of State publication 6046, 1955, pp. 56-59.

4 Original text in: Zbior Dokumentow/Recueil de documents, 11-12/1964, p. 1571.

NATO, the inclusion of CBMs in the CSCE package was to be an additional test of the WTO's goodwill. The idea of confidence-building measures was reluctantly accepted by the Soviet Union, which would have preferred they followed rather than preceded troop and armament reductions.[5] (Another reason was that the USSR, enjoying supremacy in conventional forces in Europe, was not eager to accept any constraints.)

Seen from today's vantage point, the Helsinki CBMs were very modest. Their area of application did not even cover the entire area of Europe. For the USSR (and Turkey), the measures were applied to the strip within 250 kilometres of its European borders, thus placing it in a privileged position. CBMs dealt with ground forces exclusively and notifications of manoeuvres were voluntary and in accordance with some basic parameters (25,000 troops; 21 days in advance); advance notifications of major troop movements and observation measures were also voluntary, observations were to be conducted on a bilateral basis, and with no set parameters.

3. It was at the 1984-1986 Stockholm Conference that a more advanced generation of CBMs, the so-called *confidence- and security-building measures* (CSBMs), was elaborated. In the face of a political stalemate and in the wake of the new Soviet doctrine of *glasnost,* in the 1986 Stockholm Document, states agreed to adopt measures that would meet four criteria: They would be (*a*) politically binding; (*b*) militarily significant; (*c*) verifiable, when possible; and they would (*d*) extend from the Atlantic to the Urals.[6] These criteria justified the new name given to these measures.

The CSBM parameters on advance notification and observation of military manoeuvres were more substantial, were expanded to include other land activities (amphibious landing and parachute drops from airborne vehicles) and included several constraints on the size, numbers and notification requirements for major manoeuvres. Moreover, annual calendars of military activities were to be exchanged. For the first time the WTO (the Soviet Union) accepted on-site inspections without the right of refusal.

The CSBM package was further expanded in the 1990 Vienna Document.[7] In addition to some improvements on the Stockholm Document, it provided for the exchange of information on current and projected military budgets; established a Conflict Prevention Centre as an element of a risk reduction mechanism and a forum for the annual assessment of the implementation of the Vienna Document (Annual Implementation Assessment Meeting, AIAM); set up a communications network to convey CSBM information; increased military contacts; and allowed each participating State to conduct in-

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5   See more on this in Adam Daniel Rotfeld, Europejski system bezpieczenstwa in statu nascendi [The European Security System in Statu Nascendi], Warsaw 1990, pp. 109-174.

6   It was French President Valéry Giscard d'Estaing who launched the original idea of making CBMs more substantial in May 1978. As early as February 1981, CPSU General Secretary Leonid Brezhnev agreed to the extension of the area of application deeper in the USSR to the line of the Ural Mountains.

7   For documentation and a detailed discussion of the successive Vienna Documents, see the relevant sections of the appropriate SIPRI Yearbook, Oxford et al., 1991-2000.

spections on the territory of any other participating State (as requested by the non-Soviet WTO states). It also contained an innovative procedure for questioning military activity by a participating State that falls outside normal conduct ("unusual military activities" and "hazardous incidents").

4. The breakdown of the East-West bloc system and the break-up of the Soviet Union also heralded changes in the approach to military security processes in Europe. The early 1990s demonstrated the inadequacy of measures designed for an old political and military configuration, the former bloc division, in the face of new challenges and requirements. Participants at the 1992 CSCE Helsinki Summit called into being the CSCE Forum for Security Co-operation (FSC), a single multilateral arms control body for all European states, with the aim of "establishing among themselves new security relations based on *co-operative and common approaches to security*"[8], including new CSBMs. Among the latter, measures with a regional character were envisaged. The participating States strove both to further improve and supplement the existing CSBMs and elaborate new ones. The new version of the Vienna Document adopted in 1992 sought to address at least some of the new needs and challenges. The major changes and additions included the extension of the area of application and the number of participants (by including the new post-Soviet Central Asian republics); provisions on the demonstration of new types of weapon and equipment systems; further lowering of the thresholds for notification and observation; more constraints on major military exercises; and stronger verification measures.

The subsequent Vienna Document 1994 and the work of the FSC introduced some further changes, among the most important of which were a detailed section on defence planning, a programme on military contacts and co-operation, and the extension of thresholds to other categories of heavy equipment (armoured combat vehicles and heavy artillery). All these changes warranted the name of "*third generation*" CSBMs in inter-state relations.

5. A new chapter in the history of CSBMs has now been opened with the latest accord - the Vienna Document 1999. Two-year negotiations (1997-1999) produced a host of proposals, some long-standing (e.g. naval measures, as proposed by Russia), and some new ones. However, the success of the revised document lies in the adoption of a new chapter which envisages complementing OSCE-wide CSBMs with voluntary political and legally binding *measures tailored to regional needs*. However, this success is relative: It is the beginning of the road rather than the culmination of efforts by the participating States. It has been proposed that the FSC be the repository of regional CSBM agreements, as well as assist in developing, negotiating and implementing regional measures. The chapter on regional CSBMs also includes a

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8   CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: p. 735 (emphasis by the authors).

range of possible measures for regions and border areas. A list of proposals and a compilation of bilateral and regional measures prepared by the Conflict Prevention Centre (CPC) and included in the Vienna Document is to serve as a "source of inspiration and reference" for the participating States.

CSBMs in the Post-Cold War Period

The role and status of CSBMs have changed since 1989: They are less conspicuous and seem less useful in the face of new challenges and threats. The evolution of the confidence- and security-building process in the qualitatively changed security environment took place on three general levels: in the pan-European context (Vienna Document), below the European level (regional, subregional, bilateral), and through arrangements with a confidence-building effect.

As regards the Vienna CSBMs, the post-Cold War period has witnessed quantitative rather than qualitative changes. The successive versions of the Vienna Document (1990, 1992, 1994 and 1999) were based on the achievements of the former era, building on preceding accords. Despite all the commitments and appeals that the new risks and challenges, especially those related to intra-state crises and conflicts, should be urgently addressed and dealt with, the OSCE community stuck to its old patterns and orientations, which resulted in a host of incrementally growing obligations, procedures and mechanisms as well as the costs of implementing and sustaining these. States have to cope with the costly and time-consuming burden of providing detailed military-related information, tackle numerous inspection and evaluation tasks and obligations, handle communications problems, and so on, which would have satisfied and reassured participating States in the former period, but do little to stave off a Chechnya-type crisis, for example.

In a way, the elaboration of "new-old" measures was a kind of escape forwards. It showed the states' inability to quickly conceptualize the change and translate it into more appropriate approaches to and instruments of confidence and security building. At the recent round of modernizing CSBMs (1997-1999), more than 100 proposals concerning new measures were considered, but results were modest, which signalled that the process in its traditional form has largely reached an impasse.

The centre of gravity of CSBMs in Europe is shifting towards the regions from which the main challenges to peace and stability come. The Balkan crises, which started in the early 1990s, showed both the inadequacy of traditional CSBMs and the need for new solutions. In the aftermath of the Bosnian tragedy, the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Agreement) instituted (sub)regional CSBMs for the entities of Bosnia and Herzegovina. The 1996 Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (negotiated under

Article II of Annex 1-B of the Dayton Agreement) was modelled on the Vienna Document, but also derived from some parts of the 1990 CFE Treaty.[9] The regional CSBM experiment in the volatile environment of Bosnia and Herzegovina has been proceeding fairly well, under the umbrella of and parallel to international institutions and foreign military protection. It is to be hoped that, in addition to political and civilian arrangements, the network of various regional accords related to arms control there and the arms control and CSBM sections of the Stability Pact for South Eastern Europe will inject enough stability and security into the Balkans to help make the peace process in the region irreversible.

Arrangements in other regions of Europe, reached with no prodding from the outside, are also promising. The "regionalization" of CSBMs is by no means new: There are examples of regional arrangements in the Baltic Sea region (CSBMs), the Black Sea region (maritime operations), and South Eastern Europe (defence ministers' meetings). In the past decade there have been more than 20 initiatives by OSCE States to supplement their Vienna Document obligations with additional bilateral and unilateral commitments. These endeavours range from open skies arrangements (*vide* the Hungarian-Romanian accord of 1991) through numerous confidence-building agreements between Balkan states, especially with regard to border areas (though, notably, there are no substantial Greek-Turkish accords), to the Baltic Sea states' bilateral CSBM arrangements and unilateral commitments (the latter by Finland and Sweden introducing passive quotas for evaluation visits).

These and other arrangements can now draw on the new Vienna-based framework, criteria and guidelines. The Vienna Document 1999 set principles according to which regional CSBMs were to be created. The measures were to: (*a*) be in accordance with the basic OSCE principles; (*b*) contribute to strengthening security and stability in the OSCE area; (*c*) add to existing transparency and confidence; (*d*) complement existing CSBMs; (*e*) comply with international laws and obligations; (*f*) be consistent with the Vienna Document; and (*g*) not endanger the security of third parties in the region.

The third strain of confidence-building solutions are the so-called norm- and standard-setting measures, which encompass the Code of Conduct on Politico-Military Aspects of Security, the Global Exchange of Military Information, the Principles Governing Conventional Arms Transfers, and the Principles Governing Non-Proliferation as well as Stabilizing Measures for Localized Crisis Situations. Documents establishing these measures were adopted in the mid-1990s and serve as additional instruments for enhancing the OSCE role with regard to inter-state and intra-state matters. The Code of Conduct is of particular interest. It contains a kind of solidarity rule with respect to states

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9   See more on this in: Hans-Joachim Schmidt, Konventionelle Rüstungskontrolle: Instrument zur Stabilisierung des Friedensprozesses im ehemaligen Jugoslawien? [Conventional Arms Control: An Instrument to Stabilize the Peace Process in the Former Yugoslavia?], HSFK-Report 10/1996; Zdzislaw Lachowski, Confidence- and security-building measures in Europe, relevant sections on (sub)regional CSBMs in the SIPRI Yearbooks 1997-2000.

that have fallen victim to the threat or use of force. Under current conditions, however, its most relevant provisions are those related to the use of force in performing domestic security missions. They were invoked both in the Chechen crises and the Kosovo crisis. The Code still has untapped capabilities and, certainly, further elaboration of its provisions would be most desirable to eliminate the vagueness of its relevant commitments and to strengthen the enforcement of compliance.

The Compliance Record

The implementation of international agreements is a measure of their relevance and viability. The history of compliance with the CSBM documents abounds in cases where states have not conformed to the provisions of the Vienna Document. Minor non-compliance issues are usually of a non-political character and stem from various technical or financial causes or those related to inexperience. Therefore, as a rule, they are overlooked or tolerated by other participants in the system.

The European CSBM arrangements are not legal documents, however, they are politically binding international commitments of military significance. During the Cold War, their aim was to help prevent surprise attack and provide a measure of confidence between two adversarial politico-military blocs. CSBM implementation was therefore a litmus test of goodwill and co-operation between the participants in the field of military security. After 1989, with their scope considerably expanded and their content substantiated, these measures work in the changed environment of partnership, mutual reassurance and co-operative security. For a long time their weakness was that they addressed state-to-state relations, while dangers to security were becoming increasingly domestic in character. This incompatibility was remedied to some degree only in 1999, when the participants agreed upon a set of principles for measures tailored to regional needs.

In the first phase of the implementation of CBMs, when they were carried out voluntarily, their impact on such developments as Soviet military conduct in the neighbourhood of Poland in 1981 (massive troop movements and a big military exercise) aimed at bullying the Solidarność movement, was almost nil. It was only the criteria of the Stockholm Document that made it possible to demand conformity with the agreed measures. Fortunately, up until the end of the Cold War, no major infringements were witnessed during CSBM implementation. The first politico-military test came during the Yugoslav crisis in the summer of 1991, when Austria and Hungary sought unsuccessfully to set in motion the mechanism for consultation and co-operation as regards unusual military activities; when Yugoslav aircraft later bombarded a Hungarian town, Budapest lodged a protest, referring to the Vienna Document provision on co-operation as regards hazardous incidents of a military nature.

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These moves did not produce any results as other CSCE States took no fol-low-up action.[10]

That some participating States put obstacles in the way of the implementation of the Vienna Document in the post-Cold War period tended to erode the confidence- and security-building regime. This mostly applied to some of the former Soviet republics (and until recently, Bosnia and Herzegovina) who have rather limited experience in complex CSBM procedures and scant re-sources to meet all the requirements for compliance. So far, they have gener-ally complied with verification measures, while the provisions of various kinds of information (e.g. on military activities, defence planning and budg-ets) remains their Achilles' heel. Another aspect is that the CSBM operation has taken place in "fair-weather" conditions, that is, during peacetime (Yugo-slavia was suspended indefinitely from the CSCE in July 1992 after its ag-gressive conduct in the Balkans). The other, compliant, participants have therefore been rather moderate in voicing their criticism and ready to render assistance to their less experienced partners.

The basic weakness of the norms, procedures and mechanisms agreed within the Vienna CSBM framework is that they have been addressed to preventing armed conflicts *between* states, not *within* them. In fact the main threats to international security since the end of the Cold War have been generated by situations within states: conflicts stemming from ethnic, religious, historical and cultural differences. The dangers which CSBMs were designed to ward of - preparations for a sudden, unexpected attack launched by one state (or rather military bloc) against another - no longer exist.

The Major Non-Compliance Cases

The First War in Chechnya 1994-1995

After the suspension of Yugoslavia from the CSBM regime, another compli-ance test came in late 1994, during the first war in Chechnya. Starting its military activities in that region in December, Russia failed to notify to other participants the transfer of its armed forces to places of high troop concentra-tion. It claimed that CSBM provisions on notification and observation were inapplicable during the domestic crisis and argued that transparency on the conflict was being ensured by media coverage. The aim of military action in Chechnya, according to Russia, was to defend its territorial integrity. It did not endanger the security of any other state. These arguments were ques-tioned and rejected by other OSCE delegations. They stressed the applicabil-ity of CSBMs for internal crisis situations, and considered media coverage to be no substitute for Vienna Document notification. The claim that no external

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10   Cf. Zdzislaw Lachowski, Implementation of the Vienna Document 1990 in 1991, in: SIPRI Yearbook 1992, Oxford et al. 1992, pp. 486-487.

security threat existed was considered counter to the principle of indivisibility of security in the application area. Nevertheless the discussions at the Annual Implementation Assessment Meeting in early 1995 were conducted in an open and co-operative spirit, with Russia accepting the relevance of CSBMs with regard to the Chechen issue.[11] More ominous in this context was the fact that Russia did not respect the provisions of the Code of Conduct on Politico-Military Aspects of Security concerning the non-use of armed forces in domestic security missions and the proportionality rule in such missions.

The question of whether the CSBMs are of relevance in "foul-weather" conditions was again thrown into stark relief in 1999. The Kosovo crisis and the war in Chechnya were litmus tests for the viability of CSBMs *inter arma*.

CSBMs and the Kosovo Crisis[12]

In the course of the Kosovo conflict, on 19 May 1999 the Russian delegation protested in the FSC with regard to the inspection carried out in the former Yugoslav Republic of Macedonia (FYROM) earlier that month. It complained that in contravention to the provisions of the Vienna Document, the Russian inspection team had been denied access to all areas and facilities where NATO formations and units were stationed. Later Russia stated that it had encountered similar obstacles during its inspection visit to Albania in mid-May, claiming that: (*a*) the flight of the Russian inspectors to the specified area had been unduly delayed and directed to a point of entry other than that designated; (*b*) their inspection teams had been denied inspection from the air; (*c*) their inspection teams had not been allowed into areas where US armed forces and equipment were concentrated; and (*d*) their inspection teams had been refused access to briefings by US commanders of formations in Albania and the FYROM. Russia also claimed that there were more than 13,000 NATO troops in the FYROM; thus they were subject to observation. The US had allegedly failed to notify the troop concentration in advance, and observers were invited in only after the Russian inspection team had informed the participating States of its work in the area.

NATO, Albania and the FYROM responded that the "hostile environment" justified denial of access on the basis of those exceptions mentioned in the Vienna Document for "areas or sensitive points to which access is normally denied or restricted" for safety, security and force protection reasons. The Atlantic Alliance claimed that its main function in the FYROM was to provide humanitarian assistance. NATO had hoped that the Russian team would inspect the work at refugee centres but, as they were interested in areas where "difficult and potentially dangerous" conditions existed, they were shown a

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11   Cf. OSZE Tätigkeitsbericht, in: Österreichische Militärische Zeitschrift 3/1995, p. 342.
12   For more on CSBM compliance during the Kosovo and Chechnya conflicts: Zdzislaw Lachowski, Confidence- and security-building measures in Europe, in: SIPRI Yearbook 2000, Oxford et al. 2000, pp. 615-616.

training exercise involving NATO forces. Both Albania and the FYROM pleaded technical reasons for not providing a helicopter for inspection purposes (those available allegedly fell short of the required safety standards). Changing the entry points for inspectors was said to have been to accommodate ongoing humanitarian airlift operations. As far as non-compliance with the observation threshold was concerned, the FYROM said it would issue invitations at a later date. Eventually, the Russian observation visit took place well after the end of the NATO campaign in the Federal Republic of Yugoslavia, in July 1999.

The FYROM incident reportedly arose because the US command perceived the implementation of CSBMs during the 1999 Kosovo crisis as a threat to NATO's "operational security". The US alleged that because Russia would have been able to hand over (apparently, to Belgrade) sensitive information on NATO military equipment in the vicinity of the Federal Republic of Yugoslavia, they had to postpone the inspection request. Other NATO states, such as Germany and the UK, had allowed their commanders in the FYROM to provide information to the Russian inspectors. Germany, in particular, found US arguments on the sensitive equipment in the FYROM rather unconvincing, since the operation there served clearly humanitarian needs. The sophisticated Apache helicopters stationed in Albania were of course a different matter.

CSBMs and the Second War in Chechnya

Another challenge to compliance with the Vienna Document 1994 arose in the autumn of 1999. On 8 October, Russia confirmed that its concentration of forces in the North Caucasus had exceeded some of the thresholds and it provided additional information in late October and in February 2000. Unlike the NATO concentrations in Albania and the FYROM, the concentration in Chechnya comprised forces engaged in war. Russia claimed that it had demonstrated exceptionally goodwill and transparency in providing updated information on the conditions of military operations against the Chechen "bandits and terrorists". The NATO states however demanded that Russia provide not only numbers but also details on the purpose, level of command, time frame and envisaged area of the operation, and other relevant information. Western countries repeatedly urged Russia to update its October information and allow an observation visit in accordance with the Vienna Document. The feasibility of conducting an observation mission as well as the security of the observers inside Chechnya during the war were, however, questionable. Russia allowed a German team to inspect areas adjacent to Chechnya in February 2000, and it was only in June 2000 that an OSCE multinational observation team was allowed to visit the Russian units stationed in the "combat zone" in Chechnya. As during the first war in Chechnya in 1994, the NATO and EU countries have pointed out that, in addition to non-compliance with CSBMs,

Russia has probably violated the provisions of the Code of Conduct on Politico-Military Aspects of Security, especially that the armed forces take due care to avoid injury to civilians and their property and to avoid the indiscriminate and disproportionate use of force.

Central Asia

Two cases involving compliance issues, both concerning Uzbekistan, drew attention in 2000. In March, the US requested inspection of an area in Uzbekistan in which army-level activity could have been conducted. The Uzbek authorities denied the request for inspection on the date requested because they could not resolve "organizational issues" in the short time frame envisaged. They suggested that the inspection be carried out at a later date and subsequently claimed that they lacked sufficient resources to receive an inspection because of the demands of an ongoing military exercise. The reply also suggested that the area which the US had requested to inspect did not fall under the Vienna Document application framework, and a readjustment of the specified area was proposed. The Uzbek response was met with harsh criticism by the US.[13] In August, Uzbekistan refused a second US inspection request because of financial and technical problems and because another inspection had been carried out by Italy ten days earlier. A similar case was that of Tajikistan's refusal to accept a Spanish inspection in October.

All the cases were discussed intensely in the FSC, and many states expressed concern over the poor implementation of the provisions of the Vienna Document 1999 and suggested ways to improve it.

The Relevance of CSBMs in Other Regions: A Few Reflections

CBMs/CSBMs were tailored to the specific context of a divided Europe. The experience of some non-European regions seems to prove the exclusivity rather than universality of European CSBMs. Various attempts to implant them in other politico-military contexts have borne mixed results. In the Association of South-East Asian Nations (ASEAN) region, Central Asia and Latin America, military CBMs have been agreed upon within packages of broader confidence-enhancing steps and tested by the political and military authorities. In other conflict-ridden parts of the world, such as the Korean peninsula or the Middle East, such ambitions have not gone beyond discussions and concepts offered by analysts and theoreticians. On the whole, outside Europe basic confidence building is being pursued actively in regions

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13   Cf. Statement on Uzbekistan delivered by Ambassador David T. Johnson to the Forum for Security Co-operation: US Statement on Uzbekistan to Security Cooperation Forum, Washington File, 10 April 2000, at: http://www.usembassyisrael.org.il/publish/press/security/archive/2000/april/ds10411.htm.

that either enjoy a sufficiently high degree of security dialogue (South-East Asia) or lack major incentives to engage in an arms race (Latin America).

Nevertheless, the OSCE has recently been willing to share its experience more actively with the interested actors. In October 2000, the Organization held a seminar for its Mediterranean partners on CBMs/CSBMs. In March 2001, the applicability of CSBMs in the Korean peninsula security environment was discussed between interested states and international institutions at the Seoul meeting organized by the OSCE and South Korea.

If it was assumed that the historical premises for CBMs/CSBMs in Europe as listed further above (a *de facto* limited number of actors; high stability; no long-standing deep antagonisms; fear of inadvertent nuclear catastrophe; an institutional framework; and affinity of values) should be the *sine qua non* conditions for applying the measures outside the OSCE area, their applicability would be out of the question. Moreover, it is a truism that each region has its own political, social, economic and military characteristics as well as specific peculiarities which should be taken into account when embarking on the road towards strengthening confidence among states.

However, both intuition and experience suggest that once states are ready to believe that the benefits of peaceful relations outweigh the costs of confrontation and conflict among them, there is a starting point for a confidence-building process. Some of the OSCE experiences, as analysed above, could be of relevance. In seeking such a regime, several premises ought to be taken into account:

For the beneficiaries of future confidence-building measures it is important to understand their capabilities and limitations. CBMs are not a cure-all for international security problems. They constitute part of the outcome of a wider co-operative process of reconfiguring inter-state relations rather than creating them.

Stability and predictability in the region are preconditions for confidence. This can be achieved only against a broader background of political, economic and social relations and ties in the area of application. Confidence is a "fair-weather" feature and can hardly exist in a state of crisis or conflict.

Convergence of the norms and values pursued by parties to an agreement is desirable. It is a great challenge to ensure that the obligations undertaken are respected. In non-democratic regimes decisions and pledges can be made easily, but they are just as soon abandoned; democracies require protracted processes of adopting obligations, but when an essential decision has been made it is more difficult to back down from it.

C(S)BMs are not a value per se; they serve some broader objectives. It is advisable that strong overarching goal(s) be shared by parties in their pursuit of better mutual relations, whether it is simply to avert war or build durable peace. In the northern hemisphere, the goal has been co-operative security. Elsewhere, advanced co-operative undertakings are not yet in place. Rather, it is the armed forces that are seen as the main instrument for enhancing state

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security, and rarely are the interests and perceptions of neighbouring countries taken into account by states. Moreover, such tenets as the renunciation of violence, non-violation of borders and non-intervention are not addressed in earnest in other regions. To implement CBMs in a non-European context, therefore, a comprehensive political framework within which such measures could be elaborated, reviewed and/or verified will be needed, against the background of a set of broader political commitments and principles.

Another element is political culture. Countries at different stages of state formation, with various political cultures and outlooks, risk mutual misunderstanding and misconceptions. Some observers point especially to the psychological aspect of launching a CBM process; if poorly timed, the introduction of confidence-building measures may turn out to be counterproductive or simply a non-starter.

Because of the multitude of actors involved in introducing such a system, it might be desirable to adopt a bottom-up incremental approach. Subregional and bilateral solutions seem to hold more promise for the pursuit of confidence at the early stages of a CBM process than the introduction of an overall regime as an instant package solution.

In sum, a CBM regime cannot simply be transferred from Europe to other regions. The process will have to be thought through: It should be a well-prepared, well-timed, earnestly executed incremental exercise rather than a ready-made blueprint.

Conclusion

Conventional arms control is not *en vogue* today. Even the Second CFE Treaty Review Conference which took place in May 2001 was not expected to give a fresh impetus to these kinds of efforts. This is mostly because of Russian non-compliance in Chechnya and its difficulties with troop withdrawals from former Soviet republics (Moldova and Georgia), but also as a result of the successful adaptations of two major European accords reached in 1999: the CFE Treaty and the Vienna Document.

The CFE adaptation talks succeeded in removing the bloc straitjacket from the Treaty, freeing it to adjust to the new security environment. Although the adapted CFE Treaty's entry into force remains stalled, it already provides a new basis for security co-operation among the States Parties to the Treaty, and eventually it will expand to embrace the remaining European states.

Having completed this job, European arms control is undergoing a significant evolution. Four general tendencies characterize its status.

First, it is turning from "hard", structural steps (that is, limitation and reduction) towards "soft", less stringent arrangements made in a co-operative spirit: CSBMs, risk reduction, transparency and other stability-enhancing measures.

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The *second* element is the "regionalization" of European arms control. Since the early 1990s numerous bilateral and subregional accords as well as unilateral initiatives have been put into effect in East Central and South-eastern Europe. The underlying motives have been to overcome historical resentments and conflicts, meet NATO and/or EU membership criteria, and encourage neighbouring states to modify their security policies (e.g., Russia vis-à-vis the Baltic states). The latest version of the Vienna CSBM Document encourages states to develop measures tailored to (sub)regional needs.

The *third* phenomenon is an attempt to employ CSBMs in "all-weather", domestic-related missions. The Cold War logic could only address inter-state "fair-weather" conditions; tensions ruled out confidence. For some time, the European states have discussed whether "foul-weather" co-operative responses are feasible. It appears that lack of political will, rather than insufficient mechanisms, is what prevents states from making headway.[14] A first step forward was made by Russia in 2000 when it invited other European states to make an observation visit in an area of "ongoing military activities" in Chechnya.

Fourth, during the Cold War, arms control played a relatively autonomous role in dispelling mistrust. The new trend is to enhance the impact of such measures by combining them with other "soft" security measures and institutions under an international umbrella, as is being done within the Stability Pact for South Eastern Europe, or through the recent OSCE small arms accord. It is hoped that the resulting synergy will enhance the chances for peace and stability in volatile subregions and in Europe as a whole.

Customized to conventional ground forces in the OSCE area, the European CSBM regime was directed at the most threatening parts of armed forces and equipment during the Cold War. For the most part it has accomplished its task successfully and apparently reached the stage of fulfilment in its present shape. The changed political landscape and the new security principles underlying the post-Cold War environment make it possible for the participating States to turn their attention to other areas where confidence building is seen as advisable, such as some measures related to the navy and air force or CBMs related to tactical nuclear weapons.[15] This, however, calls for more determination and co-operation among the partners in overcoming the still lingering fears and reluctance motivated by strategic interests.

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14 An interesting observation, apparently in the context of Yugoslavia, was made by the Russian delegate: "A state or a group of states can conduct a mass-scale military activity, making use of only the naval or air component of its armed forces" (i.e., not subject to the Vienna Document regime). OSCE document FSC.AIAM/29/00, 1 March 2000.

15 In December 2000, NATO made public its "Options for Confidence and Security Building Measures (CSBMs), Verification, Non-Proliferation, Arms Control and Disarmament". The most interesting parts of the document concern confidence-building, transparency and non-proliferation measures proposed to be agreed between the Alliance and Russia. Cf. NATO Press Release M-NAC-2(2000)121, December 2000.

Thorsten Stodiek

OSCE International Police Missions[1]

At the Budapest OSCE Summit in 1994, the Heads of State or Government of the 54 participating States[2] made the decision to draft "a common and comprehensive security model for Europe for the 21st Century". Five years later, at the OSCE Istanbul Summit in November 1999, the "Charter for European Security" was finally submitted to and signed by the 54 Heads of State or Government.

The European Security Charter was designed to create a foundation for the future conduct of the OSCE within the framework of the new European security architecture that had begun developing since the end of the Cold War. In particular, the relationship between the OSCE and the WEU as well as the OSCE and NATO played an important role in the development of the Charter.

The goal of the Charter - which is politically but not legally binding under international law - is to

- confirm OSCE norms and principles for inter- and intra-state conduct,
- anchor the basic political commitments of the states in all dimensions of security,
- base the interaction of Euro-Atlantic security organizations on a common foundation,
- contribute to strengthening the OSCE through the improvement and development of its instruments and
- improve OSCE decision-making capacity and ability to take action.[3]

The importance of these factors became clear especially in view of the unsatisfactory role the OSCE played in the Kosovo conflict. The Kosovo Verification Mission (KVM), which was the first significant test of the OSCE's ability to take action within the framework of European conflict management, revealed that the Organization had an immense personnel deficit[4] and again

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1   This article is based on research from a project entitled "International Police as an Instrument for Conflict Management" financed by the Volkswagen Foundation.

2   The Federal Republic of Yugoslavia was suspended from the OSCE from 1992 to 2000.

3   Cf. Peter Josef Merk, Operativ gestärkt. Die OSZE-Charta für Europäische Sicherheit [Operationally Strengthened. The OSCE Charter for European Security], in: Informationen für die Truppe, IFDT, 1-2/2000, pp. 23ff. The Charter for European Security is reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443.

4   At the time of the KVM withdrawal in March 1999, out of the 2,000 verifiers that had been pledged in October 1998, only 1,400 were stationed in the deployment area. Even over a period of five months, the participating States had not been able to make the required 2,000 monitors available.

emphasized that principal Western actors have given NATO a significantly more important role in the European security architecture.

In particular, agreement was reached on measures to make the operational area more effective thus strengthening the position of the OSCE in the concert of security organizations. The participating States decided

- to create Rapid Expert Assistance and Co-operation Teams (REACT),
- to establish an Operation Centre for the preparation, planning and rapid deployment of OSCE field operations as well as
- extending the capacity to implement police activities, e.g. training, development and monitoring of local police as well as examining the options and conditions for a role in law enforcement.

In making the implementation of police activities its goal, the OSCE - like the United Nations before them - had recognized and documented the importance of police missions in the area of non-military management of inner-state conflicts. After the end of the East-West confrontation, when new inner-state conflicts flared up constantly, the number of police personnel as well as the scope of their tasks in UN peacekeeping missions had steadily been increased. While in the Namibia mission in 1989, there were approximately 1,500 UN police officers deployed exclusively to monitor local police forces, in the course of later missions tasks like the development and training of local police forces were also introduced. This took into account the fact that the success of a peacekeeping mission depends to a large extent on the quality of the work done by the local police after the withdrawal of international security forces. By the end of a mission, local police should be able to prevent human rights violations, protect democratic institutions and take consistent action against corruption, organized crime and terrorism because the capacity to guarantee domestic security is a basic prerequisite for the socio-economic stabilization of a crisis region. Up until 1998, the percentage of police in UN missions had increased to over 30 per cent of total personnel.[5] The highpoint in the quantitative and qualitative structuring of police mandates was achieved when the United Nations Interim Administration Mission in Kosovo (UNMIK) was mandated in June 1999. In this mandate, in addition to the then already standard monitoring and training tasks, UNMIK police were given the responsibility for guaranteeing public security and with 4,718 authorized UN police officers, the UN Security Council mobilized the largest police contingent in a peacekeeping mission to date. Within the framework of UNMIK, the OSCE was, among other things, given the task of instructing the

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5   Cf. Frank-Erich Hufnagel, UN-Friedensoperationen der zweiten Generation. Vom Puffer zur neuen Treuhand [The Second Generation of UN Peace Operations. From Buffer to New Trusteeship], Berlin 1996, pp. 62ff.; Gerald Hesztera, The Future of the Civilian Police within the OSCE Framework, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 243-248.

future local Kosovo police in the theoretical basis of police work under the rule of law.

According to estimates by the OSCE participating States, in future, an increasing number of police missions will be deployed in OSCE space. Therefore, in this article the following areas will be explored: OSCE experience in the area of police work, an assessment of the implementation of the Istanbul decisions for the development of police capacities, and in conclusion, a prognosis will be made about future police activities within the OSCE framework.

OSCE Police Missions

The Police Monitoring Mission in Croatia

In the spring of 1998, police officers were deployed in the OSCE Mission to Croatia, the first time ever police participated in an OSCE field operation. However, these plain-clothed officers did not at first assume monitoring or executive functions, but only acted as legal advisors for the local Croatian administrations in communities with a high percentage of Serbs.

However, as it became clear that the United Nations would withdraw its UN Civilian Police Support Group (UNCPSG) from Eastern Slavonia on 15 October 1998, the OSCE announced it was willing to replace the around 180 UN police officers with 120 OSCE policemen.[6] In Decision No. 239 of 25 June 1998, the Permanent Council set the course for the first monitoring task of an OSCE police force. In addition to monitoring the Croatian police, OSCE police officers also trained Croatian authorities on how to conduct themselves regarding ethnic groups as well as how to protect the human rights of displaced persons, refugees, and persons belonging to national minorities. In contrast to the UN police, OSCE policemen were all dressed alike. The Austrian Gendarmerie made uniforms available which were then furnished with an OSCE identification patch and the national insignia of the country of origin of each officer.[7] In order to guarantee a smooth transfer from the UN to the OSCE mission, these organizations set up a steering board and two working groups made up of officials from both missions.[8] 16 OSCE participating States made 120 officers available to the Police Monitoring Group (PMG). They were distributed among ten of the twelve local police stations in the Danube region and received support from 87 local field assistants. An OSCE monitor and a local field assistant monitored local police duty officers on a 24-hour, seven-days-a-week basis. The monitors accompanied police on patrols on a random basis. In addition, OSCE police officers responded to incidents on-the-spot, carrying out investigations there.

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6   Cf. Hesztera, cited above (Note 5), p. 243, and OSCE Newsletter 5/1998, p. 10.
7   Cf. OSCE Newsletter 6/1998, p. 2.
8   Cf. OSCE Newsletter 7/1998, p. 13.

Two months after the beginning of the mission, the PMG of the OSCE Mission to Croatia made an assessment of the situation in its deployment area. It came to the conclusion that local police responded reasonably to incidents, however, "follow-up in the case of ethnically related incidents was not always satisfactory". Furthermore, shortcomings were ascertained in the judiciary's follow-up to police investigations.[9] A year later, the PMG again evaluated the security situation in the Danube region describing it as by and large stable. However, in the Vukovar area and its vicinity, there had been some ethnically motivated acts of violence. Croatian demonstrators had called for assistance from Croatian Serbs in determining the location of missing persons and/or their graves and the OSCE Mission and the PMG acted as mediators between the ethnic groups involved.[10]

A year later the security situation was evaluated as stable and the work of the local police as satisfactory. Police conduct had improved considerably due to extensive personnel and structural changes in the police apparatus. These improvements were made possible thanks to the positive climate in co-operation between the Mission/PMG and the Croatian Ministry of the Interior.

Because of this positive development, the OSCE Permanent Council passed a decision on 21 September 2000 to demobilize the PMG by 31 October 2000. Some of these OSCE policemen were incorporated into the OSCE Mission to Croatia to be able to continue civilian police monitoring and advisory services in Eastern Slavonia as well as other parts of Croatia.

The OSCE Police Training Mission within UNMIK

While the OSCE police in Eastern Slavonia conducted primarily monitoring tasks, the OSCE police officers in Kosovo have been focusing only on training the local police, originally planned to be a force of around 4,000[11], at the Kosovo Police Service School (KPSS) in Vučitrn. On 1 July 1999, the Permanent Council passed the decision to mandate the OSCE Mission in Kosovo. This Mission was to be a distinct component within the framework of the UNMIK interim administration. In addition to conducting police training, they are to instruct judicial and civil administrative personnel, build democratic structures, develop the media, organize and monitor elections as well as monitoring, protecting and promoting human rights.[12]

The totally new development of a multi-ethnic local police force according to the principles of the rule of law was one of the most important tasks ever within the UNMIK operation as reliable local police forces were urgently needed to back the approximately 4,700 international UN police officers with

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9   Cf. OSCE Newsletter 12/1998, pp. 8f.
10   Cf. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report 1999 on the Activities of the OSCE (1 December 1998 - 31 October 1999), SEC.DOC/2/99, 17 November 1999, p. 18.
11   In the meantime, the goal is to deploy 6,000 local police in 2002.
12   Cf. OSCE Permanent Council, Decision No. 305, PC.DEC/305, 1 July 1999.

the difficult job of implementing law and order in Kosovo. The UN and the OSCE shared police training tasks. UNMIK police and OSCE police trainers co-operated in recruiting cadets for the Kosovo Police Service (KPS). Following this, the OSCE was responsible for basic theoretical training, further training as well as courses in shooting and driving while the UNMIK police took over practical training in the areas of patrol and station duty.[13]

The OSCE provided 181 police trainers from 23 participating States backed by 265 local employees.[14]

The minimum requirements for KPS officer applicants were that they be 21 years of age, have a secondary school education and residency in Kosovo. In addition, they were to be in excellent physical condition as well as being tolerant and willing to co-operate with people of different ethnic backgrounds or religions and be able to convey convincingly their desire to protect the human rights of all Kosovars.[15] The percentage of applicants who were refused makes clear that these criteria were highly selective: 80 per cent failed the application tests. For the first two training courses, 400 police candidates were chosen from the 19,500 Kosovars applying for a position in the KPS.[16]

The training programme began on 7 September 1999. Under OSCE direction, 174 future police officers started their training in the re-established police training centre in Vučitrn. Of the 400 candidates in the first two training courses,[17] 80 per cent were of Albanian and 13 per cent of Serbian descent. Seven per cent belonged to other minorities. 20 per cent of the applicants were Albanians who had already performed police services in Kosovo until its autonomy status was taken away in 1989.[18] The second course began at the beginning of December 1999.[19] The fact that among the first 174 recruits, there were only three members of the Kosovo Liberation Army (*Ushtria Clirimtare e Kosoves*, UCK/KLA), was met with heavy protest by UCK/KLA leadership. Making reference to the demilitarization agreement, they demanded that their members be better represented.[20] In the meantime, these demands have been met so that during the summer of 2001 around 40 per cent of KPS officers were recruited from ranks of former UCK/KLA fighters.[21]

A year and a half after the beginning of the first basic course around 3,400 KPS officers in 13 courses had completed their 19-week training. Two further courses had also just begun. In the meantime, regional training centres

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13   Cf. OSCE Newsletter 7/1999, p. 3, and the Neue Zürcher Zeitung of 6 August 1999.
14   Cf. OSCE Mission in Kosovo, Kosovo Police Service School, 9 April 2001, p. 3.
15   Cf. ibid., p. 1.
16   Cf. Steve Bennett, Coordination in Local Police Education and Training, in: Thomas Papworth/Sharon Wihata, Policing Europe: European Policing? The challenge of coordination in international policing, Workshop-Report, May 2001, pp. 8-9.
17   Of these 400 candidates, 350 actually started the training programme.
18   Cf. Kosovo News Reports, 3 September 1999, at: http://www.un.org/peace/kosovo/news/kosovo2. htm.
19   Cf. Kosovo News Reports, 6 December 1999, at: ibid.
20   Cf. FAZ of 20 August 1999.
21   Cf. Bennett, cited above (Note 16), p. 8.

were set up in Gnjilane, Peć und Prizren. Starting in June 2001, selected KPS officers who had completed their basic training and were destined for supervisory positions were able to take part in first-line or middle management courses. Since February 2001, courses have been offered in which future criminal police officers are being trained in criminal investigation.[22]

Since the beginning of the development of the KPS, the UNMIK and the OSCE have placed great value on integrating a significant number of women as well as ethnic minorities in the new Kosovo police force. The first 15 training courses included on the average 19 per cent women, nine per cent of KPS cadets were ethnic Serbs and eight per cent belonged to other minorities.[23]

Although ethnic Serb KPS officers exhibited the same professional behaviour in their work as their Albanian colleagues, the Albanian public did not accept them and they had to fear for their lives and limbs when confronted by Kosovo-Albanians. Furthermore, for cultural reasons, the women in the Kosovo police also had to fight against not being accepted by the population.

Personnel complaints about KPS officers came predominantly from the UNMIK police. 0.5 per cent of the local officers were charged with criminal activities. However, the majority of the officers performed their work well so that the training programme on the whole was considered a success.[24]

The OSCE Police Training Mission in Southern Serbia

Since 21 May 2001, the OSCE has conducted a police training operation in the Preševo Valley in southern Serbia. The goal is to establish a multi-ethnic police force. In May 2001, NATO agreed to the deployment of Yugoslavian security forces in Sector B of the security zone between Kosovo and Serbia. In order to increase the confidence of the predominantly Albanian population in the Yugoslavian security forces in the Preševo Valley, plans were subsequently made to create a mixed police force made up of both ethnic Albanians and ethnic Serbs. The training programme is to include around 400 policemen and run in three phases. The first phase began on 21 May 2001. First, twelve former ethnic Albanian and Serbian police officers were familiarized with the basics of their work in a five-day "refresher course". Following this they were sent on patrol duty in six mixed teams. In this first training phase, 28 more Albanian and Serbian policemen were coached for patrol duty in mixed teams.

On 11 June 2001, the second phase of the training began. 40 Albanian and Serbian policemen were selected to participate in a five-week further training programme in Bujanovac.

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22   Cf. OSCE Mission in Kosovo, cited above (Note 14), p. 2.
23   Cf. ibid., p. 3.
24   Cf. Bennett, cited above (Note 16), p. 8.

The third phase began on 6 August 2001. In twelve-week basic courses, around 400 Serbian and Albanian police officers as well as officers from other minorities are being trained for service in the Preševo Valley.[25] The initiators of the training programme are very pleased with the first results.

Measures to Strengthen Operational Capacities since Istanbul 1999

The Development of an Operation Centre

In the year 2000, the Operation Centre was established as a permanent planning unit within the Conflict Prevention Centre (CPC). Its main task consisted of identifying future crisis areas, planning future missions as well as recruiting and deploying mission personnel. The early recognition of crises allows the Operation Centre to assemble background information and develop options for taking action, which can then be transferred to the Permanent Council to assist them in passing decisions on mandates. The members of the Operation Centre act as the "core staff" in the process of setting up a mission and can also accompany a new Head of Mission at the beginning of an operation. After the end of a field operation, the Operation Centre also has the task of making a systematic assessment of work in the mission. Another important function of the Operation Centre is the establishment and maintenance of OSCE contacts with their international partner organizations in military as well as the civilian areas. The Centre has been in operation since September 2000.

Implementation of the REACT Concept

As a result of the initiative in Istanbul to create REACT, the Permanent Council established a task force within the Conflict Prevention Centre, which was to make REACT operational by 30 June 2000. The task force consisted of seven members from the areas of police, personnel, training and information systems. The REACT programme was designed to improve co-operation between the Secretariat and the participating States in the area of human resources management so that for future missions it would be able to recruit required personnel more rapidly. For this,

- new or reworked standardized staffing matrixes for the selection of field staff were prepared,
- an internet-supported data processing programme was developed that links potential mission applicants directly from the REACT homepage[26] to the national recruitment systems, which are still in charge of the ac-

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25   Cf. OSCE Press Release of 6 July 2001.
26   REACT internet address at: http://www.osce.org/react/index/htm.

tual recruitment process and which are directly connected with the Secretariat in Vienna through the internet-supported extranet,

- the training standards within the OSCE were unified, which was designed to prepare OSCE personnel according to mutually agreed criteria as well as, in the long-term, allowing co-operation between training centres in different OSCE participating States.

Due to the standardized staffing matrixes used to collect personnel data, there is one unified document for filing, transfer and analysis. The matrix consists of twelve different fields of expertise as well as four levels of functional competence so that every applicant can be fit into exactly one of the 48 categories of work performed in OSCE field activities. Thus the OSCE maintains an exact overview of which management and functional positions can in principle be filled in which fields of work. In addition to the area of civilian police, the matrix also includes the fields of human rights, rule of law, democratization, elections, economic and environmental affairs, press and public information, media development, political affairs, administration and support, general staff/monitoring functions and military affairs.

A special staffing matrix was developed for the police area:

- Applicants at the entry level are required to have at least eight years of police service experience as well as a diploma from a police training school.
- Applicants at the two middle-management levels are to have ten years of police service experience of which at least the last twelve months must have been spent in management positions. Completion of appropriate further training courses is also required.
- Applicants at the highest management level must have 20 years of experience of which at least the last three years are to have been spent in a first-line management position.

This internet-supported data-processing system has been in operation since April 2001. Within a month of its start-up, as many as 2,500 people had visited the REACT homepage. The task force rated the fact that potential applicants were showing so much interest as highly satisfactory. However, one of the remaining difficulties is storing personal data. Many of the participating States guarantee data protection. Thus they are not permitted to provide information before a field operation on the mission personnel they have available. As a result, the REACT planning group at best only discovers the number of potential mission members in many of the participating States. Currently, the task force does not have an exact overview of the potential mission personnel from the 55 participating States. In the area of police recruitment for REACT, the participating States have encountered the same problems they have had when placing police on standby for the United Nations. Be-

cause of a general lack of personnel, governments have had great difficulties in freeing police officers from their regular duty and making them available to international organizations. These problems are even worse in those participating States where police affairs fall under the jurisdiction of federal states, cantons etc. with which the sending country must first negotiate on whether it will be able to place personnel on standby or not.

Nevertheless, at this point in time, the CPC considers it a priority in evaluating the success of REACT's implementation that the level of professional competence of future personnel provided by the 55 participating States will become more uniform due to its standardized recruiting mechanisms.

A Police Adviser - who has yet to be appointed - is to assemble police personnel for each future mission based on REACT data.

Extending Capacities to Implement Police Activities

Other than the establishment of the Operation Centre and the implementation of the REACT programme, little had been done since Istanbul to develop OSCE police capacity. This led, through the initiative of Great Britain, to the creation of an informal open working group on police activities at the OSCE Ministerial in Vienna in November 2000, which is to deal, among other things, with the establishment of the position of a Senior Police Adviser.

Headed by the Canadian delegation, this working group met three times until the summer of 2001. Two different positions became clear at these meetings: One group of participating States considered it a priority that the position of a Police Advisor be created. Their view was that he should develop substantive topics like the future tasks and structures of OSCE police. The other group wanted the working group to first clarify the substantive issues of police work, the links to other international organizations in the police field as well as the tasks and position of the Police Adviser before he was appointed by the Permanent Council.

At the end of the day, the working group compromised. This compromise consisted of the fact that senior officials of the ministries of the interior of the participating States would meet at the occasion of a meeting of experts in June 2001 and solve substantive issues as well as the question of the creation of the position of the Police Adviser. A report was then to be submitted to the Permanent Council for consultation and decision-making in the hope that this position would be filled before August 2001.

In the run-up of the meeting, the possible duties for the Police Adviser were defined as identifying potential mission task areas as well as preparing support measures for potential host countries. Furthermore, it would be the task of the Police Adviser to publish reports for the participating States and apply to them for funding for police activities. His function would therefore be primarily to create co-operative relationships between the participating States, the OSCE and the mission host countries.

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There was controversy among the participating States as to the relationship the Police Adviser should have with the Permanent Council, the Chairman-in-Office, the field missions and other Secretariat departments and where in the hierarchy he should be placed.

Furthermore, there is still a lack of clarity on the question of exactly which tasks the OSCE police forces would undertake in future. That is, in the Istanbul Security Charter, the examination of the option for carrying out law enforcement measures within the OSCE framework is recommended, however the majority of the participating States prefer a concentration on tasks like the training, development and monitoring of local police units. Moreover, in the view of a number of participating States, the OSCE should promote liaisons between the police in neighbouring mission host countries and should concentrate on the implementation of common training courses for police from these neighbouring states. This is because they consider the most urgent task to be fighting cross-border organized crime (drug trafficking, trafficking in weapons, trafficking in human beings, terrorism, corruption) and communicating human rights standards.

Missions with a law enforcement mandate modelled after that of UNMIK are considered by these states to be exceptions to the rule. In their view, there is little chance that similar missions will be deployed in OSCE space. Thus, these states do not see a conceptional debate on this type of task as urgent.

Moreover, some Eastern European participating States in general are very sceptical about the option of police mandates to monitor human rights. They fear that they themselves would become the object of such field operations. Thus they implicitly reject the conflict prevention measures of an OSCE police force in inner-state conflicts. In contrast, they are explicitly in favour of the fight against international terrorism and drug trafficking.

Possible OSCE Police Missions

Potential OSCE police mandates in the near future will be focused on the area of preference of most participating States, who call for police mandates in the area of training and advising local police.

The police training mission in southern Serbia, which has been running since 21 May 2001, fulfils this objective exactly. Furthermore, the newly opened OSCE office in Belgrade has been studying the options for establishing a police academy, which would be open to police officers from all over Yugoslavia. In the meantime, the Briton Richard Munk, a police expert with mission experience, is in Belgrade to examine the possibility of this kind of a mission and define the requirements to implement it.

There are also initial considerations for a police training mission in Macedonia, but the mandate issue is still unclear.

Some of the participating States have also considered a police component within the framework of a possible peacekeeping mission in Nagorno-Karabakh, where the mandate could include the development of fundamental structures for civil order.

Finally, an OSCE police mission in the border area of Georgia and South Ossetia would be conceivable. There, OSCE border police would fulfil an advisory function for the local border troops assisting them in the fight against weapon smuggling.

Prospects and Recommendations

Since the Istanbul decisions, the fundamental measures for the development of OSCE operational capacities have progressed significantly through the establishment of the Operation Centre and the implementation of the REACT concept. However, concrete measures for the development of OSCE police capacities have lagged behind. If all goes well, the participating States will during the summer of 2001 agree on the creation and appointment of the position of a Police Adviser, will gain clarity on the future tasks of OSCE police and sign an agreement with the EU on the availability of the 5,000 EU police officers that are to be put on standby as crisis reaction forces by 2003. Agreements should also be negotiated with the EU on the training of OSCE police officers from non-EU countries who take part in international EU police training programmes and thus should be brought to an equal training level. The varying levels of training of mission police officers have repeatedly led to considerable deficits in the performance of the international police within the framework of UN Civilian Police missions. This could be prevented at the OSCE level through joint training programmes. The costs for the training of participants from non-EU countries could be covered through voluntary contributions from the prosperous OSCE participating States.

Furthermore, concepts for potential law enforcement operations should not be neglected in the process of concentrating all efforts on training and monitoring mandates. Especially in the Central Asian region and in the Caucasus - both regions affected by civil strife - it would be conceivable that international police missions could perform certain tasks. These might range from assuming the task of law enforcement hitherto carried out by the local security forces - now discredited by the population - to the development of new police forces who take action according to the rule of law. The local population, or at least the local governments, would certainly more readily accept an OSCE police force that has officers from all 55 participating States than an OSCE force comprised primarily of EU contingents.

Economic Transformation and
Limitation of New Risks

Frank Evers[1]

Approaches to Economic and Environmental Policy in OSCE Field Missions

The economic and environmental activities of OSCE field missions are, on the one hand, imbedded in the general OSCE responsibility of promoting security and co-operation in Europe, and on the other, in the special task of field missions to implement conflict management, including early warning, conflict prevention, conflict mediation and post-conflict rehabilitation.

A preliminary reference to this relationship is made because the conflict and security element of OSCE activities is of fundamental importance for further discussion on approaches to economic and environmental policy in field missions. In the past few years, this point in particular has been debated repeatedly in the missions and with the Office of the Co-ordinator of OSCE Economic and Environmental Activities as well as with the delegations of the participating States. This topic was dealt with at the 1999 OSCE Summit in Istanbul and is regularly on the agenda of the OSCE Economic Forum in Prague, as it was on the occasion of its ninth annual meeting in May 2001. In the following, this discussion will be supplemented with a point of view from the field missions.

The Basic Focus

Concepts on general policy approaches of the OSCE and its field activities have been discussed in detail in past years and recorded in the various documents of the Organization.[2] Most recently they were again raised in the "Charter for European Security" (Istanbul, November 1999). Presumably, the easiest way to describe them would be: "promotion of security *through* co-operation". In general, the field mission mandates drawn up by both the host countries and the OSCE are drafted with this in mind, although in a very broad manner.

Furthermore, the issue of practical policy implementation through OSCE field missions has basically been on the agenda for a long time. This has not only been true for economic and environmental issues. However, in these areas it has been given a high focus. Views range from concentrating exclusively

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2 The documents mentioned in the following article can be found at the websites of the corresponding international organizations.

on diplomatic conflict management, on the one hand, to emphasizing developmental co-operation as well as related project implementation, on the other.

One of the most fundamental questions being asked currently on OSCE field activities is the following: Should they be restricted conceptually to diplomatic mediation or should they include successively non-diplomatic areas of promoting security, that is the traditional field of developmental co-operation?

A Comprehensive Security Concept and the Issue of Implementing It in the Economic and Environmental Dimension

With the establishment of the Office of the Co-ordinator of OSCE Economic and Environmental Activities as well as the setting-up and/or increase in personnel of the economic and ecological sections of field missions, OSCE policy has been further institutionalized and emphasized politically also with respect to the second basket of the Helsinki Final Act ("Co-operation in the Field of Economics, of Science and Technology and of the Environment"). This also became apparent through the increase in the number of conferences and numerous OSCE project activities in the economic and environmental field. In this, the view is again demonstrated that one can and must pursue a course of long-term stabilization - and thus self-sustainable security - through the joint promotion of sustainable economic, social and environmental development over and above so-to-speak the original "immediate" conflict management. The security-related interpretation of the corresponding basic principles of the United Nations for sustainable development (*inter alia* stated in the "Agenda 21" at the UNEP Conference on Environment and Development in Rio de Janeiro, 1992) have been reflected in this as well.

Therefore, the security relevance of economic and environmental questions is undisputed. However, now as in the past, there are still discussions within the OSCE on the opportunities and means to implement this security concept in OSCE field missions.

Outside Perceptions of the OSCE Economic and Environmental Dimension

External observers - especially the governments of its participating States and in particular those of host countries - have the impression that the activities of the OSCE and its field missions fit into the joint efforts of national and international organizations. There is an urgent need to co-operate regularly also in the economic and environmental area. On this level, it is indispensable the OSCE develops its own political instruments. This is particularly important in view of the fact that the international community must make efforts to avoid duplication and competition. Defining OSCE economic and environmental policy measures is a necessary prerequisite for the conceptional divi-

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sion of labour between our Organization as a diplomatic institution, on the one hand, and international financial institutions and organizations for developmental co-operation, national development agencies and international and national NGOs, on the other. Defining how diplomatic conflict management, financial commitment and international developmental co-operation complement and supplement each other, has to be done in general terms as well as with a concrete reference to each specific host country.

Both characterizations are not only important for the manner in which our Organization views itself, but also have an effect on the perceptions our national and international partners have of the OSCE. At the same time, it is remarkable how the selection of their own specific political instruments has up to now had an effect on the internal definitions of political focus and thus political objectives. Moreover - externally - this process also affects the more or less security-related reputation the OSCE enjoys and the place of individual field missions within international field activities. The causes of OSCE political intervention and the means for policy implementation most often directly show that it is a provider of security services in the diplomatic arena.

In conjunction with this, it is of primary importance for the OSCE that it develops decisive criteria for the implementation of concrete activities in its field missions.

The Conflict and/or Security Relevance as the Essential Criterion for OSCE Field Activities

The Conflict and/or Security Relevance of the Political Authorization of OSCE Field Missions

In general, security dangers or open conflict in potential host countries or the regions bordering them have been the starting point for negotiating the establishment of OSCE field missions. Thus, in the above-mentioned "Charter for European Security" (point 38), contributing to peaceful conflict settlement as well as explicitly verifying and/or assisting in fulfilling bilateral and multilateral agreements are the stated tasks of field missions. In addition, references to a series of the most general issues allow a very broad, not directly conflict-linked interpretation of the OSCE role in promoting peace.

The fact that in specific mission mandates, concrete conflict situations are only partially mentioned or there is no mention of the conflict at all, generally takes into consideration the mediatory and thus neutral nature of each individual field mission. This is also a reflection of the consensus principle of OSCE decision-making processes directed towards political balance. This principle, by the way, holds considerable potential for achieving lasting conflict resolution and self-sustainable stability.

Although the location of OSCE field missions has not been limited to a specific region (in the applicable documents), they have up to this point only been set up in countries in post-socialist space. Consequently the following generalizations can be made about the important circumstances surrounding conflict management in the missions especially with regard to the economic and environmental dimension:

- *Conflicts and threats to democracy.* The disintegration of multi-ethnic states is the main reason why visible as well as latent security threats have emerged in countries hosting OSCE missions. Conflicts have been based to a large extent on mistrust between ethnic or religious groups. They have local or regional character. After the democratic uproar of the 1980s and early 1990s, they have often served as a justification for a return to rigid administrative methods and limitations on civil freedoms. Both have direct implications for stabilization and security in the economy and the environment above and beyond the policy and policy-making level.
- *Fluctuating political orientations as a security risk.* Alongside incessant disputes on whether to take a new Western orientation or return to Eastern European traditions, our host countries are making efforts, at least in appearance, towards democratic transformation and the rule of law. Constitutionally anchoring and formally establishing democratic institutions is one of the basic characteristics of post-socialist states. At least public consciousness in these countries has been raised on the value of human rights, minority rights as well as civil rights and freedoms. In the meantime they have become a point of reference in public thought that cannot be ignored. Nonetheless because of chronic indecisiveness on the consistent development of formal democratic constitutions, a considerable political conflict potential with the associated economic security dangers has emerged.
- *Fluctuations in economic transformation as a security risk.* Like their political transformations, the economic transformations in our host countries are often characterized by indecision. Reform initiatives directed towards the creation of market economies have not been pursued consistently. The disintegration of entire economic areas, the loss of traditional markets and finally the global slump in economic activity has, due to inconsistent economic policy reforms in many post-socialist states, not been counteracted but rather worsened, particularly in post-Soviet space. In addition, because these countries have not taken consistent steps at the state level to stabilize their economies, existing risks have increased even more.

- *Depressed mood of the general public as a security risk.* Their mixed, but overwhelmingly negative experiences with political and economic reforms have led the populations of host countries to become exceedingly sceptical as well as economically passive. The lack of economic vision has led progressively to increasing social apathy. Social decline of large sections of the population leading to mass impoverishment has created a poverty mentality and emigration psychosis, which in turn cause more poverty. The lack of individual economic initiatives has in many ways turned into a serious security risk affecting the larger economy.

- *Inefficient public and economic administration as a security risk.* Authoritarian administrative forms, authorities with limited capacity and power (including the regional and local self-governing bodies), complicated administrative procedures, little adherence to the law in public and economic life, the linkage between state authority and economic power, corruption, nepotism and clannish relations, limited competition, little transparency, the drifting of large sections of the economy into black or grey markets - these are more or less the significant framework conditions in many of the countries hosting OSCE missions. State administrations often lack the capability, as well as sometimes the intention, to implement planned stabilization of the economy. The public does not apply enough pressure to ensure that there is more consistency, adherence to the law and transparency and/or participation in economic policy decisions.

- *Environmental problems as security risks.* On the whole, capital assets, which have hardly been renewed and are seriously ailing - like abandoned industrial plants, deficient technology and goods as well as antiquated infrastructures - are not just a legacy of socialist economies. They are potential sources of environmental threats and thus physical security risks. This also includes uncontrolled urban development as well as environmental burdens resulting from the impoverishment of the population. Special security dangers, particularly in an international context, arise from unequal regional allocation of, as well as overexploitation and wasting natural resources.

These and similar potentials for insecurity in economic and environmental issues should be taken into consideration in the conflict management and security policy calculations of OSCE field missions. Field activity task areas can be directly derived from them related to each host country. In the long run, they are important for the distribution of tasks between the OSCE and our international partners.

It is perfectly clear that because many post-socialist countries in economic and social terms have been re-categorized as belonging to the group of traditional developing countries or even lagging behind this group, many international organizations have inevitably directed their activities to the area of developmental co-operation.

International financial organizations like the World Bank, the International Monetary Fund or the European Bank for Reconstruction and Development, technical aid programmes like the European TACIS programme as well as international development organizations like the various sections of the United Nations, especially UNDP and UNHCR, as well as national development agencies (e.g. USAID, DFID or the German GTZ) and various relief organizations, all deal with the areas of reform aid, development as well as humanitarian and social aid and post-conflict rehabilitation. Human rights, civil rights and environmental organizations provide support in their own political areas.

This is an especially important starting point - i.e. international organizations assuming responsibility for political fields - for the formulation of OSCE policy, for defining the role of OSCE field missions, and for the development of criteria for OSCE field activities as well as the form their implementation takes. If one takes OSCE security policy history into consideration alongside its personnel and structural capacities as well as the tasks in its mandates, it is easy to draw the conclusion that also and particularly the economic and environmental dimension of the OSCE and its field missions should be based more consistently on a clearly formulated and clearly perceptible focus on security.

One should consider exerting an influence on security-relevant topics at levels other than the central OSCE institutional level alone. It should be stated more clearly than before that the conflict- and/or security-related aspects in each individual host country are the most important, the OSCE's very own special criteria for developing its activities. Outside the framework of security-building political activities, development work (including introductory projects) should be left to the national and international organizations, which have dealt with them traditionally. There are several arguments that speak for this:

1. *Use of the security-related OSCE profile and image.* The OSCE is the key provider of non-military security services. It is seen as the number one address for European conflict and security activities, not least by our colleagues in the foreign ministries of the OSCE participating States as well as by international partner organizations. The OSCE is predestined

to effect security policy resolutions, especially through diplomatic channels.

2. *Use of the security-policy reputation of the Organization and its field missions.* Because of the solid reputation of our Organization and the diplomatic status of its field missions, the latter have direct access to the highest political and administrative bodies of their host countries as well as a broad spectrum of people participating in public life. Field missions have been integrated in the political dialogue of international agencies in the field, thus the most important prerequisites exist for them to influence and mediate comprehensively on security policy.

3. *Use of OSCE security-policy infrastructure and personnel resources.* The OSCE has the corporate know-how, solidified infrastructures and personnel resources at its disposal to deal with security-relevant topics. These are its comparative advantages. There are direct lines of communication to parties outside the Organization through the Permanent Council and the Conflict Prevention Centre. They enable the Organization to provide information quickly, which is an important part of conflict management, as well as facilitating direct discussions between the field missions and interested governments and organizations.

4. *Avoiding duplication and international competition.* Dealing with the same or similar topics in more than one international organization has often led to duplication in their work. Therefore in the long-term, the OSCE will also have to compete with other organizations on who will handle which topic and also in particular vie for funding. In this regard, if the OSCE were to limit itself to security-relevant questions, possible problems in international co-operation could be avoided, especially because as a rule the important decision-makers within the international community have always simultaneously been donor countries. These could implement security policy more precisely in host countries - also in financial terms - by targeting issues as well as using the appropriate implementing organizations.

5. *Promotion of international complementarity and co-operation.* Finally, clear conflict- and security-relevant contour lines in OSCE policy fields are the necessary basic framework that suggests mutual complementarity to our international partners and make co-operation with OSCE field missions plausible in the long term.

The Functions of Field Missions within the OSCE Economic and Environmental Dimension

Within the general framework of OSCE field missions' activities, there are also conflict management functions for their economic and environmental sections as part of the implementation of security policy for a specific coun-

try or region. Depending on the specific political situation in a country or region, they act as

1. *mediators* directly in conflict resolution, for example in the course of drawing the lines of economic responsibility between the conflict parties or in the regulation of resource utilization;
2. *a public podium* for the discussion of conflict- and security-relevant topics from the economic and environmental area;
3. *a connecting link* in the international dialogue on security and co-operation, primarily between conflict parties, institutions influencing conflict and security as well as generally interested national institutions and personalities on the one hand, and central OSCE institutions and other OSCE missions, international organizations and interested governments on the other;
4. *lobbyists* for conflict- and security-relevant national and international topics, primarily in the interest of the subsequent implementation of concepts and projects by international partner organizations;
5. *co-ordinators* of international reform advisory services, financial, developmental and other relief in conflict- and security-relevant situations, of course only to the extent that our partners on the ground consider this desirable and expedient;
6. *multipliers* of conflict- and/or security-relevant know-how, primarily in political and legal advisory services through in-house personnel as well as to an even greater extent by establishing contacts with international bodies;
7. *observers* of the general conflict- and/or security-relevant economic and environmental situation taking into account the special interests of our target group in the foreign ministries and certainly only to the extent that the corresponding economic and environmental analyses are not being conducted regularly in other institutions.

If an approximation of these approaches is pursued, one can derive general principles from the above-mentioned functions for including specific topics in the OSCE field missions' task catalogue.

Principles for the Selection of OSCE Field Activities in the Economic and Environmental Area

Alongside the security aspect, the realization that, ultimately, we can only be politically effective in the long term by co-operating with our partners, should be at the centre of our considerations. This is not only true for OSCE activities such as the promotion of democracy or the protection of human rights, but also in the economic and environmental area. The success of

OSCE security policy is based on its co-operation with its partners - on the national as well as the international level. In view of this, the following principles are suggestions for OSCE field activities in the economic and environmental area:

1. indirect or direct relevance to the conflict and/or security;
2. intention to promote the political significance of the conflict parties or sides effecting the conflict;
3. intention to obtain a response from the public on the national and regional levels, primarily with a view towards our dialogue partners, who form opinions as well as making and implementing decisions in both government as well as non-governmental areas;
4. intention to obtain a response at the international level, primarily with a view to the regional headquarters of international organizations that are interested in economics and the environment as well as the governments of OSCE participating States;
5. facility in transferring initial activities to other national and international partner organizations.

To complete the story, a reference must be made to the fact that there are discussions on the negative effects resulting from allegedly exaggerated approaches to conflict and/or security situations in OSCE field activities. The primary focus has been on the negative implications of this for the investment climate of the host country in question. Certainly, these arguments cannot simply be denied, however, they do not offer much help in dealing with the causes of the existing potential for instability.

The Range of Instruments Used in OSCE Field Activities in the Economic and Environmental Area

Also in the economic and environmental area, OSCE field activities should be limited primarily to mediatory and advisory functions. They should be directed towards influencing public opinion as well as political decision-making and implementation so that security is further promoted. Taking into account the premises of conflict and security affairs, and bearing in mind the actions of our partner organizations, the range of instruments should be adapted to the prospects of and the requirement for international division of labour.

Diplomatic Activity in the Economic and Environmental Area

The most important instruments of diplomatic activities in OSCE field missions are the political dialogue with personalities from governments and

NGOs, offering or facilitating legal and political advice, including large sections of the public in the discussion on security-related issues, establishing national and international contacts, placing our topics in the national and international media, as well as communicating with business and academic circles. The most important forms of communication are private talks, round tables, seminars and media appearances.

By communicating internally through their system of regional networks, OSCE field missions can also promote certain topics across borders.

Moreover distributing background analyses within the OSCE, to the delegations of the participating States as well as to the circle of international organizations, is one of the most effective means of setting international accents and maintaining a political focus.

An important field has been opened in the implementation of political positions that have been co-ordinated with governments and international organizations. Co-ordinated action by international partners can and must increasingly achieve practical importance, also with respect to the authorities in our host countries, especially in the transfer of international law into national legislation as well as eventually introducing it as binding law. This must be accorded more significance with a view to generally promoting security either accompanying or following direct conflict management.

In addition to the above-mentioned diplomatic measures and public relations work, activities based on the implementation of programmes and projects should be included in the range of instruments of OSCE field activities only as a supplementary measure. In the following, this will have to be dealt with once again specifically because in contrast to the views expressed above, it is actually project work that has had an increasing influence on the daily work of field missions.

Project Work and OSCE Field Activities in the Economic and Environmental Area

For many different reasons, OSCE activities are increasingly evaluated based on the traditional criteria of our international partner organizations. In fact, it evaluates itself based on these criteria. Thus the number of projects and their budgets are frequently used to assess the political significance and influence of the missions. Therefore it is not surprising that the implementation of projects is increasingly understood as being *the* instrument to carry out OSCE policy. This may stem from the experiences made in traditional development relief work. Not least, this impression has also been strengthened by the fact that the contents of OSCE seminars and progress reports are frequently project-related. These attitudes have been explicitly expressed in the current discussions being conducted with the delegations of the participating States in Vienna on the future of the OSCE economic and environmental dimension.

As a consequence the emphasis on project work in particular results in the necessity that missions make a continuous effort to obtain the corresponding financing and moreover mission members become considerably absorbed by project work or even overburdened. Furthermore bureaucratic project management and necessary negotiations with potentially interested partners also place demands on the capacity of OSCE central institutions.

At the same time, in view of the growing number of project activities, there are increasing reservations about an all too clear shift in political accents to the disadvantage of the real diplomatic range of OSCE instruments. From a totally practical viewpoint, there is a danger that mission catalogue topics would be reduced to certain specific project titles.

Topics of OSCE Field Activities in the Economic and Environmental Area

The topics of OSCE field activities in the economic and environmental area have emerged from the general work of the missions towards long-term conflict resolution and self-sustainable stability. A wide range of topics were discussed at the OSCE Conference on Economic Co-operation in Europe (Bonn, 1990). However, with a view to our field activities there is an urgent need to adapt these to the conflict and security-policy conditions in the field. Above all one should concentrate on subjects like the following:

1. *the regulation of direct conflict-relevant economic and environmental issues* like the definition of administrative responsibilities, the utilization of infrastructures and natural resources;
2. *post-conflict and -catastrophe rehabilitation* in the areas affected, including the reintegration of formerly deported persons and their families, refugees and victims of catastrophes;
3. *the general democratization of economic and environmental issues and making them subject to law,* especially through promoting transparency in public affairs, restructuring economic and environmental administrations and the public services (anti-corruption measures play a special role in the public eye);
4. *building public confidence and surmounting social lethargy* especially by including the public in decision-making processes and implementing decisions;
5. *the improvement of the general investment climate* and finally economic stabilization and resuscitation - in particular, this also has implications for restructuring public administration;
6. *regional stability and rapprochement* through cross-border co-operation and agreement on utilization of infra-structures and natural resources;
7. *sustainable development with a special focus on environmental issues,* e.g. post-industrial rehabilitation, the protection, the efficient utilization

and the possible recycling of limited natural resources - this includes giving priority support to individual environmental initiatives;

8. *international security involvement,* primarily by considering financial support, through development activities and advisory services.

Partners in OSCE Field Activities in the Economic and Environmental Area

The goals of OSCE field activities in the economic and environmental area should be: introducing OSCE basic values and know-how into the dialogue between the parties to a conflict and/or those having an effect on security, making national partners more aware of above all security-relevant problems, giving them advice on solving these and supporting conflict management and sustainable security policy by finding international partners. As has already been emphasized, the efficiency of OSCE policy is dependent primarily on its being effectively conveyed to disseminators.

In this sense, also in the economic and environmental area, OSCE field activities are not a substitute for national responsibility. Field activities serve to promote or co-ordinate international relief so that it is transformed into national self-help.

The most important OSCE partners in the economic and environmental area include the following:

The host governments: Host governments of OSCE field missions are the most important of the OSCE partners. They and their administrations are the most important initiators and actors of post-socialist political and economic reforms. Most often they include the political elites as well as the leading economic circles of a country. It is not seldom that they have direct power over the central branches of the economy. From a social viewpoint they are often the real beneficiaries of the post-Soviet status quo, so to speak, the first addressees of reform. In its security-oriented endeavours, the OSCE is thus often faced in central administrative circles with divided interests, as soon as these endeavours go beyond the direct context of the conflict. Nevertheless supporting administrative reforms and not least forceful persuasion towards implementing democratic principles and the rule of law in the offices of the public authorities is a primary concern in the economic and environmental activities of the OSCE missions.

Regional governments and organs of local self-government. The work with regional governments and local self-government includes dealing with economic and social conflict potential on the margins of state government and supporting them through "stabilization from below". The mostly spontaneous decentralization of state governments, the shifting of economic and social developments from the cities out to the provinces, the return of large industrial to small- and medium-sized production capacities, in particular agrarian activities and crafts, migratory movements, infra-structural and environmental

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problems all comprise the backdrop for this. Setting up contacts between se-
lected security-relevant provinces and communities - or those that are seen as
such - with central state administrations and international organizations, the
development of administrative activities and finally the integration of inter-
national consulting and development work can be made the tasks of OSCE
field missions. The re-establishment of cross-border contacts between former
conflict areas can with the co-operation of neighbouring field missions be
readily promoted.

Non-governmental organizations. In the non-governmental area, primarily
the employer organizations and other umbrella organizations, not least the
trade unions, are partners who are to be won over for OSCE security matters
with regard to economic subjects. They support conflict resolution and stabi-
lization by specifically representing economically important social groups.
Difficulties in communication occur when a field mission - because of the
cultural traditions of the host country - is not familiar with the host country's
economic life. This is also true of economic organizations that do not devote
very much attention to OSCE subjects and have reservations about interven-
tion from parties outside the business world.

Traditionally, in the area of environmental protection, non-governmental or-
ganizations have become involved. Co-operation with them is not a problem
and in the interests of both parties involved. Good work has been accom-
plished primarily in the national implementation of international law regula-
tions on environmental protection as well as in campaigns covering specific
topics of special interest to the public.

International organizations. The international financial institutions and the
organizations for developmental co-operation, foreign development agencies
and international non-governmental organizations belong to a special group
among our partners. From the perspective of the field missions, it seems
meaningful and necessary, to on the one hand, politically support the efforts
of our international partners, and on the other, to leave to them the practical
implementation of concrete development programmes and other projects. The
main priority of our dialogue should be complementarity. This is all the more
true for the economic and environmental area, because here the security rele-
vance of OSCE intentions is not evident to many of our partners.

It should be a matter of concern in the co-operation with our partner organi-
zations that their capacities are channelled to make them implementing or-
ganizations promoting security.

For this it seems worthy of consideration that regular meetings be held be-
tween the Office of the Co-ordinator of OSCE Economic and Environmental
Activities and representatives of international organizations, in the case this
is not already taking place. Forms of co-ordination between the OSCE and
international organizations and interested governments can be found in the
so-called Platform for Co-operative Security or the Stability Pact for South

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Eastern Europe. Here economic and environmental discussions could be introduced.

In addition, one should work towards the introduction of recommendations by OSCE field missions into the decision-making processes of other international organizations. This would give the OSCE and its field missions the opportunity to influence international decision-making more precisely with respect to our host countries.

Above all by establishing requirements for financial assistance and development relief, OSCE recommendations could be implemented more consistently. Naturally governments are devoting special attention to this point.

Central institutions of the OSCE and the delegations of the participating States. Without a doubt, the use of OSCE infrastructures offers OSCE field missions the capacity to promote security dynamically. High-ranking contacts can be created without any trouble through the Permanent Council in Vienna between the field missions and the delegations of participating States and their governmental and non-governmental decision-makers. Conveying political signals can occur directly through the Secretary General and the Conflict Prevention Centre. Thus it is not difficult to direct the attention of interested governments and organizations towards specific topics. By and large, the OSCE Parliamentary Assembly could also be used more intensively than before in this respect.

Regular OSCE meetings - above all the yearly OSCE Economic Forum in Prague and the preparatory seminars leading up to it - have proved valuable as an arena for the dialogue on security-related economic and environmental issues. For field missions, this offers an opportunity to set accents on national and regional security matters in international discussions and to create necessary connections. It is to the special credit of the Co-ordinator of OSCE Economic and Environmental Activities that non-governmental organizations and academic circles have been invited expressly to attend these discussions.

It is urgently recommended that the Office of the Co-ordinator be given considerably more responsibility than before to work towards long-term co-operation with government institutions of the participating States as well as the headquarters of international partner organizations and co-ordinating between them all. In the particular interest of the field missions, this must also occur simultaneously with rapidly making contacts with those working on these topics in the international arena. The political campaigning work of the missions must be backed by the Office of the Co-ordinator.

Furthermore, it is urgently necessary that the Co-ordinator's Office influence the mission activities conceptually, especially by developing a common understanding of economic and environmental security approaches and the range of tools for their implementation. One must work towards making the OSCE economic and environmental dimension clearly recognizable within the framework of international co-operation.

OSCE field missions in neighbouring countries. As has already been mentioned, the OSCE is in a position, through its network of field missions, to go beyond the national framework to influence regional security, cross-border co-operation and regional rapprochement. In this case, the regional offices of international and non-governmental organizations are our national and regional partners.

The academic community. The academic communities of our host countries are taking part in OSCE seminars and round tables with great interest - frequently within the framework of non-governmental organizations. They are valuable disseminators of our security policy endeavours. Therefore we are devoting our attention to economic and environmental professors, although the departments of political science are the more obvious partners for co-operation with the OSCE. Field mission members are taking part in academic life by offering lectures. In the missions, for the first time internships are being offered for students and university graduates.

In the area of economic and environmental consulting, one could consider long-term co-operation with academic personnel from the Co-ordinator's Office who would concentrate on special topics. In this or a similar manner, the results of academic research could be used directly for OSCE field operations and field missions could request individual consultations from the appropriate experts.

Scientific analysis of OSCE economic and environmental activities by academic institutions like the Hamburg Centre for OSCE Research (CORE) would also have a positive effect on the missions.

The mass media. In general, it has not proven easy to interest the media in economic and environmental topics, which lie outside direct conflict circumstances and spectacular incidents. Consulting work is very difficult to market. It is often the case that extensive efforts must be made to find competent journalists and then have them focus on the mission activities in the long-term.

Taking into consideration the TV habits of the public as well as an interest in making it easier to allow journalists to do their work, it seems advisable to work towards standardizing the presentation of OSCE field operations in the media of each individual host country. The same is true for specific topics and events. Putting together seminars and round tables under the heading "Dialogue towards Security and Co-operation" - in each case supplemented by a national feature - has been very successful.

In its internal structural policy and personnel policy the OSCE should further pursue the development of capacities in its media work. Alone their sections covering "Press and Information" as well as "Training" could be enough to strengthen the field capacities in this area.

Economic Circles. Avoiding outside influence and undesired public awareness may not just be a distinctive feature of the economic circles in our host countries. Nonetheless, keeping a relatively persistent low profile with regard

to the general public has been inevitably intensified there by the fact that large sections of public and economic life have continued to distance themselves from the law. It is not seldom that profit is gained - in the truest sense of the word - through lack of reform, conflict potential and political insecurity - a circumstance often intensified by a passive public. Of course this significantly restricts the fields of co-operation from the start. Additionally, even in more open economic circles there is little understanding for the role and instruments of the OSCE in the political promotion of economic stabilization. The interests of small- and medium-sized companies do not often go beyond the horizons of their own branches. First contacts barely go beyond original economic interests.

In co-operating with the influential economic circles of their host countries, OSCE missions therefore are considerably dependent on co-ordinating their choice of topics with the financing and implementation activities of other international organizations. Without the corresponding material support, the economic and environmental campaign work of the OSCE will only hear a distant echo from the business world.

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From the perspective of OSCE field missions, a clear focus on conflict and security policy topics are an urgent prerequisite for long-term effective co-operation with national and international partners. In view of the further transformation of the OSCE, this framework for the substance and the instruments of OSCE field activities should also be placed in the economic and environmental dimension.

III.
Organizational Aspects

OSCE Institutions and Structures

Helle Degn

The OSCE Parliamentary Assembly - Growth in Recent Years

The chequered story of the origins of the OSCE Parliamentary Assembly[1] meant that from the outset it had a rather vague and ill-defined position in the CSCE/OSCE system. It was not given any say in the decision-making processes and it was only in a restrictive sense that it received a consultative role. The OSCE decision-making bodies have no duty to seek the advice of the Assembly. Admittedly, the Parliamentarians are free to make suggestions on all aspects of OSCE activities. Nowadays - after the 1999 Istanbul OSCE Summit - they are even encouraged to do so. However, the other OSCE structures and institutions are under no obligation to act upon the recommendations of the Parliamentary Assembly.

Against that background, it was perhaps only natural that in its early years the then CSCE Parliamentary Assembly led a life rather on the margins of the Organization. In those days, one of the main activities of the Assembly consisted in criticizing the work of other branches of the CSCE.

However, quite soon the Parliamentary Assembly started involving itself in the operational work of the OSCE by sending missions to areas of actual or potential conflict. It was also noticeable from early on that the ability of the Assembly to make decisions by majority vote has provided it with certain advantages, notably the possibility of addressing issues which, due to the consensus rule, are largely taboo on the governmental side of the Organization.

Guiding Principles

As the President of the OSCE Parliamentary Assembly from 1998 through 2000 it was my constant endeavour to build upon and consolidate the results of the efforts of my immediate predecessor, Spanish Parliamentarian Javier Rupérez, that is to enhance the role of the Parliamentary Assembly by strengthening the influence and standing of the OSCE as a whole. As I stated when I took over as President in July 1998, it was my aim to make the Assembly a reliable partner for the other OSCE institutions. In keeping with this aim and with the strong and unequivocal support which I received throughout my term from the members of the Assembly as well as the dedicated assistance from the Secretariat of the Assembly, my own national Parliament and

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1   An account of the establishment and the first years of the OSCE Parliamentary Assembly is to be found in: Michael Fuchs/Angelika Pendzich-von Winter, The OSCE Parliamentary Assembly, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 355-364.

the Presidential Adviser made available to me by the Danish Minister for Foreign Affairs, I did my very best to enhance the strength, visibility and resonance of the OSCE as a whole. It was my assumption that by following a co-operative policy along these lines it would be possible to enhance the strength and political relevance of the Assembly. The course of my term of office was to show that this was indeed the right method.

On the practical level I sought to promote my policies by thoroughly familiarizing myself with the activities of the OSCE on the ground, including the work of the other OSCE structures and institutions. In the course of my term of office I called upon the three Chairpersons-in-Office (the Foreign Ministers of Poland, Norway and Austria), whose terms of office overlapped with mine. I visited the offices of the other OSCE institutions and established close and confident co-operation with their leaders. Perhaps even more importantly I visited almost all OSCE field missions. In the process I used these visits to bring the support of the OSCE Parliamentary Assembly to these missions and to call attention to the importance of their activities, which in fact today constitute the backbone of the work of the entire Organization. In the activities of the field missions it becomes clear that deeds count more than words, and that words are not enough.

In my efforts to strengthen the importance of the OSCE Parliamentary Assembly, I was able to build on the fact that during the term of my predecessor it had been definitively recognized that the Assembly had a role to play in two quite different, but important fields of OSCE activities: the Ministerial Troika and election monitoring.

Co-operation with the Other OSCE Bodies

Thanks to co-operation between then Danish Foreign Minister and Chairman-in-Office of the OSCE in 1997, Mr. Helveg Petersen, and my predecessor it was formally recognized that the President of the Parliamentary Assembly attends meetings of the OSCE Ministerial Troika.

I found the Troika meetings a very useful tool for contributing directly to the solution of many major issues which were on the agenda of the Organization in the course of my term of office, among other things, by ensuring that the parliamentary angle of such issues were given due consideration.

In recognition of the pivotal role that the Permanent Council plays in the day-to-day work of the OSCE, I addressed the Council on several occasions and conducted a dialogue with its members, the Permanent Representatives of the participating States. In my contacts with these senior diplomats, I underlined the important role that the Parliamentary Assembly can play in the overall work of the Organization by making national Parliaments responsive to the need for promoting the implementation both of the commitments of their countries under OSCE norms and of the decisions of OSCE bodies, as well as

by generating the support of their publics for this objective. In this context I also addressed the issue of the democratic deficit of the OSCE. Given the important political and financial responsibilities of the Organization it is a source of serious concern that the exercise of these responsibilities is not subject to democratic scrutiny and control. The absence of elementary democratic safeguards also makes for a strange contrast with the fact that one of the main tasks of today's OSCE is precisely to promote democracy within its participating States.

Let me add that in the course of my term of office I not only strove to increase close and confident co-operation with the other OSCE structures and institutions. In keeping with the spirit of the Platform for Co-operative Security adopted at the Istanbul Summit, I also succeeded in strengthening contacts and co-operation between the OSCE Parliamentary Assembly and other inter-parliamentary bodies, in particular the Parliamentary Assembly of the Council of Europe.

Election Monitoring

Given the special background of Parliamentarians as popularly elected politicians it was only natural that from the very beginning the OSCE Parliamentary Assembly felt it had an important vocation to contribute to OSCE election monitoring. However, even before the establishment of the Parliamentary Assembly another OSCE institution had been set-up, the Office for Democratic Institutions and Human Rights (ODIHR, then: Office for Free Elections), which had been tasked with the monitoring of elections within the OSCE area. As it might be expected in that situation, the first efforts of the Assembly to monitor elections gave rise to various disputes with the ODIHR. Again thanks to the joint efforts of my predecessor and the Danish Chairmanship it proved possible to settle these disputes by the conclusion of a co-operation agreement in 1997.

The co-operation agreement meant that henceforth the OSCE Parliamentary Assembly and the ODIHR would share, in close collaboration, the tasks inherent in election monitoring. In this context, each of these bodies would contribute in particular to those aspects of election monitoring in which they possess special qualifications. This concept implied that the ODIHR would focus on long-term election observation, often starting months ahead of the actual election, while the Parliamentary Assembly would concentrate on short-term efforts involving missions of members of the Assembly around the election day. The co-operation agreement also laid down that the short-term observer mission would usually be headed by the President or another senior representative of the Assembly as a special co-ordinator representing the OSCE Chairman-in-Office.

On this basis I headed several observer missions to elections that exerted a profound influence on the political life of the countries in question, such as the parliamentary elections in Slovakia and Croatia in the autumn of 1998 and the first days of 2000, as well as the parliamentary and presidential elections in Russia in December 1999 and March 2000.

Moreover, acting in close co-operation with the ODIHR, I took the initiative to add a new future-oriented dimension to election monitoring. Based upon this initiative, the OSCE Parliamentary Assembly and the ODIHR no longer content themselves with issuing a report containing detailed recommendations after a given election, but they also initiate a dialogue with the electoral authorities of the country in question on the follow-up to these recommendations. The aim of this dialogue is to improve the conditions under which future elections take place.

Democracy Teams

During the course of my term of office, an important new tool was created which considerably increased the capability of the OSCE Parliamentary Assembly to strengthen the hand of the Chairmanship and other OSCE structures and institutions in dealing with conflict situations. At the same time it enables the Assembly to bring a direct contribution to the day-to-day efforts of the OSCE in this regard. I am referring to the Democracy Teams.

These teams consist of small groups of experienced Parliamentarians who, on the strength of their background, are able to work closely with local Parliamentarians and other politicians and NGOs as well as the OSCE Chairmanship and the local OSCE missions. An additional advantage of the Democracy Team concept is that it improves possibilities for contacts and co-operation among members of the Parliamentary Assembly outside the Annual Session of the Assembly in July.

The first Democracy Team was set up in the autumn of 1998 to assist the efforts of the OSCE to bring democracy to Belarus. The Team was chaired by former Romanian Foreign Minister Adrian Severin, who was later, from July 2000, to be my successor as the President of the OSCE Parliamentary Assembly. The Belarus Team served as a pilot project for the Democracy Team concept. In fact it quickly turned out that this Democracy Team was able to make an important contribution from a new angle to the work of the OSCE and it became a major component of the efforts of the Organization in relation to Belarus. Against this background, the Democracy Team concept was warmly welcomed by the Chairmanship and other OSCE structures and institutions as an important new contribution to the array of instruments at the disposal of the OSCE in its work for conflict prevention.

Based upon the experiences gained in the course of the work of the Belarus Team and at the request of the Parliamentarians of the countries most directly

involved a second Democracy Team was established in early 2000 to help the OSCE solve the conflict as to the status of the Trans-Dniestria region of Moldova.

Following the Kosovo crisis and the establishment of the OSCE Mission in Kosovo in 1999 a third Democracy Team was set up also in 2000 to assist the OSCE in its effort to bring democracy to that area.

At the same time, in an interesting new departure, it was decided that a fourth Democracy Team would be established, which was not linked to a concrete conflict, but was intended to assist the OSCE in its relationship with an entire subject area, its work with the Stability Pact for South Eastern Europe.

The Democracy Team concept has opened up significant new perspectives for direct involvement of Parliamentarians in the operational work of the OSCE. It must, however, be kept in mind that this concept suffers one significant drawback. Under the institutional arrangements of the OSCE Parliamentary Assembly, contained in its rules of procedure, Democracy Teams are appointed by the Standing Committee of the Assembly, which only meets twice a year. This fact is aptly illustrated by the time lag between the Kosovo crisis in 1999 and the establishment of the Kosovo Democracy Team in 2000. In other words, this constraint means that the Parliamentary Assembly is in general unable to respond quickly to emerging crisis situations by sending a Democracy Team at an early stage of the conflict. This lack of flexibility contrasts with the capabilities for early action on the governmental side of the Organization. The Chairman-in-Office is empowered to dispatch at short notice a Personal Representative who performs somewhat similar functions as the Democracy Teams. Moreover, the Permanent Council has the capacity to decide within a short time frame that it will set up an OSCE mission.

Gender Issues

In my work guiding the activities of the Parliamentary Assembly as well as in my collaboration with the other OSCE structures and institutions, for obvious reasons, I paid special attention to the gender aspect of the work of the Organization.

In substance, I stressed the need to involve the female part of the population in a conflict area if the efforts of the OSCE for conflict resolution in that area were to be successful. I also used the political weight of the Parliamentary Assembly to promote the adoption in June 2000 of the OSCE Action Plan for Gender Issues.

At the same time I had to criticize the fact that in the course of the execution of their tasks, the OSCE institutions and the missions themselves too often have problems living up to the OSCE commitments to promote gender equality. Notably, women are under-represented on the executive levels of all OSCE institutions and missions. In this context, on several occasions, I called

attention to the fact that the top administrative level of each and every OSCE institution still remains totally male dominated, a very unsatisfactory situation.

I was honoured when in recognition of my efforts to promote gender equality I was appointed to serve as the representative of the OSCE as a whole at the United Nations Special General Assembly on gender issues ("Beijing +5") in New York in June 2000.

The Istanbul Summit and the OSCE Parliamentary Assembly

The high point of my term of office was undoubtedly the OSCE Summit in Istanbul in November 1999. I view it as recognition of efforts undertaken by my predecessor and myself to enhance the status of the Parliamentary Assembly within the context of the Organization as a whole that the Heads of State or Government of the OSCE States in a key provision of the Charter for European Security recognized the Assembly as one of the most important OSCE institutions and called upon it to develop its activities further as a key component of their efforts to promote democracy, prosperity and increased confidence.

This provision brought to an end years of uncertainty as to the nature of the relationship between the OSCE Parliamentary Assembly and the other OSCE institutions. It also meant that the leadership of the Organization accepted the Assembly as their partner in meeting the challenges which the OSCE is facing. However, as I reminded the Heads of State or Government in my statement at the Summit, the Istanbul Charter does not address the issue of the democratic deficit of the OSCE, which includes the fact that the Assembly is not involved in the decision-making process of the Organization.

Obviously, the words of the relevant provision in the Istanbul Charter also imply new and broader challenges in future for the Parliamentary Assembly.

It was against this background and the general need for increased day-to-day contacts and co-operation between the OSCE Parliamentary Assembly and the OSCE structures and institutions in Vienna, that towards the end of my term of office I made an agreement in principle with the Austrian Chairmanship to the effect that the Assembly would be able to establish a liaison office in the Hofburg in Vienna. It will, however, be up to my successor and the Secretariat of the Assembly to flesh out the exact terms of this arrangement, which will become all the more necessary following the decision made at the beginning of 2001 to hold annual winter sessions of the Assembly in Vienna.

Both individually and through their cumulative effect such developments as the enhanced working relationships with the other OSCE structures and institutions, the increased involvement in election monitoring, the establishment of the Democracy Team concept and the recognition of the Assembly as one of the most important OSCE institutions have a beneficial influence on the whole of the OSCE. They do not only strengthen the influence of the Parliamentarians in general and in particular that of my successors as the Presidents of the Assembly, but they also improve the standing and capabilities for action of the entire Organization.

However my successors in the leadership of the OSCE Parliamentary Assembly still face two important challenges of an institutional nature.

One is the democratic deficit of the OSCE. It is obviously unsatisfactory that, in contrast to the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly continues to lack a formal status in the decision-making process of the Organization, which includes such key issues as the approval of the budget and the appointment of senior officials. If this issue is not addressed, I fear that over time it may both harm relations between the Assembly and the governmental side of the OSCE and impair the capabilities for action of the OSCE as a whole.

The other institutional challenge facing the Parliamentary Assembly is a weakness in its working methods, which is, however, of its own making. I am referring to its time-consuming internal decision-making procedures which mean that usually the Assembly is not in a position to react with the same speed and flexibility as other OSCE bodies. This is a challenge which will have to be addressed if the Assembly is to maintain the momentum created by the growth of its role over the last few years.

I trust that also in future the OSCE will be able to play an important role in the security policy context of our part of the world. This presupposes, however, that the participating States - and not least their Parliaments - have the political will to invest the necessary resources in the Organization, notably by providing it with sufficient rapid reaction capabilities. It is also essential that the participating States have the will to ensure that the OSCE remains dedicated to being a transatlantic and pan-European organization with commitments reaching far into Central Asia. In other words, the OSCE must remain a central forum for close partnership and confident co-operation between Europe, the United States and Russia. It must also find adequate means of co-operation with the European Union as well as organizing the division of labour between the two institutions after the EU has expanded to include the Central and East European candidate countries.

In meeting the future challenges facing the OSCE, the Organization will need the support and active assistance of its Parliamentary Assembly. It is there-

fore essential that the relationship between the Assembly and the other OSCE structures and institutions continues to be developed and strengthened.

Lars Vissing

OSCE: Reform, Form or Format?

In December 1997, the Copenhagen Ministerial decided to initiate a review of the operational capacities of the Secretariat. This exercise, very precise and limited in scope, soon became known as "the Secretariat reform" or simply "the OSCE reform". These different denominations were the source of many misunderstandings during the work that led to the final report on the issue.

Those misunderstandings could have been avoided. How could one possibly think of reforming an international organization only four years after its creation? A certain loss of shape and form, or of purpose, a certain amount of degeneration, seems required to justify the term "reform". And in the mid-1990s the OSCE was expanding fast in all fields - generating rather than degenerating.

Behind this "reform" misunderstanding lies of course the main question of the initial form or format of the organization, its shape, structure, purpose, aims, policies, and strategies. The OSCE was born out of a consensus to transform the CSCE into an international organization. But this consensus was not precise enough to convey a strict institutional orientation.

Thus the OSCE came into being as a "*toile de fond*" on which participating States were able to project their respective ideas of what the Organization could do. Its structure was loose enough to permit everyone to maintain diverging ideas on purpose, means, methods, policies etc. It was so flexible that it even permitted a carryover of the CSCE conference culture, more linked with declaratory activities than OSCE-specific field and mission deployment. Even today the OSCE represents this kind of aggregate corporate culture where CSCE fossils are taken care of within the same agenda that handles the day-to-day administration of the mission work; where different tendencies - political, regional but also cultural and historical - are engaged in a daily confrontation.

Some would limit the Organization to being a telescopic device for their national institutions, permitting them to act nearly directly in the field, but through international mechanisms. Others regret that the Organization discontinued its pan-European security role - as a decision-making partner in cooperation with the UN Security Council - most recently played during Albania's economic implosion in 1997. They favour the development of a much stronger institutional and Secretariat structure and the establishment - formally or informally - of a group of leading states to play the role of a security directorate or council. Others again have not made up their minds exactly how much they want the OSCE to do, and how much they want to handle through other organizations. These participating States represent the largest

group within the Organization, thereby creating a certain stable disorientation or unstable equilibrium.

This disorientation and instability was always reflected - and certainly not compensated for - by the Secretariat. The OSCE Secretariat expanded during recent years to cope with ever larger field missions. But it remains small, if measured against the needs of a fairly large network of missions. It is not strong, neither in terms of manpower, nor in terms of formal competence or authority. So when it comes to institutional memory, to following through on a given policy line or to ensuring some degree of continuity from one Chairmanship to the next, the Secretariat certainly had - and still has - inadequate means.

In this situation, permanent and structural to the OSCE, it was clear that any review of the Secretariat's functions could immediately restart the usual conflicts of interest concerning the role of the Organization, its institutions, policies and behaviour, some of which are delineated above.

This assumption proved correct, down to the very details of the review.

The object of the review, the spring 1998 version of the OSCE Secretariat, was a strange creature. Its basis was the Conflict Prevention Centre (CPC), established by the Charter of Paris. But the CPC has not prevented any conflicts. That ambition had long ago been transferred to the OSCE field missions which combined this task with crisis handling and post-conflict work. The main function of the CPC was a mission-caretaker role ("give me the money, the people, the cars …"). In the Secretariat there was no division of labour, neither in principle nor in practice, between the "designers" and the "mechanics". At the same time the Secretariat featured sections called "augmentations" of the major field missions. Partly as a result of primitive financing methods (only voluntary contributions for large missions) and restrictions by donors it was only possible to reinforce the Vienna Secretariat indirectly by allocating part of mission financing to headquarters.

The Copenhagen Ministerial changed this situation by adopting a compulsory financing scheme for larger missions. The beginning of 1998 was thus an adequate moment to consider a restructuring of the Secretariat in the light of the newly assessed scale of contributions.

An intricate structure, with no clear division of labour, was also an obstacle for budget preparation and financial control. Budget outlines were approximate and easily attracted legitimate criticism by delegations.

The lack of a clearly defined organizational chart also meant deficiencies in administrative performance as there was no operational monopoly nor centralization for decision-making on matters relating to mission planning, staffing and steering.

The unstable personnel situation represented another serious problem. Unlike other international organizations the OSCE relies only partly on contracted personnel. A very significant part of the personnel was - and still is - supplied to the Organization by participating States through the secondment system.

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And even for the core personnel, the contract periods were short compared to those of other international organizations. That was not enough to ensure continuity, a sense of solidarity, loyalty and purpose for the collaborators - and it was certainly too short to establish strong teamwork.

There were also other questions to be dealt with such as the development of stronger mission liaison and support functions, the need for broadening the interface and operational cohesion between the Chairman-in-Office and the Secretariat as well as for unifying Secretariat work in the field and co-ordination with other international organizations.

After initial discussion with the delegations, I brought in consultants on administrative organization.

Their advice was prompt and clear: Get rid of the aggregate, sedimented sections of the Secretariat with their intricate communication channels and confusion. Replace them with a functionally defined pillar structure where architecture and engineering would be strictly separated from infrastructure, administrative, technical, budgetary and personnel functions. The proposal for such a structure met with resistance, especially in the CPC where the previous decision-makers wanted to retain control, not only on mission policy issues, but also on secondment choices to sustain those policies, right down to very technical issues concerning the missions. Another type of resistance originated from those whose ranking or role within the Secretariat would be modified through such a structural change.

As this functional separation was a main target of the exercise, I nevertheless decided to maintain the proposal for such a structure.

A general remark: There is a tendency to go on copying the fragmented institutional structure of the OSCE (ODIHR, HCNM, Prague Office, Parliamentary Assembly, etc.), even within the framework of the Vienna Secretariat itself. This tendency represents a threat to the cohesion of the Secretariat's work and new initiatives should take that risk into account. Keeping this structure "clean" is not only a matter for a structural review. It should be a matter of constant attention for the delegations.

The second largest task of the review was the proposed extension of the contract periods. A number of participating States were very much against changes that would reduce the flexibility of the Organization and make it impossible to "hire and fire" at short notice. My aim in proposing the new formula was to keep the OSCE more flexible than other international organizations, and maintain the idea of a "non-lifetime career job", but at the same time to foster a sense of common purpose and team cohesion. Very often the culmination of a mission would occur after three to four years and to ensure continuity, the length of headquarters contracts should not be any shorter, rather somewhat longer. On this point I did not see room for compromise. The contract period extension was necessary, and the solution (five to seven years maximum) which has been applied since then serves a good purpose.

On the other questions it proved impossible to strike a deal. The attempt to give the Secretariat more personnel was opposed by several delegations.

Undoubtedly these questions could have been taken much further in a different situation. Being in favour of reinforcing the Secretariat with respect to personnel, and not close to getting there, I even considered the possibility of not issuing a report at all: The proposal for a new structure and the extension of contract periods seemed too minimal to justify a formal conclusion. But the Ministerial decision was clear. The review had to be finished by September 1998.

A few weeks later the Milošević move on Kosovo and the subsequent negotiations by Ambassador Holbrooke - leading to the deployment of the Kosovo Verification Mission - created a major opportunity for streamlining the operational instruments of the OSCE and perhaps going beyond the ambitions of the report, also with respect to personnel, and to headquarters. What could not be decided on sheer principle would have been easier to achieve with reference to a concrete situation and to specific necessities. But at that point the review had already been finalized and published.

Judging from the results, I do not regret, however, that the report was closely focused on only a few issues of the "reform agenda". While selection of personnel is still a problem, the Secretariat has strongly improved its performance, especially on budgeting and financing issues. Continuity at headquarters has been significantly improved through the prolongation of the contract period.

Independent of these concrete results, the review represented an opportunity for a larger debate on the role and tasks of the Organization - on its form and format; a type of debate that is never undertaken in the Permanent Council, nor in any other body of the Organization.

Dušan Reljić

The OSCE Representative on Freedom of the Media

On 27 April 1999, Freimut Duve, the OSCE Representative on Freedom of the Media, stated in a press release that he was "seriously concerned" about NATO's missile attack against the headquarters of the Serbian state television RTS in Belgrade.[1] This attack, which took place on 23 April 1999, killed 16 RTS employees and injured numerous others.

Duve said that although he was fully aware that the state television network was the backbone of Milošević's war propaganda machine, he was nevertheless worried that in future conflicts journalists would be treated as "combatants". In his words, setting such a precedent was "extremely dangerous". Furthermore, the press release stated that although commenting on the actions of other international organizations was not one of his priorities, he hoped that NATO would take his concern into consideration.

NATO commanders and several leading politicians from NATO states did not share Duve's concern. In particular, US and British government representatives gave their complete backing to the air strike. Even a year later, on 8 June 2000, the former NATO Supreme Commander in Europe, US General Wesley Clark, described this attack as a "huge step" towards the removal of this "major instrument of provocation".[2] In contrast, leading human rights organizations and journalist associations like Amnesty International and the International Federation of Journalists as well as other NGOs all over the world had condemned the attack sharply. However, their protests had absolutely no recognizable effect on the treatment of journalists and the media in the further course of the war or on the international debate on the protection of journalists in conflict situations. In June 2000, the International Criminal Tribunal for Former Yugoslavia stated in a letter to Amnesty International that their prosecutor did not see any reason to open an investigation into the NATO air strike on the Serbian television and other civilian goals.[3]

Dealing with this attack on the Serbian television station killing 16 people was the most rigorous test of the OSCE Media Representative's work since the establishment of this office in December 1997. If the Media Representative had remained silent about this blood bath, his credibility would have

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1   Duve Concerned with the Bombing of RTS, Press Release of the OSCE Representative on Freedom of the Media of 27 April 1999.

2   Clark Calls Attack on Serbian Media Center Necessary, in: RFE/RL Newsline of 9 June 2000.

3   Cf. Amnesty International's initial comments on the review by the International Criminal Tribunal for the Former Yugoslavia of NATO's Operation Allied Force, AI Index EUR 70/029/2000, News Service No. 116. In paragraphs 55 and 76 of this review by the Tribunal it is stated that the media can become "a legitimate military objective" if it is "the nerve system that keeps a war-monger in power and thus perpetuates the war effort".

been shattered. This is because one of the most important beliefs of the first OSCE Representative on Freedom of the Media, the German Social Democrat Freimut Duve, is his unremitting denunciation of "censorship by killing". Moreover, as Duve has emphasized more than once, the question "How do democracies deal with armed conflicts?" has become a "permanent test of journalistic freedom" and thus a "central challenge" to his work.[4] However, this fateful case showed the limitations to the effectiveness of the OSCE media ombudsman. The only tool at his disposal to mobilize international public opinion is his plain language. In contrast, those who hold power, whether these are governments or common criminals, have very few obstacles in their paths when they want to silence awkward or undesirable voices in the media - often by murder.

The Media after the End of One-Party Rule in Central and Eastern Europe

On 18 December 1997 at the OSCE Ministerial Council Meeting in Copenhagen, Freimut Duve was appointed as the first OSCE Representative on Freedom of the Media. This had been preceded by a diplomatic initiative by the then German Foreign Minister Klaus Kinkel. The increased interest in Bonn and other Western capitals on freedom-of-the-media issues seems to go back primarily to the problematic developments in this area in many of the so-called transition countries in Eastern and South-eastern Europe and in particular to the importance of the war propaganda in the media in former Yugoslavia.

In the "new" democracies that emerged in the former one-party states, after the *Wende* 1989/1990, the climate did not automatically become favourable to the development of freedom of expression and freedom of the press. On the contrary, in Central Asian, Caucasian and other states of the former Soviet Union, the governments still controlled the media, often with an iron hand.[5] After the introduction of party pluralism, "media wars" broke out repeatedly in Hungary, the Czech Republic and other Central Eastern European states in the fight to gain control of public service broadcasters and other important news organizations.[6] Apparently, numerous politicians understood direct control of the media as one of the powers they had gained from winning parliamentary elections. This led to resistance by the opposition, journalists and the general public. These media conflicts have damaged the democratization of political practice in post-communist countries considerably.

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4   Freimut Duve, Medienfreiheit organisieren. Ein Amt für Pressefreiheit in der OSZE [How to Structure Freedom of the Media. An OSCE Office for Freedom of the Press], in: Internationale Politik 5/2001, pp. 37-42, here: p. 40 (this and all other quotations from foreign-language sources are author's translations).

5   Cf. the more than 50 reports written since 1992 by the European Institute for the Media in Düsseldorf on the media coverage during the lead-up to elections in transition countries between South-eastern Europe and Central Asia, at: www.eim.org.

6   Cf. Péter Bajomi-Lázár/István Hegedüs (Eds.), Media and Politics, Budapest 2001.

A special case is that of the former Yugoslavia where under the rule of the Communist Party the media were very dynamic and only partially censored. Before the outbreak of civil war in 1991, however, the war of weapons was initially prepared and tested by the war of words. Numerous media became the unscrupulous mouthpieces of ethnic-chauvinist propaganda. On the other hand, many newspapers, radio and television stations won laurels in their fight against the nationalist despotisms existing in Serbia, Croatia and Bosnia.

Duve himself summarized the background of the creation of his post as follows: "When the OSCE, as the first regional organization of the United Nations, established the office of a Representative on Freedom of the Media, entitled to intervene, this was only made possible due to the special Helsinki history. Without 'Solidarność', Alexander *Solshenyzin*, Václav *Havel*, the thousands of unnamed authors, many of whom were sentenced to jail even during the seventies, the willingness to accept supranational observation of freedom of the press is incomprehensible."[7]

The Mandate

On 5 November 1997, the OSCE Permanent Council passed a decision to establish the office of the OSCE Representative on Freedom of the Media as well as the text of its mandate. In this decision it states that the "objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values".[8] In this document, the office is tasked, *inter alia*, with the following:

- The OSCE Representative on Freedom of the Media is to observe relevant media developments in all participating States and advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect, he assumes an early-warning function.
- The OSCE Representative on Freedom of the Media is to concentrate on a rapid response to serious non-compliance with OSCE principles and commitments by participating States with respect to freedom of expression and free media. He is to seek direct contacts with the participating State and other parties concerned, assess the facts, assist the participating State and contribute to the resolution of the issue.
- The OSCE Representative may collect and receive information on the situation of the media from participating States and other interested parties, e.g. the media, national and international media associations as

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7   Duve, cited above (Note 4), p. 37 (emphasis in original text).
8   OSCE, Permanent Council, Decision No. 193, PC.DEC/193 of 5 November 1997.

well as other relevant non-governmental organizations. He is to work closely with the Office for Democratic Institutions and Human Rights (ODIHR) as well as the High Commissioner on National Minorities (HCNM) and also co-operate with the United Nations, the Council of Europe and relevant international organizations. However, he may not communicate with persons or organizations which practice or condone terrorism or violence.

- The OSCE Representative routinely consults with the Chairman-in-Office and reports on a regular basis to the Permanent Council. He is to report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments with respect to free media.

In summary, the three most important tasks of the OSCE Media Representative are as follows:

1. Observing and reporting on developments in the OSCE States with regard to freedom of the media,
2. an early-warning function with regard to possible limitations on the freedom of the media as well as
3. a rapid response to serious violations against the freedom of the media.

The OSCE Representative on Freedom of the Media is appointed by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. This position is to be filled by an "eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected". The term of office is three years long and may be extended for one further term of three years. His Office is located in Vienna.

In the summer of 2001, ten employees from nine countries were working in the Office of the Representative. However, this number is likely to increase if the OSCE bodies approve Duve's recommendations for an extension of the existing projects, in which the Office of the Media Representative is involved, and also approve the corresponding augmented funding and increase in personnel. In the OSCE 2001 budget, 647,800 Euros were allocated to the Office of the Media Representative. Even assuming this is only 0.34 per cent of the total OSCE budget, it still means an increase compared to the preceding year, in which 0.24 per cent (515,300 Euros) of total OSCE expenditures were allocated for this purpose.

It was only in the early summer of 2001, that Freimut Duve was reappointed to his post for another three years. Newspaper reports indicated that because Russia was annoyed about his criticism of Moscow's approach in Chechnya and as a sign of protest, at the OSCE Ministerial Council in November, for the time being, it agreed to extend his mandate for only six months. US sources spoke of a respected Russian rival who would candidate against the "controversial" incumbent.[9] In July 2001, his reappointment was confirmed after all, retroactively to the beginning of the year. In particular, German newspapers had reported that "massive pressure" had been exerted - only in part behind the scenes - by some authoritarian OSCE participating States against the Media Representative.

For example, a conflict with Belarusian authorities became public when Duve cancelled his visit to Minsk scheduled for the last week in April 2001. Before this the authorities in Minsk had made difficulties for the member of Duve's staff responsible for Belarus - who had formerly held a top position at the US Embassy in Minsk - to obtain a visa. "It is unacceptable that any one of the 55 participating States can at whim decide who I will take on which trip", Duve declared subsequently to journalists.

Already as an SPD Member of the German Parliament, who was in this office for over four legislative periods starting in 1980, and previously as the editor of the *rororo-aktuell* series, Duve (born in 1936) had made a name for himself as someone who uses plain language. Later he was a Member of the OSCE Parliamentary Assembly and in November 1997 received the Hannah Arendt Prize for Political Philosophy. Duve once wrote about a trait which had left an indelible mark on his personality: "What was meant as an endearing as well as mocking praise in my youth - 'very idealistic' -, has stayed with me in politics till this very day. Today the mocking continues, but it is meant contemptuously."[10] A Zurich newspaper described him as "passionately devoted to curing the world's ill".[11]

Idealism as well as large doses of pragmatism belong without a doubt to the most important characteristics that a mandate holder in this office must posses. Since the collapse of the Soviet system in Central and Eastern Europe, for example, instead of a generally expected permanent improvement in the area of freedom of the media, there have been very serious setbacks. A recent example of this was the murder of the Ukrainian journalist Georgiy Gongadze in 2000, which, in international newspaper reports, was linked to the highest state levels. Upon the recommendation of the OSCE Media Repre-

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9   Cf. Limited Renewal for the OSCE's Freimut Duve, in: Newsletter of the World Press Freedom Committee, 7 December 2000.

10   Freimut Duve, Vom Krieg in der Seele. Rücksichten eines Deutschen [On the War in the Soul. Considerations of a German], Hamburg 1998, p. 18.

11   Peter Fürst, Schutzpatron der Pressefreiheit [The Patron Saint of Freedom of the Press], in: Tages-Anzeiger, Zurich, 12 June 1999.

sentative, Gongadze was awarded the OSCE Prize for Journalism and Democracy posthumously in the spring of 2001. Simultaneously, the Office of the OSCE Media Representative in co-operation with the Ukrainian Foreign Ministry organized a series of seminars on freedom of the media in various parts of the country.

The first OSCE Media Representative also shows idealism in his efforts not to be just "an accountant on repression", but to place a special emphasis on the "cultural and civil dimension" of his office. Thus, the Yearbooks of the OSCE Representative on Freedom of the Media were created and even their design demonstrates this ambition. The cover has an illustration by Günter Grass of a hand holding a sharp quill pen rising up from a desert of stones entitled "The Writer's Hand". In addition to articles on the media, there are also poems and literary essays by renowned authors like Chingiz Aitmatov and Dragan Velikić.

Furthermore, two books with a regional character as part of a new series were created under Duve's auspices: "The Caucasus - Defence of the Future" with articles by authors of different ethnic backgrounds from this crisis and war-torn region as well as "In Defence of the Future - Searching in the Minefield" with reflections by twelve authors from the former Yugoslavia on the effects of the recent past on the future of their native country.

Duve initiated another project in the year 2001, which hardly fits the image - and possibly the mandate in a narrower sense - of an international governmental organization: A "mobile culture container" is to travel across the former Yugoslavia till the end of 2002 which, in particular, will offer young people a contact point for cultural exchange as well as fighting against intolerance and ethnic chauvinism. The financial resources for this project totalling around 3.5 million DM were raised primarily by Germany, Austria, Switzerland and the Czech Republic within the framework of the Stability Pact for South Eastern Europe.

Activities

The OSCE Representative on Freedom of the Media reports to the Permanent Council and other OSCE bodies on his activities regularly. Under given circumstances, he gives press releases and interviews to the general public. As can be gleaned from these documents, the majority of his activities are directed towards events in "new democracies" although to a lesser extent occurrences in Western democracies have also been dealt with.

For instance, in his report to the OSCE Permanent Council on 19 July 2001, Duve responded to Italian Prime Minister Silvio Berlusconi's announcement that he would relinquish his influence on his media empire in September of that same year. Duve emphasized that half-measures which cast the suspicion that he maintained his influence in a concealed manner would not be accept-

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able. Duve's primary concern was the possibility that this turn of events in an EU country would give some political leaders in the new democracies the justification they needed to at least partially retain control of the media in their own countries.

Other cases he dealt with in the report are characteristic for the work of the OSCE Representative on Freedom of the Media. These included, *inter alia*: the pressure exerted on journalists of the Rustavi-2 television station in Georgia, reports of 70 cases alone in the first half of 2001 in which pressure was exerted on journalists in Azerbaijan, the case of the cameraman, Dmitri Zavadsky, who disappeared a year ago in Belarus, and other topical examples from repression to the murder of journalists in post-communist OSCE countries.

A cross-section of the usual activities of the OSCE Media Representative is as follows:

- public and confidential intervention at state authorities in favour of detained or harassed journalists,
- visits to state authorities in transition countries with particularly pronounced problems with respect to freedom of the media,
- publication of country reports on the media situation in OSCE States,
- organizing and participating in conferences on media topics which in particular embrace transition countries,
- initiating public debate on topics like the improvement of the security of journalists in conflict zones by having them wear badges.

There are two aspects of the activities of the OSCE Media Representative partly creating controversial discussions. One of these is the question of the relationship between "Eastern" and "Western" topics. The other is that the boundary between the work of non-governmental organizations active in the media field and that of the Media Representative seems unclear.

Duve has indicated in several of his interviews that the representatives of Western states have appeared "disconcerted" each time his Office expresses concern about the freedom of the media in their countries. His answer to this is always that "self-righteousness is the worst enemy of justice". "Thus you should always clean up at your own front door first."[12] However, as his own experiences have shown, this is no easy task. For instance, the conservative US World Press Freedom Committee did not react positively to the fact that Duve sees a "problem" in combating "hate language" in the wording of the first amendment to the US constitution. Berlusconi angrily rejected Duve's criticism that there was a possible conflict of interest between Berlusconi, the media mogul, and Berlusconi, the head of government, whereupon Duve was then quoted as saying he was disappointed about the EU's cautious response

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12   Ibid.

to the developments in Italy.[13] Duve's comments on Berlusconi led the Christian Democrats in his own country to polemically point out that the Social Democrats - of whom Duve is a member - also had a stake in the media.[14]

Duve has often drawn attention to the "structural censorship" in the "new democracies": the state monopolization of the small number of printing houses, discriminatory practices in distribution, arbitrary tax, fire or medical inspections by the authorities etc. The OSCE Media Representative has taken these problems into consideration in many of his activities. However, up to now, the Media Representative has not given similar attention to other just as serious problems he has identified on the Western media landscape. The OSCE Media Representative publicly expressed his concern when Spanish journalists were directly targeted by terrorist organizations or when the Italian police beat up and arrested journalists at the G8 Economic Summit in Genoa at the end of July 2001. He is also concerned about structural problems: for example, in Duve's words, the "industrialization of the media world" and the threat to journalistic freedom within globally operating media enterprises linked to this, whose owners have other widely diversified economic interests. Duve himself ascertains: "The modern state and the modern economy cannot survive without corrective debate. Thus freedom of the journalistic media is a global challenge."[15]

The second problem area involves the conceptual and financial relationship of the OSCE Media Representative to non-governmental organizations. In the reports to the OSCE Permanent Council of 5 April and 19 July 2001, Duve announced the extension of the project activities of his Office. Thus, the OSCE Media Representative will offer seminars and conferences on various topics including, for example, the transformation of former state television and radio stations into public service broadcasters in Central and Eastern Europe as well as offering legal advice to journalists in non-consolidated democracies, e.g. in Central Asia. These projects however have been part of the central programmes of numerous international non-governmental organizations for many years. For instance, the London NGO §19 has offered legal advice in transition countries in Africa and Asia as well as in Central and Eastern Europe for many years. The European Institute for the Media, the International Federation of Journalists, the International Press Institute and many other non-governmental Organizations have conducted projects for some time that have now increasingly also become part of the activities of the OSCE Media Representative. In addition, the media department of the Council of Europe in Strasbourg - and in part UNESCO as well - also conduct

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13   Cf. Berlusconi rejects criticism, BBC News Online, 24 May 2001.
14   Cf. CDU begrüßt Forderung nach der Trennung von Regierung und Medien [CDU Welcomes Demands for a Division of Government and Media], Statement of the CDU Secretary General, Laurenz Meyer, on 22 May 2001.
15   Freimut Duve, Für Stabilität und Pluralismus - Medienhilfe der OSZE [For Stability and Pluralism - OSCE Media Assistance], in: Magazin Deutschland 1/2000, online at: www.magazin-deutschland.de.

more or less the same activities. All these organizations have complained for years that there is a lack of co-ordination, but have taken very few steps to remedy the situation.

For many non-governmental organizations that deal with the media, the same sources of funding are an option as for governmental organizations carrying out similar projects. These are national, state and other sponsors like political and humanitarian foundations as well as the European Union. This funding is limited and any new successful applicant "on the market" diminishes the prospects that other interested parties have to obtain project financing. Unless there is much closer co-ordination between the many actors in this area, significant conflicts can be expected. In this connection, one could argue about not only access to funding, but the fundamental question of what a governmental organization is allowed to do in the area of the media, which traditionally have been rated as the most important institutions in civil society.

Effects

It has been a significant gain for the "new democracies" among the OSCE participating States where freedom of speech and freedom of expression remain fragile constructs that the OSCE Representative on Freedom of the Media has been established. It is true that every journalist knows that in the end nothing can save him from the anger of the "power", he may have provoked - whether this be state power or criminal power, which often appear side by side. Nevertheless, his chances increase when there is someone "out there" whose telephone call the president cannot reject if he sets value on his international reputation at all. A telephone call of this nature or the prompt visit from a representative of the OSCE Media Office could save the lives of many journalists and authors. There is also the chance that a kind of "long-term effect" would be created: The political leaders of "non-consolidated democracies" are increasingly learning that there is a connection between freedom of expression in their own countries and their standing abroad as well as the willingness of the West to give them loans and other support. Very often at first, this creates only an appearance of freedom of public opinion because behind the scenes old and new control mechanisms are still at work. However, not even this semblance would have been conceivable a quarter century ago when the CSCE was established.

However, it is still open to what extent the OSCE Representative on Freedom of the Media will be able to overcome the East-West divergence - dating from the annals of CSCE history - in his daily work. The Yearbooks of the OSCE Media Representative have up to now been entitled "Freedom and Responsibility". Without a doubt, this office will have to remain engaged in activities for the freedom of the media for a long time to come, especially in Eastern Europe. And there is still the challenge to the OSCE Media Repre-

sentative of establishing greater international publicity on the responsibility of Western media tsars like Berlusconi, Kirch or Murdoch for the manner in which they deal with the tremendous political and social influence the power over the media gives them.

Randolf Oberschmidt

Ten Years of the Office for Democratic Institutions and Human Rights - An Interim Assessment

In the year 1990, the participating States of the Conference on Security and Co-operation in Europe (CSCE) passed the decision, as stated in the Charter of Paris for a New Europe, to establish an Office for Free Elections.[1] When this Office began operations in May 1991, no one expected it to develop into the most important institution of the Organization for Security and Co-operation in Europe (OSCE, as the CSCE has been called since 1995) in the area of human rights. Although it was originally tasked with facilitating the exchange of information on elections between CSCE participating States, its mandate was subsequently extended to other aspects of the human dimension like human rights and democratization. As a logical consequence, it was renamed the Office for Democratic Institutions and Human Rights (ODIHR) in 1992.[2] Along with the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media, ODIHR is one of the "essential instruments in ensuring respect for human rights, democracy and the rule of law".[3]

It would be impossible in this short article to give a detailed description of the diversity of ODIHR activities during the ten years of its existence. Instead an interim assessment of this institution will be made in an outline of its institutional development, the substance of its work and its regional priorities. The focus will be on developments during the period since 1997 at which point in time ODIHR, for the most part, had already acquired its current structure.[4] In addition to summarizing the most important facts and activities,

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1   "We decide to establish an Office for Free Elections in Warsaw to facilitate contacts and the exchange of information on elections within participating States." Charter of Paris for a New Europe, Paris, 21 November 1990, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 537-566, here: p. 549.

2   Cf. Prague Meeting of the CSCE Council, Prague Document on Further Development of CSCE Institutions and Structures, in: Bloed (Ed.), cited above (Note 1), pp. 820-839, pp. 830-838, here: p. 831.

3   Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 431.

4   For the period before 1997 cf. among others: Heather F. Hurlburt, The Office for Democratic Institutions and Human Rights: OSCE's Response to the Challenges of Democratization, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 369-375; Hans-Joachim Gießmann, Democracy as a Creative Task - Challenging or Overburdening the OSCE?, in: ibid., pp. 187-198; Gerald Mitchell, Election Observation is More than just a One Day Event, in: ibid., pp.199-210; Audrey F. Glover, The Office for Democratic Institutions and Human Rights 1994-1997, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 327-334.

specific problem areas will be examined and possible solutions developed. In conclusion, certain recommendations for ODIHR's future priorities will be presented that are to strengthen the performance and effectivity of this institution.

ODIHR Structure and Institutional Links

Structure und Budget

The first years of ODIHR's activity from 1992 to around the beginning of 1997 fell during the phase in which the OSCE began - after the process of norm building that was completed for the human dimension in 1990 - to tackle the issue of implementing these norms operationally.[5] It was very quickly evident that ODIHR at that time had structural limitations: While election monitoring became an appropriate and reliable instrument, other activities in the human dimension area suffered because they were not focused enough, could not be implemented effectively and were too far away from the events on the scene. Furthermore, the Office was suffering from an acute personnel shortage.

The logical conclusion of this was that ODIHR underwent an essential reorganization during the summer of 1997. This led to an increase in the number of personnel (including the necessary financial provisions associated with this) and to a more clear-cut division of its various activities.[6] The structures introduced then are still valid today in a slightly modified form, although with time new job positions have been added because of new fields of activity (for example, the areas comprising Roma and Sinti, gender issues and trafficking in human beings). By the summer of 2001, ODIHR's staff totalled 80 members from over 30 OSCE participating States. In addition to management, the Office is divided into the following departments/sections: Elections, Democratization, Monitoring (of the commitments of OSCE participating States in the human dimension) and Public Affairs as well as the Contact Point for Roma and Sinti Issues.[7]

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5   Cf. Randolf Oberschmidt, 25 Jahre menschliche Dimension der KSZE/OSZE. Von der Schlussakte von Helsinki (1975) zum Istanbuler Gipfel (1999) [25 Years of the CSCE/ OSCE Human Dimension. From the Helsinki Final Act (1975) to the Istanbul Summit (1999)], in: Vierteljahresschrift für Sicherheit und Frieden (S+F) 4/2000, pp. 319-327, as well as the literature cited therein.

6   Cf. PC.DEC/174, 19 June 1997; PC.DEC/179, 10 July 1997; Office for Democratic Institutions and Human Rights, Annual Report 1997, Warsaw, 1 December 1997, at: http://www.osce.org/odihr/docs/annual97.pdf; as well as Paulina Merino, The Office for Democratic Institutions and Human Rights, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 383-391. Among others, the position of First Deputy Director was created as well as a Second Deputy Director for Administration and Heads of Sections for Elections and Democratization.

7   Cf. the current personnel organigram at: http://www.osce.org/odihr/staff.php3.

Although ODIHR within the framework of the OSCE has clearly become more efficient and improved its image, several potential problems relating to its structure must be mentioned: One fundamental problem, which incidentally is true of the Organization as a whole, is that the OSCE is a so-called non-career organization where, in comparison to other organizations, personnel only stay in their jobs for short periods of time. This leads to higher fluctuation and thus to a loss of institutional memory. In addition, some of the posts at ODIHR have been filled by personnel seconded from the participating States. On the one hand, in view of the Organization's reluctance in creating new permanent budget items, this kind of voluntary contribution is welcome. On the other, this practice threatens the continuity of its work. Because when a secondment has come to an end, there is no guarantee that another participating State will step in to fill the gap, particularly since establishing a new post leads to more prestige and positive headlines than maintaining an old one. Finally, it must be mentioned that there is a considerable discrepancy in the origin of staff members: There are clearly more from "Western" countries than there are from "Eastern" countries, especially in management functions. It would be wrong to call this "ill-will". This tendency can be explained, among other things, by the fact that the human rights issues in the CSCE/OSCE process have traditionally been dominated by the West and that there is also a lack of adequate management personnel in "Eastern" countries. Moreover, the countries who provide the most funding - which are in fact the "Western" countries - also have an interest in being represented correspondingly in the Organization. Although these arguments are all valid, there is a danger that the (South-) Eastern European states will perceive the human dimension as an extended arm of Western economic and strategic interests. If this imbalance - prevalent throughout the OSCE - is not reduced, ODIHR programmes and activities will be jeopardized with regard to their acceptance and thus to their effectivity in the long term.[8]

ODIHR budget development is a persuasive indicator of the expansion of its activities. If one takes into account that the OSCE made around 250,000 Euros of its total budget available to the Office for Free Elections in 1991 but raised this to 6.5 million Euros to ODIHR in 2001, it is evident that this institution has undergone dynamic development. The increase from around 3.25 (1997) to around 6.5 million Euros (2001) during the reporting period beginning in 1997 is also impressive.[9] Nevertheless, this sum is only an

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8   On this area cf. also Randolf Oberschmidt/Wolfgang Zellner, OSCE at the Crossroads (CORE Working Paper 2), Hamburg 2001.

9   Budget sources: 1991: CSCE/3-CSO/Dec.1, 18 June 1991, 1992: CSCE/4-CSO/Dec.1, 24 October 1991, 1993: CSCE/17-CSO/Dec.1, 6 November 1992, 1994: PC-Journal No. 35, 29 September 1994, 1995: PC-Journal No. 15, Annex 2, 6 April 1995, 1996: PC.DEC/97, Annex 1, 19 December 1995, 1997: PC.DEC/150, Annex 1, 19 December 1996, 1998: PC.DEC/207, Annex 1, 16 December 1997, 1999: PC.DEC/ [without no.], Annex 1, 17. December 1998, 2000: PC.DEC/331, Annex 1, 15 December 1999, 2001: PC.DEC/399/ Corr., Annex 1, 14 December 2000. Cf. also, Organization for Security and Co-operation in Europe, OSCE Handbook 1975-2000, 3rd ed., Vienna 2000, as well as Michael Berndt,

insignificantly small percentage (around three per cent) of the total OSCE budget. The lion's share of expenditures goes to mission activities.

ODIHR is forced to rely on additional sources to be able to carry out the large number of its projects and activities. It receives these funds primarily in the form of voluntary contributions from some of the OSCE participating States to support concrete projects or as a share of joint projects like those sponsored by the European Commission. The ratio of OSCE funds to outside funds has up to now not been published. Nevertheless, it is clearly evident that ODIHR would not be able to conduct many if not most of its activities without these additional means. Thus to a certain extent ODIHR acts as a subcontractor and this tendency is increasing. Of course this also creates dependencies, which particularly those participating States, who would like to limit the autonomy of the OSCE and its institutions, accept consciously and affirmatively. At the same time, ODIHR itself is the client of a large number of external experts and non-governmental organizations without which quite a few projects would not be feasible. This is due to the fact that ODIHR staff would be overtaxed if they had to conduct all these activities themselves. This brings up a fundamental question, which requires thorough examination in itself: What percentage of the expenditures is actually beneficial to the country in which the project is being conducted? A high percentage of project funding is used to pay (Western) experts, travel expenses and administrative costs. To increase sustainability in the long term, local actors should be given direct responsibility (also financial) in more projects.

The Position of ODIHR within the OSCE

As has already been mentioned, ODIHR represents the central OSCE institution for the area of the human dimension. However, co-operation with other institutions within the OSCE is just as important as maintaining one's own activities. This ensures that programmes and activities can be implemented effectively and on a sustainable basis.

At a first glance, it is evident that ODIHR with its seat in Warsaw is relatively far removed from the central OSCE decision-making processes. Of course, this has the disadvantage that ODIHR's participation in these processes is not always guaranteed to the extent necessary to introduce its own concepts and interests. On the other hand, ODIHR can conduct its activities relatively unobserved and undisturbed particularly since the OSCE is an organization with rather weak (Secretariat) and discontinuous (Chairman-in-Office changes yearly) management organs. Because the participating States, who "possess" the OSCE, barely take notice of daily institutional business, OSCE sub-institutions and their management personnel have a high degree of autonomy in making decisions. This leads to the fact that opportunities for

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OSZE-Budget [OSCE Budget], 24 April 2001, at: http://www.uni-kassel.de/~archiv05/ Studienwerkstatt/Euromil/Papers/OSCE-Budget.html.

intra-institutional co-operation aimed at synergy effects often remain unused. Thus, co-operation between ODIHR, the HCNM and the Representative on Freedom of the Media, to remain in the area of the human dimension, is also more likely to be sporadic than mutually supportive and reinforcing with regard to integrated programmes.

However, the relationship of ODIHR to OSCE missions and field activities is of central importance. In this regard, there has been very positive development in the last few years. While both institutions worked more or less parallel to one another during the first half of the nineties, even when ODIHR implemented activities in a mission area, in the meantime, the view has become prevalent that independent of size and specific mandate of a particular mission the human dimension is an integral component of every OSCE field activity.[10] Nevertheless, there are certainly differences in each co-operative relationships of ODIHR to the missions and field activities: With regard to the "large" OSCE missions in the Balkans (Kosovo, Bosnia and Herzegovina, Croatia, the OSCE Presence in Albania) ODIHR's role is rather small because these missions have their own sections for human rights and democratization, which in some cases employ more personnel than ODIHR as a whole. The work of ODIHR is limited here fundamentally to support in those areas in which it has special qualifications and expertise, for example, the areas of the ombudspersons or the Roma and Sinti. ODIHR's influence is greater in missions with a smaller staff and it can differ widely depending on the specific mandate of the mission. In those missions that deal mainly with ethnically motivated conflicts within the framework of conflict prevention (e.g. Estonia, Latvia) or conflict management (e.g. Georgia, Moldova), the human dimension is only a sub-area. Because of this, ODIHR's work can only be of a supportive nature. With regard to the Baltic states, alongside the missions, primarily the High Commissioner on National Minorities is active here. In contrast, ODIHR and its programmes are highly influential in those missions whose *raison d'être* lies specifically in the human dimension (democratization, building civil societies, rule of law, human rights). This applies primarily to the OSCE field activities in Central Asia, Azerbaijan and Armenia but also applies to Belarus and the Ukraine. Because they are small missions, they are highly dependent on ODIHR to implement and finance corresponding activities in close co-ordination with them. On the other hand, they have outstanding qualifications through their permanent presence in the field and due to their expertise are in a position to develop targeted programmes with ODIHR. Another instrument, which assists in promoting ODIHR's relationship to the "smaller" missions, are the so-called "Grassroots Democracy Projects". The ODIHR grassroots programme was established in 1999 to "encourage the development and implementation of national and local initiatives

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10   Cf. the materials from the seminar organized by ODIHR in April 1999 on the human dimension, "Human Rights: The Role of Field Missions", in: http://www.osce.org/odihr/docs/m99-04-hds-consum.htm.

to promote human rights and democracy through low-cost, high-impact micro-projects".[11]

Co-operation with Organizations outside the OSCE

ODIHR's activities (and those of the OSCE as a whole) do not take place in a "vacuum", but are conceived for states and regions where other organizations are active too. In order to bundle the resources of different organizations who have partially overlapping tasks, the OSCE - through the Platform for Co-operative Security adopted in Istanbul in 1999 - is attempting "to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area".[12] Already before the Istanbul Summit, the ODIHR had a large number of co-operative relationships with other organizations,

- whose expertise it has used for its own programmes,
- who have had more funding at their disposal or
- who have carried out ODIHR programmes because it does not have the capacity to deal with them itself.

The organization whose profile is perhaps closest to that of ODIHR is the Council of Europe, which, in the area of human rights and democratization, has its main focal points in exactly the same regions as ODIHR with the exception of the Central Asian states. It was precisely the similarity of their respective subjects that was probably also the reason that the relationship between the two institutions had, at the beginning, more of a competitive nature. In the meantime, there is increasing co-operation between both organizations, which also benefits them both: ODIHR profits from the larger staff of experts at the Council of Europe and the Council of Europe benefits from the operational flexibility and larger presence of the OSCE and/or ODIHR in the field. Of the large number of joint projects, the following deserve special mention: co-operation within the framework of the Stability Pact for South Eastern Europe in various task forces, co-operation in the field in Montenegro or Chechnya or the mutually co-ordinated evaluation of legislation on human rights in the Ukraine, just to mention a few examples. Regular bilateral meetings between the OSCE and the Council of Europe where the Director of ODIHR also participates have taken place since 1993 to better co-ordinate specific activities. Moreover, both organizations have agreed upon a "Common Catalogue of Co-operation Modalities" to further strengthen the organizational basis for co-operation.[13]

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11   Office for Democratic Institutions and Human Rights, Annual Report 2000, in: http://www.osce.org/odihr/documents/reports/annual/annual00.pdf.
12   Charter for European Security, cited above (Note 3), p. 441.
13   On Co-operation between ODIHR and the Council of Europe cf. Barend ter Haar, An Alliance for Human Rights and Democracy, in: Helsinki Monitor 4/1999, pp. 49-56; Organi-

Another organization, which has increasingly gained importance for ODIHR is the EU, in particular the European Commission.[14] A very good illustration of the interests of each organization can be made on the basis of their most important joint projects in Central Asia and Belarus: ODIHR profits from the financial strength of the Commission, which finances more than half of the projects, and the European Commission profits from the fact that the OSCE contributes to democratization and thus to the desired stabilization of the EU-European "forecourt". In view of the fact that budgetary funds made available by the OSCE are expected to decrease, the role of the European Commission will become more important. Because the Council of Europe is even much more dependent on European Commission funding than the OSCE, it cannot be excluded that there will be disputes between OSCE/ODIHR and the Council of Europe on who receives how much funding.

Other international organizations with whom ODIHR co-operates include for example specialized agencies of the UN like UNHCHR, UNICEF or UNHCR for the areas of human rights, protection of children in armed conflicts and refugee issues, as well as the International Organization for Migration (IOM) in the joint fight against trafficking in human beings.[15]

Another group of partners in co-operation with ODIHR, which must be mentioned in this context, are the (international) non-governmental organizations (NGOs/INGOs). In general, it can be ascertained that ODIHR as well as the OSCE in general have less qualms about co-operating with organizations of civil society than other international organizations. What is meant is less their participation (which generally does not have repercussions) in seminars on the human dimension than concrete co-operation on projects and programmes. Local and international NGOs are involved in ODIHR activities in many different ways: as local partners and implementers in the field, as partners in co-operation, as "subcontractors" for ODIHR and partially even as sponsors or co-financers. Despite these positive elements, one cannot speak of a truly equal, let alone trouble-free partnership. This is primarily because the OSCE and therefore also ODIHR are "owned" by the OSCE participating States, i.e. NGOs do not have the right to participate in decision-making. Other problems stem from the fact that projects are sometimes more guided by the interests of sponsors than those of the people affected in the field. However, one should not conceal the fact that many NGOs, when following their specific interests, are not in a position to see the overall political context and the necessary compromises that go along with it. Nevertheless, it should be noted that: To the degree that societies become more civilized - and that is

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zation for Security and Co-operation in Europe, The Secretary General, Annual Report 2000 on Interaction between Organizations and Institutions in the OSCE Area (1 November 1999 - 31 October 2000), at: http://www.osce.org/docs/english/misc/anrep00e_org.pdf, pp. 10f.

14   Cf. Annual Report 2000 on Interaction between Organizations and Institutions in the OSCE Area, cited above (Note 13), p. 10.

15   Cf. ibid., pp. 10-13.

one of the specific goals of the OSCE - their participation as well as their opportunity to have a say in the decision-making processes affecting them must increase on the internal as well as the inter-state level.

Substance and Regional Focus of ODIHR Activities

It would be impossible to report in detail on all the aspects of ODIHR work in this article.[16] Thus in the following, a summary as well as critical analysis will be presented on the focus of ODIHR activities. Because these activities can only be understood in a geographical context, the regional orientation of ODIHR work will be dealt with first.

Regional Focus of ODIHR Activities

The whole set of OSCE norms, which are equally valid for all participating States "from Vancouver to Vladivostok", serve as the basis of ODIHR's work. Thus, in principle, all OSCE participating States are possible target areas for ODIHR activities. In practice, however, the situation is completely different: There is a clear focus on Eastern Europe (primarily Central Asia and the Southern Caucasus as well as Belarus and the Ukraine) and - to a much lesser degree - South-eastern Europe.

What are the reasons for focusing on these areas? On the one hand, one can ascertain that the regions mentioned above are going through a difficult transition period from totalitarian to democratic societies under the rule of law and are therefore often still far from fulfilling their commitments in the area of the human dimension. On the other, ODIHR capacities do not allow it to deal with all participating States to the same extent. In contrast, it gives special attention to those states that have the most catching up to do. In addition, it is noticeable that to avoid duplication of labour, ODIHR holds back on programmes and/or it implements programmes only in certain segments where there are already large missions at work. This is true in South-eastern Europe, or in areas where other organizations are already active, like the EU or the Council of Europe in East Central Europe. Nonetheless, the question of political opportunity apparently does play a role - how else could one explain that the OSCE and ODIHR are conspicuously reserved when it comes to Turkey, for example? Also the Russian Federation, which blames the OSCE for its one-sided orientation towards Eastern Europe especially in the area of

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16 More detailed information on the individual activities of ODIHR can be found at: ODIHR Annual/Semi Annual Reports (starting in the spring of 1998), at: http://www.osce.org/ odihr/library.php3; ODIHR Newsletter (starting in December 1999), at: http://www.osce. org/odihr/newsletter-index.php3, as well as ODIHR Projects 2001, at: http://www.osce. org/odihr/cal2000.php3.

the human dimension,[17] has with the exception of Chechnya remained relatively "undisturbed" by democratization programmes.

It is evident here that the OSCE is a political organization, which is dependent on the consensus of its participating States. This means that the best course for ODIHR would be to implement its activities in co-operation with the participating States affected or at least with their toleration. For this reason, ODIHR concluded so-called Memoranda of Understanding with the Central Asian (with the exception of Turkmenistan) and the Southern Caucasus states. This led to these governments' increasing acceptance of the programmes as well as better project coherence because ideally project packages are co-ordinated. Finally, it must also be mentioned that ODIHR has lately endeavoured to lend its projects a regional dimension (especially within the framework of the Stability Pact for South Eastern Europe as well as in the Southern Caucasus) to be able to increase synergy effects.

Election Monitoring and Technical Election Assistance

The ODIHR department that has the most external influence, and which *nota bene* also utilizes the most funding, is the Election Section. This section implements election monitoring missions and technical assistance projects in Eastern and South-eastern Europe as well as analysing election legislation.[18] ODIHR Election Statements are generally recognized as a "quality mark". However the greatest effect can possibly be achieved by specifically *not* observing an election if it can be expected from the outset that the OSCE criteria for free and democratic elections will not be fulfilled.

Despite the impressive work achieved up to now, there is still much to improve, which, for example, the results and recommendations of a seminar devoted to this topic in May 2001 demonstrated:[19]

- Improvements should in particular be made in the follow-ups to election monitoring missions to be able to ensure that the recommendations made following election monitoring are also implemented. The Permanent Council could perhaps guarantee this by dealing with these issues periodically.
- Because elections are generally seen as a gauge for the status of democracy and legal certainty, they are of enormous importance for economic development and the willingness to invest. Therefore the activities of

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17   Cf. Oberschmidt/Zellner, cited above (Note 8), p. 4.
18   Reports on elections that have been monitored, analyses of electoral law as well as information on technical assistance projects can be found at: http://www.osce.org/odihr/ elecrep.php3 and/or http://www.osce.org/odihr/unit-eassistance.php3.
19   Cf. Office for Democratic Institutions and Human Rights, OSCE Human Dimension Seminar on Election Processes, Consolidated Summary (Revised Version), Warsaw, 29-31 May 2001, at: http://www.osce.org/odihr/info/waw29-31may2001_fr.html.

the OSCE in this area must be better co-ordinated with the international financial institutions.

- Because elections can only provide political stability if all relevant parts of the population participate, it must be ensured that the interests of national minorities be better integrated in the election monitoring process than before.
- The representatives of non-governmental organizations, who unlike ODIHR are permanently in the field, play an important role in the elections. Because in many cases they are subject to government restrictions or sanctions, ODIHR has a special responsibility to protect them.
- Experience has shown that most problems connected with elections do not occur on or around Election Day, but arise much earlier. This is particularly true for freedom of opinion, freedom of assembly and freedom of association, which ODIHR together with the Representative on Freedom of the Media should monitor more carefully than before.
- Finally, a further desideratum would be updating the commitments made by participating States in the area of the human dimension relevant to elections taking into consideration the standards that have been established since 1990, especially those of the Council of Europe.

Democratization

In contrast to the Election Section, the ODIHR Democratization Section does not have a clearly differentiated field of activity, but combines several sub-sections (units) including various segments of the human dimension such as rule of law, gender issues, trafficking in human beings, migration and non-governmental organizations as well as regional units on South-eastern Europe, the Caucasus and Central Asia. Each unit has very little staff (about one to three members per unit), which explains why they are not able to deal with the fundamental theoretical/normative issues of the sub-areas of the human dimension in addition to their current projects.

The Rule of Law Unit concentrates primarily on technical assistance projects in the areas of criminal law courts and administration (training programmes on human rights standards for judges, public prosecutors, prison administrations, police), legal reform and analysis with the goal of harmonizing legislation with OSCE commitments, and the promotion of institutions for the protection of human rights, e.g. ombudspersons.

The Gender Unit, in existence since 1999, aims primarily at promoting equal rights and the participation of women in politics and society and ensures that these aspects are included in the activities of other units.

ODIHR has dealt intensively with the problem of trafficking in human beings for (sexual) exploitation also since about 1999. This modern form of slavery, which illustrates the problems and difficulties of the transformation societies in Eastern Europe in a repelling manner, connects "producer" countries with

"transit" and "consumer" countries and therefore in particular requires a regional approach. Thus, it is not without good reason that ODIHR has charge of the corresponding Task Force of the Stability Pact for South Eastern Europe.[20]

The Migration Unit deals with the introduction of international standards on the right to freedom of movement as well as the concerns of internally displaced persons, of which there are large numbers in Eastern and South-eastern Europe due to numerous armed conflicts there.

Finally, the NGO Unit promotes dialogue between representatives of civil society and state institutions and attempts to strengthen the role of NGOs for the reconciliation process within the framework of post-conflict rehabilitation.

It would be worthwhile to make a detailed analysis of each of these units, however this would not be within the scope of this article. Nevertheless, there are other more basic issues that deserve a comprehensive examination, of which merely a few will be mentioned in the following: How relevant are the democratization projects when considering the political and economic situation as well as the interests of the target groups and organizers of the projects? To what extent are these ventures Western alibi activities to detract from its real responsibility and/or influence in the region affected? How effective are these projects with regard to sustainability and self-responsibility at the local level? It is evident that all one-dimensional answers to these questions would only be of a polemic nature and not a real contribution to a discussion the result of which is not pre-determined. On the other hand, an evaluation of position should not be taboo.

Other Activities

The Contact Point for Roma and Sinti Issues, which was set up after the Budapest OSCE Summit in 1994 and gained its own adviser in 1999, mainly has the task of representing Roma and Sinti concerns before the participating States as well as acting as an information and contact point. In 1999, participants at the Istanbul Summit tasked ODIHR with the elaboration of a concrete action plan including chiefly activities on advising the participating States on legislation relevant for Roma and Sinti as well as co-ordination measures within the framework of the Stability Pact for South Eastern Europe to protect and promote Roma and Sinti political participation. The hope remains that the OSCE here - as in other areas - has the stamina to carry on with this topic and not after a short time switch to a new one that may have just "come into fashion".

The Monitoring Section is tasked among other things with monitoring the status of human rights developments and the OSCE participating States'

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20   Cf. also Jyothi Kanics/Gabriele Reiter, 2000: A year of significant achievements in the fight against trafficking in human beings, in: Helsinki Monitor 2/2001, pp. 112-121.

compliance with their commitments in the area of the human dimension. It goes without saying that this small unit is not in a position to cover these requirements sufficiently. The goal is more to bring essential and/or flagrant developments in this area to the attention of the Chairman-in-Office as a kind of early warning instrument. Of course at the end of the day, this is a question of political priorities and therefore subject to interpretation. Other activities that should be mentioned include documenting human rights violations in Kosovo for the period from October 1998 to June 1999,[21] as well as backing the Russian President's Personal Representative for Human Rights in Chechnya. The latter obviously occurred according to the premise that it is better to have a highly limited opportunity to react to blatant human rights violations by participating in an alibi event than to express fundamental criticism and thus rob oneself of having any influence at all. Both of the latter activities illustrate very graphically the different dilemmas and political implications that ODIHR is confronted with.

In addition to the already mentioned activities, ODIHR can also resort to the support of the Advisory Panel for the Prevention of Torture, which has been in existence since 1998, as well as the Advisory Panel on Freedom of Religion or Belief that began its work in a new form at the beginning of 2000. It would be desirable that the latter deal with the problem of "Islam and the OSCE" on a conceptual level.

In addition to certain services like publications in various sub-areas of the human dimension, or the fact that lately the ODIHR public image has happily become more transparent through the publication at its website of reports and materials on its work, there are also ODIHR seminar activities, which will be discussed in the following concluding remarks: Seminars as forums for an exchange of ideas between formerly antagonistic societies played an important role primarily at the end of the 1980s and the beginning of the 1990s for the then CSCE. As the OSCE and ODIHR activities became increasingly operational, these seminars lost importance. However seminars are productive when they deal with a concrete, limited topic and their goal is the formulation of operational and functional recommendations. The Supplementary Human Dimension Meetings and Human Dimension Seminars organized by ODIHR are definitely this type of event. This differs from the Human Dimension Implementation Meetings,[22] which deal over a period of ten days with the

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21 Cf. Office for Democratic Institutions and Human Rights: Kosovo/Kosova. As seen, as told. An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999, Warsaw 1999, also at: http://www.osce.org/kosovo/documents/reports/hr/part1/index.htm. This volume was published in late autumn of 1999 in Priština simultaneously with a second volume on the situation in Kosovo from 14 June to 31 October 1999 (produced by the OSCE Mission in Kosovo). The first part was started very hastily during the NATO air strikes, which created a great deal of controversy within the OSCE as well as being vehemently rejected especially by Russia, so that this first volume must also be seen as a contribution legitimizing NATO's operation (to make up for the gaps).

22 In the changes in the modalities for OSCE meetings on human dimension issues made in 1998, it is stated: "Every year in which a Review Conference does not take place, the

implementation of *all* commitments in the area of the human dimension in *all* OSCE participating States. This has led to the fact that during these events discussions do not have any real substance but instead, monologues are held incessantly and inconsequential statements made. The restructuring of the format of these events, initiated by a decision of the Permanent Council on 19 July 2001, is urgently required.[23]

Prospects: Consolidation or a Partly New Orientation?

If one looks back at the last ten years of ODIHR activity, one has to acknowledge that this OSCE institution has shown impressive results. ODIHR has proved through a large number of most varied activities that it does good work and is actively involved in its endeavours. Nevertheless, the increasing number of projects and events in the last few years has also shown that ODIHR is in danger of stretching its capacities too far. If this process spirals forward at the rate it has been going, the effectivity of ODIHR work would be impaired. Not without good reason, when the list of priorities for 2001 is being discussed, there is often talk of consolidation.

Even if you are fundamentally in agreement with the work of ODIHR and the areas of its activity, there are elements that could be improved: In order to increase the sustainability of projects, it would be desirable that they be integrated into an all-encompassing strategy specifying ultimate goals as well as intermediate goals. In addition, it will also be necessary to intensify co-operation within the OSCE and with other organizations that work in the same fields. Above all, one should be more realistic in setting time guidelines and not expect sustainable results in the short-term. Furthermore, local actors should be included more often and be given more responsibility in ODIHR work wherever possible.

If one takes a look at ODIHR activities within the general context of the OSCE, then the question may be asked whether the Organization really makes optimal use of its own potential in the area of the human dimension, that is, the area that ODIHR is responsible for. One should again recall that the OSCE has taken up the cause, in particular, of questions of comprehensive security made up of a politico-military, an economic and a human di-

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ODIHR will organize a meeting (Human Dimension Implementation Meeting) of all participating States at its seat to review implementation of OSCE Human Dimension commitments." OSCE, Permanent Council, Decision No. 241, PC.DEC./241 of 9 July 1998, Annex, Modalities for OSCE Meetings on Human Dimension Issues, p. 1.

23   Cf. OSCE Permanent Council, Decision No. 428, Enhancing the Effectiveness of the Human Dimension Meetings, PC.DEC/428, 19 July 2001; cf. also: Harm J. Hazewinkel, Improving the Human Dimension Implementation Meeting, in: Helsinki Monitor 2/1998, pp. 38-50, as well as Office for Democratic Institutions and Human Rights, Implementation Meeting on Human Dimension Issues, Warsaw, 17-27 October 2000, Consolidated Summary. Concluding Remarks by the Chairmanship. Future Modalities of Human Dimension Implementation Meetings: Food for Thought, at: http://www.osce.org/odihr/ docs/m00-5-summary.htm.

mension. It cannot be said that the OSCE places too much emphasis on the human dimension. However it does not pay careful enough attention to the politico-military dimension much less the economic area. This in turn has a negative influence on acceptance of ODIHR activities in the human dimension. To illustrate this with an example: One cannot seriously expect that in the longer term Central Asian states will accept (justified) reproaches by the OSCE for misconduct in the area of human rights, if the Organization cannot at the same time offer conclusive ideas or concrete aid for economic development or for the repulsion of terrorist threats.

One last fundamental question should be raised here: How is ODIHR work different from that of other organizations? The projects and other activities of ODIHR could just as well come from the Council of Europe, the various specialized agencies of the UN or NGOs even though of course there are differences in geographical range, approach or project scope. However, is the ODIHR really a development agency? Admittedly, the ODIHR need not fear comparison. Its programmes are highly competitive when it comes to direct targeting, speed and effectivity. On the other hand, realistically it must be recognized that the OSCE cannot in the long run compete with the UN or the EU. OSCE influence will decline at the rate that EU enlargement progresses. If the OSCE - as a whole as well as in particular for the area of the human dimension - does not want to be degraded from a pan-European to a sub-regional organization dealing with the "leftovers", which some participating States would not have anything against, then in addition to its work up to now, it must devote more time and energy than before to those problems that are of central importance to the security and co-operation of the whole region. For the human dimension this means for example that not only the question of freedom of movement in Uzbekistan belongs on the agenda but also the materialization of a new "Wall" along the newly emerging borders of EU Europe.

Heinz Vetschera

Ten Years of the Conflict Prevention Centre - Origins and Development

Preface

On 18 March 1991, the Conflict Prevention Centre (CPC) of the then CSCE was officially inaugurated in Vienna. Its establishment had manifold, although mostly ignored, consequences for the further development of the then CSCE into today's OSCE, as well as the emergence of the OSCE's main hub in Vienna. The tasks and functions of the CPC, too, were subject to waves of changes and developments during the ten years of its existence. They were caused, on the one hand, by a changing environment as well as the structural development of the CSCE/OSCE institutions, but also, on the other, by coincidental or *ad hoc* decisions.

The following outline attempts to present this development in its different steps and phases, seen through the perspective of a person actively involved throughout the first phase. It seems all the more relevant because in particular with respect to the first phases, the development will not be properly understood if only official sources, for example the respective CSCE/OSCE decisions, are referred to, which in many cases are only belated *de jure* confirmations of developments that had already taken place.

The Roots

The roots for the very idea of a conflict prevention centre can be found in several proposals made at the Negotiations on Confidence- and Security-Building Measures (NCSBMs) which had been mandated by the Vienna Follow-up Meeting to the CSCE (1986-1989), and which were held in parallel to the Negotiations on Conventional Forces in Europe (CFE). According to the Vienna mandate, "Negotiations on Confidence- and Security-Building Measures will take place in order to build upon and expand the results already achieved at the Stockholm Conference[1] with the aim of elaborating and adopting a new set of mutually complementary confidence- and security-building measures designed to reduce the risk of military confrontation in

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1   The Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) took place from 1984-1986. It had received its mandate at the Madrid Follow-up Meeting (1980-1983) and resulted in the adoption of the Stockholm Document.

Europe. These negotiations will take place in accordance with the Madrid mandate."[2]

Negotiations were opened in Vienna on 6 March 1989 and were to lead to another document by the next follow-up meeting, already planned to take place in Helsinki in 1992. In the course of the negotiations, not only were significant improvements of already existing measures proposed, but also innovative measures concerning improved communication as well as consultation mechanisms were suggested.

The creation of mechanisms and pertinent institutions followed several tracks. The first Western proposal during the NCSBMs[3] contained as measure 11 the "development of means of communication" in addition to the existing diplomatic channels. This idea was elaborated in more detail in the proposal of 9 June 1989[4] demanding that each participating State should designate a point of contact capable of receiving such information, preferably on a 24-hour basis.

Parallel to the first Western proposal, the then WTO countries, Bulgaria, GDR, CSSR and Hungary on 9 March 1989 tabled a proposal[5] containing the "development of a special communications system for the mutual clarification of situations giving rise to doubts or apprehensions on any side".[6] Furthermore, the proposal incorporated the "holding on a regular basis of bilateral and multilateral consultations"[7] as well as the explicit idea of the "establishment of a centre for the reduction of the risk of war and prevention of surprise attack in Europe which should have an informational and consultative character".[8] The idea of a communications system was also supported in the Romanian proposal[9] and by the group of neutral and non-aligned (N+N) states in their proposal of 12 July 1989.[10] Thus already at this stage, all relevant groups within the CSCE had included the idea of a communications system in their proposals. Furthermore, some had already suggested several consultation mechanisms, and proposed creating specific institutions to deal with war/crisis prevention.

A few months later, the changes in Central and Eastern Europe took place which had a direct impact on the negotiations as well. First, they stimulated their progress in substance. Second, however, they also created the conditions for establishing the first then CSCE institutions, including the CPC.

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2   Concluding Document of Vienna, Vienna, 15 January 1989, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 327-411, here: p. 341.

3   CSCE/WV1, 9 March 1989.

4   CSCE/WV1 amplified, 9 June 1989.

5   CSCE/WV2, 9 March 1989. The proposal was tabled before the democratic changes took place and thus still reflected the "old thinking" of the then Warsaw Treaty Organization.

6   Ibid., point V/8.

7   Ibid., point V/5.

8   Ibid., point V/7.

9   CSCE/WV3, 22 March 1989, point 5.

10   CSCE/WV5, 12 July 1989.

During the following stages, the proposals for a communications system and for consultation mechanisms took shape. In its proposal of 18 May 1990[11], the Western group suggested several options for a communications network (measure 11), as well as an elaborated "mechanism for discussion of unusual activities of a military nature" (measure 15) and "measures reducing the risk of and reporting hazardous incidents" (measure 16). Another part of the same provision envisaged the establishment of points of contact for hazardous incidents of a military nature.

These ideas were then included in the comprehensive French proposal of 8 June 1990[12] for a concluding document, and without major changes found their way into the Vienna Document 1990. Its measure IX (Communications) envisages the establishment of a network of direct communications between the capitals of all participating States for the transmission of messages relating to agreed measures, complementing the existing diplomatic channels. Measure II (Risk Reduction) contains, first of all, the mechanism for consultation and co-operation as regards unusual military activities.

The measure builds on the existence of a Conflict Prevention Centre.[13] The CPC's existence was also made a necessary condition for the second mechanism in the area of military risk reduction, i.e. co-operation as regards hazardous incidents of a military nature (measure II).[14]

The negotiations on and the adoption of emergency mechanisms within the military CSBMs can thus be seen as the roots leading to the creation of the Conflict Prevention Centre in its original sense in the close context of the concepts of a communication network[15] and of consultation mechanisms. The pertinent provisions of the Vienna Document define the CPC as a forum for consultations on unusual military activities or on hazardous incidents. These characteristics, in turn, reach back to the ideas of a "centre for the reduction of dangers of war", contained in the very first proposal of the then Eastern group.

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11   CSCE/WV8. 18 May 1990.
12   CSCE/WV12, 8 June 1990.
13   Bilateral meetings were to be held at a venue mutually agreed upon by the requesting and the responding States or, if no agreement could be achieved, at the Conflict Prevention Centre (para. 17.2.1.4). In the case of a meeting of all participating States, the Conflict Prevention Centre will serve as the forum for such a meeting (para. 17.2.2.2). Cf. Vienna Document 1990, Vienna, 17 November 1990, in: Bloed, cited above (Note 2), pp. 489-532, here: p. 495.
14   Participating States will co-operate by reporting and clarifying hazardous incidents of a military nature within the zone of application for CSBMs in order to prevent possible misunderstandings and mitigate the effects on another participating State (para. 18). Each participating State will designate a point to contact in case of such hazardous incidents and will so inform all other participating States. A list of such points will be kept available at the Conflict Prevention Centre (para. 18.1), the CPC would also serve as a forum to discuss such incidents (para 18.4). Cf. ibid., pp. 495-496.
15   This concept may be traced back to the establishment of the "hot line" between the US and the USSR as a consequence of the Cuban missile crisis in 1962, and the subsequent establishment of similar communication lines between Moscow, Paris and London. It thus represents a multilateral application of a practice previously established on a bilateral basis.

The creation of the CPC as such was, however, not reflected in the Vienna Document itself but took place within the wider framework of establishing the first CSCE institutions. Parallel to the NCSBMs, and in response to a pertinent invitation by France, the then CSCE participating States prepared for the Paris Summit scheduled for November 1990, which was to codify the basis for a new and democratic Europe. In a first step, NATO member states modified their previously sceptical position vis-à-vis establishing permanent institutions within the CSCE. At NATO's annual summit on 5-6 July 1990 they adopted a decision[16] suggesting the establishment of a CSCE body to meet annually, a permanent CSCE Secretariat, a CSCE Conflict Prevention Centre, and a CSCE Parliamentary Assembly. To prepare for the Paris Summit, a Committee was established in Vienna parallel to the NCSBMs with its first meeting on 10 July 1990. It elaborated the decisions which were finally adopted by the participating States as the Charter of Paris in November 1990.[17]

Origins and Original Structure of the CPC

The CPC was established, together with other then CSCE institutions, at the Paris Summit. The Charter of Paris for a New Europe and its Supplementary Document for the first time created permanent structures (bodies and institutions) in the then CSCE framework.[18] The CSCE was to have scheduled rather than unstructured follow-up meetings. Furthermore, bodies meeting regularly were created (a Council of the participating States' Foreign Ministers, and a Committee of Senior Officials/CSO). In addition, the following permanent institutions were created:

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16 London Declaration. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in London on 5th-6th 1990, in: NATO's Sixteen Nations 4/1990, pp. 66-68. Para. 22 recommended for the Paris Summit that the CSCE governments should establish
-    "(...) regular consultations among member governments at the Heads of State and Government or Ministerial level, at least once each year, with other periodic meetings of officials to prepare for and follow up on these consultations;
-    a schedule of CSCE review conferences once every two years to assess progress toward a Europe whole and free;
-    a small CSCE secretariat to coordinate these meetings and conferences;
-    a CSCE mechanism to monitor elections in all the CSCE countries, on the basis of the Copenhagen Document;
-    a CSCE Centre for the Prevention of Conflict that might serve as a forum for exchanges of military information, discussion of unusual military activities, and the conciliation of disputes involving CSCE member states; and
-    a CSCE parliamentary body, the Assembly of Europe, to be based on the existing parliamentary assembly of the Council of Europe, in Strasbourg, and include representatives of all CSCE member states".
It should be noted that the declaration implicitly anticipates the transformation of the CSCE into a full-fledged international organization by using the term "member state" rather than the term "participating State" as established within the CSCE.
17 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 2), pp. 537-566.
18 Cf. Chapter on New Structures and Institutions of the CSCE Process, ibid., pp. 548-550.

- a CSCE Secretariat in Prague to provide support for consultations by the Council and the CSO;[19]
- an Office for Free Elections (OFE) in Warsaw to facilitate contacts and the exchange of information on elections within participating States;[20]
- a Conflict Prevention Centre in Vienna to assist the Council in reducing the risk of conflicts.[21]

The procedural and organizational modalities for some of the Charter's provisions were elaborated in more detail in the Charter's Supplementary Document which was adopted along with the Charter. It also regulated the tasks and structures of the three institutions.

The institutions differed, however, both in their functions and in their basic structures. Both the CSCE Secretariat and the OFE were designed as purely administrative units to execute decisions taken by one of the bodies mentioned (Council or CSO). Their structures consisted accordingly of

- a Director, responsible to the Council through the CSO;
- one or more officers seconded by the participating States;
- administrative and technical personnel, recruited by the Director.[22]

In contrast, the CPC had wider tasks and thus also a different structure. According to the Supplementary Document to the Paris Charter, during its initial stage of operations the CPC's role would consist in giving support to the implementation of CSBMs such as:

- mechanism for consultation and co-operation as regards unusual military activities;
- annual exchange of military information;
- communications network;
- annual implementation assessment meetings;
- co-operation as regards hazardous incidents of a military nature.[23]

However, the Supplementary Document further pointed out that the Centre might assume other functions and the above tasks were without any prejudice to any additional tasks concerning a procedure for the conciliation of disputes as

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19 "(…) to provide administrative support for these consultations" (namely by the above mentioned bodies, the Council and the CSO), ibid., p. 549
20 Cf. ibid.; the Office was later renamed as the "Office for Democratic Institutions and Human Rights" (ODIHR).
21 Cf. ibid.
22 Cf. Supplementary Document to Give Effect to Certain Provisions Contained in the Charter of Paris for a New Europe, ibid., pp. 551-559, here: pp. 553 and 555, Chapters F, para. 3, and G, para. 5.
23 Cf. ibid., p. 553, chapter F, para. 2.

well as broader tasks relating to dispute settlement, which might be assigned to it in the future by the Council of the Foreign Ministers.[24]

In accordance with the functions attributed to the CPC by the Vienna Document, it had a two-layered structure, consisting of:

- a decision-making body, the Consultative Committee (CC) which until the Helsinki Follow-up Meeting was, as a rule, to be composed of the delegations to the CSBM negotiations in Vienna, and was responsible to the Council only, being a body of all participating States, and
- a Secretariat, consisting of
  - a Director;
  - two officers seconded by participating States, and
  - administrative and technical personnel, recruited by the Director.[25]

The CPC thus had a special status within the then structure of the CSCE institutions, being the only permanent institution with a decision-making body of its own. It was thus not responsible to the CSO but only to the Council.

The Consultative Committee was the core of the CPC in its proper sense, resulting from its main function as the consultation forum foreseen in the Vienna Document's provisions on the military emergency mechanisms. The Paris Charter assigned the CC the following functions:

- holding the meetings of participating States which may be convened under the mechanism on unusual military activities;
- holding annual implementation assessment meetings;
- preparing seminars on military doctrine and such other seminars as would be agreed by the participating States;
- supervising the Secretariat of the Centre;
- providing the forum for discussion and clarification, as necessary, of information exchanged under agreed CSBMs;
- having overall responsibility for the communications network within the mandate of the CPC.[26]

The Secretariat of the CPC - the only really permanent structure within the CPC - was to carry out the tasks assigned to it by the Consultative Committee to which it was responsible. In particular, it was to establish and maintain a data bank, for the use of all participating States, compiled on the basis of exchanged military information under agreed CSBMs and to publish yearbooks on that ba-

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24 Cf. ibid., chapter F, para. 3. The Berlin Council Meeting (19-20 June 1991) designated the CPC as the nominating institution regarding the mechanism on the Peaceful Settlement of Disputes; see below.
25 Cf. ibid., pp. 553-554, chapter F, paras. 4 and 7.
26 Cf. ibid., chapter F, para. 4.

sis.[27] In addition, the Director was responsible for the organization of meetings convened under the mechanism for consultation and co-operation as regards unusual military activities.

The pertinent provisions had also thus established a clear division of labour with respect to emergency meetings. The Secretariat was responsible for "mobilization"[28] with regard to the meetings of the CC. The CC, in turn, had to make substantive decisions.

The CPC's original function as a consultation forum was activated on two occasions during the Yugoslav crisis.[29] The first case, triggered by Austria, concerned multilateral consultations of the CC on 1 July 1991 on military activities during the conflict in Slovenia.[30] The second case involved bilateral consultations between Yugoslavia and Hungary on 1 September 1991 and incorporated the CPC Secretariat in supporting the consultations.[31] In both cases, consultations applied to the violation of the requesting states' airspace by the Yugoslav air force. Thus the consultations did not deal primarily with the decrease in the scope of the violence within (then) Yugoslavia, but to the de-escalation at the borders with neighbouring states, and therefore served their primary purpose.

Further Developments

The further developments of the CPC took place within the overall framework of the CSCE's conversion into the OSCE.

The Berlin Council Meeting (19-20 June 1991) adopted, *inter alia*, the CSCE Procedure for Peaceful Settlement of Disputes, which had been worked out at an expert meeting in La Valletta in January/February 1991,[32] and designated the CPC "to act as the nominating institution in accordance with Section V of the

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27   Cf. ibid., p. 554, chapter F, para 6. Such yearbooks could not be compiled and published as delegations to the CC were first unable to agree on the substance and modalities of these yearbooks, and because the CPC's tasks during the further development of the conflicts in the former Yugoslavia shifted to other functions, primarily mission support.

28   This was also related, *inter alia*, to the technical preparation of meetings. As permanent conference services were established only by the Helsinki Decisions in 1992, the CPC during that period had to rely on the conference services of the then ongoing negotiations which were not always available. It also required 24-hour availability of the Secretariat. As the low number of personnel at that time (one Director, two seconded officers, and four locally recruited personnel) would not have allowed for a permanent presence in the office, availability was maintained by a mobile telephone kept by the respective duty officer - a rather innovative approach for an international institution at that time.

29   A third case concerned a request by Yugoslavia in April 1992 for an explanation of military activities in a neighbouring state, but did not lead to further consultations.

30   For details see: Heinz Vetschera, Die KSZE-Krisenmechanismen und ihr Einsatz in der Jugoslawien-Krise [The CSCE Crisis Mechanisms and Their Employment in the Yugoslavia Crisis]; in: Österreichische Militärische Zeitschrift (ÖMZ) 5/1991, pp. 405-411.

31   The author represented the CPC at this meeting.

32   Cf. Report of the CSCE Meeting of Experts on Peaceful Settlement of Disputes, Valletta, 8 February 1991, in: Bloed (Ed.) cited above (Note 2), pp. 567-581. It contains the Principles for Dispute Settlement and Provisions for a CSCE Procedure for Peaceful Settlement of Disputes. The procedure was subsequently amended and simplified at the Stockholm Council Meeting in late 1992.

(…) Provisions (of the Report of the Valletta 1991 Meeting. H.V.)"[33], i.e. to keep the register of qualified candidates to be nominated by the participating States for a third-party function in dispute settlement.

The Prague Council Meeting (30-31 January 1992) adopted several guidelines for the upcoming Helsinki Follow-up Meeting, including, *inter alia*, strengthening the capacity of the CSCE to contribute to a peaceful solution of problems involving national minorities including possibilities for early warning; further development of the CSCE's capability for conflict prevention, crisis management and peaceful settlement of disputes. [34]

Within the CPC, the Consultative Committee was given the task of serving as a forum for "comprehensive and regular" consultations on security issues with politico-military implications as well as a forum for consultation and co-operation in conflict prevention and for co-operation in the implementation of decisions on crisis management taken by the Council or the CSO acting as its agent. It was also given authority to initiate, and with the assistance of the CPC Secretariat to execute fact-finding and monitoring missions in connection with the mechanism as regards unusual military activities. The CPC would, in addition to its existing support to the implementation of CSBMs, also fulfil other functions regarding the implementation and verification of agreements in the field of disarmament and arms control. [35]

The Helsinki Follow-up Meeting 1992 was the pivotal point in the development of the CSCE into the OSCE. On the one hand, it was still mandated by the Concluding Document of the Vienna Meeting 1986. [36] On the other hand, it constituted the first Summit Meeting as foreseen by the Paris Charter. It was at this Meeting that the Helsinki Decisions were adopted which also had a major impact on the further development of the CPC.

The Helsinki Decisions created the CSCE Forum for Security Co-operation (FSC),[37] with a strengthened Conflict Prevention Centre, as an integral part of the CSCE. [38] The Forum replaced the previous Negotiations on CSBMs which had been mandated by the Vienna Follow-up Meeting and were to be assessed by the next follow-up Meeting in Helsinki. [39] The Helsinki Meeting followed,

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33 Berlin Meeting of the CSCE Council, 19-20 June 1991, Summary of Conclusions, Annex 3, para. 1, in: Bloed (Ed.), cited above (Note 2), pp. 807-818, here: p. 814.

34 Cf. Prague Meeting of the CSCE Council, 30-31 January 1992, in: Bloed (Ed.), pp. 821-839, Summary of Conclusions, pp. 821-829, here: p. 822, chapter III, para. 6.

35 Cf. Prague Meeting of the CSCE Council, cited above (Note 34), Prague Document on further Development of CSCE Institutions and Structures, pp. 830-838, here: pp. 834-835, chapter VI, paras. 27, 28, 29, 32. The provision on its functions regarding the implementation and verification of agreements in the field of disarmament and arms control refers implicitly to the CFE Treaty but under the caveat that these functions might be exerted only "if so requested by the parties to those agreements and agreed upon by the Consultative Committee", ibid., para. 32.

36 Cf. Concluding Document of Vienna, cited above (Note 2), pp. 369-370.

37 Cf. CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 2), pp. 701-777, chapter V, pp. 733-743.

38 Cf. ibid., p. 734, chapter V, para. 9.

39 Cf. Concluding Document of Vienna, cited above (Note 2), p. 341. The Helsinki Meeting in this traditional view would also have had the task of elaborating the mandate for a further

however, the new trend towards creating permanent institutions and established, for the first time, a permanent body of all participating States,[40] albeit only within one of the then CSCE's three dimensions.

In accordance with its tasks, the Forum was to meet on the one hand as the "Special Committee", on negotiations on arms control, disarmament and confidence and security building, and on the other as the Consultative Committee in respect of the existing and future tasks of the CPC.[41] In addition, it served as a *de facto* framework for informal consultations among delegations to prepare the CSO Meetings in Prague. This fact fed directly into concentrating the Organization's work in Vienna, which became ratified by subsequent decisions.

In order to ensure coherence the representation of the participating States on the Special Committee and the Consultative Committee were in principle assured by the same delegation.[42] While the Consultative Committee thus became integrated into the FSC's permanent structures, the CPC Secretariat for the time being remained an institution in its own right, subordinated only to the Consultative Committee.

Finally, the Helsinki Decisions also established Conference Services as a permanent institution.[43] They replaced the Conference Secretariats which until then had been organized only within the limited scope of a concrete conference.

Chapter III of the Helsinki Decisions on "Early Warning, Conflict Prevention and Crisis Management (including Fact-finding and Rapporteur Missions and CSCE Peacekeeping), Peaceful Settlement of Disputes"[44] gave primary responsibility to the CSO but also envisaged several functions for the CPC, with an emphasis, however, on the Consultative Committee. It was given the right to draw the attention of the CSO to situations within the CSCE area which had the potential to develop into crises, including armed conflicts.[45] With regard to the

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round of negotiations, in analogy to the previous pattern where the Madrid Meeting had given the mandate for the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in 1983, and progress had to be reported to the Vienna Follow-up Meeting, which in turn gave the mandate for a next round of negotiations. It appears that there were still similar ideas at the time of the Prague Council Meeting, which envisaged "the establishment, by 1992, from the conclusion of the Helsinki Follow-up Meeting, of *new negotiations on disarmament and confidence- and security-building* open to all participating States (…)", Prague Meeting of the CSCE Council, Summary of Conclusions, cited above (Note 34), p. 825, chapter VII, para. 12 (emphasis H.V.).

40   The bodies established by the Paris Charter (Council, Committee of Senior Officials, Consultative Committee) were based on *regular* meetings but did not yet constitute *permanent* institutions. Thus, between the Paris Summit and the Helsinki Follow-up Meeting, the NCSBMs in Vienna were the only CSCE body with a truly permanent representation of all participating States.

41   Cf. CSCE Helsinki Document 1992, cited above (Note 37), p. 737, chapter V, paras. 30 and 31. The wording is, however, somewhat unclear as it could also be interpreted to mean that the CC could be a body *outside* the Forum. The previous provisions, however, would indicate that the CC represents a specific manifestation of the Forum.

42   Cf. ibid., chapter V, para. 32.

43   Cf. ibid., p. 739, chapter V, para. 43.

44   Title of chapter III, ibid., pp. 722-730.

45   The same warning could be undertaken by a state directly involved in a dispute, by a group of eleven states not directly involved, the High Commissioner on National Minorities, or by the

instruments of conflict prevention and crisis management, the Helsinki Decisions foresee, first, that *the CSO or the CC* may decide by consensus to establish fact-finding and rapporteur missions "(w)ithout prejudice to the provisions of paragraph 13 of the Moscow Document in respect of Human Dimension issues, and paragraph 29 of the Prague Document in respect of Unusual Military Activities".[46]

Further functions for the CPC were foreseen in the context of CSCE peacekeeping, the framework for which was also established by the Helsinki Decisions. CSCE peacekeeping activities could be undertaken "in cases of conflict within or among participating States". The purpose of peacekeeping activities were, *inter alia*, to "supervise and help maintain cease-fires, to monitor troop withdrawals, to support the maintenance of law and order, to provide humanitarian and medical aid and to assist refugees".[47]

Decisions to initiate and dispatch peacekeeping operations would be taken by consensus by the Council or the CSO, which would have "overall political control and guidance"[48] of a peacekeeping operation, but foresee also some role for the CPC.[49] For example, the CSO could request the CC to consider which peacekeeping activities might be most appropriate to the situation and to submit its recommendations to the CSO for decision.[50] Overall operational guidance of an operation would rest with the Chairman-in-Office, who would be assisted by an *ad hoc* group established at the CPC.[51] The group would provide operational support for the mission and act as a 24-hour point of contact for the Head of Mission and assist the Head of Mission as required.[52] The CC should ensure continuous liaison between the operation and all participating States, through the regular provision of information to it by the *ad hoc* group.[53] Also, the CC would be responsible to the CSO for the execution of tasks related to peacekeeping, where the CSO assigns such tasks to the CPC.[54]

Finally, within the Forum for Security Co-operation, states would also further the process of reducing the risk of conflict. The Helsinki Decisions explicitly

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use of the human dimension mechanism or the Valletta mechanism; cf. ibid., pp. 722-723, chapter III, paras. 4 and 5.

46 Ibid., p. 724, chapter III, para. 13; the latter refers to the rapporteur and monitoring missions in the context of measure II of the Vienna Document.
47 Ibid., p. 725, chapter III, paras. 17 and 18.
48 Ibid., p. 726, chapter III, para. 28.
49 In its original structure, i.e. consisting of the Consultative Committee and the CPC Secretariat.
50 Cf. Helsinki Document 1992, cited above (Note 37), p. 726, chapter III, para. 27.
51 Cf. ibid., p. 727, chapter III, para. 39. The *ad hoc* group would, as a rule, consist of representatives of the preceding and the succeeding Chairmen-in-Office, of the participating States providing personnel for the mission and of participating States making other significant practical contributions to the operation.
52 Cf. ibid., p. 727, chapter III, para. 40; in practical terms, this would also require access by the *ad hoc* group to the CSCE communications network in order to keep the other participating States informed.
53 Cf: ibid., chapter III, para. 41.
54 Cf. ibid., chapter III, para. 42.

refer to the Forum, with a strengthened CPC, as an integral part of the CSCE.[55] The participating States in the Helsinki Decisions envisage further enhancing the capability of the CPC to reduce the risks of such conflicts through relevant conflict prevention techniques.[56] The same issue is also addressed within the annexed "Programme for Immediate Action", that the CC will maintain under consideration the need for improvements in the relevant techniques[57] of conflict prevention and crisis management.

The Deployment of the First CSCE Missions and the Development of the CPC's Role in Mission Support

While the provisions on CSCE peacekeeping within the Helsinki Decisions have for the most part remained a dead letter up to now,[58] soon after these Decisions were adopted the first field operations of preventive diplomacy and crisis management were launched, which also had a significant impact on the further development of the CPC.

The spread of the armed conflicts in former Yugoslavia into Bosnia and Herzegovina and the emerging danger of escalation into armed conflict in potential crisis areas, for example, Macedonia, Kosovo, Sandjak and Vojvodina, triggered the deployment of missions which were, however, also a manifestation of the transition from traditional peacekeeping operations towards an instrument of preventive diplomacy most typical for the CSCE/OSCE.

In a first step, the Committee of Senior Officials tasked the CPC with a fact-finding mission on the military situation in Kosovo. The mission visited the region from 27 May until 2 June 1992 and reported via the CC to the CSO. While the mission found no immediate signs of escalating military tensions, it did indicate that there was indeed a danger of conflict.

The CSO then established a task force which was subsequently transformed into a steering group[59] and initiated the deployment of an exploratory mission already decided at the twelfth meeting for consideration on "the role that further CSCE missions (…) might play in promoting peace, averting violence and re-

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55 Cf. ibid., p. 734, chapter V, paras. 8 and 9.
56 Cf. ibid., p. 736, chapter V, para. 22.
57 Cf. Annex to Chapter V, Programme for Immediate Action, ibid., pp. 739-743, here: p. 742, para. 13.
58 Since 1993, a planning cell has existed for a possible future CSCE/OSCE peacekeeping operation in Nagorno-Karabakh. While technically speaking this cell is not a part of the CPC, it has nevertheless closely co-operated with the CPC, in particular during its initial phase. It was there that the now famous "yellow beret" was created for OSCE military personnel. It was, however, first put into use by the CPC's representative at an exercise observation in early 1994 rather than within the framework of a peacekeeping operation.
59 Cf. Committee of Senior Officials, Thirteenth CSO Meeting, Helsinki, 29 June-7 July 1992, in: Bloed (Ed.), cited above (Note 2), pp. 950-952, here: p. 952. The group consisted of Austria, Canada, the Czech and Slovak Federal Republic, Germany, Greece, the Russian Federation, Sweden, Switzerland, Turkey, the United Kingdom as Chair of the European Community, and the USA.

storing respect for human rights and fundamental freedoms in Kosovo, Vojvodina and Sandjak".[60] Upon recommendation of this mission[61] the CSO at its 15th meeting on 14 August 1992 decided to establish, "in co-operation with the relevant authorities, a continuous presence in Kosovo, Sandjak and Vojvodina, in the form of missions of long duration".[62] It also welcomed the extension of the European Community Monitoring Mission (ECMM) to neighbouring countries of Serbia and Montenegro and decided to "explore with authorities in Skopje the possibility of despatch of similar missions under CSCE auspices".[63]

With the establishment of the Missions of Long Duration, the CPC virtually stumbled into the task of mission support with the Chairman-in-Office appointing respective Heads of Mission who undertook first exploratory trips to the respective areas of responsibility.[64]

When the respective Heads of Mission reported to the 16th Meeting of the CSO, their reports were the basis for the subsequent CSO decision to definitively deploy these Missions. While the Missions were soon after firmly established and the Mission members arrived within a few weeks and immediately started operations, in several respects they were acting in a vacuum. First, in legal terms, the respective *Memoranda of Understanding* (MoU)[65] with the host governments were still lacking and could only be concluded at the end of October/beginning of November 1992.[66] Furthermore, the CSO had taken the political decision to deploy the Missions but no decision about how to fulfil their material needs. Thus, their most urgent problem was that the Missions lacked sufficient funding, as the CSCE's regular 1992 annual budget had not been planned for such developments. Before budgets could be elaborated and authorized, only a limited start-up fund was available, deriving from surplus funds of earlier CPC functions.[67] It barely covered running expenses, for example the

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60   Committee of Senior Officials, Twelfth CSO Meeting, Helsinki, 8-11 June 1992, in: ibid., pp. 947-949, here: p. 948.

61   Cf. Report of the CSCE Exploratory Mission to Kosovo, Vojvodina and Sandjak, 2-8 August 1992, Vienna, 9 August 1992. It should be noted that at that time Yugoslavia had already been suspended from participation in the CSCE.

62   Committee of Senior Officials, Fifteenth CSO Meeting, Prague, 13-14 August 1992, in: Bloed (Ed.), cited above (Note 2), pp. 954-961, p. 959.

63   Ibid., p. 960. The wording reflects the fact that due to the dispute over the name of Macedonia, Greece had objected to including this area in the ECMM mandate, as well as the fact that the former Yugoslav Republic of Macedonia had for the same reason not been admitted to the CSCE as a full-fledged participating State.

64   The author in his capacity as CPC representative and due to his relevant former military training as a logistics officer accompanied the Head of Mission for the Missions of Long Duration on this trip in order to give logistic support. Upon his return it was agreed that he establish the logistical support of this Mission from Vienna, which later directly led to the emergence of "mission support" as a task for the CPC; see below.

65   I.e. the legal instruments regulating the legal position vis-à-vis the host country with respect to their general position and the scope of their operations.

66   It was made clear, however, that concluding the MoU with the Belgrade authorities did not mean an explicit or implicit recognition of the FRY by the CSCE, or any precedent for Belgrade's position vis-à-vis the CSCE.

67   These were derived from funds for holding emergency meetings under the mechanism for consultation and co-operation as regards unusual military activities which had been as-

rent for the Missions' office, telecommunication fees, or salaries for local employees, let alone any investments in, for example, vehicles or other key equipment.[68] Furthermore, the CSO had not foreseen any elaboration of a logistical concept for the Missions.

These facts posed less of a problem for the Mission in Skopje as it had been established under American leadership and was fully supported by the US government. This type of support, however, was not given to the Missions of Long Duration. Because of the positive experience with the CPC's support during the first exploratory trip, the Head of Mission requested support again to which the CPC Secretariat reacted positively, however it did not have any formal competencies and was acting on the individual initiative of its staff members, including the author who due to his former experience became the point of contact for the Mission.[69]

The main reason for this was that the CPC due to its original tasks in the military dimension had personnel with military and organizational experience at its disposal, who proved useful for mission support, too. Thus, CPC Secretariat personnel elaborated, in the first instance, a logistical concept for the Mission, in particular regarding fuel supply which was a serious problem due to the then embargo against Yugoslavia. The role within a few months expanded to support other missions which were established subsequently, providing them all with vehicles, satellite telephones, bullet-proof jackets, but also items as simple as sleeping bags.

These activities of the CPC Secretariat were at first met with criticism by a majority of delegations both in the CC and the CSO as these activities were not covered by the CPC's tasks as enumerated in the Paris Charter. Furthermore, the Missions had been established by the CSO rather than the CC and support for them was therefore regarded to be a matter for the then CSCE Secretariat in Prague rather than the CPC Secretariat in Vienna. Upon reconsideration, it was, however, realized that the formally correct solution would have meant serious disadvantages in practice.[70]

As a result of these considerations, the Stockholm Council Meeting (14-15 December 1992) passed the appropriate conclusions. On the one hand, it explicitly confirmed the "(a)ctive use of missions and representatives as part of preventive

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signed to the CPC before but had then been transferred to the Conference Services after the Helsinki Decisions.

68   The respective decision on a provisional budget was only taken on 14 October, with first contributions by participating States due by 1 December 1992. There was thus a serious financial gap which could only be solved by some rule bending on the part of the CPC staff, including the author. For example, cars were bought on credit privately in order to supply the Missions with the required vehicles on time.

69   While the official terminology spoke of "Missions of Long Duration", in practice they constituted one coherent structure under a single Head of Mission. Therefore, with respect to the practical arrangements, the term "Mission" will be used in the singular.

70   The CPC Secretariat pointed in its argumentation *inter alia* to the following inherent problems: The supply situation in Vienna was much better than in Prague; banking was better developed in Vienna; supply lines would have been 400 km longer from Prague.

diplomacy to promote dialogue, stability and provide for early warning"[71] and endorsed the earlier CSO decisions to deploy the Missions. On the other hand, the Council now formally tasked the Conflict Prevention Centre with taking "rapid steps to strengthen its ability to provide operational support for CSCE preventive diplomacy missions and peacekeeping activities"[72] and thereby formally established the competencies for mission support with the CPC Secretariat.

The Missions of Long Duration became, however, soon trapped in the complex and increasingly radicalized Serbian domestic politics. They also became a pawn in the FRY's bid for admission as a participating State into the CSCE. When the first MoU expired on 28 April 1993, the Yugoslav government agreed to extend the term for another two months. After that grace period, however, the MoU was no longer extended and the Missions had to be evacuated.

In reaction to these developments, an open-ended working group was established in Vienna to monitor the situation in the areas in question, and to report to the relevant CSCE bodies. The CPC Secretariat on its own initiative[73] supplemented the meetings with weekly situation reports compiled from open sources. Although some delegations indicated that in their view, the CPC Secretariat should limit its activities to logistical matters, the practice was nevertheless accepted.[74] This activity thus laid the ground - together with the briefing/debriefing of mission members, which had become routine in the CPC Secretariat - for a wider role of the CPC with respect to missions, beyond mere logistics.

Organizational Changes and Dissolution of the Paris Structure

The Stockholm Council Meeting in December 1992 brought significant structural changes to the CSCE, leading on the one hand to both a tighter and more hierarchical organization, but on the other, to the end of the CPC in its original shape. Decisions determined on the one hand that representatives meet regularly in Vienna between sessions of the CSO to decide on matters necessary to ensure prompt and effective implementation of CSO decisions. On the other, the decisions established the post of a Secretary General[75] and a single organizational structure for the Secretariats in Prague and Vienna under the direction of the Secretary General. His mandate included, *inter alia*, to oversee the work of the CSCE Secretariat, the CPC Secretariat, and the ODIHR, indicating the idea that the CPC in that perspective would have continued to exist in its original struc-

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71   Stockholm Meeting of the CSCE Council, Stockholm, 15 December 1992, Summary of Conclusions, in: Bloed (Ed.), cited above (Note 2), pp. 845-899. here: p. 846.
72   Ibid., p. 860.
73   Of the author.
74   Not least because the compilations proved a solid basis for further discussions.
75   Cf. Stockholm Meeting of the CSCE Council, cited above (Note 71), p. 859.

ture as a full-fledged institution, consisting of a representative body and a Secretariat.

At the Rome Council Meeting (30 November-1 December 1993), however, developments took a different turn. It decided to establish a Permanent Committee (PC) of the CSCE in Vienna as the body for political consultations and decision-making in Vienna, responsible to the CSO. The Permanent Committee (in the meantime renamed the "Permanent Council") replaced the previous but still informal Vienna Group and was made "responsible for the day-to-day operational tasks of the CSCE under the chairmanship of the Chairman-in-Office".[76] The Council further decided "to dissolve the Consultative Committee of the Conflict Prevention Centre as set up by the Paris supplementary document and transfer its competence to the Permanent Committee and the Forum for Security Co-operation"[77] respectively. The PC would be able to hold meetings which could be convened under the mechanism on unusual military activities, while the FSC was to assume responsibilities for the implementation of CSBMs, prepare seminars on military doctrine and other such seminars as were to be agreed by the participating States, hold the annual implementation assessment meetings and provide the forum for discussion and clarification of information exchanged under agreed CSBMs.[78] There is, however, not such a clear indication on which body would replace the CC with regard to the functions assigned to it by the Helsinki Decisions with respect to peacekeeping operations.

Finally, the Council endorsed an earlier decision by the CSO to establish a CSCE Secretariat in Vienna, consisting of departments for conference services, administration and budget, Chairman-in-Office support[79] and "the Conflict Prevention Centre", i.e. the former CPC Secretariat.[80]

Thus, the former CPC Secretariat also ceased to exist as a self-contained institution. Its operational core elements, consisting of the CSBM branch (including the responsibility for the data network established under the Vienna Document) and the Mission Support Section,[81] established under the Stockholm Decisions,

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76   CSCE Fourth Meeting of the Council, Rome, 30 November-1 December 1993, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995, The Hague/London/Boston 1997, pp. 192-214, here: p. 207, chapter VII, para. 7.1.

77   Ibid., pp. 207-208, chapter VII, para. 7.2. The terminology is formally incorrect, as the Helsinki Decisions had made the Consultative Committee one of the two manifestations of the Forum in any case. Thus, the competencies mentioned had, formally speaking, always been a "task of the Forum". However, this wording might be due to a previously established informal practice among delegations to use the term "Forum" for the "Special Committee", to delineate it from the Consultative Committee.

78   Cf. ibid., p. 208, chapter VII, paras. 7.3 and 7.4.

79   The Department for Chairman-in-Office Support was later renamed "General Services" and finally integrated into the CPC.

80   Cf. CSCE Fourth Meeting of the Council, cited above (Note 76), p. 208, chapter VII, para. 8. At the same time, the employment policy shifted from secondment by the participating States towards contracted personnel. During this phase, a disproportional number of personnel from several UN institutions in Vienna were contracted, who also "imported" the less flexible standards of the UN administration.

81   The CPC Secretariat's task in mission support was formally limited to administrative/technical/logistical support. Members of the CPC, however, acquired informal com-

were incorporated into the Secretariat under the name of the "Conflict Prevention Centre", while its administrative elements, for example the branches for personnel or finances as well as the archives, were transferred into the respective branches of the newly established CSCE Secretariat.

These developments have led on the one hand to a streamlining of the former CPC Secretariat as it was now relieved of the administrative burden and could in principle have better focused on the substance of its tasks. However, on the other hand they have also led to a significant loss both of flexibility and of the ability to react quickly, as the CPC had been tied into an inflexible, bureaucratic structure, which developed a life of its own.[82]

Tasks both Widened and Deepened

The growing number of missions also required growing support demanding a continuous increase in tasks and personnel in the new CPC's Mission Support Section. A further factor was the "quantum leap" in mission size. While the number of mission staff of the "first generation" (1992-1995) in most cases remained lower than twenty, the Mission to Bosnia and Herzegovina, established by the 1995 Budapest Ministerial Council Meeting in response to the manifold tasks assigned to the OSCE by the Dayton Agreement, had already increased to about 250 international staff. A few months later, the tasks taken over by the OSCE Mission to Croatia required the same number of staff. Correspondingly, tasks for mission support increased, as did the personnel requirements in mission support.[83] The CPC thus increasingly developed into the main hub for OSCE[84] operations within the Secretariat.

While these were the more visible developments in the CPC, leading to a widening of its operations, at the same time its original tasks with respect to the implementation of military CSBMs were deepened. The Vienna Document 1994 tasked the CPC with circulating a survey of exchanged annual information one month prior to the Annual Implementation Assessment Meeting (AIAM) and

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petence in matters, for example, like the briefing/debriefing of mission members, which were highly appreciated by mission members.

82 It was particularly negative that the newly established Department for Administration and Budget was practically entirely shaped along the lines of the UN bureaucracy and lacked the flexibility required for operative structures.

83 When Switzerland took over the OSCE Chairmanship in 1996, it also deployed a complete Headquarters Support Unit to the newly established Mission to Bosnia and Herzegovina, including an air transport component both within Bosnia and Herzegovina, and with two flights weekly from Basel via Vienna to Sarajevo; furthermore, movement control was established at the CPC. The joke at that time went that the OSCE, while lacking an air force, at least had an airline.

84 Because the "second generation" of missions was undertaken after the change in name, the term "OSCE" will be used for the following period.

circulating a survey of suggestions made during the AIAM within one month after the AIAM.[85]

In addition, the Vienna Document 1994 in Annex V tasked the CPC with preparing, in view of the task of supporting the implementation of CSBMs assigned to it by the Charter of Paris, on a regular basis, a factual presentation of the information exchanged in accordance with the Vienna Document between all participating States. This factual presentation was to facilitate the analysis of this information by participating States and was not to entail conclusions by the CPC.[86]

Further Developments

The developments that followed came in incremental steps rather than through drastic change, and mostly in the context of the structural re-organization of the Secretariat. Thus, matters on, for example, the personnel and finances of missions were at times assigned to the CPC, and at others to the relevant departments of the OSCE Secretariat.

The past few years led to further changes, reflecting both the growth of the OSCE in organizational terms, and the changed circumstances the organization has had to cope with. In 1999, the competence for logistics in mission support was transferred to a specific administrative department also responsible for the missions' financial matters. The CPC retained, however, the responsibility of recruiting, selecting and training mission personnel seconded by participating States. The latter function was only recently transferred to a newly established "Department for Human Resources", responsible for all personnel matters.

The only function that remained constant was the original CPC task of supporting the implementation of agreed CSBMs, as there was no space for overlapping with other departments.[87] When the Forum for Security Co-operation in 2000 negotiated and finally adopted the Document on Small Arms and Light Weapons (SALW), the CPC was tasked to support these activities within the OSCE, and a SALW expert was contracted.

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85 Cf. Vienna Document 1994 of the Negotiations on Confidence- and Security-Building Measures, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE-Yearbook 1995/1996, Baden-Baden 1997, pp. 431-482, here: p. 473, paras. 147 and 147.1. These new tasks to a certain degree formally endorsed a practice undertaken informally at earlier Annual Implementation Assessment Meetings by the CPC, where the author compiled and made available whole transcripts of the proceedings. Delegations then on the occasion of each meeting formally requested the CPC Secretariat to compile a list of proposals for further negotiations, which finally became a formal task enshrined in the Vienna Document

86 Cf. ibid., p. 478, Annex V. Many participating States were reluctant to support such ideas which had been raised during the negotiations on improving the Vienna Document.

87 This branch within the CPC also for a long time had a constant number of personnel, with one officer covering exchanged information and representing the CPC, on invitation, at CSBM events, as well as one officer for the Communications Network.

While these changes remained mostly incremental, there were changes in quality with regard to mission support. While earlier attempts to establish a kind of "desk officer" system for the respective missions at the CPC were met with resistance by delegations who did not want to give the CPC what they considered a "political" function, this function nevertheless developed out of necessity in an informal way, and was finally also endorsed at the formal level when the so-called "Mission Liaison Officers"[88] were established. While their official function still would have been limited to acting as a point of contact to the respective mission(s)[89] within the Secretariat, *de facto* they developed all criteria for a "desk" for their mission area.

A real quantum leap was, however, brought to the CPC when the Kosovo Verification Mission was deployed based on the Holbrooke-Milošević Agreement in October 1998, which invited the OSCE to deploy a monitoring mission to supervise the cease-fire.[90] The corresponding decision by the Permanent Council aimed at a 2,000 observers,[91] however, this number has never been reached. To give support to this Mission, a "Kosovo Verification Mission Support Unit" (KVM-SU) was established in the CPC and served as an operations centre. And for the first time, it also encompassed an analysis unit and a situation room, staffed around the clock.

When after the end of the armed conflict the KVM was replaced by another mission (the OSCE Mission in Kosovo/OMIK)[92] following the more traditional pattern of previous OSCE missions, the situation room became integrated into the CPC. The Istanbul Summit decided to "set up an Operation Centre within the Conflict Prevention Centre (…) which can be expanded rapidly when required. Its role will be to plan and deploy field operations (… and to) liaise with other international organizations and institutions as appropriate in accordance with the Platform for Co-operative Security".[93] The Operation Centre now consists of a Plans Staff and a Situation Room, staffed around the clock, and thus provides a stable link between the missions and the Secretariat as well as to the Chairman-in-Office.

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88   Later renamed "Mission Programme Officers".
89   Some cover an area where several missions are deployed, as was the case with the Missions to Estonia and Latvia, disbanded at the end of 2001.
90   As to its tasks and size, it would have been more apt to call this "mission" a peacekeeping operation, in accordance with the Helsinki Decisions.
91   Cf. PC.DEC/263. When the Mission had to be withdrawn after the failure of the Rambouillet and Paris talks in March 1999, there had never been more than 1,600 observers on the ground.
92   Established on 1 July 1999 by PC.DEC/305.
93   Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 438, para. 43.

Concluding Remarks

The development of the CPC is a visible indicator for the development of the OSCE from its earliest steps towards institutionalization to today's functions and structures. The original CPC was the first institution consisting both of a representative body of all participating States and an administrative structure (the Secretariat). Thus to a certain degree, even at its origins it anticipated the present structure of the OSCE as a whole.

Furthermore, it was in the then CPC Secretariat that an early course towards CSCE/OSCE operational capability was set. This was first called for because of the CPC Secretariat's supporting role in the framework of military emergency mechanisms, compelling it to be available immediately due to the mechanisms' narrow time frame. It found its continuation in the initiatives undertaken by Secretariat personnel to establish logistics and support for the missions even before a formal basis existed, not to speak of the lack of administrative preparations or personnel employed for that purpose. These steps provided the basis for the CPC's function in mission support, which was assigned to the CPC only later by the Stockholm Decisions.

In a similar way, actions by the CPC Secretariat staff, undertaken without a formal mandate and mostly on their own initiative, created the basis for the CPC's role in mission liaison which was only later endorsed by the respective decisions. They encompassed providing compilations of factual information on the mission areas of the inoperable Missions of Long Duration in Kosovo, Sandjak and Vojvodina as well as the briefing/debriefing of mission members, but also by supplying the missions with background information about events in the mission areas, and they laid the groundwork for a growing understanding of the CPC as a "control instrument" for the missions, which was finally formalized in the Istanbul decisions.

Finally, the CPC was also the point of departure for the incremental increase in the concentration of the Organization's work in Vienna. When it was first founded as an instrument for consultation among participating States on the implementation of military CSBMs, it was a practical necessity to co-locate it with the ongoing Negotiations on CSBMs in Vienna. On the other hand, when the Negotiations were replaced by the Forum for Security Co-operation, the very existence of the CPC and its Consultative Committee in Vienna made it then imperative to establish the FSC in the same place, too.

This, in turn induced informal consultations by the participating States' delegations to the FSC in preparing the CSO meetings, which further led to the emergence of the CSO's "Vienna Group". It developed subsequently into the Permanent Committee, to become renamed the "Permanent Council" by the Budapest Summit Meeting. While this body increasingly gained decision-making capabilities, the relevance of the formerly quite significant Committee of Senior Officials[94] in Prague decreased correspondingly, shifting the centre

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94   Renamed into "Senior Council" at the 1994 Budapest Summit.

of gravity for the Organization's decision-making more and more to Vienna. Correspondingly, the administrative central structures moved to Vienna, too. While the original CSCE Secretariat in 1991 had been co-located with the CSO in Prague, the Secretary General and the unified (new) CSCE Secretariat were finally co-located with the main decision-making body, the Permanent Committee/Council in Vienna.

Today's CPC appears to have little similarity with its original shape and function. Viewed superficially, it appears to have lost most of these characteristics. It has been stripped of its representative body, the Consultative Committee. In contrast to other administrative institutions as for example the ODIHR or the High Commissioner on National Minorities, which have retained their autonomy, the former CPC Secretariat has also lost its autonomy and become incorporated into the Secretariat with the mere rank of a department. The question may arise whether this torso is still entitled to bear the name of a "Conflict Prevention Centre" at all, or whether this term is nothing more than a nostalgic symbol reminiscent of a greater past.

On the other hand, it is manifest that the Centre's original task in conflict prevention has now become a task for all OSCE institutions. The OSCE has, with all its bodies, institutions and operations, become an archetypal organization of co-operative security and thus of conflict prevention in its original sense. As the operative institutions to control all these activities have been concentrated in one department of the Secretariat named the "Conflict Prevention Centre", the term appears justified also ten years later, despite all the changes outlined above.

Gudrun Steinacker/Thomas Neufing

Training and Capacity-Building of OSCE Staff

The Implementation of the "OSCE Strategy for Capacity-Building through Training"

In March 1999 the "OSCE Strategy for Capacity-Building through Training"[1] was passed by the OSCE Permanent Council. In the OSCE Yearbook 1999, the former Co-ordinator for Capacity-Building and Training, Ambassador Sune Danielsson, gave a report on the background and the origin of this strategy, as well as its contents and goals. Now, a first assessment of its implementation is to be made in the following.

Implementation Status and Assessing Requirements

Due to inadequate resources as well as the special demands placed on the OSCE Secretariat in Vienna during the build-up of the Mission in Kosovo (OMIK) since July 1999, the implementation of the Strategy got off to a rather slow start. At the same time the personnel in the OSCE Secretariat, in the institutions and particularly in OSCE missions had doubled since the Strategy was adopted. In the missions alone, the number of staff had increased from around 500 international to over 1,000 international and approximately 3,000 local mission members.

All the same, starting on 1 January 2000, we were able to fuse the two-day induction course for new Kosovo Mission Members with the course for new mission members seconded to other OSCE missions. Since January 2000, this has led to the fact that new mission members as well as Secretariat employees have been introduced to administrative and substantive OSCE matters every two weeks.

The induction programme is made up of the following modules, which are continually being developed and updated: an administrative inprocessing in which also fundamental topics such as the mission members' code of conduct are covered, an overview of the OSCE, its history, its structure and institutions (ODIHR and the HCNM), an overview of field activities, i.e. the OSCE missions in Eastern and South-eastern Europe, the Caucasus and Central Asia, as well as modules on OSCE co-operation with other international organizations, the human dimension, the importance of gender issues for mission work, the rights of the child, operational and security issues, and last but not least stress management and inter-cultural communication. Since January

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1   SEC.GAL/25/99/Rev.1.

2001, the schedule of the latest induction programme has been available at the website of the OSCE Training Section.[2]

Thanks to the availability of seconded trainers from the US, Canada and Austria, in the spring of 2000 specialized courses were initiated, at first for Secretariat staff, and since 2001, for participants from medium-sized and small missions. The courses focus on management training and seminars on conflict analysis and conflict management. Rather than giving priority to theoretical knowledge, the focus is on acquiring practical skills, like the improvement of language and communication skills, office skills as well as methods of facilitation and mediation.

Within the framework of the OSCE's broader task as the one regional organization from Vancouver to Vladivostok which has made civil conflict prevention and conflict management its cause, the Training Section deems it necessary to provide all OSCE employees with at least basic knowledge in these areas. Thus far, in the OSCE Mission in Kosovo this has to a large extent been accomplished by an expert with a Ph.D. from the University of Bradford. Another trainer, educated at the Lester B. Pearson Canadian International Peacekeeping Training Centre and seconded to the OSCE by Canada in 2000 and 2001, conducted this type of training seminar in OSCE missions and the Secretariat on various occasions. He will continue to be available to the OSCE on a freelance basis. In order to cover the needs of the OSCE Secretariat, the institutions and the small and medium-sized missions fully, however, we are planning before long to hire a trainer for conflict management if we get the backing of participating States.

This is also in accord with the endeavours of the EU to develop its own capacities in the area of conflict prevention and management in co-operation with other international organizations, in particular the OSCE. The OSCE has many years of experience on the political level as well as practical know-how in the field.

There are also plans to develop a training programme on gender issues throughout the entire organization. The OSCE Action Plan for Gender Issues[3] adopted in the year 2000 is to increase awareness and conduct training programmes in this area in the OSCE. However this will only be feasible if - at least for a certain period - training capacities are developed, especially in the field missions.

Therefore in future, "training of trainer" programmes will be of immense importance in this and all of the above-mentioned areas. To ensure continuity, preparing local trainers in particular will contribute greatly to the cost-efficient and sustainable implementation of the Training Strategy.

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2   See: www.osce.org/training/.
3   Organization for Security and Co-operation in Europe, Permanent Council, PC-Journal No. 285, Decision No. 353, OSCE Action Plan for Gender Issues, PC.DEC/353, 1 June 2000.

In May 2000, the first meeting of Focal Points for Training took place providing a first general exchange of experiences and opinions. According to the Strategy, these contact persons were appointed from each of the OSCE missions and institutions by the Heads of Mission and/or Directors. At the end of the first meeting of Focal Points a declaration was adopted on further co-operation between them and the Secretariat. Within the current OSCE structure, the Secretariat in Vienna has the function of a service provider for the delegations of the participating States and the field missions and thus does not have the authority to issue directives. Because of this, the OSCE Training Co-ordinator is dependent on co-operation with and the assistance of the missions.

At this first meeting of all contact persons for the OSCE staff training area, it quickly became clear that the situation in the three large OSCE Missions to Croatia, to Bosnia and Herzegovina and in Kosovo was very different from that in the medium-sized and small missions. Croatia and Bosnia both have a training section each occupied by one international mission member as well as local personnel. In Kosovo, two international mission members backed by several local employees work in the training section offering varying training programmes to the over 2,000 local employees and international members of the Mission. All three missions have organized induction programmes on their particular mission for new mission members.

The training programmes in the three large missions had first been developed spontaneously according to the needs of the particular mission and its personnel. The focus had been on language courses to improve the English skills of the national as well as international mission members and adapt to the needs of the mission. Furthermore, however, management and administrative skills, conflict management, human rights work, computer proficiency, project management and much more were also covered.

Many courses were conducted using internal resources. Because of the relatively ample funds that the larger missions have for training programmes both in their training sections as well as in the various departments, they were able to hire external training experts. During the OSCE budget planning for 2001, the OSCE Training Section team in Vienna, which in the meantime had been almost completely replaced, was confronted with the difficult task of gaining an overview of the training programmes in the missions, in particular the larger ones. It became clear that, for the Missions in Kosovo and to Bosnia and Herzegovina, this task could not be achieved. In addition to the general training courses conducted by the training sections of both these missions, most of their departments also organized further training for their staff. There was no co-operation or co-ordination between departments or between departments and the training section. However, to be able to defend one's budget estimate before the OSCE financial body, the so-called Informal Financial Committee, it is important that the Co-ordinator for Capacity-Building and Training has an overview also of the training programmes conducted

in these two missions. Thus in view of the budgeting for the year 2002, at the beginning of December 2000, an Organizational Directive was issued to both missions calling upon them to co-ordinate all internal mission training activities. In the meantime the structural prerequisites in both missions have been fulfilled for the comprehensive co-ordination of all training programmes offered to mission personnel. The Mission to Croatia had a centralized structure from the start so that the international mission member responsible for training and further training had always been in charge of all activities in this area. In this Organizational Directive however, smaller OSCE field activities were also reminded of their duties and called upon to report regularly on the training programmes in their missions.

During a meeting of Training Section staff in Vienna with their colleagues from the three large missions in February 2001, common standards for planning, reporting, budgeting and evaluation of training activities were developed. In the meantime, the medium-sized and small missions have been provided with these standards, all of which are designed to facilitate the work in both the Secretariat as well as the missions. Assessing training requirements plays a special role in this process. These requirements vary according to mission mandate, but also show common consistent features. Systematic assessment of training requirements had only taken place sporadically up to then. However, the assessments made so far have already shown that training and further training in the areas of management, leadership skills, conflict resolution, stress management and intercultural communication are to be the focus of future training programmes.

An OSCE mission preparedness evaluation project planned by the Centre for OSCE Research (CORE) in Hamburg will hopefully provide knowledge based on scientific research on the requirements for training and capacity-building in the missions in the near future, thus placing the work of the Co-ordinator for Capacity-Building and Training on a more solid foundation.

At the second meeting of Focal Points for Training, which took place on 10 and 11 May 2001, it was confirmed that close inter-mission co-operation in training activities was needed. While the training sections of the large missions now have a lively and continual exchange of information and also co-operate in practice, the small and medium-sized missions are dependent on the direction and active support of the Vienna Training Section. Indeed, they have begun to send a few members, especially local staff, to the training courses at the Secretariat. However, this has not sufficed to satisfy the requirements of the missions, especially the three "medium-sized" missions in Georgia, Albania and - recently - the Federal Republic of Yugoslavia which each have a total of around 100 national and international staff. The ODIHR in Warsaw has, up to now, conducted only a few *ad hoc* courses organized exclusively through its own resources. For the year 2002, it will apply for funding for training programmes for its personnel for the first time. An assessment of its training requirements is currently being conducted.

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An important achievement of the second meeting of Focal Points was the decision on future co-operation between the missions, which was taken jointly by the group. The missions in the Balkans have started to exchange training officers as well as materials. The largest mission in the Caucasus, the Mission to Georgia, will invite participants from the neighbouring offices in Yerevan and Baku to their training programmes and if the Assistance Group to Chechnya returns there, its members will be invited as well. Starting in 2002, ODIHR is to open up its training programmes to members of the missions in Belarus and Moldova as well as personnel working at the office of the Project Co-ordinator in Ukraine. In Central Asia, the plan is to offer regional training activities to the four OSCE Centres in Almaty, Ashgabad, Bishkek and Tashkent as well as the Mission to Tajikistan. The Mission to Tajikistan, the largest in the region, will play a key role in future.

The Training Section in Vienna, for its part, will give clear instructions to the missions on budgeting training programmes for the 2002 budget preparations to be able to allow the greatest possible transparency in preparation of the future budget. This will allow the OSCE participating States to determine more easily how the funds earmarked for training programmes are utilized in mission budgets, OSCE institutions and the Secretariat.

Although the Strategy has been in effect for over two years, a number of OSCE participating States, also for fiscal reasons, still have doubts about the need for systematic training and capacity-building of OSCE personnel during their deployment at an OSCE mission or in an OSCE institution. There is more willingness in granting local employees the right to further training. This is also understood as being a tool for building the capacities of local OSCE personnel to benefit the mandate area after the end of the mandate of a certain mission. The OSCE Training Section and the OSCE missions have already been taking this into account by designing between 60 and 70 per cent of all their training activities for local personnel. Quite a number of participating States however reject training for the international mission members seconded by their states. They point out that these are qualified experts and that the stay in a mission is on average relatively short, currently around 18 months long. However, this discounts the fact that in particular for short stays, focused training could considerably increase the efficiency and motivation of mission members. Thus, a considerable effort was to be made to convince those responsible to extend the current Training Strategy for the next three years. [4]

In January 2001, the Training Section set up its own website to provide information and a communications network within the OSCE as well as for the participating States. Moreover, the first four issues of the OSCE Training Newsletter have been published. In addition, the Section provides classified

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[4]   After extensive discussions with Delegations, a revised version of the Training Strategy was adopted by the Permanent Council on 7 February 2002, which covers the period 2002-2004.

training material especially to the governments of the participating States through the websites of the delegates. In this manner, the participating States have the opportunity to form an impression of the Training Section's services at any time. Although the Training Section's website and the delegates' websites are still in rudimentary stages and/or are still pilot projects, the hope is that they will be influential in convincing the participating States of the necessity and utility of training and capacity-building measures in the OSCE.

The new Training Strategy mentioned above aims, *inter alia*, at supporting the measures for mission preparation training in the participating States as well as strengthening international co-operation; both have not been taken into account adequately in the former strategy.

Pre-Mission Preparation and Training

The number of participants in OSCE field activities and missions has increased dramatically during the past few years. In 1995, when the Conference on Security and Co-operation (CSCE) was transformed into the OSCE, the total number of international mission members was less than 100. Today the mission member total is over 1,000. Because the Organization invests almost 90 per cent of its resources in the missions and field activities currently in existence, international as well as local personnel are the most important contribution the OSCE community of states makes to conflict prevention in its numerous host countries.

The establishment of the OSCE Mission to Bosnia and Herzegovina at the end of 1995 chimed in the beginning of a phase of new challenges. Since then, it would no longer have sufficed to recruit a few qualified mission members from diplomatic circles and academia, who in general have profound knowledge of the host country and the course of a conflict as well as adequate language skills and therefore do not require nearly as much training and capacity-building as the huge number of mission members that are now required.

The three large OSCE Balkan missions, to Bosnia and Herzegovina (since 1995), Croatia (since 1996) and in Kosovo (KVM 1998, OMIK since 1999) made it clear to the participating States and the OSCE Secretariat that adequate preparation and capacity-building during the mission assignment were enormously important. Because of the recruitment system unique to the OSCE, which is based almost exclusively on secondment, i.e. the assignment of national experts to the OSCE, the participating States felt the necessity to take action to provide for adequate mission preparation training for their candidates. A number of participating States have recently met this challenge by initiating special training courses for future OSCE mission members. However, the substance and scope of these mission preparation courses vary tremendously.

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The decision by the Heads of State or Government of the OSCE participating States at the Summit Meeting in Istanbul in 1999 to strengthen the capacity of the OSCE for future field operations with Rapid Expert Assistance and Co-operation Teams, the so-called REACT programme, also called for the adequate preparation of future mission members in this new structure.

It was explicitly stated that training would play an important role in implementing REACT, making selected personnel fully operational upon arrival in a host country after having received the appropriate preparation, i.e. allowing them to be operational from the start. This also allows mission members with little experience to meet the challenges in the field. Within this framework, in November 2000, the Training Section in the OSCE Secretariat developed a set of training standards designed to aid the participating States in implementing the appropriate preparatory measures to fulfil OSCE minimum requirements. The goal of these standards is to ensure the greatest possible agreement and compatibility between the various preparation initiatives. The preparation courses for future OSCE mission members in Germany, Switzerland and Austria have been designed according to OSCE Training Standards. In particular, the specific OSCE Mission Preparation Training Course organized by the Austrian Study Centre for Peace and Conflict Resolution in Stadtschlaining was conducted for the first time in October 2000 in close cooperation with the OSCE Secretariat as a pilot project for testing the standards. Since then the course is conducted twice a year. Moreover, it offers up to ten local members in each OSCE mission the opportunity to acquire comprehensive knowledge on the Organization and its numerous activities as well as obtaining required skills.

The OSCE dispatches 500 to 600 experts yearly to OSCE long-term missions, where professional expertise as well as readiness and operational capacity are a prerequisite. Therefore it is extremely important that a participating State links selection closely with preparation. A growing number of participating States utilize the preparation courses to build up a personnel reserve, which is on standby for international missions. In this context, the introduction of the REACT concept activated the corresponding processes as the participating States are required to provide a specified number of experts who are well prepared and ready for deployment at short notice, especially for emerging crisis situations.

In summary, the area of mission preparation is very dynamic in the sense that to a much larger extent, an increasing number of participating States realize the necessity and take on the responsibility for the preparation of future mission members for their activities. In this undertaking, the OSCE Secretariat gives them substantial support and advice through standards, modules and experts. Furthermore, there are a certain number of places reserved in the current courses for participants from other countries, who because they have fewer secondments and/or lack the financial means forgo their own activities. However, there is also a need for further co-ordination on the international

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level with partner organizations like the United Nations, the European Union and the Council of Europe as the preparation of national civilian personnel is most often oriented towards deployment in all international organizations.

International Co-operation and Synergies in the Field of Training

The increasing complexity of international peace missions has, particularly during the nineties, led to an increased need for available, highly-qualified civilian experts. The new generation of peace missions (recently in Kosovo and East Timor equipped even with executive power) is multi-dimensional, multi-disciplinary and as a rule the missions take place through the interaction of various international actors co-ordinated to a greater or lesser extent. International as well as regional organizations, states and non-governmental organizations compete for a limited number of qualified experts who are required to carry out these complex operations.

The flexibility for potential deployment of skilled personnel in missions whose management is often for political considerations entrusted to one particular international organization, in other words the *interoperability* strived for by influential international organizations has also led to increased international co-operation in the recent past. Because of these considerations, the Training Standards developed by the OSCE contribute to unified preparation. Among other things, they reflect the training standards of the United Nations for civilian police and attempt to meet minimum requirements for deployment eligibility, which are also relevant for missions not under the direction of the OSCE.

Co-operation between the OSCE and the United Nations in the field of training is currently concentrated on common training measures in the area of conflict management and/or prevention in Central Asia in collaboration with the UN Staff College in Turin. Contacts on the working level were also made with the Department for Peacekeeping Operations (DPKO) in the UN Secretariat. However, the comprehensive training and capacity-building measures of this unit are currently limited to civilian police and military units for peacekeeping operations. Thus the strongly diverging civilian approach in OSCE training activities only allows a limited number of common activities. The implementation of the so-called UN *Brahimi Report* keeps hopes alive that in the future there will be increased overlaps in mutual undertakings. In addition, it should be mentioned that there are efforts being made for increased co-operation with the UN Institute for Training and Research (UNITAR). Among the UN specialized agencies, a mention should be given to the UN Refugee Agency (UN High Commissioner for Refugees, UNHCR) which has been conducting crisis management courses in which OSCE staff members participate.

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Because the majority of OSCE mission members are deployed in the area of the human dimension, the adequate preparation of specialists in the area of human rights gains particular significance. The necessity for a unified, coherent preparation of human rights monitors had already been identified by the UN High Commissioner for Human Rights, Mary Robinson in 1999, calling for increased co-operation in this area between the UN, the EU, the Council of Europe and the OSCE. After a joint training session of all organizations on human rights monitoring, which took place during the summer of 1999 in Venice, the Office of the High Commissioner for Human Rights announced that a training handbook would be published in the near future. As a result of this, the OSCE drafted a European annex of this handbook, which takes into account European human rights commitments that go beyond those of the UN. The OSCE hopes that in the near future in a follow-up seminar to the training session in Venice, a training package in the area of human rights will be created which will be supported by all of the above-mentioned organizations.

In the meantime, good contacts have been established with the Council of Europe with the goal of jointly developing training programmes in the areas of human rights and democratization. The latest efforts of the European Union to develop crisis management capacities also in the civilian area give hope that there will be increased co-operation in the field of training in the coming years. The EU has in this connection already announced that it will utilize OSCE Training Standards for its own or for joint pre-mission training. The areas of conflict analysis, conflict prevention and management as well as peace-building measures offer opportunities for concrete projects in co-operation.

External Relations and Influences

Soong Hee Lee

The OSCE and South Korea

The Korean Peninsula and Geostrategic Complexity

The Korean peninsula remains one of the most dangerous places on earth. Surrounding the peninsula are the world's three principal nuclear powers, the US, Russia and China. The two largest economic powers, the US and Japan, are still engaged politically and geographically. The four great powers see their interests interwoven in a volatile area surrounding the Korean peninsula. And the division of the peninsula still increases instability and complexity.

This unstable region lacks a regional security framework analogous to NATO or the Organization for Security and Co-operation in Europe (OSCE). There is still no peace treaty on the Korean peninsula, where more than a million troops from the opposing sides remain deployed within miles of each other. Northeast Asia's institutions are startlingly inadequate for coping with regional problems, given the enormity of the disruption that foreseeable changes in Korea could provoke. In the absence of capable institutions, long-standing bilateral treaties still provide the crucial backbone of military deterrence. In stark contrast with Europe, which has a rich organizational infrastructure, including NATO, the EU and the OSCE, Asia still lacks institutions to help it adjust to the changed circumstances.

A vital cornerstone of stability in Northeast Asia are the US-Japan and the US-South Korea security alliances, which are both reinforced by the stationing of US troops in the area. The greatest danger posed by the new shape of Northeast Asia is that populist pressures, economic disorder and changing technology will incite a destabilizing struggle over the regional balance of power. The perils implicit in such a power struggle are especially acute because Northeast Asia, unlike Europe, has no regional institutions capable of muting paranoid perceptions and setting mutual goals.

Lack of Multilateralism

There has been no leading power in Northeast Asia, which is needed to build a community, while the relatively weaker Southeast Asian countries have staunchly insisted on their own. Furthermore, Northeast Asians have not succeeded in resolving the tension between the overriding need to keep the US engaged in the region and the desire to establish a Northeast Asian identity. As a result, the process of community-building has been slow and antipathy flourishes. The responsibility for securing confidence and ensuring stability in Northeast Asia lies largely with Japan and China, the region's most signifi-

cant powers. But neither country has been willing or able to shoulder this burden. Unlike China and Japan, the countries of Southeast Asia have actively developed structures in order to shape relations in their region. Their main tool for doing so has been the Association of Southeast Asian Nations (ASEAN)[1], which has made some progress in forging a common identity between its diverse members.

In the 1990s, much of the rhetoric concerning security relations in Northeast Asia has involved reference to ASEAN. The Association has played a significant international role through its Postministerial Conferences (PMCs)[2], the Asian-Pacific Economic Cooperation (APEC) and the Asia-Europe Meeting (ASEM), as well as through the ASEAN Regional Forum (ARF)[3]. While the economic institutions can at least claim to be trying to build a community or a shared identity in East Asia, the same cannot be said of ARF, the region's only multilateral security framework. The Forum was formally proposed by ASEAN and endorsed by its dialogue partners at the PMC in July 1993. The first working session of ARF foreign ministers - in which, in addition to the then ASEAN states, *inter alia,* Australia, Canada, China, Laos, Papua New Guinea, New Zealand, Russia and Vietnam participated - was held in July 1994. India and Mongolia joined in 1998; in 2000 North Korea also became a member.

ARF was initially designed as a second-tier arrangement to supplement the region's bilateral links, and to act as a mechanism. Therefore, the ARF framework should be confined only in its viability dependent on the prior existence of a stable balance. It was, however, not in a position to create it.

A greater role in directing Northeast Asia's future should also be reserved for Track II institutions and processes (unofficial contacts among non-governmental actors), especially those that deepen understanding among Seoul, Washington, Tokyo and Beijing. On issues of comprehensive security in particular, a new set of institutions, which includes the Council for Security and Cooperation in the Asia Pacific (CSCAP), has begun to evolve. These private-sector groups have come to play an important role, particularly because formal intergovernmental bodies have been so weak and diplomatic process so complicated. The processes of Track II would vitally help moderate what could otherwise be volatile, destabilizing tendencies in the new geopolitics of Northeast Asia.

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1   Members of ASEAN are: Indonesia, Malaysia, Philippines, Singapore, Thailand, Brunei (since 1984), Myanmar (since 1994), Vietnam (since 1995), Laos (since 1997) and Cambodia (since 1997).

2   These are taking place after the regular meetings of ASEAN foreign ministers together with the foreign ministers of the dialogue partners Australia, Canada, China, EU, India, Japan, Mongolia, New Zealand, Russia, South Korea and the US.

3   Members of ARF are the ten ASEAN member states, eleven dialogue partners (Australia, Canada, China, EU, India, Japan, Mongolia, New Zealand, Russia, South Korea and the US) as well as two ASEAN observers (Papua New Guinea, North Korea).

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The Helsinki process has been regarded in Korea from its beginning as a multilateral framework to overcome the systemic and ideological division in Europe. The process which started in the 1970s with the Conference on Security and Co-operation in Europe (CSCE), which became the Organization for Security and Co-operation in Europe (OSCE) in January 1995, was initiated with an aim of easing tension in Europe. Its structure prevailed over the East-West partition and embraced practically all the states of Europe. The evolution of the CSCE has not progressed as a kind of grand design or been implemented in accordance with plans for a new European security architecture. The transformation of the Helsinki process was a response to acute needs and requirements. It was a continuous process of creative development of the new political and security environment.[4]

Initially, the agenda of the Helsinki process (1975-1985) was identified with human rights and basket III issues (human contacts, exchange of information, culture and education). At the next stage (1986-1992), the CSCE human dimension was supplemented by militarily significant aspects of security (confidence- and security-building measures, the 1990 Treaty on Conventional Armed Forces in Europe and the 1992 Open Skies Treaty). Since the 1992 Helsinki Summit Meeting, OSCE activities have been preoccupied with conflict prevention and crisis management and development of co-operative security. Furthermore, the Organization has tried to promote common values, as defined by the Charter of Paris for a New Europe: human rights and fundamental freedoms, democracy and the rule of law, economic liberty, social justice and environmental responsibility.

As the theme of the OSCE-Korea Conference 2001 in Seoul indicated, interests of Koreans were concentrated on confidence- and security-building measures (CSBMs) surrounding the Korean peninsula. The concept of confidence-building measures (CBMs) was introduced by the CSCE. The aim was to build trust through increased transparency and predictability of military activities. The scope of the concerned agreements was modest and mainly based on voluntary participation, as the states were not ready to accept strict obligations in this field. These measures included the obligatory notification of military manoeuvres and the exchange of observers on a voluntary and bilateral basis.

According to the change of international circumstances, the first stage of CBMs from Helsinki has been reviewed and improved. The concept of CSBMs was introduced at the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe (1984-1986). The mandate foresaw that the measures had to cover the whole of Europe, be of military significance, politically binding, and verifiable. The verification re-

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4   Cf. Emmanuel Decaux, CSCE Institutional Issues at the Budapest Conference, in: Helsinki Monitor, Special Issue: Budapest Review Conference, 3/1994, p.18.

gime was the most significant advance in this second stage of CSBMs. But it was doubtful that it allowed any participating State to address an inspection request to another participating State on its territory in compliance with the CSBMs. The follow-up meeting in Vienna from 1986-1989 expanded the measures agreed upon in Stockholm and created a new set of mutually complementary CSBMs.

These ultimately became the first Vienna Document of 1990. Concerning the CSBMs, the Document set up the computer-based CSCE/OSCE communication network for CSBM information exchange, and established the Annual Implementation Assessment Meeting (AIAM) for all participating States to review and discuss implementation of the regime. The negotiations on CSBMs continued and resulted in the second Vienna Document of 1992, which amended the previous Document in a number of ways, including further information exchange on non-active forces. After continued negotiations, the Forum for Security Co-operation (FSC) adopted the revised Vienna Document of 1994. The major change was that the Document incorporated and widened the above Documents on defence planning, military contacts and co-operation. The Document included the right to request a clarification of defence planning and an annual discussion meeting. Participating States were also encouraged to provide additional information, such as defence white papers.

From 1994 to 1998, changes to the CSBM regime were not incorporated into a new document but rather taken as individual decisions in the FSC. In late 1997, the Forum decided to undertake a complete revision of the Vienna Document. But most changes of the Document were incremental. The Vienna Document of 1999, which includes all the revisions made since 1994, revises the regime's structure. Concerning the military organization, manpower and major weapons system, the new Document enhances transparency and predictability. For example, the Document provides for an annual exchange of information on defence planning. This measure is based on the conviction that a proper planning process is the sign of democratic control of armed forces. The Document also includes prior notification of certain military activities as well as annual calendars of such activities, to which, in certain cases, observers shall be invited. The provisions for compliance and verification of measures were to contain the right to conduct inspection and evaluation visits. At this time, Koreans are more interested in the early CBMs which the CSCE had developed in the 1970s.

South Korea as an Initiator of Multilateralism

One can conclude that in terms of simple ranking by aggregate capability, South Korea is at present located in the middle of the middle ranks, and upwardly mobile. It is one of perhaps two dozen countries that might, in these

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terms, claim to be middle powers. But by Hedley Bull's more demanding test, South Korea would not count as a middle power.[5] It has been, and seems likely to remain for some time yet, too beset by its own problems to create a wider role for itself, and has barely begun to develop the features of a recognized middle power leader along the lines set down by countries such as Canada, Australia, the former Yugoslavia, India and Mexico.[6]

States are not mobile and cannot escape their local environment. Regions are likely to remain very important for military, political, societal and environmental relations, and possibly also for economic ones. Local states will be both more responsible for the order or disorder in their own vicinity. Middle powers therefore have an interest in promoting regional security regimes and regional economic co-operation, and in general trying to establish firm foundations for the regional international community.

It is difficult for South Korea to play as a middle power. Its history - as a peripheral vassal of China, as a battleground between China and Japan, as a colony of Japan, and as an ally and protectorate of the US - has not offered fertile ground for the development of an expansive diplomatic tradition. As a result of the Cold War, Korea is also stuck with its own intense local security problem which, as long as it remains unresolved, necessarily dominates its political and military concerns and limits any ambitions to a wider diplomatic role.

Because of the vulnerability of its local situation, South Korea would be easily affected by a development of the East Asian balance of power. Nothing would be worse than for Korea to find itself caught in the middle of a Sino-Japanese rivalry. For this reason, South Korea should give priority to building a regional international regime in such a way as to minimize the probability that East Asia's structural similarity to 19th century Europe generates a similar type of armed balance of power system.

Since 1993, the South Korean government has intensively expressed its interest in a regional framework for security co-operation. Its desire was expedited by the increasing concerns over North Korean nuclear development. South Korean Foreign Minister Han Sungjoo suggested that South Korea should show initiative in developing a multilateral mechanism for security dialogue centering around Northeast Asia. He thought that the ASEAN-led ARF was not enough to discuss the security of Northeast Asia and that a multilateral security framework on a subregional basis was needed to build a long-term vision akin to a "mini-CSCE", which would aim at such security co-operation like confidence and security building, arms control and conflict

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5   Cf. Hedley Bull, The Anarchical Society, London 1977.
6   Cf. Barry Buzan, Changing Paradigms of National and International Security and Their Implications for Security Planning of Middle Power Countries, in: Byung-Moo Hwang (Ed.), Korean Security Policies Toward Peace and Unification, The KAIS International Conference Series No. 4, Seoul 1996, pp. 3-30

settlement.[7] Why did the South Korean government call for a mini-CSCE type security dialogue in Northeast Asia outside of the ASEAN-led security forum? The simplest answer, perhaps, is that South Korea has become increasingly preoccupied with concerns about how to maintain security on the divided Korean peninsula.

South Korean Engagement

South Korea was invited, following an official request from Seoul, as an observer to the 1994 Budapest Review Conference for the first time. Since that time, South Korea has participated in relevant OSCE meetings. South Korea is provided with access to OSCE official documentation and may be requested on a case-by-case basis to OSCE meetings on subjects in which it has a special interest. The Lisbon Summit of 1996 decided to invite South Korea as a partner for co-operation to participate in meetings as appropriate. With this resolution South Korea is said to have status to take part in OSCE meetings, including Summits, Ministerial Councils and review conferences, as well as various seminars. But South Korea cannot participate in the decision-making process and has no right to speak and vote in the review conferences.
In December 1994, Ambassador Chang-Chun Lee, Assistant Minister of Foreign Affairs, was present at the Budapest Summit Meeting. At the Summit, together with the Swedish and Hungarian representatives, the Italian Foreign Minister suggested that South Korea be allowed to act in the OSCE framework on a basis of the same status as Japan. There was a mutual understanding among the three countries Italy, Sweden and Hungary and the two Asian states Japan and Korea that a certain modality of Korean status should be formulated during the year 1995. In December 1995, South Korean Vice Foreign Minister, See-Young Lee, took part in the Fifth Meeting of the Ministerial Council of the OSCE in Budapest. For the first time he had an opportunity to deliver a speech to the audience of the Meeting. According to him, Korea was willing to contribute to the OSCE's international efforts towards peacekeeping and peace-making. But most of all, Koreans were particularly interested in taking a closer look at the possible applicability of OSCE experience to Northeast Asia as a model for future multilateral security co-operation. Along with explaining the ARF as a kind of OSCE in the Asian-Pacific region, he mentioned a possibility to have a subregional security dialogue in Northeast Asia.
In his statement at the OSCE Summit Meeting in December 1996, South Korean Foreign Minister Chong-Ha Yoo was keen to give precise information about the ongoing security situation concerning the Korean peninsula and to strive for an understanding for South Korea's position. It was a good oppor-

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7   Cf. Daily Notes on Foreign Minister Han's Comments on Security Dialogue, Department
     of Security Policy, Ministry of Foreign Affairs, 3 March 1994.

tunity for South Korea to attract Europe's attention to the problem of the divided Korea.

A multilateral forum for dialogue on confidence and security building like the OSCE was mentioned as a useful framework to encourage North Korea to come out of its isolation. South Korea takes the contribution of the OSCE in the Yugoslavian conflict for very promising. It also gives a great importance to its association with the OSCE. It has actively participated in all relevant meetings organized by the OSCE. South Korean representatives stressed the close interdependence of European and Northeast Asian security. European states like Sweden, Switzerland and Poland have been contributing in keeping peace on the Korean peninsula as observers of the armistice agreement since the end of the Korean War. The EU is participating in the Korean Peninsula Energy Development Organization (KEDO) as a member of the Executive Board, pledging an annual contribution of 15 million ECU for five years (1998-2002). High officials of the South Korean government also underlined closer links with all OSCE participating States on the basis of common human values. They suggested that as a member of the community of fundamental values, South Korea actually shares the objectives and principles of the OSCE. The Asia-Europe Meeting 2000 hosted by South Korea in Seoul seemed to express the efforts of the Korean people to become a member of the world community based on common values.

The OSCE started out as a bridge between the two ideologically hostile blocs of the Cold War. But the OSCE model has a limitation in transplanting its concepts to Northeast Asia, where the ideology is no longer a divisive issue, and economics is the primary concern of regional countries, with the sole exception of North Korea. One lesson Northeast Asia should readily draw from the OSCE is that the incremental process is available everywhere. Small steps combine together to build trust and a sense of community among countries. Under the contemporary security circumstances in Northeast Asia where the bilateral alliance arrangements with the US form the bedrock of regional security, and where China and Japan are unlikely to take the burden of leadership, there has not been any momentum to initiate a regional multilateralism. Yet given the interdependent nature of today's world, multilateral consultation and co-operation are requisite measures to complement the bilateral structures. South Korea is now keen to find a way to contribute to a more effective management of the critical uncertainties in Northeast Asia. Fortunately, the ARF provides a good opportunity to share a common interest in seeing the region co-operating and stabilized. While such favourable circumstances exist, the volatile structure surrounding the Korean peninsula must be replaced by a regime of peace and a multilateral consultative mechanism.

Despite some hesitations, for the time being, the benefits of the South Korean engagement policy are evident on the Korean peninsula, which finds itself located at the centre of Northeast Asia. Engagement of China and Russia will actually contribute to creating an atmosphere of building a multilateral fo-

rum. The missile and nuclear policy of North Korea has been a constant concern of the US and Japan, which are unable to remain uninvolved. At the moment, thanks to the co-operative attitudes of North Korea, the proliferation of weapons of mass destruction has been contained with some reservations. While the process of mutual engagement in a bilateral context in Northeast Asia continues, any forum for multilateral security co-operation should be created. Confidence and security building must be a first step towards regional stability. Therefore, Northeast Asia has many reasons to learn from the experience of the OSCE, which is a forerunner in this respect.

Mark Manger

The OSCE - An Unsuitable Model for the ASEAN Regional Forum?

Why was there no security institution similar to the OSCE created in Asia-Pacific space after the end of the East-West conflict? A look at the security policy problems in the region shows there are clear parallels between the two areas: Here as in Europe, there are a series of states going through transformation processes, a patchwork of ethnic groups, national minorities and latent conflicts. In fact, the OSCE is precisely the organization that would provide a model for the security architecture in Asia. However, there are a large number of statements by Asian politicians speaking against this. They reject the transferability of OSCE structures and instruments for the most varied of reasons, whether these are cultural differences, other political styles or basic misgivings about the principles of the Organization.

The only institution established giving an answer to the security policy challenges of the last decade has been the ASEAN Regional Forum (ARF). It includes the ten ASEAN states, Malaysia, Burma (Myanmar), Thailand, Singapore, Indonesia, Brunei, Vietnam, Laos, Cambodia and the Philippines, as well as Papua New Guinea, Japan, the People's Republic of China, Canada, Australia, New Zealand, Mongolia, Russia, both Koreas,[1] India, the EU and the US, in other words, all actors in the Asia-Pacific region engaged in security policy with the exception of Taiwan.

However the term "institution" may be overly exaggerated. At its core, the ARF is just a dialogue process at the government level backed by so-called Intersessional Support Groups (ISG) and Intersessional Meetings (ISM) to prepare annual meetings. The foreign minister of the ASEAN member state who is holding the chair of this Southeast Asian regional organization for the year prepares the agenda and implementation of the dialogue rounds. Why do these differences exist, why is the OSCE rejected as a plausible model?

The central thesis of this article is that security institutions are not established because of power politics and not for exclusively functional reasons. The comparison between the OSCE and the ARF shows that state identity and norms are decisive for the creation and the development of a security institution because they essentially determine what is perceived as a risk or threat and which measures would be acceptable as a response. The institutional distinctiveness of the ARF is an expression of a minimal consensus on inter-state norms reflecting the distinctive historical features of the region.

In the following, the term *institution* will be used in a sociological sense to mean the regular complex patterns of action taken by actors, whereas the

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1   North Korea has been a participant since 2000.

term *organization* will denote institutions with an actual apparatus. *Identity* refers to the different social constructions of (national) statehood, which have emerged from historical, cultural, domestic and foreign policy processes.[2] According to constructivist foreign policy theory, the identity of the state determines its interests, while its geopolitical position or its material resources are of prime importance in determining the extent of its limitations.[3] *Norms* are the collective expectations about the actions of a given identity.

Security Institutions - A Short Typology

Security institutions can be divided into those that function primarily in response to *threats* and those that are created primarily to avoid *risks*. Moreover, they can be denoted as being *inclusive* or *exclusive*.[4] Classical alliances as well as modern organizations like NATO are institutions that are directed against threats. They are by definition exclusive at least in that they do not include potential aggressor states. In contrast, the OSCE is clearly structured to manage security risks. Under special circumstances, institutions can fulfil both functions, e.g. NATO integrating Germany or the US-Japanese Security Treaty, which considerably reduces the probability that Japan will undergo remilitarization.

A broad consensus on risks as well as adequate measures to overcome these is the prerequisite for the creation and operation of a security institution that manages risk. This requires that a state does not implement drastic unilateral measures in order to improve its security. In other words: Security is indivisible, a fact that was recognized even at the inception of the CSCE.

Moreover, risk management and averting threats are to a certain extent incompatible. When some of the states in an inclusive institution regard one or more states as a threat, this places considerable limitations on the development of this security institution and restricts its ability to take action. A consensus on dealing with security risks is then difficult to achieve because the relative balance of power in a threat situation is perceived as being the decisive factor. Each measure, which has the potential to surmount a risk, is examined by the parties as to whether it would be an advantage or disadvantage with respect to a would-be enemy.

From an institutionalist point of view, states establish security organizations to lessen uncertainty about the intentions of other actors and avoid classical armament spirals. In the first case, the framework of the institution should be

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2   Cf. Ronald L. Jepperson/Alexander Wendt/Peter J. Katzenstein, Norms, Identity, and Culture in National Security, in: Peter J. Katzenstein (Ed.), The Culture of National Security. Norms and Identity in World Politics, New York 1996, pp. 33-75.
3   Cf. Alexander Wendt, Social Theory of International Politics, Cambridge 1999, pp. 110-112.
4   Cf. Celeste A. Wallander/Robert O. Keohane, Risk, Threat, and Security Institutions, in: Celeste A. Wallander/Helga Haftendorn/Robert O. Keohane (Eds.), Imperfect Unions. Security Institutions over Time and Space, Oxford 1999, pp. 21-47, particularly p. 26.

structured so that actors are able to make clear that their mutual intentions are not aggressive. For example, confidence-building measures (CBMs) would be a step to achieve this. In the latter case, states could establish arms control regimes.

This reasoning alone however is inadequate: From a purely functionalist point of view, the world would have to be full of security institutions. However the OSCE, despite all the problems, is the only organization worldwide, which deals with the whole spectrum of potential security risks and at least in part has developed successful instruments to cope with these.

Security institutions are established as a reaction to the unique conditions of regional security complexes.[5] However, they are not exclusively shaped by distribution of material capacities, but also in particular by the identities of the states in a certain region. These, on the other hand, are based on the constitutive norms of a state, that is those norms emerging from the social construction of the characteristic concepts of statehood.[6] Constitutive norms include, for example, basic liberal values, which identify a state as a liberal democracy, or those which identify states characterized by Islamic values. The analysis of such norms can naturally only be achieved inductively, for example by examining the basic norms in the constitutions of states as well as the extent to which they are in fact being observed. Regulative norms are actors' common opinion on what is considered appropriate conduct.

The set of norms, which *all* actors within a regional security complex can agree upon, defines the scope of legitimate actions by states and is the crucial factor for their potential institutionalization, in form as well as degree.[7] A region whose states have highly differentiated constitutive norms will only achieve a limited consensus on regulative norms. The development of constitutive norms and the increase or decrease in threat perception have equal weight in determining the developmental capabilities of institutions.

With the Helsinki Decalogue, the OSCE participating States have declared a comprehensive set of norms as their common basis. While both blocs recognized the value of confidence-building measures, for a long period of time, no agreement could be reached on the interpretation of the norms of the Helsinki Decalogue. It was only the end of the Cold War that marked a fundamental turning point in history which made the intensive institutionalization of the OSCE possible.

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5   Cf. Barry Buzan, People, States, and Fear. An Agenda for International Security Studies in the Post-Cold War Era, Harlow (UK) 1991, pp. 187-202.

6   Cf. Jepperson/Wendt/Katzenstein, cited above (Note 2), p. 53.

7   Cf. Brian L. Job, Norms of Multilateralism in Regional Security. The Evolving Order of the Asia Pacific. Conference paper presented at the Conference on International Norms: Origin, Significance and Character, Leonard Davis Institute for International Relations, Hyatt-Regency Hotel, Jerusalem, 26-27 May 1997, p. 6.

"(N)egotiated in the euphoric climate of the summer of 1990"[8] as a normative foundation, the Charter of Paris is the result of a historical situation in which all perceptions of threat disappeared. At the same time liberal democracy appeared to be the only acceptable state order in this new Europe - an order that placed the rights of the individual before those of the state.[9] In particular, the institutionalization of the principles of the human dimension in the Organization is in accordance with these constitutive norms. Their distinctive feature is the basic concept that a state cannot appeal to the principle of non-intervention in internal affairs when it has disregarded fundamental rights or minority rights. Here liberal norms as moral values coincide with a pragmatic function: A state that protects democratic rights is probably not a source of instability and conflict.

The development in OSCE space in past years has shown that this type of norm consensus is fragile and the "socializing effect" of an international organization can only progress over a long period of time - if at all. A look at the Central Asian states shows that unsuccessful transformation processes and a lack of institutionalization of democratic norms in *domestic policy* processes can counteract the democratization efforts of the Organization.

The developments in Russia are even more significant. Here there are two factors working together: One is a turning away from liberal norms in domestic policy as a result of incomplete transformation, the other is a return to the concepts of spheres of influence and a relative geostrategic balance of power. The West has to a considerable extent contributed to the latter development, in particular by enlarging NATO up to the Russian border. However, NATO is not an inclusive institution, despite all the PfP agreements, but a military alliance directed against threats. Pushed by the West into the logic of threat scenarios, Russia hampers the OSCE in many ways. Despite extensive institutions, the Organization cannot be completely functional, as long as there is no agreement on the definition of security risks, which in turn is determined by state identities and perceived threats. Risk management and averting threats are not compatible. The OSCE is therefore blocked and cannot fulfil its function as a pan-European security model.

Is the ASEAN Regional Forum a Specifically Asian Model?

If one applies the categories for analysis mentioned above to the ARF, clear-cut differences but also certain parallels appear between the OSCE and ARF. At the end of the Cold War, it was much less clear what the future development of inter-state relations in the Asia-Pacific region would be than it was in

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8   Victor-Yves Ghébali/Jacques Attali/Flavio Cotti, L'OSCE dans l'Europe post-communiste, 1990-1996: Vers une identité paneuropéenne de sécurité, Brussels 1996, p. 23 (author's translation).
9   Cf. ibid., pp. 15-16.

Europe. The confrontation between the blocs had in fact dampened a series of regional conflicts including the disputes on claims to sovereignty over the South China Sea. The rapid decline of the strategic significance of Russia in the region coincided with a potential reduction in the US presence. However, it was unclear how the People's Republic of China would adjust to the new situation. This situation was particularly difficult for the then ASEAN member states, Thailand, Malaysia, Singapore, Brunei, Indonesia and the Philippines.

To ensure the presence of the US armed forces after the announcement in 1992 that agreements on the stationing of troops in the Philippines would not be extended, Singapore, Malaysia and Indonesia offered the US marines the use of their docks.

The extension of the so-called ASEAN Postministerial Conference (PMC) offered an opportunity to fulfil the task of positively influencing China's regional security policy through a "socialization effect".[10] Up to then, the ASEAN PMC had taken place after each yearly ASEAN summit meeting with the dialogue partners Australia, Japan, Canada, South Korea, New Zealand, the US and the EU as well as the consultation partners Russia, China, Vietnam, Laos, and Papua New Guinea. In July 1993, the dialogue participants decided to create a separate forum to discuss security questions in the region.

This newly constructed ASEAN Regional Forum met in 1994 for the first time. It is primarily a dialogue on the government level in the form of a yearly meeting of foreign ministers. The ASEAN state that is holding the chair of this regional organization for the year also takes the chair of the Forum for that year. The ARF's priority is the exchange of information and it is the only multilateral forum for dialogue on security issues in Asia-Pacific space. The yearly ARF is concluded with a final Chairman's Statement, which manifests the consensus between participants. Preparation and follow-up of the meetings occur at diplomatic working-level talks in the Senior Officials Meetings (SOM). A concept paper originating from these SOMs was adopted as the "timetable" for the future development of the forum.[11]

According to this concept paper, the ARF is to proceed in stages. Stage I is made up of confidence-building measures designed to lead to more transparency in the security policy of the states in the region. Corresponding proposals cover the publication of defence white papers, participation in the UN conventional arms register, exchanges between military and diplomatic personnel as well as joint seminars to promote mutual understanding.[12] Furthermore, the goal of creating a Southeast Asia Nuclear Weapons Free Zone was emphasized. This was more a symbolic declaration because there is no

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10   Cf. Jose T. Almonte, Ensuring Security the "ASEAN Way", in: Survival 4/1998, pp. 80-92.
11   Cf. ASEAN Regional Forum. A Concept Paper, Brunei 1995.
12   Cf. ibid., Annex A.

Southeast Asian state that could be a potential proliferator, whereas US and Chinese navy ships carrying nuclear weapons are still able to utilize the sea routes in the region.

Stages II and III consist in promoting measures of preventive diplomacy and "developing approaches to conflict resolution". This roundabout phrasing was chosen because of Chinese misgivings in order to avoid suspicions that binding conflict-resolution mechanisms were being created. Medium-term measures developed in the concept paper include the development of a maritime information database for Southeast Asia, co-operation on the utilization of sea routes, joint efforts on search and rescue operations and measures against rampant piracy in the region. In the long-term, the appointment of Special Representatives to undertake fact-finding missions and the establishment of a Regional Risk Reduction Centre are being considered.[13]

The main work on individual problem areas is being carried out by ISMs and ISGs. ISGs develop confidence-building measures while ISMs discuss and implement opportunities for co-operation. Both forms of co-operation are managed by an ASEAN state as well as a non-member of the regional organization who has particularly good knowledge of the area in question or corresponding interests. Accordingly, a series of ISG meetings on peacekeeping were conducted in co-operation with Canada. At the beginning of the year 2000, Malaysia and South Korea sponsored an ISM to discuss confidence-building measures. In addition, there have been numerous seminars, courses and meetings of military personnel and directors of defence academies.

Thus, in principal, the CBMs of the ASEAN Regional Forum are similar to the early CBMs of the CSCE process. However, further institutional development, according to the model of the Helsinki process, was ruled out from the start. Australian-Canadian proposals for a "CSCA" made at the beginning of the nineties were continually rejected.[14] The ARF is in fact an enlargement of the ASEAN model to include the whole Asia-Pacific security complex. The Southeast Asian regional organization plays a decisive role in determining agenda and approach by searching for a consensus, avoiding open dispute and forcefully rejecting everything that appears be a move towards legalization, more intensive institutionalization or even becoming a true regional organization.

ASEAN Norms as the Lowest Common Denominator

Why do the Southeast Asian states, who are militarily relatively unimportant, play such a central role in the security policy dialogue of a region in which

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13 Cf. ibid., Annex B.
14 Cf. Robyn Lim, The ASEAN Regional Forum. Building on Sand, in: Contemporary Southeast Asia 2/1998, pp. 115-137.

current and possible future great powers like the US, China, India and Japan have security interests? How were they able to leave their mark on the Forum in the shape of a policy style typical of ASEAN?

In 1976, at the first ARF in Bangkok, the principles of the ASEAN Treaty of Amity and Cooperation (TAC) were adopted as code of conduct governing relations between states. These principles are:

- mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- the right of every state to lead its national existence free from external interference, subversion or coercion;
- non-interference in the internal affairs of another state;
- settlement of differences or disputes by peaceful means;
- renunciation of the threat or use of force.

At a first glance, these principles are similar to those of the CSCE process. However, they do not guarantee human rights and minority rights or freedom of opinion. They do not just represent a compromise, but reflect the security problems of the ASEAN members based on their state identities. For the most part, the Southeast Asian states originated in decolonization processes. The state and nation had to be established on the basis of multi-ethnic societies. Furthermore, "mild" authoritarian regimes were endangered chiefly by communist guerrilla movements. Even after decolonization, the ASEAN states were confronted time and again with intervention by the great powers, whether this was during the Vietnam war or the constant civil war in Cambodia.

Against this backdrop, it is obvious that state and regime, not however the individual or minorities were the referent object for security policy. Western critique of the human rights policy of these states appears in another light if one considers the colonial past of Western nations. Moreover, the states in this region - in contrast to the states in Eastern Europe at the end of the Cold War - are not facing a crisis when it comes to their development model. On the contrary: The tendency in the Asia financial crisis has been increasingly to reject Western institutions. This was made clear by the currency swap arrangement adopted last year between ASEAN, China, Japan and South Korea.

For similar reasons, the basic principles of the TAC are particularly attractive to China. The strengthening of independence and autonomy accompanied by an emphasis on state sovereignty and territorial integrity are the basic values in Chinese policy. These go along with a self-perception that it is the victim of colonial exploitation and US containment efforts.[15]

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15   Cf. Rosemary Foot, China in the ASEAN Regional Forum. Organizational Processes and Domestic Modes of Thought, in: Asian Survey 5/1998, pp. 425-440, here: p. 427. Cf. Alastair Iain Johnston, The Myth of the ASEAN Way? Explaining the Evolution of the

This made the extension of ASEAN principles and practices the probably only possible compromise in the construction of a regional security institution between Western (including Japan) and Asian participants. At the point of its establishment, the ARF was the only multilateral institution with the exception of the United Nations in which the People's Republic of China was a member. The norms of the TAC represent the lowest common denominator or the basic set of regulative norms.

Why is China participating in a security policy dialogue in the first place? On the one hand, during the first few years after the Tiananmen Square massacre, China made efforts to overcome foreign policy isolation. On the other, an ARF without Chinese participation or a forum whose work was hindered by Chinese obstructionism, would not have been beneficial for China's image in the region as a peaceful partner who accepts the status quo. Moreover, the principle that ASEAN determines the development of the Forum and the topics on its agenda acts as a safeguard for China. The consensus principle prevents topics from being handled where there could be a high "price" on sovereignty. At the same time, because of its membership and institutional form, the ARF is not a forum where the US dominates nor is it one that is forced to attract votes as is the case in the UN General Assembly.[16]

The sensitivity of certain ARF participants on their national sovereignty lends special importance to the so-called Track Two of the regional dialogue. Track Two consists of working meetings and conferences including academics, ministry officials and military personnel not in an official function, where regional security problems and paths to solving them can be discussed. In particular, the Council for Security Cooperation in the Asia Pacific (CSCAP) and the ASEAN Institute for Strategic and International Studies (ISIS), a network of research institutes for security policy which work closely with governments, are important in this context. The CSCAP acts as an umbrella organization for national CSCAP committees, which are active in working groups dealing with specific problem fields. The ASEAN ISIS regularly organizes round tables. The supportive function of unofficial dialogue was explicitly acknowledged at the second ARF in 1995. The Chairman of the Forum is at the same time the connecting link between the two levels.

Because many participants of the Track Two dialogue are, in their official functions, decision-makers in the foreign and defence ministries in their countries, ideas developed in Track Two can be raised swiftly at the government level. At the same time, the fiction there is a division between official and unofficial functions allows a discussion of controversial points, whether this arises from their content or is due to their source: *Who* places a particular conflict point on the agenda is sometimes as likely to create conflict as the

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ASEAN Regional Forum, in: Wallander/Haftendorn/Keohane (Eds.), cited above (Note 4), p. 290.

16 Cf. Johnston, cited above (Note 15), p. 296.

point itself. Thus Track Two acts as source of ideas but it is also a filter generating generally acceptable formulations of problematic questions.[17]

In addition, due to the large number of meetings taking place, there is a kind of socialization effect on the participants in Track Two. Thus, quite a few Chinese ministry officials changed their positions from being critically distant towards the process to advocating the approaches developed in the Forum within their own apparatus.[18] This process even went so far that some of the Chinese foreign policy elite began to see a special value in the multilateral character of the dialogue - a clear change from former Chinese assessments.

Despite this progress, the ARF is basically limited in its opportunities for development. Firstly, the problematic Chinese-Japanese-American triangle relationship subliminally dominates interaction also within the institution. The adoption of the new common defence guidelines as a part of the 1997 US-Japan Alliance (Joint Declaration on Security/Treaty of Mutual Cooperation and Security) makes it unmistakably clear for the Chinese leadership that the US has flanked its "engagement" policy with a strengthened military alliance in Southeast Asia. Secondly, after the change of government in the US, there has been an almost complete change in the top foreign policy personnel, which has led to an immense feeling of insecurity on future policy towards China.[19] US security policy has again been partially shaped by the same personnel who served under the George Bush Senior administration, who, for a long period of time, considered any form of multilateral dialogue in Asia-Pacific space superfluous. Here too it becomes evident again that perceptions of threat and exclusive military alliances hinder the function of inclusive security institutions enormously.

Opportunities for ARF Development - Should It Select Specific OSCE Instruments?

If one follows the argumentation in this article, the outlook for possible future development of the ASEAN Regional Forum is more likely pessimistic. Without a fundamental change in the values of significant participating states, this institution might not address the most pressing security risks of the region because these are barred from being dealt with by the principle of non-intervention, as is for example the case of the fragile state of Indonesia. As a result, there is rather little chance of utilizing or adapting proven OSCE instruments in an extensive manner. Even if other ASEAN member states undergo a democratization process, China and North Korea remain obstinate brakemen. Although ASEAN members have the advantage that being small

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17   Interview with a Canadian CSCAP participant, Vancouver, April 2001.
18   Cf. Johnston, cited above (Note 15), p. 309.
19   Discussion with a member of the Chinese Academy of the Social Sciences, May 2001.

powers they are ideal "neutral" leading candidates, they lack the required organizational capacities to balance the deficits resulting from a lack of institutionalization. Despite the seconding principle, the OSCE has the capacity to accumulate a great deal more know-how because of the more extensive resources of each Chairman-in-Office and the Organization itself.

Despite this, there are certain OSCE concepts that could be embraced. The option of selecting Special Representatives, who take early action to mediate in a dispute, was already taken into consideration in the ARF Concept Paper. Also the policy style of the former OSCE High Commissioner on National Minorities, Max van der Stoel, with his manifold consultations conducted without creating waves, would be acceptable in Southeast Asia.

Likewise, there should be an opportunity to convene special meetings in crisis situations. During the crisis in East Timor, for example, the states of the region were able to reach a consensus only because of the APEC summit, which by coincidence was taking place at the same time in Auckland, even though that forum does *not* officially allow a discussion of security issues.

In the area of confidence-building measures it has been shown that there is still no agreement on basic definitions. A greater emphasis on arms control questions could at least be the foundation for future co-operation, particularly in view of an easing of tensions on the Korean peninsula.

Within ASEAN, due to the large number of trouble spots following the economic crisis in 1997, new forms of dialogue developed that are a compromise between non-intervention and the requirements of an increasingly interdependent region.[20] Thus the resumption of talks between the Burmese opposition and the military regime was attributed to Malaysian silent diplomacy. To the extent that these experiences can be transferred to the ARF, they represent first steps in a learning process towards more effective crisis management. The same is true for the recently begun co-operation between ASEAN and OSCE. Despite this, the future development of the ARF will continue to be characterized by the distinctive historical features of the region, which find expression in state identities. One could almost say the success of the CSCE/OSCE in the area of minority rights as well as fundamental rights will prevent this model from being adopted until democratic values in Asia-Pacific space gain more acceptance.

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20   Cf. Herman Kraft, The Principle of Non-Intervention in ASEAN. Evolution and Emerging Challenges. Working paper for the Seventh Meeting of the Working Group on Comprehensive and Collective Security of the Council for Security Cooperation in the Asia Pacific (CSCAP), Seoul, 1-2 December 1999.

Thomas M. Buchsbaum[1]

The Asian Dimension of the OSCE

One of the characteristics of the OSCE in the year 2000 under the Austrian Chairmanship was the special attention given to Asian states and regions. This interest included the Central Asian participating States, the Asian co-operation partner countries ("partners for co-operation"), whose number has increased from one to three, as well as the only Asian security institution, the ASEAN Regional Forum (ARF). If one were to summarize the related initiatives, activities and policies, it appears justified to speak of an "Asian dimension of the OSCE".

How Many Dimensions Are There in the OSCE?

Since its origins in the CSCE, the OSCE has included a series of areas in its work, which were developed originally as "baskets" and since the mid-nineties have been called "dimensions".

It is widely believed that at the beginning of the CSCE, there were only the three well-known or even famous "baskets" - security ("basket I"), economics, science and technology and the environment ("basket II"), and humanitarian and other fields ("basket III").

However, this is only partially correct. This division had already been agreed upon on 8 June 1973 at the end of the "Helsinki Consultations".[2] Today, incidentally, the three dimensions are defined as follows with a special emphasis on the comprehensive OSCE security concept:

- the politico-military dimension,
- the economic and environmental dimension and
- the human dimension.

In addition, the "official" order of the three dimensions no longer corresponds to that of the Helsinki baskets: The human dimension is at the head of the list - as is the case in the "Stability Pact for South Eastern Europe"; this is followed by the politico-military dimension; and the economic and environ-

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[1] The author is the Austrian National Co-ordinator for the Stability Pact for South Eastern Europe and was Deputy Head of the Permanent Mission of Austria to the OSCE during the Austrian OSCE Chairmanship. The statements in this text are the personal opinions of the author and do not necessarily conform with those of the Austrian Federal Ministry for Foreign Affairs.

[2] Final Recommendations of the Helsinki Consultations, Helsinki, 8 June 1973, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 121-140.

mental dimension concludes the list.[3] This change in hierarchy or value can apparently be attributed to the fact that "respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security".[4]

However, let us return to the 1973 Helsinki "baskets". They had already been given different designations in the 1975 Helsinki Final Act[5] than appeared in the Final Recommendations: i.e. confidence-building measures, security and disarmament; economics, science and technology and environment; humanitarian and other fields.

However, in the Helsinki Final Act there is another dimension, between the second and the third basket, that is given equal consideration: "Security and Co-operation in the Mediterranean". Thus, the "Mediterranean dimension" of the CSCE/OSCE has been in existence since the beginning of the Organization.

The basis for the Mediterranean dimension is the conviction that European security cannot be considered and managed comprehensively without including security in the entire Mediterranean region. Some of the participating States have advocated this view very fervently since the beginning of the CSCE and have to date upheld the OSCE's interest in the Mediterranean dimension.[6]

As a result, not only have Mediterranean issues been mentioned repeatedly in all significant OSCE documents including the Charter for European Security of 19 November 1999, but ten meetings on Mediterranean issues have already been organized up to now[7] and participation rights and opportunities for co-operation with the present six "Mediterranean partners for co-operation"[8] have been increased.

On 16 March 2000, the OSCE Permanent Council adopted the regional strategy for South Eastern Europe, i.e. a second geographic dimension alongside the three subject dimensions.[9] What was finally given the designation "regional strategy" - after negotiations proving more difficult than expected - the Permanent Council had originally called the "regional dimension". On 1 July

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3   Cf. Charter for European Security signed by the Heads of State or Government of the OSCE participating States on 19 November 1999 at the OSCE Summit in Istanbul. Reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/ IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443.

4   Ibid., p. 431.

5   Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Bloed (Ed.), cited above (Note 2), pp. 141-217.

6   For more information on the Mediterranean dimension: Elizabeth Abela/Monika Wohlfeld, The Mediterranean Security Dimension, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 435-446.

7   The last meeting was on "Confidence-Building Measures (CBMs) and Confidence- and Security-Building Measures (CSBMs): the OSCE experience and its relevance for the Mediterranean" and took place on 30-31 October 2000 in Portorož (Slovenia).

8   Algeria, Egypt, Israel, Jordan, Morocco, Tunisia.

9   Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 344, Regional Strategy for South Eastern Europe, PC.DEC/344 of 16 March 2000.

1999, the Permanent Council passed the decision to place the Stability Pact under the auspices of the OSCE and in this connection requested the OSCE Chairman-in-Office "to promote further the development of the regional dimension of the OSCE's efforts in South Eastern Europe (…)".[10]

The regional strategy for South Eastern Europe is based on the considerations of the former Heads of two OSCE missions in the spring 1999: Robert L. Barry, then Head of the Mission to Bosnia and Herzegovina, the second largest OSCE mission, and Tim Guldimann, then Head of the OSCE Mission to Croatia, the third largest mission of the Organization. The starting point for these considerations was, on the one hand, the lack of communication between OSCE missions, also when they were active in areas that were only separated from each other by a state border, and on the other, the existence of developed and positively evaluated programmes, which could be useful for neighbouring states and regions rather than forcing the missions in neighbouring countries to newly create and develop these activities.[11]

Already during the negotiations on a regional strategy for South Eastern Europe, there were certain voices encouraging the establishment of an "OSCE regional dimension" with sub-chapters at least on South Eastern Europe, Central Asia and the Caucasus.

When describing the OSCE dimensions, one must add that the Romanian OSCE Chair, during the year 2001, moved to introduce a so-called "spiritual dimension". In this connection, on 2 April 2001 in Vienna, a panel discussion took place within the framework of the Permanent Council on the topic "Spiritual and Ethical Values - Factors of Peace and Stability: Is there a Role for the OSCE?".[12] The Romanian Chair announced after this meeting, they would pursue this initiative further.

Central Asia

In this section, a special emphasis will be placed on those elements affecting Central Asia, which can be integrated in a targeted, planned policy for the treatment of Asian topics on the whole, i.e., the "Asian dimension" of the OSCE. The Central Asia policy of the Austrian OSCE Chair built on the ideas and initiatives of the 1999 Norwegian Chair, on the concepts and prospects of Wilhelm Höynck, which he had developed during the period he was OSCE Secretary General and later as the Personal Representative of the

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10   Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 306, PC.DEC/306 of 1 July 1999.
11   More on this regional strategy by the same author: Die OSZE-Regionalstrategie für Südosteuropa [The OSCE Regional Strategy for South-Eastern Europe], in: Vierteljahresschrift für Sicherheit und Frieden (S+F) 4/2000, pp. 312-319.
12   Cf. CIO/GAL/9/01 of 20 March 2001.

OSCE Chairman-in-Office[13] as well as on speeches of the Central Asian Heads of State at the Istanbul Summit. In particular, it included the following:

- the appointment of OSCE Secretary General Ambassador Ján Kubiš to the position of Personal Representative of the OSCE Chairperson-in-Office for Central Asia because of his knowledge of the region, which he gathered in particular during the period he was Head of the United Nations Mission of Observers to Tajikistan (UNMOT);
- the visit of the OSCE Chairperson-in-Office to all Central Asian participating States (28 May to 2 June 2000)[14] and meetings with all the presidents and foreign ministers as well as representatives of civil society from each country;
- regular meetings between the OSCE Chairperson-in-Office with individual heads of state and/or all of them jointly or the foreign ministers of the Central Asian participating States (the so-called "Tashkent mechanism") as well as their appearances before the Permanent Council in Vienna;
- visits to Central Asia by the OSCE High Commissioner on National Minorities, Max van der Stoel, as well as the Director of the OSCE Office for Democratic Institutions and Human Rights, Gérard Stoudmann;
- regular meetings twice a year of the Heads of OSCE field presences from Central Asia including the Austrian Chair and the OSCE Secretariat;
- opening further field offices in Tajikistan (Khujand) and Kyrgyzstan (Osh);
- visits to all Central Asian participating States by the Heads of Permanent Missions of the OSCE participating States (9-14 July);
- the publication of a continuously updated edition of the "Overview of OSCE Events in Central Asia for the year 2000"[15] by the Chair;
- a meeting of international organizations, international financial organizations and bilateral donor countries on Central Asia organized by the OSCE (Vienna, 18 July 2000);
- the OSCE regional seminar of "Global Environmental Law: Interpretation, Integration, and Implementation" (Almaty, 13-15 September 2000);
- the conference jointly organized by the OSCE Chair and the United Nations Office for Drug Control and Crime Prevention (UNODCCP) on "Enhancing Security and Stability in Central Asia: An Integrated Ap-

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13 See also: Wilhelm Höynck, OSCE activities in Central Asia, in: Helsinki Monitor 4/2000, pp. 19-28, as well as his article: A Sustainable Stabilization Policy in and for Central Asia, in: OSCE Yearbook 2000, cited above (Note 3), pp. 205-216.
14 For report see CIO.GAL/33/00 of 8 June 2000.
15 Thus e.g. CIO/GAL/5/00/Rev.1 of 3 May 2000.

proach to Counter Drugs, Organized Crime and Terrorism" (Tashkent, 19-29 October 2000);[16]

- the second Central Asian media conference on the topic "Present and Future of the Mass Media in Central Asia", organized by the OSCE Representative on Freedom of the Media in co-operation with the OSCE Mission to Tajikistan (Dushanbe, 13-14 November 2000);

- the conference on "Comprehensive Security in Central Asia - Exchanging Experiences between the OSCE and Asia" on 11 and 12 December 2000 in Tokyo as a comprehensive conclusion to a series of sectional conferences of various institutions on Central Asia, including the Tashkent conference on drugs, the Almaty economic seminar, the Dushanbe conference on the media, the EAPC seminar on security and stability in Central Asia (Bishkek, 16-17 November 2000) and the international seminar on "Religion, Security and Stability in Central Asia" organized under the auspices of the OSCE High Commissioner on National Minorities (Almaty, 26-28 October 2000).[17]

The ASEAN Regional Forum

The ASEAN Regional Forum (ARF) is the only permanent multilateral institution dealing with security issues in the Asia-Pacific region. It was established in 1994. Currently there are 23 participants consisting of the - now ten - ASEAN member states as well as the ASEAN "dialogue partners" covering East Asia, Oceania, South Asia (only India) and also Russia, the US and the EU. The founding members are Australia, Brunei, Canada, China, the EU (Presidency), Indonesia, Japan, Laos, Malaysia, New Zealand, Papua New Guinea, the Philippines, Russia, Singapore, South Korea, Thailand, the US and Vietnam. The inclusion of Cambodia (1995), India and Burma (1996) as well as Mongolia (1997) and North Korea (2000) has brought membership to a total of 23 countries to date.

The Forum meets once a year at the foreign ministerial level in the country holding the chair at the end of its year in office in July. Between these main conferences Intersessional Support Groups (ISG) and Intersessional Meetings (ISM) take place, which are oriented towards specific topics and problems and are dissolved once their task has been completed. There is also no permanent secretariat. The chairmanship alternates between exclusively the ASEAN member states (in alphabetical order), ISGs are under a joint chairmanship comprised of an ASEAN member state and a dialogue partner.

The ARF is truly a "forum" in the sense coined by ASEAN. Accordingly, it emphasizes motivation and not management. It follows the principle of

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16   Documents in CIO.GAL/105/00 of 24 October 2000.
17   Meetings on similar topics took place on 27 and 28 April 2000 in Bishkek on "Democracy and Religion" as well as on 19 and 20 June in Vienna on "Central Asia and Islam".

"equal participation", however ASEAN is explicitly recognized in its role as the main driving force. Decisions are taken by consensus after careful and extensive consultations.

The ARF thus exhibits a series of similarities in structure and content with the (early) CSCE.

During the Thai ARF Chair (mid-1999 to mid-2000), the institution increasingly sought contacts at and co-operation with the United Nations as well as regional organizations (OSCE, OAS) and started to develop them.

On the OSCE side, the then Austrian Foreign Minister and Chairman-in-Office, Wolfgang Schüssel, had already made the statement in his inaugural speech on 13 January 2000 before the OSCE Permanent Council that the "establishing of links between the OSCE and the ASEAN Regional Forum would be very useful for our understanding of the security situation in those parts of Asia bordering the OSCE area and would be in line with the growing Asian interest in the OSCE".[18]

On the periphery of the Lucerne Ministerial meeting of the Human Security Network[19], Thai Foreign Minister Surin Pitsuwan, in his capacity as the ARF Chairman, met with the OSCE Chairperson-in-Office, Austrian Foreign Minister Benita Ferrero-Waldner, on 11 May 2000 to sound out whether there was a possibility of creating a relationship between the ARF and the OSCE in a kind of "flexible dialogue". The OSCE Chairperson-in-Office supported this initiative fully.

The reason for the positive reaction to this ARF approach was the consideration that OSCE space also includes Asian states and that Asia shares OSCE security interests, in particular with regard to Russia, as well as concerns and interests with regard to Central Asia. Moreover OSCE features, which are similar to ARF goals and structures, could be useful for further ARF development.

The next step was that the Thai Deputy Foreign Minister M. R. Sukhumbhand Paribatra met with the OSCE Chairperson-in-Office on 15 June 2000 in Vienna to again show Thailand's interest in ARF-OSCE relations and to a certain extent begin structuring this joint effort.

The OSCE Chair had already taken the initiative to invite Thailand in its function as ARF Chair to the annual Warsaw OSCE Human Dimension Seminar, which took place in the year 2000 from 23-26 May and dealt with the

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18 Address by H.E. Wolfgang Schüssel, Federal Minister for Foreign Affairs of Austria, Chairman-in-Office, OSCE Permanent Council, 13 January 2000, CIO/GAL/1 of 13 January 2000, at: http://www.osze.at/osze/od/dokumente/upld/CIOSpeech_1301en.rtf.html (OSCE translation). Benita Ferrero-Waldner replaced Schüssel in his post as Foreign Minister and OSCE Chairman-in-Office in February 2000.

19 Within the framework of the Human Security Network 13 foreign ministers from all continents (the Austrian Foreign Minister, Canadian, Chilean, Greek, Irish, Jordanian, Malian, Netherlands, Norwegian, Slovenian, South African - as an observer -, the Swiss and Thai) co-operate "to creat(e) a more humane world where people can live in security and dignity, free from want and fear, and with equal opportunities to develop their human potential to the full". The Human Security Network, Second Ministerial Meeting, Chairman's Summary, Lucerne, 11-12 May 2000.

topic "Children and Armed Conflict", a topic which has particular importance also in Asia. Two Thai diplomats accepted this invitation and took an active part in the seminar. The OSCE Chairperson-in-Office gave indications to the Thai Deputy Foreign Minister that this type of participation was an opportunity for inter-institutional contacts.

Other options she indicated would be regular informal meetings between the chairs of both institutions, the examination of possibilities of OSCE co-operation with other international organizations mentioned in the *Platform for Co-operative Security*[20] which was adopted at the OSCE Istanbul Summit as well as the participation of representatives from one organization at the ministerial meetings of the other - depending on the modalities and whether there was a consensus among the participating States. Furthermore, the Austrian Chair envisaged inviting the ARF Chair to seminars that would be of interest to the ARF as well as offering an OSCE contribution to an ARF seminar organized by the EU on confidence- and security-building measures.

This recommendation was later put into practice. A representative of the OSCE Chair presented a paper on confidence- and security-building measures in the OSCE security concept[21] at an ARF seminar on "Approaches to Confidence Building" which took place on 2-4 October 2000 in Helsinki. In addition, a representative of the OSCE Secretariat held a lecture on OSCE co-operation with international organizations.

The Vietnamese ARF Chair, in office since the summer of 2000, has not continued plans and initiatives to intensify OSCE contacts with the same vigour as the Thai Chair. It remains to be seen whether a future Chair, the ARF or some of its members, or the OSCE from its position, will engage in these ideas again to maintain or develop them.

The Asian Partners for Co-operation

Alongside the Mediterranean dimension which provided the respective Mediterranean states with a privileged status in their relationship to the OSCE, at the beginning of the 1990s, also Japan and soon thereafter, the Republic of Korea were granted a special status within the framework of the OSCE. This status is more than that of an observer, which is the customary status offered by other international institutions, and in addition to professing common values with the OSCE, the country concerned is willing to co-operate with the Organization and to contribute to its goals and activities.

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20 The Platform for Co-operative Security was designated as an "essential element" (p. 429) of the Charter for European Security and these were adopted and signed on 19 November 1999 at the Istanbul Summit. Charter for European Security, cited above (Note 3), Operational Document - the Platform for Co-operative Security, pp. 441-443.
21 The exact title was: "C(S)BMs in the OSCE security concept, and its application: successes and failures, lessons learnt, future trends - from a political perspective".

The reason the OSCE does not give observer status to states or other institutions is related to the fact that the OSCE is not an international organization according to international law and thus cannot implement the practices usual in external relations. In principle, however, there is nothing blocking the path for establishing an observer status at the OSCE. It would even be useful, *inter alia* for those states that would like to form a loose relationship with the OSCE, but do not fit the criteria or have no desire to fulfil the criteria giving them a unique special status.

At the Helsinki CSCE Summit at the beginning of July 1992, Japan, because it had a particular interest in this - and with US backing - was granted special status. Japan's agreement to the ideals and goals of the CSCE as well as its interest - due to the fact that OSCE space has extended to the borders of Japan - in European security issues were the decisive factors leading to this. The fact that Japan was considering financial support for the Organization was not an insignificant element of this decision.

Japan was "invited to attend CSCE meetings, including those of Heads of State and Government, the CSCE Council (today: the Ministerial Council, author's comment), the Committee of Senior Officials (today: the Senior Council, author's comment) and other appropriate CSCE bodies which consider specific topics of expanded consultation and co-operation. Representatives of Japan may contribute to such meetings, without participating in the preparation and adoption of decisions, on subjects in which Japan has a direct interest and/or wishes to co-operate actively with the CSCE."[22]

On 15 June 1994, South Korea was granted a similar if not quite as comprehensive status.[23] Its representatives are not invited to Permanent Council meetings.

Japan as well as Korea - the latter particularly during its economic boom in the mid-1990s - have contributed financially as well as with personnel to OSCE activities, in particular during election monitoring in the Balkans.

The Development of the Co-operative Relationship

In accordance with the relevant decisions and practice, the "OSCE partners for co-operation" are today invited to OSCE meetings of Heads of State or Government, the Ministerial Council, the Economic Forum, implementation meetings of the human as well as the politico-military dimension, special meetings of the human dimension and of course to seminars, where they have the right to speak. Only Japan has a seat on the Permanent Council.

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22 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, Helsinki Decisions, Chapter IV, Point 10, in: Bloed (Ed.), cited above (Note 2), pp. 701-777, here: p. 732.

23 Cf. Decision of the Committee of Senior Officials at the 27th Meeting of the Committee on 15 June 1994, in: CSCE, 27th Meeting of the Committee of Senior Officials, Prague 1994, 27-CSO/Journal No. 3, Annex 5.

Parallel to the general invitations to countries of the eastern and southern Mediterranean to follow-up and summit meetings since Helsinki 1975, Japan was the first country to be given a special status in 1992. Algeria, Egypt, Israel, Morocco and Tunisia followed in the spring of 1994, Korea in the autumn of the same year, Jordan in the spring of 1998 and Thailand on 9 November 2000.[24]

From the beginning, it was the Austrian Chair's goal to improve the relationship of the OSCE with it Asian partners for co-operation. On 13 January 2000, the then Chairman-in-Office Wolfgang Schüssel made the following statement to the Permanent Council:

> "The intensification of relations with Japan and the Republic of Korea, our Asian Partners for Co-operation, will be a particular concern of the Austrian Chairmanship and could be fostered through high-level political contacts and an OSCE seminar in the region."[25]

The plan was that for the first time in its history the OSCE would conduct a seminar in Asia together with its Asian partners for co-operation. The Mediterranean seminars were to be used as a model. The idea behind this initiative by the Austrian Chair - based on a South Korean concept for a non-governmental national OSCE seminar in Seoul - was the consideration that the OSCE should give a sign of its esteem for its Asian partners for co-operation by visiting them in their region.

In the end, the OSCE came to an agreement with Japan and South Korea to hold joint conferences in each of their capitals:

- on 11-12 December 2000 in Tokyo on the topic "Comprehensive Security in Central Asia - Sharing OSCE and Asian Experiences "[26] and
- on 19-21 March 2001 in Seoul on the applicability of OSCE confidence- and security-building measures (CSBMs) in North-East Asia.[27]

Another element in active OSCE policy with respect to its Asian partners for co-operation in the year 2000 was a workshop from 17-19 July conducted by

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24 The states concerned were originally referred to as "non-participating (Mediterranean) states", a term which the Permanent Council changed to "(Mediterranean) partners for co-operation" on 5 December 1995. Whereas the term "partners for co-operation" is used exclusively for the Asian partners, those in the Mediterranean are referred to as "Mediterranean partners for co-operation" or also "Mediterranean partners" (one of the unsystematic or illogical aspects of the OSCE, which can only be explained by its historical development).

25 Speech before the Permanent Council, cited above (Note 18).

26 Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 367, OSCE-Japan Conference 2000: "Comprehensive Security in Central Asia - Sharing OSCE and Asian Experiences", PC.DEC/367 of 24 August 2000.

27 Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 377, OSCE-Korea Conference 2001: "Applicability of OSCE CSBMs in North-East Asia", PC.DEC/377 of 9 November 2000.

the OSCE Secretariat in Vienna, in which all OSCE bodies and institutions were introduced and clarified to representatives from the capitals of the partners for co-operation and Mediterranean partners.

But contacts were also intensified on the political level during the year 2000. For the first time, the OSCE Chairperson-in-Office invited her colleagues from the Asian co-operation partner countries to attend the traditional Ministerial meeting of the OSCE Troika with the Mediterranean partner states. Issues like the Balkans as well as "human security" were on the agenda of this meeting on 26 November 2000 in which, from the Asian side, the Thai Foreign Minister, a Special Representative from the Japanese government and the Korean Vice Minister for the Co-ordination of Government Policy participated.

The Japanese Foreign Minister and the Special Representative of the Chairperson-in-Office (the Chairperson-in-Office was unable to come because of an unexpected EU commitment) opened the Tokyo Conference on "Comprehensive Security in Central Asia - Sharing OSCE and Asian Experiences", which was held during the Austrian OSCE Chairmanship and the Japanese Chairmanship of the G-7/8. It boasted a number of successes: The participation of Senior Officials from the capitals of all Central Asian participating States as well as 31 OSCE participating States and eight (of the nine) partners for co-operation, the active participation of all Central Asian participating States on all items of the conference agenda, the confirmation of the Central Asian participating States to observe the OSCE commitments in the human dimension, as well as the repeated emphasis on the integral linkage of all security issues including those of human, economic and environmental security.[28]

The Seoul Conference on the "Applicability of OSCE CSBMs in North-East Asia" - which took place under the Romanian Chair - could not book the same successes as the Tokyo Conference.[29] The central goal of informing South and North Korea on and familiarizing them with OSCE experiences in the area of CSBMs to be able to offer potential proposals towards moving closer together in the wake of President Kim Dae Jung's "sunshine policy" was not realized. The reasons for this are manifold and no doubt are also not within the OSCE framework. The new US government made clear at the beginning of its period in office, it would not fully back the "sunshine policy" and at about the time of the OSCE conference in Seoul, Pyongyang called off a high-level bilateral meeting with South Korea.

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28   Cf. OSCE, Office of the Secretary General, Section for External Co-operation, Consolidated Summary, OSCE-Japan Conference 2000: "Comprehensive Security in Central Asia - Sharing OSCE and Asian Experiences", Tokyo, 11-12 December 2000, SEC.GAL/6/01 of 25 January 2001.

29   Cf. OSCE, Office of the Secretary General, Section for External Co-operation, Consolidated Summary, OSCE-Korea Conference 2001: "Applicability of OSCE CSBMs in North-East Asia", Seoul, 19-21 March 2001, SEC.GAL/52/01 of 6 April 2001.

The above-mentioned contacts in early summer 2000 between the OSCE Chairperson-in-Office and the Thai Foreign Minister along with the Thai Deputy Foreign Minister - in their position as ARF Chair - also served to bring out Thailand's desire for bilateral relations with the OSCE. Thailand was striving to gain the status of a "partner for co-operation".

Many observers have repeatedly pointed out the professional manner of Thai diplomacy and the speed at which they have reached their goal. Already during the late summer of 2000, Thailand presented important OSCE participating States with an *aide mémoire* in which Bangkok gave reasons why they should be granted the status of partner for co-operation. Among these are the regional role Thailand plays in Southeast Asia and Asia in general (within the framework of ASEAN, ARF, AFTA, ASEM) - based on similar concepts to those of the OSCE (comprehensive security concept, emphasizing "human security") -, the lack of relations between the OSCE and Southeast Asia, Thailand's engagement in Europe (Eastern Europe, Kosovo) as well as its possible function as a bridge for the OSCE and the transfer of its values to (Southeast) Asia.

At short notice, Thailand invited a selected number of OSCE participating States and the OSCE Secretary General to a workshop in Bangkok on the topic "Thailand and OSCE: the Way towards a Future Co-operation" held on 28 September 2000. The Thai Foreign Minister in person opened the workshop. The workshop was not only meant to clarify the viewpoints of all participants by presenting contributions by the OSCE Chair, the OSCE Secretary General and the Secretariat and the Representative of the EU Presidency to the OSCE as well as high-level representatives of the Thai government and universities, but was also meant to promote the Thai candidacy to become an OSCE partner for co-operation. This was in fact achieved: The seminar was even explicitly mentioned in the decision by the Permanent Council granting this special status.

As it became clear that Thailand would already be granted a special status by the Vienna Ministerial in November - a situation that at the beginning had been excluded by almost everyone - on 11 October 2000, the Thai Foreign Minister filed the appropriate written request to the OSCE Chairperson-in-Office. In it, he referred to the fact that contacts between his country and the OSCE were becoming ever closer as well as mentioning the already existing OSCE contacts outside OSCE space. He also stated that Thailand not only shared the OSCE concept of co-operative security and the importance of a security dialogue, but also the principles, values and goals of the Organization. Thailand would be prepared to actively promote OSCE goals and contribute to OSCE activities "as appropriate".

Already on 9 November 2000, Thailand was granted the status of partner for co-operation - quickly enough so that the Thai Foreign Minister would be

able to take part in the Eighth OSCE Ministerial on 27 and 28 November 2000 (in Vienna) - which in fact he did - rather than so to speak "wait at the front door" to have his application granted.

The arrangement of Thai rights are like those of Korea in wording and substance adapted to the structural changes which have occurred in the OSCE in the meantime as well as the forms of participation of the partners for co-operation in seminars.[30]

In this manner, Thailand became the third Asian partner for co-operation of the Organization and the first in Southeast Asia.

The willingness quickly achieved on both sides to rapidly grant Thailand this special status, based on the development and state of its democracy and respect for human rights, prevented what some had demanded, the establishment of criteria for future partners for co-operation. Therefore in the same meeting that Thailand was admitted as a partner for co-operation, the Permanent Council passed a decision to task "an informal open-ended working group with developing recommendations by June of next year on the basis for considering future applications for partnership".[31] This working group was set up and begun working in early 2001.[32]

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30 Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 378, Granting of the Status of Partner for Co-operation to Thailand, PC.DEC/378 of 9 November 2000.

31 Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 379, Developing Recommendations Regarding Applications for Future Partnership PC.DEC/379 of 9 November 2000.

32 On 19 July 2001, the Permanent Council took note of and welcomed the report on recommendations concerning future applications for partnership (cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 430, PC.DEC/430 of 19 July 2001). However, apart from establishing the status quo, not much was achieved in this paper. On the contrary: Rather than being simplified, existing structures were solidified and made more complicated. The partner states who had already been admitted remained divided into three categories - Japan; the Mediterranean partners; Korea and Thailand -, the creation of a specific "partner state status" was rejected and priority was given to improving co-operation with regional organizations rather than new individual applicants. However, if another state were to gain special status, based on its conceptual affinity to the OSCE and the value of its partnership, through a decision by the Permanent Council, this status would approximate that of the partners for co-operation or the Mediterranean partners (i.e. Japan's status will remain exclusively reserved for Japan). Before it files for application, an interested state should however take part in the meetings of the Contact Group.

In the report of the working group (PC.DEL/344/01/Rev.3 of 28 June 2001) a number of options for reinforced contacts to the *existing* partner states have been listed. With the exception of the creation of an informal contact group with the Asian partners, these represent the existing practice (Minister Troika meetings with the Asian partners, deploying monitors from the partner states in OSCE election monitoring missions, seconding personnel to field missions, seminars with Asian partners, participation by representatives of the Mediterranean partners at specific meetings of the Permanent Council, participation in CSBMs according to the Vienna Document). The creation of a contact group with the Asian partners duplicating the one of the Mediterranean partners seems primarily to create additional meetings: It would have been better to extend the existing Contact Group with the Mediterranean partners to include the Asian partners thereby enabling it to achieve more real substance and significance.

Conclusions

The OSCE year 2000 under the Austrian Chair was characterized by an intensity in its activities with regard to Central Asia unknown up to now as well as by a distinctive extension of relations with East Asian and Southeast Asian states.

Central Asian issues and concerns of the Central Asian participating States were treated actively, comprehensively and with initiative. Moreover, the concepts and concerns of the region were given special attention. Here, all OSCE dimensions were taken into consideration.

The rapid admittance of Thailand as a third Asian partner for co-operation opened up new avenues geographically and topically. There was a new appeal to establish criteria for partners for co-operation and negotiations on this were launched.

The OSCE conferences on central topics of the Organization in Tokyo and Seoul have given rise to successes and new experiences and have already led the third Asian partner, Thailand, to show an interest in holding a similar event.

It is in the hands of the OSCE, its changing Chairs as well as interested participating States, including the Central Asian ones, as well as in the hands of the Asian partners for co-operation, other Asian states and Asian institutions, to further the policy of an Asian dimension, which is more than just a sum total of single initiatives. They all could offer ideas to the OSCE, which Thailand has done as a nation and in its function as the ARF Chair and has succeeded in its endeavours.

Kurt P. Tudyka

Non-Governmental Organizations and the OSCE

Just as the CSCE developed into the OSCE, the mutual relationship between non-governmental organizations (NGOs) and the OSCE has changed. Before 1990, NGOs were only able to invoke the declared norms and principles of the then CSCE to legitimize their activities. However, thereafter, they also began to use the CSCE/OSCE as a forum. Today, in many cases, NGOs participate in OSCE operational activities, just as the OSCE, primarily through its missions, utilizes NGOs.

If one divides NGOs into two categories - one in which they represent predominantly the material interests of their clientele and the other in which they see their task as implementing recognized (moral) norms in political reality - then the second category is most common in the OSCE context.

If one looks at the three large areas of politico-military, economic-environmental as well as democratic and legal security, most NGOs that endeavour to work together with the OSCE will be found in the latter, that is in the area that has also been called the human dimension of security.

The exterior of these organizations has changed over the last ten years. While before 1990, NGOs - or better said: their forerunners - became apparent in the form of discussion groups and action groups exclusively making demonstrative appeals to the public, they since then have become channels of professional information and respected aid workers in critical situations. The following article presents the advantages that the OSCE and NGOs have gained from their mutual relationship.

The Normative Foundations of the OSCE for NGOs

Since the seventies, that is since the beginning of the CSCE process, there have been action groups who did not pay any attention to the hegemonic, status quo content of the CSCE Final Act, for short: "Helsinki", but chose to "reinterpret" it for their own purposes. In the East, these were dissidents who used "Helsinki" as a symbol for human and civil rights, and in the West, they were groups belonging to the peace movement who used "Helsinki" as a motif for disarmament. Both in West and East, they worked hard to realize these values. "Helsinki" offered the non-governmental actors of the peace and human rights movement a common anti-hegemonic connecting point so that in the eighties a network of non-governmental actors and groupings began to crystallize between Eastern and Western Europe, which represented a kind of institutionalization that the official side hardly found desirable, and which in

any case, the realpoliticians often evaluated as intrusive and unwelcome and which were even persecuted by government and security services.

The opportunity to invoke the Final Act had a catalysing effect on the work of human rights groups in East and East Central European countries, the Helsinki Committees and the groups of the International Helsinki Federation for Human Rights.[1]

The CSCE had for the first time created a normative foundation for the goals of human-rights NGOs that also gave them a formal internationally guaranteed right to exist in the individual states. However, this is at best referred to implicitly in the seventh principle of the 1975 Helsinki Final Act, "respect for human rights and fundamental freedoms", in the context of individual freedom of religion or belief.[2] However, in the instrumental section of the Final Act, NGOs are acknowledged for their co-operation in developing contacts within the framework of the policy of détente and expressly deemed as worthy of support. Of course, at that time, this was not true for all areas, i.e. the so-called three baskets, which today are known as the security dimensions. Thus the participating States of the CSCE recommended "that more effective utilization be made of the possibilities and capabilities of existing international (…) non-governmental (organizations K.T.), concerned with science and technology, for improving exchanges of information and experience, as well as for developing other forms of co-operation in fields of common interest (…)".[3] Following a section on strengthening the exchanges between youth organizations and sports associations, the Final Act in the framework of the basket designated today as the "human dimension" again states in general terms: "By way of further developing contacts among governmental institutions and non-governmental organizations and associations, including women's organizations, the participating States will facilitate the convening of meetings as well as travel by delegations, groups and individuals."[4] Further they intended to "expand and improve at the various levels co-operation and links in the field of culture, in particular by (…) contributing to the development of direct communication and co-operation among relevant State institutions and non-governmental organizations (…)".[5]

In the 1983 Concluding Document of the Madrid Follow-up Meeting, specific NGOs are explicitly and concretely dealt with in the Principles section in that the establishment and activities of "religious communities of believers" are emphasized and the right of workers "freely to establish and join trade unions" is underlined. These emphases are to be understood against the

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1   This effect stemming from the Helsinki Final Act was at the centre of the ceremony on the 25th anniversary of its signing. Cf. OSCE Newsletter 7-8/2000, pp. 1-4.
2   Cf. Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 141-217, here: p. 146.
3   Ibid., p. 171.
4   Ibid., p. 188.
5   Ibid., p. 194.

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backdrop of the crisis then emanating from the Solidarność movement in Poland. Generally, it has been reaffirmed in the Document that "(…) organizations and persons have a relevant and positive role to play"[6] contributing to international co-operation. In the instrumental section of the Madrid Document, "non-governmental organizations" are named as addressees of "relevant information concerning (…) bilateral cultural agreements and programmes".[7]

First in 1989 in the Concluding Document of the Follow-up Meeting of Vienna in the section on Principles it was stated that the participating States are to "respect the right of their citizens to contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms".[8] In the instrumental section, the Madrid passage on "non-governmental organizations" is strengthened in the sense that governments are to "encourage" these "in the field of culture to participate" in "cultural exchange".[9]

In the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, the participating States reaffirmed their commitment to "ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups".[10] Furthermore the members of such organizations are expressly given the right to have international contacts and take part in international activities, in particular persons belonging to national minorities have the right "to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations".[11] However, the relativizations are also obvious. For example, the same document, in another section, declares that the participating States simply "note" the "activities of several non-governmental organizations on the question of the death penalty" and "of conscientious objections to compulsory military service".[12]

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6 Concluding Document of Madrid, Concluding Document of the Madrid Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Provisions of the Final Act Relating to the Follow-up to the Conference, Madrid, 6 September 1983, in: Bloed (Ed.), cited above (Note 2), pp. 257-287, here: p. 262.
7 Ibid., p. 277.
8 Concluding Document of Vienna, Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Provisions of the Final Act Relating to the Follow-up to the Conference, Vienna, 15 January 1989, in: Bloed (Ed.), cited above (Note 2), pp. 327-411, here: p. 334.
9 Ibid., p. 364.
10 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Bloed (Ed.), cited above (Note 2) pp. 439-465, here: p. 447.
11 Ibid., p. 457.
12 Ibid., section 18.3, p. 451, and section 17.6, p. 450.

In the concluding documents of the Summit Meetings in Budapest (1994), Lisbon (1996) and Istanbul (1999), the normative foundation already achieved for the existence and activities of NGOs was simply reconfirmed but not further differentiated or strengthened. For example the Charter for European Security states: "Non-governmental organizations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law. They are an integral component of a strong civil society. We pledge ourselves to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms."[13]

Opening the OSCE for NGOs

Already in January 1989, a change in the attitude of the CSCE/OSCE towards NGOs became apparent in as much as it moved from just legitimizing them principally and functionally to opening the CSCE/OSCE itself to them. In other words: The old CSCE wanted to promote NGOs, the new CSCE/OSCE began to engage them in its activities. This was first expressed in the Annex to the Concluding Document of Vienna in the "Chairman's Statement on the Openness and Access to the CSCE Follow-up Meetings (…)", in which the Vienna practices related "to access to the host State, to the venue and to open sessions of CSCE meetings for (…) representatives of non-governmental organizations or religious groups (… and to) respect for CSCE-related activities, including the holding of peaceful gatherings (…)" are evaluated positively: "In the light of that experience, all participating States understand that Governments (…) will follow and build upon these practices (…)"[14]

This position is even more concretely set out in the 1990 Document of the Copenhagen Meeting on the Human Dimension, where in the Annex, a "Chairman's Statement on the Access of Non-Governmental Organizations (…) to Meetings of the Conference on the Human Dimension" was also included in which free movement, contacts with delegates, the access to official documents and the relations of the media and NGOs are regulated.[15]

Finally in November 1990, in the "Charter of Paris for a New Europe", the CSCE/OSCE States acknowledged the "major role that non-governmental organizations (…) have played in the achievement of the objectives of the CSCE", and declared they would "further facilitate their activities for the im-

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13 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 433.

14 Concluding Document of Vienna, cited above (Note 8), p. 402

15 Cf. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, cited above (Note 10), pp. 462-463.

plementation of the CSCE commitments by the participating States" as well as involving them "in an appropriate way in the activities and new structures of the CSCE in order to fulfil their important tasks".[16]

After the general promises in the 1990 Document, the Helsinki Document of 10 July 1992 extended the role of NGOs considerably in a corresponding section. The guidelines for NGO access to CSCE meetings, at first limited to the area of human rights, were extended to all CSCE meetings and thus considerably increased NGOs' authority to take part in CSCE meetings or events. In addition, NGOs were to be encouraged to report to the CSCE and CSCE institutions were to provide information to non-governmental organizations; for example Directors of CSCE institutions were instructed to appoint an "NGO liaison person".[17]

What is the OSCE's understanding of a non-governmental organization? In the above-mentioned Helsinki Decision of 1992 on expanding the role of NGOs, "persons or organizations which resort to the use of violence or publicly condone terrorism or the use of violence" are excluded.[18] In October 1991, the Moscow Meeting of the Conference on the Human Dimension agreed upon the following wording: "The participating States will recognize as NGOs those which declare themselves as such, according to existing national procedures (…)"[19] Thus the participating States of the OSCE are "the real mediators between the OSCE process and the NGOs that want to participate in it".[20]

NGO Participation in the OSCE

NGOs may take part in OSCE activities on their own initiative by registering and being present. The OSCE places value on the informal nature of its connections with NGOs. Unlike e.g. the United Nations, neither the Vienna Secretariat nor the Warsaw Office for Democratic Institutions and Human Rights (ODIHR) have an NGO accreditation process or a list of NGOs indicating their status, that is whether they have more or less privileged access to the Organization.[21] Within the OSCE, depending on the circumstances and the field of knowledge, contacts with NGOs are shared between the Secretariat, the Conflict Prevention Centre, the ODIHR, the OSCE Representative

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16 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 2), pp. 537-566, here: p 548.
17 Cf. CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 2), pp. 701-777, here: pp. 732-733.
18 Ibid., p. 733.
19 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Bloed (Ed.), cited above (Note 2), pp. 605-629, here: p. 625.
20 Knut Ipsen, The OSCE and the Red Cross Movement, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 397-402, here: p. 399.
21 Information provided by the Secretariat and ODIHR to the author.

on Freedom of the Media, the High Commissioner on National Minorities (HCNM), the Co-ordinator of OSCE Economic and Environmental Activities and last but not least the Heads of Mission. In this manner, the spheres in which NGOs move within the OSCE framework have in fact been outlined. These are primarily the Summit Meetings of the Heads of State or Government, the review conferences and implementation meetings, seminars on issues in the various security policy dimensions as well as meetings of the HCNM, the Media Representative and mission members.

After 1993, the OSCE increased its NGO endeavours especially in the area of the human dimension through the Office for Democratic Institutions and Human Rights. This has become particularly apparent in the Annual Reports of the Secretary General, which since 1994 include an individual section devoted to NGOs in each report.

The ODIHR has created an NGO Unit to promote contacts with NGOs. NGOs have been accepted as active participants in ODIHR seminars since 1994. The High Commissioner on National Minorities has continually made efforts to gain NGOs as a source of information, just as the Representative on Freedom of the Media takes advantage of contacts with NGOs in his work. In addition, the Co-ordinator of OSCE Economic and Environmental Activities has started to co-operate with those NGOs relevant to his task field and since the establishment of a focal point on gender issues in 1998, the Vienna Secretariat has sought to co-operate with NGOs that deal with gender issues.[22]

A number of missions have developed relationships with NGOs in the course of fulfilling their tasks. Representatives of non-governmental organizations were not only given observer status but also the right to speak at the review conferences in preparation for the Summit Meetings in Budapest in 1994, in Vienna in 1996 (for Lisbon) and in Vienna and/or Istanbul in 1999. They are informed in advance on the yearly OSCE Economic Fora in Prague and on the ODIHR Human Dimension Implementation Meetings which take place every two years in Warsaw so that they have the opportunity to take part and prepare these meetings in good time. There, they are afforded extensive rights to make presentations and file petitions.

In 1995 upon request of the Budapest Summit, the OSCE Secretary General developed a study on how participation of NGOs can be further enhanced. He contacted over 600 organizations and acknowledged the value of the manifold contributions by NGOs: They have been important partners for the dialogue with governments and a very important source of information on the human rights situation. They have been able to contribute expertise and advice on constitutional and legal aspects, in particular of issues in connection with the rule of law. While the contacts between NGOs and the OSCE - ac-

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22 Cf. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report 1998 on OSCE Activities, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 565-657, here: p. 640.

cording to the Secretary General - are still for the most part related to the human dimension, there are also links to NGOs who have other objectives, e.g. environmental protection, security or the economy. The study found that close co-operation especially in the area of conflict prevention was necessary and desirable. In particular, the OSCE long-term missions emphasized their interest, but also the governments of the 23 participating States that took part in the study agreed on this point. The Secretary General recommended regular meetings with NGOs that deal with conflict prevention with the participation of the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights to examine further possibilities for co-operation. The OSCE missions were to be encouraged to get in touch and maintain contacts with the relevant NGOs who were active in their regions. The study of the Secretary General called for full compliance by the participating States with their commitments vis-à-vis NGO involvement in OSCE activities and suggested holding annual meetings with the participation of NGOs to be arranged by the Chairman of the Permanent Council, organizing briefings for NGOs prior to major OSCE events, convening informal meetings with NGOs on specific topics and appointing an NGO liaison person in the Vienna Secretariat.[23] A focal point of this nature has in the meantime been established; in addition, ODIHR has its own focal point for its own specific needs.

For the Budapest Review Conference, 305 NGOs had registered submitting 57 written presentations.[24] 215 non-governmental organizations registered for the Istanbul Review Conference in 1999 before the Meeting of the Heads of State or Government. They were from 36 of the 55 OSCE States including one from Kosovo; one NGO even came from Syria. Most, a total of 79, came from Turkey, the host country. The American NGOs took second place with 13, the Romanian NGOs followed with nine, the Azerbaijani with eight, the British with seven and the Albanian, Russian, Greek, Swiss and Austrian NGOs with six. There were four NGOs apiece from France, Germany, Norway, Finland, Croatia, Belarus and Uzbekistan. Even from Yugoslavia, which at that time had been suspended from participation, three NGOs who were critical of their government attended. Astonishingly enough, there were no NGOs from the Netherlands, Italy or Canada represented. Almost all the NGOs present had agendas belonging to the area of the human dimension. Among the participating NGOs there were large, continentally or even globally active groups like "Human Rights Watch", the "International Helsinki Federation", "Amnesty International" or the "International Lesbian and Gay Association" as well as regionally or only locally active associations or

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23   Cf. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report 1995 on OSCE Activities, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 483-516, here: p. 514.
24   Cf. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report 1994 on CSCE Activities, at: www.osce.org/docs/english/misc/anrep94e.htm.

groups like the "European Roma Rights Centre" with its headquarters in Budapest, "The Balkan Group - Women for Peace and Democracy" with its headquarters in Stockholm or an association for reforming American Electoral Law from Washington. This list alone indicates a certain arbitrariness that is connected with the location of each meeting and shows that the NGOs present are not necessarily representative although they are often euphorically considered the representations of civil society. However, they do more or less have a hearing and stimulate reactions by criticizing government delegations. Thus at the 1999 Vienna-Istanbul Review Conference preceding the Istanbul Summit, delegations not only "recognized that NGOs were essential actors in identifying sources of tension and helping to defuse them between and within States. They also stressed the importance of their contribution to post-conflict rehabilitation, as recently illustrated in Kosovo. They regretted that their activities were hampered in certain regions of the OSCE. Since the work of NGOs had been critical in the success of the OSCE in the human dimension, delegations underlined the need for the OSCE to adopt a similar approach in the economic dimension. It should encourage development and networking with and between NGOs and profit from their work in fostering public participation in decision-making on economic and environmental issues."[25]

Upon closer examination of the NGOs, which attended the Istanbul Summit, one sees that almost all had national and even local agendas. Often these had little or nothing to do with the topics to be dealt with at the conference. For a joint OSCE-NGO convention, they would have been lacking all the necessary prerequisites like representativeness, comparable self-understanding or common ideas on the goals and objectives of their attendance. To all appearances, aside from the former "Helsinki Citizens' Assembly" (HCA), there has also never been an attempt to create a joint OSCE-NGO forum comparable to the NGO events at UN world conferences (e.g. on the environment, women, social conditions).

It is also remarkable that up to now not one NGO has appeared before the Parliamentary Assembly (PA) of the OSCE. However the PA itself is only a forum for declarations and has no authority to determine OSCE policy in any manner, for the simple reason that the OSCE is a government organization.

On General and Mutual Advantages of OSCE-NGO Relations

Non-governmental organizations are ascribed with primarily four functions in the OSCE process: being an advocate for interested citizens, being an observer with respect to public life, assisting governments and providing infor-

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25   Organization for Security and Co-operation in Europe, Review Conference 1999, Vienna -
       Istanbul, Vienna, 20 September to 1 October 1999, Istanbul, 8 to 10 November 1999,
       Consolidated Document, at: www.osce.org/docs/english/1990-1999/rcs/istarev99e.htm.

mation.[26] Of course this does not do justice to the self-understanding of certain NGOs.[27]

By and large, the relations between the OSCE and NGOs have been evaluated as satisfactory.[28] However, in view of the multitude and diversity of the various grass-roots groups, large non-governmental organizations and their transnational networks like Amnesty International, Human Rights Watch/Helsinki, International Helsinki Federation und Helsinki Citizens' Assembly, which are active in connection with the OSCE human dimension, there are naturally different desires as to the role each individual group plays in their mutual relationships. The OSCE encourages dialogue and uses its expertise or local closeness to contribute to the development of civil society in OSCE space and improve conflict prevention. It is conspicuous that important organizations - for example, the trade unions - have not made use of access to the OSCE whereas marginal political activists have received a hearing in e.g. review conferences.[29]

However, the OSCE is not willing nor is it in a position to back NGOs financially for long periods of time as some of them desire. The OSCE recognizes the role of NGOs and would like to make use of their contribution, which is why, for example, the ODIHR also organizes training programmes for NGOs.[30] However, it does not see its task as assisting NGOs in their work on a continual basis.

There are limitations on the development of OSCE-NGO relations alone because NGOs according to definition cannot be involved in decision-making as the OSCE is an inter-governmental organization in which Parliamentarians do not have a say either. On the other hand, opening the OSCE for NGOs comes up against those limits, which differentiate *de facto* a governmental organization from non-governmental organizations or even a "state" from "civil society" and must differentiate them normatively.

This also answers the question whether the relationship between the OSCE and NGOs is one of participation or co-operation. Naturally it would be difficult not only for large associations, for example the International Red Cross on an international scale, but also small autochthonous organizations at the

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26 Cf. Shaun R. Barcavage, NGOs in the System of European Security, in: OSCE ODIHR Bulletin 1/1996/97, pp. 24f.

27 On this topic, see Ipsen, cited above (Note 20); also, on the self-understanding of an NGO close to the OSCE: Aaron Rhodes, The Continuing Challenge of the International Helsinki Federation for Human Rights (IHF), in: OSCE Yearbook 1995/1996, cited above (Note 23), pp. 401-410.

28 Cf. for example Paula Gutlove/Gordon Thompson, The Potential for Cooperation by the OSCE and Non-Governmental Actors on Conflict Management, in: Helsinki Monitor 3/1995, pp. 52-64.

29 Cf. Tom Etty/Kurt P. Tudyka, No Room for the Trade Unions in the Economic and Human Dimensions of the OSCE?, in: OSCE Yearbook 1997, cited above (Note 20), pp. 317-322.

30 Thus e.g. in the Caucasus region, cf. OSCE Newsletter 4/2001, p. 18.

level of specific local conflicts to limit themselves to "participating".[31] However, the OSCE has not planned any other option.[32]

The closeness or distance between NGOs and the OSCE has its importance, as the example of the Helsinki Citizens' Assembly shows, which after 1990 vacillated between being an old "heroic" movement and a new "professional" institution.[33] The development of the HCA into a social movement rather than an "institution" prevented a break in the relations between the HCA and "Helsinki". Just as it was during the eighties, the most important function of the HCA, according to its own self-understanding, is still that of being the "conscience" of the states who signed the CSCE Final Act. This requires a distance, which would be lost through institutionalization. The relations with the OSCE have changed in comparison to those of the eighties. They are more strongly characterized by complementarity and co-operation rather than by contrasts. However, also in this type of a relationship, a certain distance is desirable if NGOs do not want to become sub-contractors or fulfil an alibi function. An NGO becomes a sub-contractor when it fulfils a task commissioned by states without having the opportunity to make its mark by expressing criticism. NGOs fulfil an alibi function when governments exploit or misuse their work to legitimize their own inactivity. Both threats occur when state authorities and NGOs co-operate in situations in which the latter are requested to prevent or stop violent conflicts. The HCA thinks it understands how to avoid these cases by distancing itself from state authorities and at the same time orienting itself to the values and norms to which the states have committed themselves in the Helsinki process. A large part of the work that the HCA has achieved since the *Wende* would have been impossible in its opinion without this distance on the one hand and appealing to their common values on the other. Both are - the HCA argues - fundamental not only to fulfil the "conscience function", which is HCA's aim, but also in cementing the co-operation between activists from very different societies and cultures.[34]

The distance necessary for a critical function should not exclude OSCE backing NGOs - also financially - however, it must be guaranteed they do not fall into a dependency trap. After all, the OSCE has already made efforts to offer NGOs capacity-building programmes. Numerous states, incidentally, have supported groups critical of governments without wanting to control them. The reason for this type of support is that although they are awkward, they are indispensable for the effective functioning of democracies. This kind of critical resonance would also be vital for the OSCE.

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31 See also Ipsen, cited above (Note 20).
32 See also Jens Bortloff, Die Organisation für Sicherheit und Zusammenarbeit in Europa: Eine völkerrechtliche Bestandsaufnahme [The Organization for Security and Co-operation in Europe: An Assessment under International Law], Berlin 1996, p. 426.
33 See in more detail: Ben Schennink, Helsinki from Below: Origin and Development of the Helsinki Citizens' Assembly (HCA), in: OSCE Yearbook 1997, cited above (Note 20), pp. 403-415.
34 Cf. ibid., p. 415.

Annex

Organization for Security and Co-operation in Europe

Eighth Meeting of the Ministerial Council[1]

Vienna, 27-28 November 2000

Vienna Declaration on the Role of the OSCE in South-Eastern Europe

1. We warmly welcome the admission of the Federal Republic of Yugoslavia to the OSCE on 10 November 2000. We applaud the democratic change and congratulate the people of Yugoslavia on their determination to vote for those who offered a democratic, tolerant and peaceful future. The past decade of undemocratic rule brought tremendous sufferings for all the people of former Yugoslavia. But now the commitment of the Federal Republic of Yugoslavia to the principles and standards of the OSCE, as well as its readiness to co-operate with European institutions, regional and sub-regional arrangements and with its neighbours, offers new perspectives for peace and prosperity in South-Eastern Europe. We declare our determination to make full use of these opportunities. We call on the Yugoslav people and the government to continue their efforts towards full democracy, respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. We reconfirm the readiness of the OSCE to assist the Yugoslav people to this end. We welcome the readiness of the Yugoslav government to have an OSCE presence in the country. We appreciate the steps undertaken by the Yugoslav government to ensure an early amnesty of all political prisoners.

2. The consolidation of stability and prosperity in Kosovo on the basis of substantial autonomy, respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, pending final settlement in accordance with United Nations Security Council resolution 1244 remains a major challenge for the international community. Some progress has been made in building a democratic society. The OSCE Mission in Kosovo as an essential part of the United Nations Mission in Kosovo (UNMIK) has made a crucial and effective contribution through its work in organizing the recent local elections. They represent an important step towards representative local authorities for the inhabitants of Kosovo and have enabled them to demonstrate political responsibility, *inter alia*, through their support for moderation as the way ahead. The challenge remains to create an environment where members of the Serb community, and other minorities and all those who fled can return home in safety, and where all citizens are able to enjoy fully their rights, in-

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1   MC.DOC/2/00, 28 November 2000.

cluding participation in political life. We firmly reject violence and any form of ethnic discrimination. We call on everyone to put an end to violence and to avoid its spread as well as to work together towards a democratic and multi-ethnic society based on reconciliation and justice. The OSCE will in co-operation with the elected councils continue and strengthen its contribution to the implementation of United Nations Security Council resolution 1244 in the area of institution- and democracy-building, in particular through its work in the field of human rights, rule of law and media development. We particularly acknowledge the excellent work by the OSCE Kosovo Police Service School which has so far trained 2,250 police officers. The establishment of a strong, credible police force is central to the internal stabilization of Kosovo.

3. In Bosnia and Herzegovina we observe generally positive trends regarding minority returns which should be sustained and supported. The work of the OSCE Mission to Bosnia and Herzegovina was essential to the success of recent elections. We note with satisfaction that in these elections multi-ethnic and pluralist parties have made some gains. The result of the elections should be implemented without delay. We call on all elected officials to speedily form fully effective governmental bodies. We consider it of utmost importance that Bosnian citizens start taking over the responsibility for their own future. The OSCE Mission to Bosnia and Herzegovina will continue to support the efforts of the High Representative to this end.

4. Major positive developments have taken place in Croatia after free and fair elections early this year. The Croatian government has achieved considerable and substantial progress in fulfilling its international commitments since the beginning of this year. We particularly welcome that the new authorities have taken essential measures to improve regional co-operation and show a clear determination to implement the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton/Paris Peace Accords).

5. Elections both at national and local level held in several countries in South-Eastern Europe this year have resulted in major contributions to peace, reconciliation and justice throughout the region. They offer the promise of substantial further progress towards our goal of a Europe without divisions, wholly at peace, and fully free. We recognize the important work of the Office for Democratic Institutions and Human Rights (ODIHR) in supporting free elections and look forward to an active role for it in the forthcoming elections in Serbia, Federal Republic of Yugoslavia. We welcome these developments and pledge to continue to work with the people and governments of the countries concerned on further democratization, rule of law, peace implementation, reconciliation and reconstruction. We are confident that more progress is possible on a range of outstanding issues, including the return of refugees and internally displaced persons and arms control. Based on its broad network of missions in the region and in accordance with their mandates the OSCE will support efforts to this end.

6. We stress the importance of regional co-operation as a means to foster good neighbourly relations, stability and economic development. We will continue to work together towards this goal. We reaffirm our commitment to the Stability Pact for South Eastern Europe, which is under the auspices of the OSCE, as an important long-term and comprehensive initiative to promote these objectives. Participating States will continue to contribute further to the goals of the Stability Pact, through human, financial and technical resources. We note the decision of the Permanent Council on the adoption of the OSCE Regional Strategy for South Eastern Europe.

7. During the Zagreb Summit on 24 November 2000, participants declared that democracy and regional reconciliation, on the one hand, and the rapprochement of each of the countries concerned with the European Union on the other, form a whole. The recent historic changes are opening the way for regional reconciliation and co-operation. They enable the countries in the region to establish new relations, beneficial to all of them, for the stability of the region and the peace and stability of the European continent. They give new impetus to a policy of good neighbourliness based on the negotiated settlement of disputes, respect for the rights of minorities, and respect for international obligations, including, as has been previously stressed, the obligation of all participating States under relevant United Nations Security Council resolutions to co-operate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY). They also give impetus to a lasting resolution of the problem of refugees and displaced persons and respect for States' international borders. In this context, the way is now open to all those countries to move closer to the European Union, on the basis of an individual approach, as part of the stabilization and association process.

8. We welcome the work of the OSCE in assisting in the implementation of Articles II and IV of Annex 1-B of the Dayton/Paris Peace Accords and its contribution to the creation of a framework for peace and stability in South-Eastern Europe. We support measures under Article II such as transparency of defence budgets, information exchange on military structures and other co-operative activities that help to increase mutual confidence and stability in the region; and efforts under Article IV in the field of arms control.

9. The new political situation generated by the participation of the Federal Republic of Yugoslavia in the OSCE and Vienna Document provides a fresh impetus to the negotiations on regional stability under Article V of Annex 1-B of the Dayton/Paris Peace Accords. In that light, we call upon the States participating in the Article V negotiations to aim to conclude their work on the basis of the mandate as soon as possible and no later than by the next meeting of the OSCE Ministerial Council. The implementation of such an agreement could be supported by the Stability Pact for South Eastern Europe.

Statement by the Chairperson-in-Office

The Ministerial Council is traditionally an occasion to assess where we stand, progress achieved and where we go from here.

Since it was not possible to achieve consensus on all the elements of a Ministerial Declaration I would like to make the following statement:

Twenty five years after the signature of the Helsinki Final Act Ministers of the OSCE participating States assembled in Vienna. They confirmed that the Helsinki Final Act together with the Charter of Paris, the Charter for European Security and other subsequent OSCE documents established clear standards for participating States' treatment of each other and of all individuals within their territories.

Ministers warmly welcomed the admission of the Federal Republic of Yugoslavia to the OSCE on 10 November 2000. The Vienna Declaration on the role of the OSCE in South-Eastern Europe was adopted.

Ministers discussed in depth the concrete challenges to security and stability in the OSCE region and considered how the OSCE's contribution to meeting them could be made more effective. In particular, they reviewed the progress made since Istanbul, including how common efforts could be developed further. Deep concern was expressed that, despite significant improvements in a number of regions and areas of co-operation, some of the commitments to which participating States subscribed, including those made in Istanbul, had yet to be fulfilled. They stressed the need to intensify the efforts of the OSCE with regard to the resolution of regional conflicts, in particular those unsettled conflicts where for years no tangible progress had been achieved.

Having discussed the current situation with regard to the settlement of the Nagorno-Karabakh conflict, Ministers expressed their deep concerns over the continued lack of progress in the peace process. They instructed the OSCE Minsk Group Co-Chairmen and the Personal Representative of the Chairperson-in-Office to intensify their efforts in fulfilling their mandates and to further an atmosphere of mutual trust between all parties to the conflict. They welcomed the direct dialogue between the Presidents of the Republic of Azerbaijan and the Republic of Armenia and encouraged them to continue their efforts in working with the OSCE's Minsk Group Co-Chairmen to expe-

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[1]   MC.DOC/2/00, 28 November 2000.

dite agreements that would serve as a basis for resumption of full-scale negotiations within the Minsk Group.

They also expressed the hope that all parties would do their utmost to ensure that the ceasefire along the line of contact is strictly observed until a comprehensive agreement resolving the conflict is signed, including co-operation with the Minsk Group Co-Chairmen and the Personal Representative of the Chairperson-in-Office to undertake confidence-building measures (CBMs).

Ministers commended the efforts made by the Minsk Group Co-Chairmen since the OSCE Istanbul Summit (November 1999) to diminish tensions in the region and to prepare, in co-ordination with the United Nations and other international agencies, support measures that would facilitate the implementation of a political settlement.

Ministers noted with satisfaction that the engagement of the OSCE towards co-operation with the five participating States of Central Asia had continued to grow in all dimensions. Based on its comprehensive, three-dimensional approach to security the OSCE should find effective ways to respond to the new challenges to security and stability in Central Asia in co-operation with other international institutions and on the basis of the Platform for Co-operative Security. The support of the OSCE for the rule of law, respect for human rights and fundamental freedoms, development of democratic society and economic reforms would contribute to stability and prosperity in the region. Ministers expressed support for the efforts of the Central Asian participating States to promote co-operation in the field of economic development. They remained convinced that necessary progress in the complex and difficult transition processes would be stimulated by our increased co-operation and our common commitment.

Ministers shared the concerns of the five Central Asian participating States with regard to threats to stability and security, resulting from international terrorism, violent extremism, organized crime, drugs and arms trafficking, including those which arose from the unstable situation in Afghanistan. In this context they welcomed the efforts of the Central Asian participating States to promote a peaceful solution of the inter-Afghan conflict. They believed that improved co-operation and co-ordination among the five Central Asian participating States - with the support of the international community - was necessary to counter these threats effectively. Ministers commended the Chair's initiative in co-organizing together with the United Nations Office for Drug Control and Crime Prevention (UNODCCP), the conference in Tashkent on these new security risks and they welcomed the Declaration and the Priorities for Co-operation of this conference. They reaffirmed their conviction that enhanced supportive action by the international community was called for.

A divergence of views emerged on a number of other concrete problems and challenges, both as to the evaluation of the extent of progress made since Istanbul and on the role of the OSCE.

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In connection with the situation in the North Caucasus the acknowledgement of the territorial integrity of the Russian Federation was strongly reaffirmed and terrorism in all its forms condemned. A political solution to the conflict in Chechnya and a dialogue is essential. The OSCE Assistance Group has a crucial role to play in achieving this important goal. The immediate return of OSCE Assistance Group to the Chechen Republic, Russian Federation, in order to start its activities on the basis of its existing mandate, as reconfirmed in Istanbul, was requested. In order to achieve this goal, full support from the Russian federal and local, including military, authorities was expected. Ministers also urged them to facilitate the provision of humanitarian aid to the civilian population in Chechnya. The continued loss of life and material damage inflicted upon the Chechen population was deplored. A prompt and independent investigation and prosecution of all alleged atrocities against civilians and other violations of human rights and breaches of international humanitarian law was required. The work of the Russian Special Representative for Human Rights in Chechnya, Mr. Kalamanov, and the Council of Europe was commended and a follow-up to their recommendations stressed.

The increasing co-operation between Georgia and the OSCE was welcomed and the full support for the sovereignty and territorial integrity of Georgia was reaffirmed. The successful implementation of the monitoring operation on the border between Georgia and the Chechen Republic of the Russian Federation was noted and its continuation as a tool for observing and reporting on movements across the border was supported.

Concern was expressed about the adverse affect [sic!] that the introduction of a unilateral visa regime could have on relations between Georgia and the Russian Federation, especially in light of a possible differentiated application of the regime to the population in the border areas. It was noted that the OSCE would be ready to assist in bringing about a solution of the visa issue to alleviate the situation for those affected in this region.

Reconfirming the leading role of the United Nations in Abkhazia, Georgia, and the Geneva Process as the main framework for negotiations, the continuing deadlock in the negotiation process was deplored. The assessment concerning Abkhazia, Georgia, as formulated in the Budapest, Lisbon, and Istanbul Summit documents on ethnic cleansing was reiterated.

The successful completion of field work by the Joint Assessment Mission (JAM) to the Gali district carried out from 20 to 24 November under the aegis of the United Nations in close co-operation with the OSCE was welcomed. The active support of the Russian Federation in this respect was appreciated. The purpose of the JAM was to assess conditions relevant to the safe, secure, and dignified return of Georgian refugees and internally displaced persons (IDPs) to their places of previous permanent residence. Preliminary information from the JAM suggested that the human rights situation in Gali district continued to be precarious. The Chairmanship was asked to continue to monitor closely the human rights situation in the Gali district as

described in the Preliminary Information Report, circulated on 25 November 2000. The idea of opening a branch of the United Nations Human Rights Office in Abkhazia, Georgia, with the participation of an OSCE representative, was welcomed as an action which might contribute positively to the improvement of the situation on the ground. The excellent co-operation between the OSCE and the United Nations was noted.

With regard to the Tskhinvali Region/South Ossetia the successful meeting of experts from the region within the framework of the Georgian-South Ossetian conflict settlement process held on the invitation of the Chairperson-in-Office in Baden near Vienna (10 to 13 July 2000) was welcomed. On that occasion, for the first time, status-related questions had been discussed in a constructive atmosphere. The Austrian Chairmanship and the Russian Federation had started a process of consultations with all parties involved on the elements of a future agreement as a follow-up to this meeting. A wider participation of the OSCE in the negotiation process was welcomed. In order to maintain the momentum and in accordance with the Baden Protocol the incoming Chairmanship was tasked to make use of the experience of the present Chairmanship of the OSCE and to continue, in co-operation with the Russian Federation, to make efforts in order to achieve progress in the political negotiations. The convening of regular meetings in Moscow and Vienna, alternately, was recommended. The signing before the end of this year of the Georgian-Russian economic rehabilitation agreement for the area affected by the conflict was urged. The support of the European Union for the economic rehabilitation of the region was welcomed. The establishment of a legal framework for refugees' and displaced persons' housing and property restitution was encouraged. Concern was expressed with regard to the criminal situation caused by the destabilizing accumulation of small weapons in the region. In this respect the efforts of the Russian Federation and the European Union to collect and destroy small arms was welcomed. Donor countries and organizations were encouraged to contribute further to this process.

Progress was noted in reducing Russian military equipment in Georgia and the expectation expressed that these reductions would be completed by 31 December 2000, in accordance with commitments made in Istanbul. The withdrawal from and closure of Tbilisi/Vaziani and Gudauta military bases with appropriate transparency arrangements was looked forward to by 1 July 2001 in accordance with the deadline and commitments made in Istanbul.

It was noted with growing concern that the withdrawal of Russian forces from the territory of Moldova had made no progress in the last year. The Russian Federation was urged to comply fully with the timelines stipulated by the Istanbul Summit decisions regarding the withdrawal of conventional armaments and equipment limited by the Treaty on Conventional Armed Forces in Europe (CFE Treaty) by the end of 2001 and the complete withdrawal of Russian troops by 2002. Pledges of participating States to the OSCE voluntary fund for international financial assistance to facilitate and

support the withdrawal of troops and the removal and destruction of military equipment were welcomed and further contributions encouraged. The need for an assessment mission to ensure transparency and to explore the removal and destruction of Russian ammunition and armaments was reconfirmed, noting in particular the threat posed by old and unstable ammunition and the risk that small arms might fall into unauthorized hands. The Russian Federation was called upon to exert its influence on the local authorities in the Trans-Dniestrian region to peacefully remove the obstacles posed to the withdrawal and the visit of the assessment mission

It was regretted that, despite all efforts, no progress had been achieved regarding the settlement of the Trans-Dniestrian problem. The active role of the three mediators - the OSCE Chairmanship, the Russian Federation and Ukraine - in trying to establish a negotiation process under the auspices of the OSCE with the two parties involved and to reach a mutually agreed solution for the status of the Trans-Dniestrian region was welcomed. It was reaffirmed that in the resolution of this problem the sovereignty and territorial integrity of the Republic of Moldova should be ensured. Appeals were made to all sides and, in particular, to the Trans-Dniestrian authorities to demonstrate the political will required for such a solution. A working group should be established to make recommendations for a common set of restrictive and supportive measures to encourage a political solution. In order to support the process of political settlement, the readiness of the OSCE seriously to consider options for stabilization arrangements in support of a political settlement agreed by the two sides was confirmed.

The importance of continued dialogue with all political forces in Belarus was underlined. It was noted that the OSCE remained prepared to support, especially through the activities of the OSCE Advisory and Monitoring Group, the democratization of the country. Appeals were made to all political forces in Belarus to unite in a joint commitment to a meaningful dialogue which would end the existing internal divisions.

It was emphasized that progress in four specific areas indicated by the Parliamentary Troika was necessary to pave the way for free and democratic presidential elections in Belarus. In this connection, the efforts of the OSCE Parliamentary Assembly in the democratization process were appreciated.

Ministers also discussed the new challenges the OSCE is facing and the necessary responses. In this context the intention was expressed to improve human security - the safety of the individual from violence through armed conflict, gross violations of human rights, terrorism - so as to improve the quality of life of all individuals within the OSCE region.

Deep concern was expressed about the broad scope of problems affecting children in the OSCE region, in particular by the severe impact of armed conflict on children, the most vulnerable part of civilian population. Children were identified as increasingly becoming targets and participants as well as victims in conflicts, with grave consequences for their physical and psycho-

logical well-being and development. Based upon the Istanbul Summit mandate - following this year's Human Dimension Seminar on children and armed conflict - an OSCE document on the promotion and protection of the rights, interests and welfare of the child, in particular of children affected by armed conflict, was negotiated, but regrettably had not found consensus so far. It was hoped that work might continue on this issue.

Ministers were gravely concerned about the growing problem of trafficking in human beings, a flagrant human rights abuse and a serious crime. They expressed their commitment to combat this modern form of slavery. They agreed that a more comprehensive and co-ordinated response was needed from participating States as well as from the international community. Ministers recognized that trafficking in human beings could only be combated by an integrated and co-ordinated approach that encompassed prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices. The OSCE, through its institutions and field operations, acting within the legal framework of the relevant host states, could provide advice, assistance and, where useful, a forum for co-ordination among States, the international community and non-governmental organizations (NGOs) in developing measures to combat trafficking. To this end, Ministers adopted a decision on enhancing the OSCE's efforts to combat trafficking in human beings. In this respect, they also welcomed the leading role played by the OSCE in the Stability Pact Task Force on Trafficking in Human Beings.

Ministers underlined that the illicit trafficking and the destabilizing accumulation and uncontrolled spread of small arms and light weapons were endangering peace and security in the OSCE region by sustaining and exacerbating armed conflicts and benefiting terrorists and organized crime. They expressed their commitment to contribute more energetically to global efforts to respond to this challenge to peace and stability. They therefore welcomed the adoption by the Forum for Security Co-operation of the OSCE Document on Small Arms and Light Weapons containing important commitments. The norms, principles and measures contained therein represent important steps towards reducing illicit trafficking and the excessive and destabilizing accumulation and uncontrolled spread of these weapons. They expressed their hope that this document would provide impetus to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in 2001. The OSCE would continue to seek further ways to contribute to international efforts aimed at tackling this problem.

Serious concern was expressed about the plight of refugees and IDPs within the OSCE region. In close co-ordination and co-operation with relevant international actors, in particular United Nations High Commissioner for Refugees (UNHCR), International Committee of the Red Cross (ICRC), International Organization for Migration (IOM) and the Special Representative of the United Nations Secretary-General on Internal Displacement, the OSCE could make a valuable contribution to political solutions of conflict situations

as well as in areas such as the protection of the rights of IDPs, monitoring and reporting of affected populations, facilitation of durable solutions, including voluntary repatriation, local integration and resettlement of refugees and IDPs, and advice to Governments on national legislation and on best practices. The dissemination of the Guiding Principles on Internal Displacement within the OSCE and their further use in the relevant activities of our organization was supported. Reaffirming the commitments, the necessity to further the international protection of stateless persons was stressed.

The Ministers reaffirmed that the protection and promotion of the rights of migrant workers and their families was a common concern and stressed the importance of implementing all OSCE commitments as well as relevant international obligations in this field.

The unreserved condemnation of all acts and practices of terrorism, which could not be justified under any circumstances, was reiterated and the determination to combat terrorism in all its forms, irrespective of motive, to oppose any concession to terrorist demands and to promote co-ordinated international action against this evil was reaffirmed. They underlined the importance of strengthening the overall international efforts to this end. Within the framework of and in conformity with the relevant United Nations resolutions and international instruments and OSCE commitments, most recently reaffirmed in the Charter for European Security, Ministers pledged to reinforce and develop bilateral and multilateral co-operation to eliminate this threat to security, democracy and human rights as well as to increase efficiency in existing co-operation at the bilateral level.

The international commitments of participating States to refrain from financing, instigating, training or otherwise supporting terrorist activities were reaffirmed. Ministers declared that international co-operation as well as actions by States aimed at combating terrorism had to be conducted in conformity with the principles of the Charter of the United Nations, of international law, including international humanitarian law and human rights, and relevant international conventions. Participating States who had not yet done so were encouraged to sign and ratify all relevant conventions and protocols, including the 1999 Convention for the Suppression of the Financing of Terrorism, in the nearest future.

It was also stressed that eliminating the root causes of terrorism required an environment of strong democratic institutions, full respect for human rights and the rule of law in parallel with action to suppress terrorism.

Profound concern was expressed about indications of an increase in certain sectors of our societies of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and other forms of extremism leading to intolerance and violence. These phenomena, which brought great sufferings to Europe in the past, run counter to the most fundamental principles and values embodied by the OSCE and endanger peace and security in the OSCE area. The commitment was expressed to counter these threats, *inter alia* by raising aware-

ness in every sector of society and by intensifying human rights education. The OSCE, also through its relevant institutions, in particular the High Commissioner on National Minorities (HCNM), will continue to play a vital role in combating these threats

It was stressed that the safety of journalists in conflict and crisis zones continued to be high on the agenda. All instances of violent attacks against journalists were condemned. The determination to bring to justice all those who were directly responsible for such attacks was reaffirmed. Steps to promote a higher degree of security for journalists working in conflict zones and the holding of a special OSCE meeting on protection of journalists in 2001 were considered.

Ministers welcomed and supported the OSCE's efforts in promoting the economic and environmental dimension of security on the basis of the relevant OSCE documents, *inter alia*, by identifying such risks to security, in order to improve the OSCE's capability to prevent conflicts, to assist in post-conflict rehabilitation and to enhance economic stability. The Permanent Council should consider ways and means, by drawing also on the expertise of other international institutions and organizations, of enhancing the OSCE's ability to address economic and environmental issues and to further refine and prioritize OSCE's tasks in this field. In doing so it would build on the conclusions of the recent follow-up seminar to the Eighth Meeting of the Economic Forum. Ministers were also looking forward to the Ninth Meeting of the Economic Forum. They welcomed the decision of Ukraine on the timely fulfilment of its commitment to shut down the Chernobyl power plant and appreciated the continued efforts of the international community to assist Ukraine to overcome the economic consequences resulting from this decision.

Ministers welcomed the report of the Chairmanship on the OSCE contribution to international efforts to combat corruption and recognized that existing OSCE commitments provided a valuable framework for combating corruption. The suggestions drawn from the report should be further studied and pursued, as appropriate.

In reaffirming the commitment made in Istanbul to make equality between women and men an integral part of the policies of participating States, Ministers welcomed the adoption of the OSCE Action Plan on Gender Issues and were looking forward to its full implementation. Ministers recognized that the Action Plan showed the importance the OSCE attached to the question of gender equality, including in its own operations and policies. Ministers expressed their determination to take steps within participating States, OSCE field activities and OSCE institutions to seek to make the role of women more visible and to address gender balance. In this context, they recognized the important role of the Gender Advisers of the Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Secretariat.

Ministers recalled that at the Istanbul Summit the groundwork for a more action-oriented OSCE was laid and reaffirmed their commitments with regard to the institutional strengthening of the Organization.

The report submitted pursuant to paragraph 34 of the Istanbul Summit Declaration, concerning legal capacity and privileges and immunities of the OSCE, its specialized institutions and missions, was noted. The work performed by the informal open-ended group on a range of options, including the option of a legally binding document, none of which secured consensus, was appreciated. The Permanent Council was therefore requested to build on this work with a view to achieve consensus by the next Ministerial Council. Many participating States clearly recognize the core of the problem: While the OSCE is playing the role of an international organization it does not enjoy the corresponding capacities, including international legal personality.

The instruction by the Istanbul Summit to reach agreement before this Ministerial Meeting on the scale and criteria for financing OSCE activities in accordance with the decision taken at the 1997 Copenhagen Ministerial Council Meeting, could not be fulfilled. All participating States but one could base a decision on the new scale, applicable as of 1 January 2001, on the Chairperson's perception paper of 22 November 2000, recognizing that the continued operation of the OSCE's large missions makes an important contribution to European security, and that a reliable financing mechanism is crucial to their operation. The Permanent Council was tasked with continuing negotiations with a view to reaching agreement on this vital matter.

Support was expressed for the efforts by the Chairmanship and the Secretary General to strengthen and develop co-operation between the OSCE and other organizations and institutions such as the United Nations, the Council of Europe and the European Union in the field of civilian aspects of crisis management. The incoming Chairmanship was encouraged to continue this work together with the OSCE Secretariat. The common goal to improve the conditions for our co-operation and to ensure that the results of our efforts were complementary and mutually reinforcing was underlined. The importance was stressed of close co-operation with the Council of Europe, including through joint programmes and missions. Ministers noted with great interest that, like the OSCE, some of the OSCE partner organizations were working to improve the effectiveness of their involvement in civilian aspects of crisis management. They appreciated that the civilian crisis management capacities which the European Union was developing could be used in support of the OSCE's early warning, conflict prevention, crisis management and post-conflict rehabilitation capacities.

Ministers reaffirmed that they would make full use of the REACT-Programme in the recruitment and staffing process, including training, in accordance with established procedures. Noting the report of the Secretary General, they recognized the need for further steps to ensure and accelerate the proper and full implementation of the mechanism in order for it to become

operational in the shortest possible time. They further welcomed the establishment of the Operations Centre in order to better plan and deploy operations in the field. They recognized training within the OSCE as an essential instrument for improving the effectiveness of the OSCE and for promoting best practices in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation. Participating States and the Secretariat are determined to focus continuing attention on effective training. Together with the restructuring of the OSCE Secretariat, these measures should improve the operational capacity of the Organization.

Ministers expressed their grave concerns about the serious risks facing members of OSCE field missions. They were determined to take effective measures to enhance their safety. In this context they invited participating States who had not yet done so to seriously consider signing and ratifying the 1994 Convention on the Safety of United Nations and Associated Personnel.

Ministers expressed their deep appreciation for the tireless work of the current High Commissioner, Max van der Stoel, since his appointment in 1992. They paid tribute to his effectiveness in defusing potential conflicts in many parts of the OSCE area through patient diplomacy, working quietly with all parties to find constructive solutions to sensitive problems. Many governments and minority communities had benefited from his wisdom and experience.

Ministers noted with appreciation the contribution of the Parliamentary Assembly of the OSCE to the work of the organization, in particular in the field of election monitoring and democratization.

Ministers recalled that this year marked the celebration of 25 years of the OSCE's Mediterranean dimension and underlined that the Mediterranean represented an area of joint security interest. Pleased with the holding and outcome of the Mediterranean Seminar on CBMs and confidence- and security-building measures (CSBMs) in Portoroz this October, they remained open to intensify co-operation with their Mediterranean Partners for Co-operation on issues of common interest.

Ministers welcomed the Kingdom of Thailand as a new Partner for Co-operation and were looking forward to advancing OSCE goals shared by Thailand and to Thailand's active contribution to OSCE activities. Ministers were pleased that in the near future two joint conferences would be held with Japan and Korea, respectively, and were ready to continue with such joint activities.

Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations/Corrected reissue

By the Delegation of the Russian Federation:
"In connection with the statement issued by the Chairperson-in-Office, the Russian Federation states the following.

The propositions and conclusions contained in the statement on a whole range of questions related to the OSCE's activities and the assessment of the events in some participating States do not correspond to the factual circumstances and do not reflect the entire spectrum of opinions of OSCE participating States. These propositions and conclusions are not in line with the understandings agreed on by all participating States and, consequently, are not based on consensus.

The Russian Federation considers itself in no way bound by any of the conclusions or recommendations contained in the statement. Equally, the Russian Federation does not consider it possible for the said conclusions and recommendations to be taken into account in the future work of the Organization and its bodies.

The Russian Federation requests that this interpretative statement be attached to the record of the present Meeting of the OSCE Ministerial Council."

Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations

By the Delegation of the United States of America:
"Thank you, Madam Chair. I would like to thank our incoming Chair for the commitments he has made to us to be a good steward and to thank you as well for your leadership.

As he was making his remarks, I was reflecting on the remarks of our distinguished Russian colleague, and wanted to underscore two points:

One, that I concur with him that the remarks that you made were not made on the basis of consensus, and in so far as they were novel and new, none of us are bound by them as commitments under the OSCE.

But insofar as they were a repetition of commitments or obligations previously undertaken under the OSCE or under the Final Act, or other aspects of the CFE Treaty, they remain commitments and obligations of us all.

Thank you.

I ask also that this be attached to the Journal of the day."

Letter from the Chairperson of the Forum for Security Co-operation to the Minister for Foreign Affairs of Austria, Chairperson of the Eighth Meeting of the Ministerial Council of the OSCE

Your Excellency,
As Chairman of the Forum for Security Co-operation (FSC), I have the honour to inform you of the Forum's activities since the Istanbul Summit Meeting in November 1999, in preparation for the Ministerial Council on 27 and 28 November 2000. During this period, the Forum has closely followed the

implementation of the Vienna Document, the Code of Conduct on politico-military aspects of security and other OSCE documents relating to politico-military matters, and has looked at practical ways to improve that implementation. Other notable activities were the following:

- Pursuant to FSC Decision No. 6/99 adopted in Istanbul, the FSC organized a seminar on Small Arms and Light Weapons from 3 to 5 April 2000. This seminar, which was attended by more than 220 participants from the OSCE participating States, as well as a number of international organizations and non-governmental organizations, has produced a significant number of proposals and suggestions.
- The FSC has tasked one of its Working Groups with the development of a broad and comprehensive OSCE document on small arms and light weapons. The FSC intends to adopt this document, which will follow up the conclusions from the aforementioned Seminar, before the Vienna Ministerial Council. It is hoped that the document will contribute significantly to the forthcoming United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in 2001.
- Based on its mandate and in the framework of the Security Dialogue, the FSC organized a number of sessions on the subject "Who is doing what in South-East Europe?" and "The Role of Conventional Arms Control in Europe and the contribution of the OSCE Arms Control arrangements to European Security" in the first half of the year 2000. Over a period of several months a number of guest speakers addressed the Forum, outlining the work of different organizations in the region. Delegations also contributed, on a national basis, to the discussions on those subjects.
- Following the highly successful seminar on Military Doctrines, which was held in January 1998, and taking into account the developments that have taken place in Europe since then, the Forum decided to take the initiative for a new seminar, which will take place in Vienna from 11 to 13 June 2001. Some modalities for this seminar have already been agreed upon, and the agenda will be the subject of discussions in the months to come.
- The Forum was kept regularly informed of the status of the implementation of Articles II and IV and of the negotiations for an agreement under Article V of Annex 1-B of the Dayton Peace Accords. Moreover, the Forum has been regularly informed on developments in the Joint Consultative Group on the Treaty on Conventional Armed Forces in Europe.
- In June 2000, the FSC took a decision on the phase II upgrading of the OSCE Communications Network. A tender procedure was started, and subgroups have been tasked with submitting a recommendation for a network solution. A pertinent FSC decision can be expected in due

course and will, *inter alia*, address the question of the new location of the Central Mail Server.

Your Excellency, you might deem it useful to reflect these developments in the Vienna Ministerial Declaration.

Letter from the Chairperson of the Joint Consultative Group to the Minister for Foreign Affairs of Austria, Chairperson of the Eighth Meeting of the Ministerial Council of the OSCE

Your Excellency,

As the Chairperson of the Joint Consultative Group, I have the honour to give you a progress report on the Group's activities since the Istanbul Summit of the OSCE in November 1999.

The Joint Consultative Group has kept the OSCE informed through periodic briefings to its Forum for Security Co-operation, including on details of matters relating to the Treaty on Conventional Armed Forces in Europe (CFE Treaty) agreed and declared at the Istanbul Summit.

It was at the Summit that Heads of State and Government of the 30 States Parties to the CFE Treaty signed the Agreement on Adaptation. This Agreement substantially amends the CFE Treaty, preserving its role as the cornerstone of European security under circumstances greatly changed from when the Treaty was originally negotiated. The adapted Treaty, when it enters into force, will permit other OSCE States in the Atlantic to Urals area to apply for accession. The Istanbul Conference of States Parties to the CFE Treaty also adopted a Final Act that took note of important political commitments. These commitments, together with the Agreement on Adaptation, constitute the future conventional arms control arrangement for Europe towards which we are now striving.

The Joint Consultative Group has been active in three main directions.

First, the Group has been seeking by consultation, discussion, and decision to hasten the full implementation of the Istanbul commitments. The Group has focused on the commitment by the Russian Federation to return to agreed levels of armaments and equipment in its so-called "Flank Zone". The Group has also encouraged implementation of commitments to withdraw Russian forces from Moldova and Georgia. There has been substantial progress towards meeting the first Georgia deadline of the end of this year. Over half the equipment that Georgia and the Russian Federation have agreed is to be withdrawn has been removed or destroyed in place. Both withdrawals are being supported by financial assistance from States Parties to the CFE Treaty and from the wider OSCE community. The Group has also heard the progress the Czech Republic, Hungary, Poland and the Slovak Republic are making towards reducing their holdings. The Group has repeatedly discussed the im-

portance of transparency for implementation of all commitments. In addition, the Group has consistently stressed due consideration for the sovereignty of the States Parties involved.

Second, specialized working groups have been negotiating technical agreements that will be necessary to ensure the implementation of the adapted Treaty. One of these is an agreement on distribution of costs of inspections. This also has an affect [sic!] on operation of the current CFE Treaty, under which there are some inspections where the inspecting State Party assumes costs normally borne by the inspected State Party. Under the adapted Treaty, the volume of these so-called "paid" verification activities will increase. Another working group has been painstakingly developing the 96 separate formats that will be necessary for communicating the ad hoc and recurring notifications required by the adapted Treaty. The working group Chairman is optimistic that agreement on these formats can be reached by the end of the current session.

Third, the Joint Consultative Group has continued to review the operation of the current CFE Treaty, to discuss problem areas, and to seek improved implementation. The Group has noted several instances of progress on long-standing implementation issues, including compliance with limits and sublimits where there had been some dispute, and completion of destruction obligations carried over from the CFE Treaty's original reduction phase. The Russian Federation announced that it had notified a sufficient number of destroyed tanks, armoured combat vehicles, and artillery pieces to fulfil the 1991 commitment of the Union of Soviet Socialist Republics for destruction of 14,500 pieces of equipment east of the Urals. On the other hand, the Group has also noted continuing problems with exceeding Treaty limits and sublimits, and with the existence of equipment limited by the Treaty on territory of States Parties that is not under the control of central authorities.

Your Excellency,

The Joint Consultative Group has taken note that two States Parties have completed internal procedures to ratify the adaptation agreement, and another has announced its intent to do so in the near future. The Group has also taken note that other States Parties at the highest level have declared they will not ratify until all States Parties are within agreed levels of armaments and equipment, consistent with Istanbul commitments contained in the Final Act of the November 1999 Conference.

The Joint Consultative Group also has taken note that this month marks the tenth anniversary of the signing of the CFE Treaty. The Group looks back on the immense contribution that the CFE Treaty has made to raising the level of stability and predictability throughout Europe. The Group takes pride in having negotiated a substantial adaptation of the CFE Treaty to enhance its viability and effectiveness in the future. The Group looks forward to early and full implementation of Istanbul commitments so that the Agreement on

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Adaptation can be ratified by all States Parties and enter into force as soon as possible.

The Joint Consultative Group will shortly begin to prepare for the Second CFE Treaty Review Conference, to be held in May 2001.

Your Excellency, you might deem it useful to reflect these developments in appropriate documents of the Ministerial Council.

Organization for Security and Co-operation in Europe

Eighth Meeting of the Ministerial Council[1]

Vienna, 27-28 November 2000

Decisions of the Eighth Ministerial Council

Decision No. 1: Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings[2]

The Ministerial Council,
Bearing in mind the Charter for European Security, which commits participating States "to undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings" and to "promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthening the protection of victims",
Recalling the OSCE commitments on combating the traffic in human beings contained in the Moscow Document of 1991,
Recognizing that trafficking in human beings is an increasing problem and convinced of the necessity for the OSCE to enhance its efforts to combat trafficking in human beings throughout the OSCE region, including in conflict and post-conflict situations, and to contribute to national, regional and international anti-trafficking efforts in defence of human rights and the fight against transnational organized crime,
1. Reaffirms that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and co-ordinated response from participating States and the international community, as well as a more coherent and co-operative approach among countries, in particular those of origin, transit and destination;
2. Welcomes the adoption, by the United Nations General Assembly, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime as well as the definition of trafficking in persons contained therein and calls upon all participating States to sign and ratify the United Nations Protocol as well as the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography;

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1   MC.DOC/2/00, 28 November 2000.
2   MC(8).DEC/1, 28 November 2000.

3. Recognizes the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices;

4. Stresses the role of national parliaments in the enactment, among others, of laws necessary to combat trafficking in human beings and welcomes articles 106 and 107 of the Parliamentary Assembly's Bucharest Declaration on trafficking in persons;

5. Agrees to strengthen the activities of the OSCE to combat trafficking and emphasizes the need for intensified co-operation between different OSCE institutions as well as between the OSCE and other international organizations, such as relevant United Nations agencies, the International Organization for Migration, the Council of Europe, the European Union and Interpol;

6. Supports the work of the Stability Pact Task Force on Trafficking in Human Beings and calls in particular for the governments of the region concerned to play an active role in the Task Force;

7. Calls on OSCE institutions, in particular the ODIHR, and field operations, to develop and implement anti-trafficking programmes and to promote co-ordinated efforts in the areas of prevention, prosecution and protection, in co-operation with non-governmental organizations as well as international organizations and other relevant institutions;

8. Undertakes to raise awareness, including with assistance from the ODIHR, non-governmental organizations and other relevant institutions, through, where necessary, establishing training programmes among public officials, including law enforcement, judiciary, consular and immigration officials, about all aspects of trafficking;

9. Commits to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution. Such legislation should take into account a human rights approach to the problem of trafficking, and include provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked;

10. Will consider adopting legislative or other appropriate measures, such as shelters, which permit victims of trafficking in persons to remain in their territories, temporarily or permanently, in appropriate cases; and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims as well as their rehabilitation and reintegration in society;

11. Encourages the nomination, where appropriate, of governmental representatives on trafficking to co-ordinate national activities and to ensure regional and international co-operation and to make this contact information available to other participating States;

12. Recognizes that OSCE field operations, within the legal framework of the host countries, can have a valuable role to play in the fight against trafficking, including by regular monitoring and reporting and assisting State authorities through, *inter alia*, promoting dialogue and acting as a bridge between governments and non-governmental organizations; and institutions, in resolving individual trafficking cases; and calls on field operations to strengthen co-operation among themselves;

13. Calls on the OSCE Secretariat, in co-operation with the ODIHR, to intensify anti-trafficking training in its induction programmes for OSCE field personnel in order to enhance their capacity to monitor, report and respond to the problem of trafficking through regular OSCE activities; and to raise awareness within OSCE institutions and among OSCE personnel of the problems of trafficking; these training programmes should also be made available to participating States and other international organizations;

14. Welcomes the further development of the OSCE Secretariat's Code of Conduct for OSCE Mission Members to include provisions on trafficking in human beings and other human rights abuses, looks forward to its speedy implementation by all OSCE structures and institutions, requests heads of OSCE field operations to take appropriate measures if members of their staff use trafficking victims, and encourages all other international bodies, where appropriate, to adopt similar standards and practices.

Decision No. 2: Appointment of the High Commissioner on National Minorities[3]

The Ministerial Council,
Recalling the decision of the CSCE Helsinki Summit 1992 to establish a High Commissioner on National Minorities,
Expressing its gratitude to Mr. Max van der Stoel for his excellent service as OSCE High Commissioner on National Minorities as well as for his readiness to continue in his position,
Decides:

- To extend, as an exceptional measure, the appointment of Mr. Max van der Stoel until 30 June 2001, as well as;
- To appoint Mr. Rolf Ekéus as new High Commissioner on National Minorities for a period of three years with effect from 1 July 2001.

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3   MC(8).DEC/2, 28 November 2000.

Decision No. 3: Extension of the Appointment of the OSCE Representative on Freedom of the Media[4]

The Ministerial Council,
Because neither of the two candidates received consensus support, the decision on the nomination of the OSCE Representative on Freedom of the Media is deferred.
The Permanent Council will take the appropriate decision not later than in six months.
Mr. Freimut Duve will remain in Office accordingly.

Decision No. 4: Chairmanship in the Year 2000[5]

The Ministerial Council decides that Portugal will exercise the function of the OSCE Chairmanship in the year 2002.

Decision No. 5: Next Ministerial Council/Summit[6]

The Ministerial Council,
Welcoming the offer of Romania to host the next Summit,
Decides that the next Ministerial Council will take place in Bucharest in November/December 2001 unless the Ministers decide, upon recommendation of the Permanent Council, to hold a summit in Bucharest instead.

Decision No. 6: Scale for Large OSCE Missions[7]

The Ministerial Council,
Recalling the instruction of the Istanbul Summit to reach agreement on the scale and criteria for financing OSCE activities before this Ministerial Meeting so that the agreement could be applied after 31 December 2000 in accordance with the decision taken at the 1997 Copenhagen Ministerial Council Meeting,
Deeply regretting that no agreement has been reached so far,
Taking note of the Chairperson's perception paper (PC.IFC/120/00 of 22 November 2000),
Instructs the Permanent Council to continue negotiations with a view to reach an agreement on this important matter no later than 31 March 2001 and,

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4   MC(8).DEC/3, 28 November 2000.
5   MC(8).DEC/4, 28 November 2000.
6   MC(8).DEC/5, 28 November 2000.
7   MC(8).DEC/6, 28 November 2000.

meanwhile, to establish - by 31 December 2000 - an interim financing arrangement for implementation of the 2001 budget.

Decision No. 7: Police-Related Activities[8]

The Ministerial Council,
In order to give effect to paragraphs 44 and 45 of the Charter for European Security, tasks the Permanent Council to study how to enhance the OSCE's role in police-related activities, including by strengthening the capabilities of the Secretariat, and in this context, invites the Permanent Council to study the possible establishment of a new post of Police Adviser at senior level within the Secretariat and to take any necessary decision as soon as possible.

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8   MC(8).DEC/7, 28 November 2000.

Organization for Security and Co-operation in Europe

Forum for Security Co-operation

Vienna, 24 November 2000

OSCE Document on Small Arms and Light Weapons[1]

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1   FSC.DOC/1/00, 24 November 2000, Original: English; this document was adopted at the 308th Plenary Meeting of the OSCE Forum for Security Co-operation on 24 November 2000, see: FSC.JOUR/314.

OSCE Document on Small Arms and Light Weapons

Preamble

1. The participating States of the Organization for Security and Co-operation in Europe (OSCE):

2. Recalling the Lisbon Document 1996, Decision No. 8/96, "A Framework for Arms Control", and Decision No. 6/99 of the OSCE's Forum for Security Co-operation, endorsed by our Heads of State and Government at the OSCE Summit at Istanbul in November 1999,

3. Recognizing the need to strengthen confidence and security among the participating States through appropriate measures on small arms and light weapons[2] manufactured or designed for military use (hereinafter referred to as "small arms"),

4. Recalling progress made in dealing with the problems associated with small arms in other international fora and resolved to make an OSCE contribution to such progress,

5. Mindful also of the opportunity for the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, to provide a substantial contribution to the process underway in the United Nations on the illicit trade in small arms and light weapons in all its aspects,

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2   There is not yet an internationally agreed definition of small arms and light weapons. This document will apply to the following categories of weapons while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification and will be reviewed in the light of any such future internationally agreed definition.

For the purposes of this document, small arms and light weapons are man-portable weapons made or modified to military specifications for use as lethal instruments of war. Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.

6. Have decided to adopt and implement the norms, principles and measures set out in the following sections.

Section I: General Aims and Objectives

1. The participating States recognize that the excessive and destabilizing accumulation and uncontrolled spread of small arms are problems that have contributed to the intensity and duration of the majority of recent armed conflicts. They are of concern to the international community because they pose a threat and a challenge to peace, and undermine efforts to ensure an indivisible and comprehensive security.

2. The participating States agree to co-operate to address these problems and to do so in a comprehensive way. Reflecting the OSCE's concept of co-operative security and working in concert with other international fora, they agree to develop norms, principles and measures covering all aspects of the issue. These include manufacture, the proper marking of small arms, accurate sustained record keeping, export control criteria, transparency about transfers (i.e. commercial and non-commercial imports and exports) of small arms through effective national export and import documentation and procedures. All of these are essential elements of any response to the problems, as are the proper national management and security of stockpiles coupled with effective action to reduce the global surplus of small arms. They also agree that the problem of small arms should be an integral part of the OSCE's wider efforts in the fields of early warning, conflict prevention, crisis management and post conflict rehabilitation.

3. In particular, the participating States commit themselves to:

(i) Combat illicit trafficking in all its aspects through the adoption and implementation of national controls on small arms, including manufacture, proper marking and accurate sustained record keeping (both of which contribute to improving the traceability of small arms), effective export control, border and customs mechanisms, and through enhanced co-operation and information exchange among law enforcement and customs agencies at international, regional and national levels;

(ii) Contribute to the reduction, and prevention of, the excessive and destabilizing accumulation and uncontrolled spread of small arms, taking into account legitimate requirements for national and collective defence, internal security and participation in peacekeeping operations under the Charter of the United Nations or in the framework of the OSCE;

(iii) Exercise due restraint to ensure that small arms are produced, transferred and held only in accordance with legitimate defence and security needs as outlined in 3(ii) above, and in accordance with appropriate international and regional export criteria, in particular as provided for in the OSCE document

on Principles Governing Conventional Arms Transfers adopted by the Forum for Security Co-operation on 25 November 1993;

(iv) Build confidence, security and transparency through appropriate measures on small arms;

(v) Ensure that, in line with its comprehensive concept of security, the OSCE addresses, in its appropriate fora, concerns related to the issue of small arms as part of an overall assessment of the security situation of a particular country, and takes practical measures which will assist in this respect;

(vi) Develop appropriate measures on small arms at the end of armed conflicts including their collection, safe storage and destruction linked to the disarmament, demobilization and reintegration (DD and R) of combatants.

Section II: Combating Illicit Trafficking in All Its Aspects: Manufacturing, Marking and Record-Keeping

Introduction

1. Combating illicit trafficking in all its aspects constitutes a major element of any action needed to deal with the problem of the destabilizing accumulation and uncontrolled spread of small arms. National control of manufacture is essential to the combating of illicit trafficking. In addition, the proper marking of small arms, coupled with accurate, sustained record-keeping and exchanges of information outlined within this document, will help relevant investigative authorities to trace illicit small arms and, if a legal transfer has been diverted into the illegal market, to identify the point at which the diversion took place.

2. This section therefore sets out the norms, principles and measures covering manufacture, marking and record-keeping of small arms.

(A) National control over manufacture of small arms

1. The participating States agree to ensure effective national control over the manufacture of small arms through the issue, regular review and renewal of licences and authorizations for manufacture. Licences and authorizations should be revoked if the conditions under which they were granted are no longer met. The participating States will ensure that those engaged in illegal production can, and will, be prosecuted under appropriate penal codes.

(B) Marking small arms

1. While it is for each participating State to determine the exact nature of the marking system for small arms manufactured or in use on its territory, the participating States agree to ensure that all small arms manufactured on their

territory after 30 June 2001 are marked in such a way as to enable individual small arms to be traced. The marking should contain information which would allow the investigating authorities to determine, at a minimum, the year and country of manufacture, the manufacturer and the weapon's serial number. This information provides an identifying mark which is unique to each small arm. All such marks should be permanent and placed on the small arm at the point of manufacture. Participating States will also ensure as far as possible and within their competence that all small arms manufactured under their authority outside their territory are marked to the same standard.

2. In addition, participating States agree that, should any unmarked small arms be discovered in the course of the routine management of their current stockpiles, they will destroy them, or if those small arms are brought into service or exported, that they will mark them beforehand with an identifying mark unique to each small arm.

(C) Record keeping

1. The participating States will ensure that comprehensive and accurate records of their own holdings of small arms, as well as those held by manufacturers, exporters and importers of small arms within their territory, are maintained and held as long as possible with a view to improving the traceability of small arms.

(D) Transparency measures

1. As a confidence-building measure and to assist the relevant authorities in tracing illicit small arms, the participating States agree to conduct an information exchange by 30 June 2001 on their national marking systems used in the manufacture and/or import of small arms. They will also exchange with each other available information on national procedures for the control of the manufacture of small arms. Participating States will ensure that such information is up-dated, as and when necessary, to reflect any changes in their national marking systems and in their procedures for the control of manufacture.

Section III: Combating Illicit Trafficking in All Its Aspects: Common Export Criteria and Export Controls

Introduction

1. The establishment and implementation of effective criteria governing the export of small arms will help meet the shared objective of preventing the destabilizing accumulation and uncontrolled spread of small arms, as will

national controls covering export documentation and procedures, and the activities of international brokers. Co-operation on law enforcement is also essential to the combating of illicit trafficking. This section sets out the norms, principles and measures aimed at fostering responsible behaviour with regard to the transfer of small arms and, thereby, reducing opportunities to engage in illicit trafficking.

(A) Common export criteria

1. The participating States agree to the following criteria to govern exports of small arms and technology related to their design, production, testing and upgrading, which are based on the OSCE document on "Principles Governing Conventional Arms Transfers".

2.(a) Each participating State will, in considering proposed exports of small arms, take into account:

(i) The respect for human rights and fundamental freedoms in the recipient country;

(ii) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;

(iii) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict;

(iv) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;

(v) The requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;

(vi) The question of whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;

(vii) The legitimate domestic security needs of the recipient country;

(viii) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations or the OSCE.

(b) Each participating State will avoid issuing licences for exports where it deems that there is a clear risk that the small arms in question might:

(i) Be used for the violation or suppression of human rights and fundamental freedoms;

(ii) Threaten the national security of other States;

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(iii) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;

(iv) Contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, decisions taken by the OSCE, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;

(v) Prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;

(vi) Endanger peace, create an excessive and destabilizing accumulation of small arms , or otherwise contribute to regional instability;

(vii) Be either re-sold (or otherwise diverted) within the recipient country or re-exported for purposes contrary to the aims of this document;

(viii) Be used for the purpose of repression;

(ix) Support or encourage terrorism;

(x) Facilitate organized crime;

(xi) Be used other than for the legitimate defence and security needs of the recipient country.

(c) In addition to these criteria, participating States will take into account the stockpile management and security procedures of a potential recipient country.

3. Participating States will make every effort within their competence to ensure that licensing agreements for small arms production concluded with manufacturers located outside their territory will contain, where appropriate, a clause applying the above criteria to any exports of small arms manufactured under licence in that agreement.

4. Further, each participating State will:

(i) Ensure that these principles are reflected, as necessary, in its national legislation and/or in its national policy documents governing the export of conventional arms and related technology;

(ii) Consider assisting other participating States in the establishment of effective national mechanisms for controlling the export of small arms.

(B) Import, export and transit procedures

1. The participating States agree to follow the procedures described below on the import, export and international transit of small arms.

2. The participating States agree to ensure that all shipments of small arms imported into, or exported from, their territory are subject to effective national licensing or authorization procedures which allow the participating State concerned to retain adequate control over such transfers and to prevent the diversion of the small arms to any party other than the declared recipient. Each participating State will decide whether to apply appropriate national procedures to small arms in transit through its territory en route to a final

destination outside its territory, in order to maintain effective control over that transit.

3. Before a participating State permits a shipment of small arms to another State, that participating State will ensure that it has received from the importing State the appropriate import licence or some other form of official authorization. When a participating State is asked to act as a transit point for shipments of small arms between the exporting and importing States, the exporter, or the authorities in the exporting state, will ensure that where the State of transit requires a shipment to be authorized, the appropriate authorization has been issued.

4. At the request of either of the two participating States engaged in a transaction to export and import a shipment of small arms, the States will inform each other when the consignment has been dispatched from the exporting State and when it has been received by the importing State.

5. Without prejudice to the right of participating States to re-export small arms that they had previously imported, participating States will make every effort within their competence to encourage the insertion of a clause within contracts for the sale or transfer of small arms requiring that the original exporting State be advised before the re-transfer of those small arms.

6. In order to prevent the illegal diversion of small arms, the participating States are encouraged to establish appropriate procedures that would permit the exporting State to assure itself of the secure delivery of transferred small arms. These procedures could, where appropriate, include a physical check of the shipment of small arms at the point of delivery.

7. The participating States will not allow any transfer of unmarked small arms. In addition they will only transfer or re-transfer small arms which bear an identifying mark unique to each small arm.

8. The participating States agree to ensure that the appropriate national mechanisms are in place to enhance the co-ordination of policy and co-operation between their agencies involved in the import, export and transit procedures for small arms.

(C) Import, export and transit documentation

1. The participating States agree to observe the following key standards underpinning export documentation: that no export licence is issued without an authenticated end-user certificate, or some other form of official authorization (for example, an International Import Certificate) issued by the receiving State; that the number of government officials entitled to sign or otherwise authorize export documentation is kept to a minimum consistent with the current practice of each participating State; and that import, export and transit documentation contains a common minimum standard of information which will be explored by participating States with a view to developing recommendations based on the "best practice" among participating States.

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2. The participating States agree to ensure that comprehensive and accurate records of small arms transactions effected under a particular license or authorization are maintained and held for as long as possible with a view to improving the traceability of small arms. They also agree that the relevant information contained in these records, together with any other information required to trace and identify illegal small arms, is made available in accordance with the procedures in paragraphs (E) 3 and 4 below.

(D) Control over international arms-brokering

1. The regulation of the activities of international brokers in small arms is a critical element in a comprehensive approach to combating illicit trafficking in all its aspects. Participating States will consider the establishment of national systems for regulating the activities of those who engage in such brokering. Such a system could include measures such as:
(i) Requiring registration of brokers operating within their territory;
(ii) Requiring licensing or authorization of brokering; or
(iii) Requiring disclosure of import and export licenses or authorizations, or accompanying documents, and of the names and locations of brokers involved in the transaction.

(E) Improving co-operation in law enforcement

1. In order to enforce its international commitments on small arms, each participating State should ensure that it has an effective capability to enforce those commitments through its relevant national authorities and judicial system.
2. Each participating State will treat any transfer of small arms that is in violation of a United Nations Security Council arms embargo as a crime, and will, if it has not yet done so, reflect this in its domestic law.
3. The participating States agree to enhance their mutual legal assistance and other mutual forms of co-operation in order to assist investigations and prosecutions conducted and pursued by other participating States in relation to the illicit trafficking of small arms. For this purpose, they will endeavour to conclude relevant agreements with each other.
4. The participating States agree to co-operate with each other on the basis of customary diplomatic procedures or relevant agreements and with intergovernmental organizations such as Interpol, in tracing illegal small arms. Such co-operation will include making available, upon request, relevant information to the investigating authorities of other participating States. They will also encourage and facilitate regional, subregional and national training programmes and joint training exercises for law enforcement, customs and other appropriate officials in the small arms field.

5. The participating States agree to consider appropriate technical, financial and consultative assistance to other participating States to increase the capacity of enforcement agencies.

6. The participating States agree to share, in conformity with their national laws, and on a confidential basis through appropriate and established channels (for example Interpol, police forces or customs agencies) information in the following areas:

(i) Duly authorized manufacturers and international armsbrokers;

(ii) Seizures of illicitly trafficked small arms, including the quantity and type of weapons seized, their markings and details of their subsequent disposal;

(iii) Information on individuals or corporations convicted for violations of national export control regulations;

(iv) Information on their enforcement experiences and the measures that they have found effective in combating illicit trafficking in small arms. This might include, but need not be limited to, scientific and technological information; information on means of concealment and the methods used to detect them; routes used for illicit trafficking and information on embargo violations.

(F) Exchanges of information and other transparency measures

1. The participating States will, as a first step, conduct an information exchange among themselves and on an annual basis, not later than 30 June, beginning in 2002, about their small arms exports to, and imports from, other participating States during the previous calendar year. The information exchanged will also be provided to the Conflict Prevention Centre (CPC). The format for this exchange is set out in the Annex to this document. Participating States also agree to study ways to further improve the information exchange on transfers of small arms.

2. The participating States will exchange with each other, by 30 June 2001, available information on relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering in small arms in order to use such an exchange to spread awareness of "best practice" in these areas. They will also submit updated information when necessary.

Section IV: Management of Stockpiles, Reduction of Surpluses and Destruction

Introduction

1. Effective action to reduce the global surplus of small arms, coupled with proper management and security of national stockpiles, is central to the reduction of destabilizing accumulations and uncontrolled spread of small arms

and the prevention of illicit trafficking. This section sets out the norms, principles and measures through which participating States will effect reductions where applicable and promote "best practice" in managing national inventories and securing stockpiles of small arms.

(A) Indicators of a surplus

1. It is for each participating State to assess in accordance with its legitimate security needs whether its holdings of small arms include a surplus.
2. When assessing whether it has a surplus of small arms, each participating State could take into account the following indicators:
(i) The size, structure and operational concept of the military and security forces;
(ii) The geopolitical and geostrategic context including the size of the State's territory and population;
(iii) The internal or external security situation;
(iv) International commitments including international peacekeeping operations;
(v) Small arms no longer used for military purposes in accordance with national regulations and practices.
3. The participating States should carry out regular reviews and in particular in connection with:
(i) Changes of national defence policies;
(ii) The reduction or re-structuring of military and security forces;
(iii) The modernization of small arms stocks or the acquisition of additional small arms.

(B) Improving national stockpile management and security

1. The participating States recognize that proper national control over their stockpiles of small arms (including any stockpiles of decommissioned or deactivated weapons) is essential in order to prevent loss through theft, corruption and neglect. To that end, they agree to ensure that their own stockpiles are subject to proper national inventory accounting and control procedures and measures. These procedures and measures, the selection of which is at the discretion of each participating State, could include:
(i) The appropriate characteristics for stockpile locations;
(ii) Access control measures;
(iii) The measures needed to provide adequate protection in emergency situations;
(iv) Lock-and-key and other physical security measures;
(v) Inventory management and accounting control procedures;
(vi) The sanctions to be applied in the event of loss or theft;
(vii) The procedures for the immediate reporting of any loss;

(viii) The procedures to maximize the security of small arms transport;
(ix) The security training of stockpile staff.

(C) Destruction and deactivation

1. The participating States agree that the preferred method for the disposal of small arms is destruction. Destruction should render the weapon both permanently disabled and physically damaged. Any small arms identified as surplus to a national requirement should, by preference, be destroyed. However, if their disposal is to be effected by export from the territory of a participating State, such an export will only take place in accordance with the export criteria set out in Section III A, paragraphs 1 and 2 of this document.
2. Destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete.
3. The participating States agree that the deactivation of small arms will be carried out only in such a way as to render all essential parts of the weapon permanently inoperable and therefore incapable of being removed, replaced or modified in a way that might permit the weapon to be reactivated.

(D) Financial and technical assistance

1. The participating States agree to consider, on a voluntary basis and in co-operation with other international organizations and institutions, technical, financial and consultative assistance with the control or the elimination of surplus small arms to other participating States that request it.
2. The participating States agree to support, in co-operation with other international efforts and in response to a request from a participating State, stockpile management and security programmes, training and on-site confidential assessments.

(E) Transparency measures

1. The participating States agree to share available information on an annual basis not later than 30 June, beginning in 2002 on the category, sub-category and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territory during the previous calendar year.
2. The participating States will, by 30 June 2002, exchange information of a general nature about their national stockpile management and security procedures. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a "best practice" guide, designed to promote effective stockpile management and security and to guarantee a multi-level safety system for the storage of small arms taking into account the work of other international organisations and institutions.

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3. The participating States also agree to exchange information by 30 June 2001 on their techniques and procedures for the destruction of small arms. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a "best practice" guide, of techniques and procedures for the destruction of small arms taking into account the work of other international organizations and institutions.

4. As a confidence-building measure participating States agree to consider on a voluntary basis invitations to each other, particularly in a regional or subregional context, to observe the destruction of small arms on their territory.

Section V: Early Warning, Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation

Introduction

1. The problem of small arms should be an integral part of the OSCE's wider efforts in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The destabilizing accumulation and uncontrolled spread of small arms are elements which can impede conflict prevention, exacerbate conflicts and, where peaceful settlements have been attained, impede both peace-building and social and economic development. In some cases, it may contribute to a breakdown in order, fuel terrorism and criminal violence or lead to a resumption of conflict. This section sets out the norms, principles and measures which the participating States agree to follow.

(A) Early warning and conflict prevention

1. The identification of a destabilizing accumulation or the uncontrolled spread of small arms that might contribute to a deteriorating security situation could be a major element in early warning and, therefore, conflict prevention. It is for each participating State to identify potentially destabilizing accumulations or uncontrolled spreads of small arms linked to its security situation. Each participating State may raise within the OSCE at the Forum for Security Co-operation or the Permanent Council its concerns about such accumulations or spreads.

(B) Post-conflict rehabilitation

1. The participating States recognize that an accumulation, and the uncontrolled spread, of small arms can contribute to the destabilization of the security environment in a post-conflict situation. It is therefore necessary to consider the value of small arms collection and control programmes in these circumstances.

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2. The participating States recognize that a stable security situation, including public confidence in the security sector, is essential for any successful small arms collection and control programme (combined with, as appropriate, amnesties) and other important post-conflict programmes related to DD and R, such as those on the disposal of small arms.

(C) Procedures for assessments and recommendations

1. The participating States agree that an assessment by the Forum for Security Co-operation or the Permanent Council in conflict prevention or a post-conflict situation should include the role (if any) played in that situation by small arms taking into account, as necessary, the indicators found in Section IV(A) paragraph 2, and the need to address that issue.

2. As necessary, at the request of the host participating State, the participating States could be invited to make available, including, if appropriate and in accordance with a decision of the Permanent Council, through the Rapid Expert Assistance and Co-operation Teams (REACT) programme, individuals with relevant expertise in small arms issues. These experts should work with national governments and relevant organizations to ensure a comprehensive assessment of the security situation before providing recommendations for action by the OSCE.

(D) Measures

1. In response to recommendations from experts, the Permanent Council should consider a range of measures including:

(i) Responses to requests for assistance on the security and management of stockpiles of small arms;

(ii) Assistance with, and possible monitoring of, the reduction and disposal of small arms in the State in question;

(iii) The encouragement of and, as necessary, the provision of advice or mutual assistance to implement and reinforce border controls to reduce illicit trafficking in small arms;

(iv) Assistance with small arms collection and control programmes;

(v) As appropriate, the expansion of the mandate of an OSCE field mission or presence to cover small arms issues;

(vi) Consultation and co-ordination, in accordance with the OSCE Platform for Co-operative Security, with other international organizations and institutions.

2. In addition the participating States agree that the mandates of future OSCE missions adopted by the Permanent Council and any peacekeeping operations conducted by the OSCE should, as appropriate, include the capacity to advise, contribute to, implement and monitor small arms collection and destruction programmes and small arms related DD and R measures. Such

OSCE missions could include a suitably qualified person tasked with developing, in conjunction with peacekeeping operations, national authorities and other international organizations and institutions, a series of measures related to small arms.

3. The participating States will promote stable security situations and ensure, within their competence that small arms collection programmes and small arms related DD and R measures are included in any peace agreements and, as appropriate, in the mandates of any peacekeeping operations. Participating States will promote the destruction of all small arms thus collected as the preferred method of disposal.

4. As a supporting measure, the participating States could also promote subregional co-operation, in particular in areas such as border control in order to prevent the re-supply of small arms through illicit trade.

5. The participating States will consider sponsoring, on a national level, public education and awareness programmes highlighting the negative aspects of small arms. They will also consider providing within available financial and technical resources appropriate incentives to encourage the voluntary surrender of illegally held small arms. Participating States will consider providing support for all appropriate post-conflict programmes related to DD and R, such as those on the disposal and destruction of surrendered or seized small arms and ammunition.

(E) Stockpile management and reduction in post conflict rehabilitation

1. Because of the specific vulnerability of small arms storage and management in post conflict situations, the participating State(s) concerned and/or the participating States involved in a peace process will give priority to ensuring that:

(i) Safe storage and stockpile management issues are dealt with in peace processes and are included, as appropriate, in peace agreements;

(ii) To enhance security, stockpile sites are concentrated in as few locations as possible;

(iii) Where they are to be destroyed, collected and confiscated small arms are stored for as short a time as necessary compatible with legal due process;

(iv) Administrative management procedures give priority to and do not delay the small arms reduction and destruction processes.

(F) Further Work

1. The Forum for Security Co-operation will consider developing a "best practice" handbook on small arms DD and R measures taking into account the work of other international organizations and institutions.

2. The requests for small arms destruction monitoring and technical assistance will be co-ordinated through the CPC, taking into account the work of other international organizations and institutions.

Section VI: Final Provisions

1. The participating States agree to the establishment of a list of small arms contact points in delegations to the OSCE and in capitals, to be held and maintained by the CPC. The CPC will be the main point of contact on small arms issues between the OSCE and other international organizations and institutions.

2. The participating States agree that the Forum for Security Co-operation will review regularly including, as appropriate, through annual review meetings, the implementation of the norms, principles and measures in this document and will consider specific small arms issues raised by participating States. In addition, and as necessary, they may convene meetings of national experts on small arms.

3. The participating States also agree to keep the scope and content of this document under regular review. In particular they agree to work on the further development of the document in the light of its implementation and of the work of the United Nations and of other international organizations and institutions.

4. The text of this document will be published in the six official languages of the Organization and disseminated by each participating State.

5. The Secretary General of the OSCE is requested to transmit the present document to the Governments of the Partners for Co-operation Japan, the Republic of Korea, and Thailand and of the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia).

6. The norms, principles and measures in this document are politically binding. Unless otherwise specified they will take effect on the adoption of the document.

Annex

Information Exchange on Small Arms and Light Weapons

(Restricted information when completed)

Reporting Country:
Report for Calendar year:
Date of submission:
Original language:

Exports
Category and sub-category of small arm or light weapon
Final importer State
Number of items
State of origin (if not exporter)
Intermediate location (if any)
Comment on the transfer

Imports
Category and sub-category of small arm or light weapon
Exporter State
Number of items
State of origin
Intermediate location
(if any)
End user certificate numbers or reference
Comment on the transfer

Forms and Fora of Co-operation in the OSCE Area

G-7/G-8 (Group of Seven/Eight)
Organization for Economic Cooperation and Development (OECD)

Council of Europe (CoE)

North Atlantic Treaty Organization (NATO)
Euro-Atlantic Partnership Council (EAPC)
EAPC Observers
Partnership for Peace (PfP)
NATO-Russia Founding Act/NATO-Russia Permanent Joint Council
NATO-Ukraine Charter/NATO-Ukraine Commission

European Union (EU)[1]
EU Association Agreement

Western European Union (WEU)
Associate Members of the WEU[2]
Associate Partners of the WEU
WEU Observers[3]
Eurocorps

Commonwealth of Independent States (CIS)

Baltic Defence Council
Barents Euro-Arctic Council
Nordic Council
Council of the Baltic Sea States (CBSS)

Stability Pact for South Eastern Europe
Central European Free Trade Agreement/Area (CEFTA)
Central European Initiative (CEI)

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1   At the meeting of the European Council on 12 and 13 December 1997 in Luxembourg it was decided to begin negotiations on accession with Cyprus, The Czech Republic, Estonia, Hungary, Poland and Slovenia. At the meeting of the European Council on 10 and 11 December 1999 in Helsinki it was decided to begin negotiations on accession with Slovakia, Romania, Bulgaria, Latvia, Lithuania and Malta.
2   The NATO member states Iceland, Norway and Turkey joined the WEU as associate members on 6 March 1995. In WEU practice no difference is made between associate and full members.
3   The EU countries Austria, Finland, Ireland and Sweden, which are not members of NATO, have observer status which, however, is confined to information exchange and presence in meetings in individual cases and on invitation.

Southeast European Cooperative Initiative (SECI)
South Eastern European Cooperation Process (SEECP)
SEECP Observers
Black Sea Economic Cooperation (BSEC)

North American Free Trade Area (NAFTA)

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The 55 OSCE Participating States - Facts and Figures[1]

1. Albania
Date of Accession: June 1991
Scale of Distribution: 0.19 per cent
Area: 28,748 km^2 (OSCE Ranking: 45)
Population: 3,145,000[2] (OSCE Ranking: 42)
GNP per Capita in US-$ according to PPP[3]: 2,892 (OSCE Ranking: 46)[4]
GNP growth: 1.0 per cent[5] (OSCE Ranking: 38)[6]
Armed Forces (Active): 54,000 (OSCE Ranking: 23)[7]
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, Stability Pact for South Eastern Europe, CEI, SECI, SEECP, BSEC

2. Andorra
Date of Accession: April 1996
Scale of Distribution: 0.125 per cent
Area: 467.76 km^2 (50)
Population: 66,824 (2000)[8] (51)
GNP per Capita in US-$ according to PPP: 18,000 (1996)[9] (22)
GNP growth: no data given
Armed Forces (Active): none
Memberships and Forms of Co-operation: Council of Europe

3. Armenia
Date of Accession: January 1992
Scale of Distribution: 0.185 per cent
Area: 29,800 km^2 (44)
Population: 3,788,000 (40)
GNP per Capita in US-$ according to PPP: 2,210 (50)
GNP growth: 2.7 per cent (27)
Armed Forces (Active): 53,400 (24)

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1   Drawn up by Max Bornefeld-Ettmann.
2   Data from: http://www.un.org/Depts/unsd/social/population.htm. The figures refer to 2001 if not mentioned otherwise.
3   PPP: Purchasing Power Parity (figures as of 1999 in US-$). PPP is defined as the number of units of a country's currency required to buy the same amounts of goods and services in the domestic market as US-$ 1 would buy in the United States. See The World Bank, World Development Report 2000/2001, Oxford 2000.
4   Out of 54 registered countries.
5   Changes 1998-1999.
6   Out of 50 registered countries.
7   Out of 49 registered countries.
8   Data from: http://www.cia.gov/cia/publications/factbook/geos/an.html.
9   Cf. ibid.

Memberships and Forms of Co-operation: Council of Europe[10], EAPC, PfP, CIS, BSEC

4. Austria
Date of Accession: November 1972
Scale of Distribution: 2.05 per cent
Area: 83,858 km^2 (29)
Population: 8,075,000 (25)
GNP per Capita in US-$ according to PPP: 23,808 (9)
GNP growth: 2.3 per cent (30)
Armed Forces (Active): 40,500 (30)
Memberships and Forms of Co-operation: OECD, Council of Europe, EAPC, PfP, EU, WEU Observer, Stability Pact for South Eastern Europe, CEI

5. Azerbaijan
Date of Accession: January 1992
Scale of Distribution: 0.185 per cent
Area: 86,600 km^2 (28)
Population: 8,097,000 (24)
GNP per Capita in US-$ according to PPP: 2,322 (48)
GNP growth: 6.9 per cent (4)
Armed Forces (Active): 69,900 (17)
Memberships and Forms of Co-operation: Council of Europe[11], EAPC, PfP, CIS, BSEC

6. Belarus
Date of Accession: January 1992
Scale of Distribution: 0.7 per cent
Area: 207,595 km^2 (19)
Population: 10,148,00 (20)
GNP per Capita in US-$ according to PPP: 6,518 (34)
GNP growth: 3.4 per cent (20)
Armed Forces (Active): 80,900 (14)
Memberships and Forms of Co-operation: EAPC, PfP, CIS, CEI

7. Belgium
Date of Accession: November 1972
Scale of Distribution: 3.55 per cent
Area: 30,528 km^2 (43)
Population: 10,263,000 (18)

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10   Since 25 January 2001.
11   Since 25 January 2001.

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GNP per Capita in US-$ according to PPP: 24,200 (8)
GNP growth: 1.9 per cent (31)
Armed Forces (Active): 41,800 (29)
Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, EU, WEU, Eurocorps, Stability Pact for South Eastern Europe

8. Bosnia and Herzegovina
Date of Accession: April 1992
Scale of Distribution: 0.19 per cent
Area: 51,197 km^2 (36)
Population: approximately 4,067,000 (38)
GNP per Capita in US-$ according to PPP: 1,770 (1999)[12] (53)
GNP growth: 6.1 per cent (5)
Armed Forces (Active): approximately 40,000 (31)[13]
Memberships and Forms of Co-operation: Stability Pact for South Eastern Europe, CEI, SECI, SEECP

9. Bulgaria
Date of Accession: November 1972
Scale of Distribution: 0.55 per cent
Area: 110,994 km^2 (23)
Population: 7,866,000 (26)
GNP per Capita in US-$ according to PPP: 4,914 (40)
GNP growth: 3.0 per cent (24)
Armed Forces (Active): 80,800 (15)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, EU Association Agreement, negotiations on accession to the EU, Associate Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI, SECI, SEECP, BSEC

10. Canada
Date of Accession: November 1972
Scale of Distribution: 5.45 per cent
Area: 9,970,610 km^2 (2)
Population: 31,015,000 (11)
GNP per Capita in US-$ according to PPP: 23,725 (10)
GNP growth: 3.8 per cent (14)
Armed Forces (Active): 60,600 (20)

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12   Data from: http://www.cia.gov/cia/publications/factbook/geos/bk.html.
13   The OSCE ranking refers to the Muslim-Croat Federation and the Republika Srpska as a whole.

Memberships and Forms of Co-operation: G-7/G-8, OECD, NATO, EAPC, NAFTA, Stability Pact for South Eastern Europe

11. Croatia
Date of Accession: March 1992
Scale of Distribution: 0.19 per cent
Area: 56,538 km^2 (35)
Population: 4,655,000 (35)
GNP per Capita in US-$ according to PPP: 6,915 (33)
GNP growth: - 0.3 per cent (44)
Armed Forces (Active): 61,000 (19)
Memberships and Forms of Co-operation: Council of Europe, Stability Pact for South Eastern Europe, CEI, SECI, SEECP Observer, EAPC, PfP

12. Cyprus
Date of Accession: November 1972
Scale of Distribution: 0.19 per cent
Area: 9,251 km^2 (48)
Population: 791,000 (47)
GNP per Capita in US-$ according to PPP: 18,395 (21)
GNP growth: 4.2 per cent (9)
Armed Forces (Active): 10,000 (42)
Memberships and Forms of Co-operation: Council of Europe, negotiations on accession to the EU, EU Association Agreement

13. Czech Republic
Date of Accession: January 1993
Scale of Distribution: 0.67 per cent
Area: 78,866 km^2 (30)
Population: 10,260,000 (19)
GNP per Capita in US-$ according to PPP: 12,289 (28)
GNP growth: - 0.5 per cent (45)
Armed Forces (Active): 58,200 (21)
Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI

14. Denmark
Date of Accession: November 1972
Scale of Distribution: 2.05 per cent
Area: 43,094 km^2 (39)
Population: 5,332,000 (30)

GNP per Capita in US-$ according to PPP: 24,280 (7)
GNP growth: 1.3 per cent (35)
Armed Forces (Active): 24,300 (36)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, EU, WEU Observer, Barents Euro-Arctic Council, Nordic
Council, CBSS, Stability Pact for South Eastern Europe

15. Estonia
Date of Accession: September 1991
Scale of Distribution: 0.19 per cent
Area: 45,227 km² (38)
Population: 1,377,000 (46)
GNP per Capita in US-$ according to PPP: 7,826 (32)
GNP growth: 1.9 per cent (32)
Armed Forces (Active): 4,800 (47)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP,
negotiations on accession to the EU, EU Association Agreement, Associate
Partner of the WEU, Baltic Defence Council, CBSS

16. Finland
Date of Accession: November 1972
Scale of Distribution: 2.05 per cent
Area: 338,145 km² (13)
Population: 5,178,000 (32)
GNP per Capita in US-$ according to PPP: 21,209 (15)
GNP growth: 3.7 per cent (15)
Armed Forces (Active): 31,700 (32)
Memberships and Forms of Co-operation: OECD, Council of Europe,
EAPC, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic
Council, CBSS, Stability Pact for South Eastern Europe

17. France
Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 551,500 km² (7)
Population: 59,453,000 (6)
GNP per Capita in US-$ according to PPP: 21,897 (14)
GNP growth: 2.4 per cent (29)
Armed Forces (Active): 317,300 (5)
Memberships and Forms of Co-operation: G-7/G-8, OECD, Council of
Europe, NATO, EAPC, EU, WEU, Eurocorps, Stability Pact for South
Eastern Europe

18. Georgia
Date of Accession: March 1992
Scale of Distribution: 0.185 per cent
Area: 69,700 km^2 (32)
Population: 5,238,000 (31)
GNP per Capita in US-$ according to PPP: 3,606 (43)
GNP growth: 4.0 per cent (11)
Armed Forces (Active): 26,300 (35)
Memberships and Forms of Co-operation: EAPC, Council of Europe, PfP, CIS, BSEC

19. Germany
Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 357,022 km^2 (12)
Population: 82,008,000 (3)
GNP per Capita in US-$ according to PPP: 22,404 (13)
GNP growth: 1.2 per cent (37)
Armed Forces (Active): 332,800 (4)
Memberships and Forms of Co-operation: G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU, WEU, Eurocorps, CBSS, Stability Pact for South Eastern Europe

20. Greece
Date of Accession: November 1972
Scale of Distribution: 0.7 per cent
Area: 131,957 km^2 (22)
Population: 10,624,000 (16)
GNP per Capita in US-$ according to PPP: 14,595 (27)
GNP growth: 3.3 per cent (22)
Armed Forces (Active): 165,600 (12)
Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, EU, WEU, Stability Pact for South Eastern Europe, SECI, SEECP, BSEC

21. The Holy See
Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 0.44 km^2 (55)
Population: 802 (2000) (55)
GNP per Capita in US-$ according to PPP: no data given
GNP growth: no data given
Armed Forces (Active): none (94 members of the Swiss Guard)
Memberships and Forms of Co-operation: none

22. Hungary
Date of Accession: November 1972
Scale of Distribution: 0.7 per cent
Area: 93,030 km^2 (26)
Population: 9,917,000 (22)
GNP per Capita in US-$ according to PPP: 10,479 (29)
GNP growth: 5.3 per cent (7)
Armed Forces (Active): 43,400 (28)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, negotiations on accession to the EU, EU Association Agree-
ment, Associate Partner of the WEU, Stability Pact for South Eastern
Europe, CEFTA, CEI, SECI

23. Iceland
Date of Accession: November 1972
Scale of Distribution: 0.19 per cent
Area: 103,000 km^2 (24)
Population: 281,000 (50)
GNP per Capita in US-$ according to PPP: 26,283 (6)
GNP growth: 6.0 per cent (6)
Armed Forces (Active): none
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, Associate Partner of the WEU, Barents Euro-Arctic Council,
Nordic Council, CBSS

24. Ireland
Date of Accession: November 1972
Scale of Distribution: 0.55 per cent
Area: 70,273 km^2 (31)
Population: 3,841,000 (39)
GNP per Capita in US-$ according to PPP: 19,180 (20)
GNP growth: 8.6 per cent (3)
Armed Forces (Active): 11,500 (40)
Memberships and Forms of Co-operation: OECD, Council of Europe, EU,
WEU Observer, EAPC, PfP, Stability Pact for South Eastern Europe

25. Italy
Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 301,318 km^2 (16)
Population: 57,503,000 (7)
GNP per Capita in US-$ according to PPP: 20,751 (18)
GNP growth: 1.0 per cent (39)

Armed Forces (Active): 265,500 (7)
Memberships and Forms of Co-operation: G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU, WEU, Stability Pact for South Eastern Europe, CEI

26. Kazakhstan
Date of Accession: January 1992
Scale of Distribution: 0.55 per cent
Area: 2,724,900 km^2 (4)
Population: 16,095,000 (14)
GNP per Capita in US-$ according to PPP: 4,408 (41)
GNP growth: 0.6 per cent (41)
Armed Forces (Active): 65,800 (18)
Memberships and Forms of Co-operation: EAPC, PfP, CIS

27. Kyrgyzstan
Date of Accession: January 1992
Scale of Distribution: 0.185 per cent
Area: 199,900 km^2 (20)
Population: 4,986,000 (33)
GNP per Capita in US-$ according to PPP: 2,223 (49)
GNP growth: 2.6 per cent (28)
Armed Forces (Active): 9,200 (44)
Memberships and Forms of Co-operation: EAPC, PfP, CIS

28. Latvia
Date of Accession: September 1991
Scale of Distribution: 0.19 per cent
Area: 64,589 km^2 (34)
Population: 2,406,000 (43)
GNP per Capita in US-$ according to PPP: 5,938 (38)
GNP growth: 0.5 per cent (43)
Armed Forces (Active): 5,700 (46)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Baltic Defence Council, CBSS

29. Liechtenstein
Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 160 km^2 (52)

Population: 32,207 (2000)[14] (52)
GNP per Capita in US-$ according to PPP: 23,000 (1998)[15] (12)
GNP growth: no data given
Armed Forces (Active): none
Memberships and Forms of Co-operation: Council of Europe, since 1923
Community of Law, Economy and Currency with Switzerland, since 1995
Member of the European Economic and Monetary Space

30. Lithuania

Date of Accession: September 1991
Scale of Distribution: 0.19 per cent
Area: 65,300 km^2 (33)
Population: 3,689,000 (41)
GNP per Capita in US-$ according to PPP: 6,093 (37)
GNP growth: - 4.1 per cent (48)
Armed Forces (Active): 12,100 (39)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP,
negotiations on accession to the EU, EU Association Agreement, Associate
Partner of the WEU, Baltic Defence Council, CBSS

31. Luxembourg

Date of Accession: November 1972
Scale of Distribution: 0.55 per cent
Area: 2,586 km^2 (49)
Population: 443,000 (48)
GNP per Capita in US-$ according to PPP: 38,247 (1)
GNP growth: 5.1 per cent (8)
Armed Forces (Active): 800 (49)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, EU, WEU, Eurocorps, Stability Pact for South Eastern
Europe

32. Former Yugoslav Republic of Macedonia

Date of Accession: October 1995
Scale of Distribution: 0.19 per cent
Area: 25,713 km^2 (46)
Population: 2,044,000 (44)
GNP per Capita in US-$ according to PPP: 4,339 (42)
GNP growth: 2.9 per cent (26)
Armed Forces (Active): 16,000 (38)

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14   Data from: http://www.cia.gov/cia/publications/factbook/geos/ls.html.
15   Cf. ibid.

Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, Stability Pact for South Eastern Europe, CEI, SECI, SEECP

33. Malta
Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 315.6 km^2 (51)
Population: 392,000 (49)
GNP per Capita in US-$ according to PPP: 15,066 (25)
GNP growth: 3.5 per cent (18)
Armed Forces (Active): 1,900 (48)
Memberships and Forms of Co-operation: Council of Europe, negotiations on accession to the EU, EU Association Agreement

34. Moldova
Date of Accession: January 1992
Scale of Distribution: 0.19 per cent
Area: 33,851 km^2 (42)
Population: 4,285,000 (37)
GNP per Capita in US-$ according to PPP: 2,358 (47)
GNP growth: 16.5 per cent[16] (1)
Armed Forces (Active): 10,700 (41)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, CIS, Stability Pact for South Eastern Europe, CEI, SECI, BSEC

35. Monaco
Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 1.95 km^2 (54)
Population: 31,693 (2000)[17] (53)
GNP per Capita in US-$ according to PPP: 27.000 (1999)[18] (4)
GNP growth: no data given
Armed Forces (Active): none
Memberships and Forms of Co-operation: Member of the European Economic and Monetary Space by special agreement with France

36. Netherlands
Date of Accession: November 1972
Scale of Distribution: 3.55 per cent
Area: 41,526 km^2 (40)

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16   Without Trans-Dniestria.
17   Data from: http://www.cia.gov/cia/publications/factbook/geos/mn.html.
18   Cf. ibid.

Population: 15,929,000 (15)
GNP per Capita in US-$ according to PPP: 23,052 (11)
GNP growth: 3.0 per cent (25)
Armed Forces (Active): 56,400 (22)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, EU, WEU, Stability Pact for South Eastern Europe

37. Norway
Date of Accession: November 1972
Scale of Distribution: 2.05 per cent
Area: 323,758 km^2 (14)
Population: 4,488,000 (36)
GNP per Capita in US-$ according to PPP: 26,522 (5)
GNP growth: 0.6 per cent (42)
Armed Forces (Active): 30,700 (33)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, Associate Member of the WEU, Barents Euro-Arctic Coun-
cil, Nordic Council, CBSS, Stability Pact for South Eastern Europe

38. Poland
Date of Accession: November 1972
Scale of Distribution: 1.4 per cent
Area: 312,685 km^2 (15)
Population: 38,577,000 (10)
GNP per Capita in US-$ according to PPP: 7,894 (31)
GNP growth: 3.4 per cent (21)
Armed Forces (Active): 240,700 (8)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, negotiations on accession to the EU, EU Association Agree-
ment, Associate Partner of the WEU, CBSS, Stability Pact for South Eastern
Europe, CEFTA, CEI

39. Portugal
Date of Accession: November 1972
Scale of Distribution: 0.55 per cent
Area: 91,982 km^2 (27)
Population: 10,034,000 (21)
GNP per Capita in US-$ according to PPP: 15,147 (24)
GNP growth: 3.1 per cent (23)
Armed Forces (Active): 49,700 (26)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, EU, WEU, Stability Pact for South Eastern Europe

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40. Romania
Date of Accession: November 1972
Scale of Distribution: 0.7 per cent
Area: 238,391 km^2 (18)
Population: 22,388,000 (13)
GNP per Capita in US-$ according to PPP: 5,647 (39)
GNP growth: - 3.0 per cent (47)
Armed Forces (Active): 207,000 (10)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP,
negotiations on accession to the EU, EU Association Agreement, Associate
Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI,
SECI, SEECP, BSEC

41. Russian Federation
Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 17,075,400 km^2 (1)
Population: 144,664,000 (2)
GNP per Capita in US-$ according to PPP: 6,339 (35)
GNP growth: - 1.3 per cent (36)
Armed Forces (Active): 1,004,100 (2)
Memberships and Forms of Co-operation: G-8, Council of Europe, EAPC,
PfP, NATO-Russia Founding Act, CIS, Barents Euro-Arctic Council, CBSS,
Stability Pact for South Eastern Europe, BSEC

42. San Marino
Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 60.57 km^2 (53)
Population: 26,937 (2000)[19] (54)
GNP per Capita in US-$ according to PPP: 20,000 (1997)[20] (19)
GNP growth: no data given
Armed Forces (Active): none
Memberships and Forms of Co-operation: Council of Europe

43. Slovakia
Date of Accession: January 1993
Scale of Distribution: 0.33 per cent
Area: 49,036 km^2 (36)
Population: 5,404,000 (29)
GNP per Capita in US-$ according to PPP: 9,811 (30)

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19   Data from: http://www.cia.gov/cia/publications/factbook/geos/sm.html.
20   Cf. ibid.

GNP growth: 1.0 per cent (40)
Armed Forces (Active): 44,900 (27)
Memberships and Forms of Co-operation: OECD, Council of Europe,
EAPC, PfP, negotiations on accession to the EU, EU Association Agreement,
Associate Partner of the WEU, Stability Pact for South Eastern Europe,
CEFTA, CEI

44. Slovenia
Date of Accession: March 1992
Scale of Distribution: 0.19 per cent
Area: 20,256 km² (47)
Population: 1,986,000 (45)
GNP per Capita in US-$ according to PPP: 15,062 (26)
GNP growth: 3.5 per cent (19)
Armed Forces (Active): 9,600 (43)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP,
negotiations on accession to the EU, EU Association Agreement, Associate
Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI,
SECI

45. Spain
Date of Accession: November 1972
Scale of Distribution: 3.65 per cent
Area: 505,992 km² (8)
Population: 39,920,000 (9)
GNP per Capita in US-$ according to PPP: 16,730 (23)
GNP growth: 3.7 per cent (16)
Armed Forces (Active): 186,500 (11)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, EU, WEU, Eurocorps, Stability Pact for South Eastern
Europe

46. Sweden
Date of Accession: November 1972
Scale of Distribution: 3.55 per cent
Area: 449,964 km² (10)
Population: 8,833,000 (23)
GNP per Capita in US-$ according to PPP: 20,824 (17)
GNP growth: 3.9 per cent (12)
Armed Forces (Active): 53,100 (25)
Memberships and Forms of Co-operation: OECD, Council of Europe,
EAPC, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic
Council, CBSS, Stability Pact for South Eastern Europe

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47. Switzerland
Date of Accession: November 1972
Scale of Distribution: 2.3 per cent
Area: 41,285 km^2 (41)
Population: 7,170,000 (27)
GNP per Capita in US-$ according to PPP: 27,486 (3)
GNP growth: 1.4 per cent (34)
Armed Forces (Active): 27,700 (34)
Memberships and Forms of Co-operation: OECD, Council of Europe, PfP, EAPC, Stability Pact for South Eastern Europe

48. Tajikistan
Date of Accession: January 1992
Scale of Distribution: 0.185 per cent
Area: 143,100 km^2 (21)
Population: 6,135,000 (28)
GNP per Capita in US-$ according to PPP: 981 (54)
GNP growth: 3.7 per cent (17)
Armed Forces (Active): 9,000 (45)
Memberships and Forms of Co-operation: EAPC, PfP, CIS

49. Turkey
Date of Accession: November 1972
Scale of Distribution: 1.0 per cent
Area: 779,815 km^2 (5)
Population: 67,632,000 (4)
GNP per Capita in US-$ according to PPP: 6,126 (36)
GNP growth: - 6.4 per cent (49)
Armed Forces (Active): 639,000 (3)
Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, EU Association Agreement, Associate Member of the WEU, Stability Pact for South Eastern Europe, SECI, SEECP, BSEC

50. Turkmenistan
Date of Accession: January 1992
Scale of Distribution: 0.185 per cent
Area: 488,100 km^2 (9)
Population: 4,835,000 (34)
GNP per Capita in US-$ according to PPP: 3,099 (45)
GNP growth: 14.9 per cent (2)
Armed Forces (Active): 19,000 (37)
Memberships and Forms of Co-operation: EAPC, PfP, CIS

51. Ukraine

Date of Accession: January 1992
Scale of Distribution: 1.75 per cent
Area: 603,700 km^2 (6)
Population: 49,111,000 (8)
GNP per Capita in US-$ according to PPP: 3,142 (44)
GNP growth: - 1.2 per cent (46)
Armed Forces (Active): 311,400 (6)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, NATO-Ukraine Charter, CIS, Stability Pact for South Eastern Europe, CEI, BSEC

52. United Kingdom

Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 242,900 km^2 (17)
Population: 59,541,000 (5)
GNP per Capita in US-$ according to PPP: 20,883 (16)
GNP growth: 1.7 per cent (33)
Armed Forces (Active): 212,400 (9)
Memberships and Forms of Co-operation: G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU, WEU, Nordic Council, Stability Pact for South Eastern Europe

53. USA

Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 9,363,520 km^2 (3)
Population: 285,926,000 (1)
GNP per Capita in US-$ according to PPP: 30,600 (2)
GNP growth: 4.1 per cent (10)
Armed Forces (Active): 1,371,500 (1)
Memberships and Forms of Co-operation: G-7/G-8, OECD, NATO, EAPC, Stability Pact for South Eastern Europe, SECI, NAFTA

54. Uzbekistan

Date of Accession: January 1992
Scale of Distribution: 0.55 per cent
Area: 447,400 km^2 (11)
Population: 25,284,000 (12)
GNP per Capita in US-$ according to PPP: 2,092 (51)
GNP growth: 3.9 per cent (13)

Armed Forces (Active): 74,000 (16)
Memberships and Forms of Co-operation: EAPC, PfP, CIS

55. Yugoslavia (Serbia and Montenegro)*
Date of Accession: November 1972
Scale of Distribution: 0.55 per cent
Area: 102,173 km^2 (25)
Population: 10,538,000 (17)
GNP per Capita in US-$ according to PPP: 1,800 (1999)[21] (52)
GNP growth: - 20 per cent (50)[22]
Armed Forces (Active): 108,700 (13)
Memberships and Forms of Co-operation: Stability Pact for South Eastern Europe, CEI, SEECP

* Yugoslavia was suspended from 7 July 1992 to 10 November 2000.

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Website of the United Nations: http://www.un.org;
Website of the World Bank Group: http://www.worldbank.org;
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21   Data from: http://www.cia.gov/cia/publications/factbook/geos/sr.html.
22   Cf. ibid.

OSCE Conferences, Meetings and Events 2000/2001

2000

26-30 June	Seminar for gender trainers by the OSCE Centre in Almaty.
July	ODIHR leadership training for Kyrgyz women in the Talas region.
3-4 July	ODIHR workshop on implementing the Lund Recommendations, Warsaw.
5 July	Meeting of the OSCE Troika, Vienna.
6-10 July	Ninth Annual Session of the OSCE Parliamentary Assembly, Bucharest; election of Adrian Severin as new President of the PA.
14 July	ODIHR round table on combating trafficking in human beings, Moscow.
17-19 July	Workshop on activities of the OSCE and its institutions for experts from Mediterranean partners and partners for co-operation countries, Vienna.
18 July-13 August	Women's seminars with focus on family and political rights by the OSCE Mission to Tajikistan.
27-30 July	Event organized by the OSCE Mission to Bosnia and Herzegovina on political involvement of youth, Kakanj.
31 July	Small entrepreneurs' workshop of the OSCE Mission to Tajikistan.
August	Three ODIHR human rights workshops for judicial system members in Uzbekistan.
1 August	25 years of Helsinki Final Act: celebrations among others in Copenhagen, Helsinki and Vienna; conference with regard to the 25th anniversary of the Helsinki Final Act, Tampere.
1-8 August	Three more service centres for political parties opened by the OSCE Mission in Kosovo in Prizren, Gnjilane and Mitrovica.
21-28 August	Campaign training workshops for political parties in five regional centres across Kosovo.
15-19 August	Training seminars for local authorities by the OSCE Mission to Tajikistan.
19-21 August	First advocacy training session for NGOs by the OSCE Mission to Bosnia and Herzegovina.
22-24 August	Seminar on teacher training and integration by the OSCE Mission to Estonia.

23-30 August	Seminars for regional and district representatives of political parties by the OSCE Mission to Tajikistan.
2 September	Round table on elections under the auspices of the OSCE, Astana.
4 September	OMIK training workshop for female candidates for elections in Kosovo.
4-8 September	Economic workshop, Tashkent.
5-6 September	OMIK seminar on international law for members of the judiciary in Kosovo.
10-16 September	Anti-corruption training for journalists by the OSCE Mission to Bosnia and Herzegovina, Banja Luka.
11-12 September	Seminar on human rights in criminal justice by the OSCE Centre in Almaty.
13-15 September	OSCE regional seminar on global environmental law, Almaty.
13, 18 September	Opening of political resource centres by the OSCE in Bosnia and Herzegovina, Višegrád and Prijedor.
14 September	Meeting on activities, role and future of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), Vienna.
14-15 September	ODIHR workshop on guidelines for election legislation review, Stockholm.
18 September	First meeting of the Stability Pact Task Force on Trafficking in Human Beings, Vienna.
20 September	Official start for the OMIK Institute for Civil Administration in Kosovo (ICA), Zvecan.
25 September	OSCE/ODIHR meeting on migration and internal displacement, Vienna.
25 September	First regional Heads of Mission meeting, Yerevan.
26-27 September	Conference on trafficking in human beings in Moldova.
27 September	OSCE conference on "Prospects for Regional and Transregional Co-operation and the Resolution of Conflicts", Yerevan.
28-30 September	Seminar to upgrade skills of Tajik local authorities, Khujand.
5-6 October	Public affairs round table, Tbilisi.
7 October	OSCE conference "Women in Politics: an Agenda for Kosovo's Communities", Priština.
9-13 October	OCEEA training seminar for economic and environmental officers in the field missions, Vienna.
10 October	Second conference on drug control in Tajikistan, Dusti.
16-17 October	OSCE property experts meeting in Croatia.
17-27 October	Fifth Human Dimension Implementation Meeting, Warsaw.

19-20 October	Meeting of the ODIHR Advisory Panel for the Prevention of Torture, Warsaw.
19-20 October	International conference to counter drugs, organized crime and terrorism in Central Asia jointly organized by OSCE and UNODCCP, Tashkent.
23 October	ODIHR meeting on Roma refugees and asylum seekers, Warsaw.
23-24 October	ODIHR seminar on data protection in state registers in Ukraine, Kyiv.
23-24 October	Meeting of the ODIHR Advisory Panel on Freedom of Religion or Belief, Warsaw.
26-28 October	HCNM seminar on religion, security and stability in Central Asia, Almaty.
27 October	Meeting of the OSCE Troika, Vienna.
30 October	ODIHR round table for governmental representatives and NGOs on trafficking in human beings, Bucharest.
30-31 October	Annual OSCE Mediterranean seminar, Portorož.
31 Oct.-1 Nov.	Seminar on introducing human rights into school and university curricula in Kazakhstan, Astana.
2-3 November	OCEEA seminar on transparency and good governance in economic matters, Almaty.
3-5 November	Stability Pact for South-Eastern Europe's Gender Task Force training session to empower politically active women, Zagreb.
6 November	Round table on the protection of journalists in conflict areas jointly organized by German Ministry of Foreign Affairs and OSCE Representative on Freedom of the Media, Berlin.
6-7 November	First youth conference by the OSCE Mission to Bosnia and Herzegovina, Sarajevo.
9 November	Official welcome of Thailand as a partner for co-operation by the Permanent Council.
9-10 November	Conference on "Human Rights in Pre-Trial Investigation and Arrest" by the OSCE Mission to Tajikistan, Khujand.
14-15 November	Central Asian media conference under the auspices of the OSCE Representative on Freedom of the Media, Dushanbe.
14-17 November	ODIHR workshop on women's leadership and network building in Kyrgyzstan, Issyk-Kul.
20-22 November	ODIHR training workshop on women's rights in Kazakhstan.
21 November	Kosovo ombudsperson institution formally inaugurated, Priština.

25-26 November	Seminar series for public defenders started by the OSCE Advisory and Monitoring Group in Belarus, Glubokoye and Molodechno.
26 Nov.-6 Dec.	ODIHR human rights training for staff of Russian Representative for Human Rights in Chechnya, Strasbourg.
27 -28 November	Eighth OSCE Ministerial Council, Vienna.
30 Nov.-1 Dec.	Creation of a European network of parliamentarians, mayors and local councillors of Romani origin, Prague.
1 December	OSCE Representative on Freedom of the Media launches "mobile culture container" project.
1 December	"Ariadne" anti-trafficking project launched in Belarus, Minsk.
3-4 December	HCNM addresses minority rights seminar, Zagreb.
8-9 December	OSCE Mission to Bosnia and Herzegovina conference on municipal finance programme (MIFI), Sarajevo.
8-11 December	Conference for South Caucasus journalists in Georgia.
9-11 December	NGO human rights conference in Kyrgyzstan.
11-12 December	Conference on migration legislation in Kazakhstan.
11-12 December	Joint Japan-OSCE Conference on "Comprehensive Security in Central Asia: Sharing OSCE and Asian Experiences", Tokyo.
13-17 December	ODIHR training seminar for the Uzbek ombudsman office, Tashkent.
14 December	HCNM addresses international conference on "Facing Ethnic Conflicts", Bonn.
14-17 December	ODIHR conference on legal support for Tajik women, Dushanbe.

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1 January	Romania takes over the Chairmanship of the OSCE from Austria Romania's Foreign Minister Mircea Geoana holds the position of Chairman-in-Office.
11-12 January	Media seminar jointly organized by OSCE and the Council of Europe, Yerevan.
15-16 January	OMIK training seminars for new Kosovo municipal heads, Priština.
19 January	Meeting of the co-ordinating team of the Stability Pact Task Force on Trafficking in Human Beings.
22-23 January	Heads of Mission meeting, Bucharest.
23 January	Meeting of the OSCE Troika, Bucharest.
25 January	Second round table on elections in Kazakhstan, Astana.

26-27 January	Seminar on mass media and the judiciary in Kazakhstan, Astana.
30-31 January	Seminar on good governance in public and private sectors jointly organized by the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the European Commission, Brussels.
2 February	Meeting of the OSCE Chairman-in-Office and United Nations Secretary-General, New York.
8-9 February	ODIHR consultation and information meeting on Roma issues, Warsaw.
9 February	Round table on amendments to electoral code in Armenia, Yerevan.
15-16 February	Round table on Roma health issues, Bucharest.
16 February	Round table on Roma in Yugoslavia.
16 February	OSCE hosts annual tripartite meeting with UN and Council of Europe, Vienna.
27-28 February	Security and human rights events by OSCE Centre in Ashgabad.
28 Feb.-2 March	Conference on journalists and free media in South-eastern Europe, Zagreb.
March	Workshops on housing and property issues in Kosovo.
March	ODIHR launches human rights monitoring and reporting training programme for NGOs in Caucasus and Central Asia.
6 March	Experts review draft laws in Ukraine.
6 March	International workshop on "Public Security and the Rule of Law from a European Perspective", London.
7-9 March	Environmental round tables by OSCE Mission to Bosnia and Herzegovina.
12-13 March	OSCE Supplementary Human Dimension Meeting on freedom of expression, Vienna.
13-16 March	ODIHR technical assessment mission visits Cyprus.
14-15 March	Training seminars for government spokespersons by OSCE Mission to Bosnia and Herzegovina.
16 March	Opening of OSCE Mission to the Federal Republic of Yugoslavia, Belgrade.
19 March	Round table on multilingual and multicultural education models in Estonia.
19-21 March	OSCE-Korea Conference on "Applicability of OSCE Confidence- and Security-Building Measures (CSBMs) in Northeast Asia", Seoul.
21 March	Regional economic forum by OSCE Mission to Croatia, Hrvatska Kostajnica.

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23 March	Kosovo municipal assembly officials attend training in Norway.
27-28 March	Preparatory seminar for the Ninth Annual OSCE Economic Forum on 'Transparency and Good Governance in Economic Matters: Institutions, Governance and Economic Performance", Bucharest.
29 March-2 April	Start of ODIHR project on reform of Ukrainian registration system.
30 March	Conference on the Estonian education system and national minorities, Tallinn.
6 April	Seminar on gender equality in legislatures by OSCE Mission to Bosnia and Herzegovina.
9 April	Workshop on judicial reforms by OSCE Mission to the Federal Republic of Yugoslavia, Belgrade.
11 April	Annual "2+2" meeting of OSCE and Council of Europe, Bucharest.
15 April	OMIK radio programme "With us, for us" goes on air.
17 April	Regional conference on narcotics by OSCE Mission to Georgia, Tbilisi.
18 April	Round table on reporting to the UN Human Rights Committee by OSCE Mission to Tajikistan.
19-20 April	Round table on trafficking in human beings, Belgrade.
27 April	Meeting of the Stability Pact Task Force on Trafficking in Human Beings, Vienna.
28-30 April	First regional meeting under the new joint ODIHR-Council of Europe programme on Roma in South-eastern Europe, Bucharest.
4-11 May	ODIHR women's rights "training of trainers" in Azerbaijan and Georgia, Baku and Tbilisi.
7-8 May	Conference on gender issues by the OSCE Office in Yerevan.
8 May	Experts meeting on reform of Serbia's election laws, Belgrade.
14-15 May	Seminar on corruption investigation and prevention strategy for prosecutors, Yalta.
14-18 May	OMIK media training for young Roma journalists in Kosovo.
15-18 May	Ninth Annual OSCE Economic Forum, Prague.
17-18 May	Conference on democracy and law enforcement, Yerevan.
18 May	OMIK workshop on human rights for communities committees, Prizren.
21-30 May	Multi-ethnic police training starts in southern Serbia, Bujanovac.

21-29 May	Training seminars on international legal standards in Uzbekistan, Bukhara and Tashkent.
29-31 May	ODIHR seminar on election processes, Warsaw.
31 May	Workshop on media freedom in Belarus, Vienna.
1-2 June	Conference on pre-trial investigation in Uzbekistan, Tashkent.
6-7 June	ODIHR workshop on crisis management for police officers and mayors, Skopje.
7-9 June	Training seminar for Kosovo civil servants, Priština.
8 June	Media training for police spokespersons by OSCE Mission to Bosnia and Herzegovina.
11 June	Third round table on elections in Kazakhstan, Astana.
13-14 June	ODIHR fact-finding visit to Chechnya.
15 June	Return of OSCE Assistance Group to Chechnya, opening of the office in Znamenskoye.
17-24 June	Training seminars for Azeri prison officials in Poland, Kalisz.
18-19 June	Second OSCE Supplementary Human Dimension Meeting on promoting tolerance and non-discrimination, Vienna.
19 June	Conference on counter-terrorism in Central Asia, Istanbul.
20 June	Meeting of the OSCE Troika, Vienna.
20-21 June	Meeting of ODIHR Advisory Panel on Freedom of Religion or Belief, The Hague.
21-22 June	Regional conference of drug specialists, Sukhumi.
21 June	Round table on trafficking in human beings in Tajikistan.
26-29 June	Kosovo Police Service School hosts youth congress, Vučitrn.
1 July	Ambassador Rolf Ekéus takes over the position of OSCE High Commissioner on National Minorities.
2 July	Seminar on "Human Rights and Legal Protection in Post-Conflict Kosovo", Priština.
2 July	OMIK workshop for communities committees on human rights standards in Kosovo, Mitrovica.
3-7 July	Seminar on environment and security, Berlin.
4-13 July	Seminars on the "Role of the Opposition Work in Kosovo".
6-10 July	Tenth OSCE Parliamentary Assembly Annual Session, Paris.
7 July	OMIK opens "Democracy House", Peć.
13 July	Round table on preventing torture, Yerevan.

16-19 July	OMIK computer training workshop for journalists in Kosovo, Mitrovica.
19 July	Seminar on urban planning and development in Kosovo, Zubin Potok.
24 July-3 August	Seminar on legal rights for business-women in Tajikistan, Penjikent.
25 July	Round table on access to governmental information, Tajikistan.

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Acronyms

AFTA	ASEAN Free Trade Area
AIAM	Annual Implementation Assessment Meeting (CSBM)
APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
BSEC	Black Sea Economic Cooperation
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CDE	Conference on Confidence- and Security-Building Measures and Disarmament in Europe
CDRC	Criminal Defence Resource Centre (Kosovo)
CEC	Central Election Commission
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CERD	(United Nations) Committee on the Elimination of Racial Discrimination
CFE I	Treaty on Conventional Armed Forces in Europe
CFE IA	Concluding Act of the Negotiations on Personnel Strength of Conventional Armed Forces in Europe
CESCR	(United Nations) Committee on Economic, Social and Cultural Rights
CFSP	Common Foreign and Security Policy (EU)
CIS	Commonwealth of Independent States
CPC	Conflict Prevention Centre
CSBMs	Confidence- and Security-Building Measures
CSCAP	Council for Security Cooperation in the Asia Pacific
CSCE	Conference on Security and Co-operation in Europe (since 1 January 1995: OSCE)
CSO	Committee of Senior Officials (since 1 January 1995: Senior Council)
CTBTO	Comprehensive Test Ban Treaty Organization
DFID	Department for International Development (UK)
DOS	Democratic Opposition of Serbia
DPA	Democratic Party of Albanians (Macedonia)
DPKO	Department of Peacekeeping Operations (UN)
DSS	Democratic Party of Serbia
EAPC	Euro-Atlantic Partnership Council

EBRD	European Bank for Reconstruction and Development
ECAC	Elections Complaints and Appeals Commission (Kosovo)
ECHR	European Convention on Human Rights
ECourtHR	European Court of Human Rights
ECRI	European Commission against Racism and Intolerance
EIB	European Investment Bank
EMG	Emergency Management Group (Albania)
ERRC	European Roma Rights Center
EU	European Union
FOM	Representative on Freedom of the Media
FPÖ	Austrian Freedom Party
FRY	Federal Republic of Yugoslavia
FSC	Forum for Security Co-operation
G7/G8	Group of Seven (Canada, France, Germany, Italy, Japan, UK, USA)/G7 and Russia
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German service company in international development co-operation)
HCA	Helsinki Citizens' Assembly
HCNM	High Commissioner on National Minorities
HDZ	Croatian Democratic Union
HRO	Human Rights Office (OSCE Presence in Albania)
HRW	Human Rights Watch
HT	Hizb-ut-Tahrir (Uzbekistan)
IAC	Interim Administrative Council (Kosovo)
ICA	Institute for Civil Administration (Kosovo)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICFY	International Conference on the Former Yugoslavia
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDPs	Internally Displaced Persons
IFES	International Foundation for Electoral Systems
IFOR	Implementation Force
IHF	International Helsinki Federation
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
INGOs	International Non-Governmental Organizations
IOM	International Organization for Migration
ISG	Intersessional Support Groups (ARF)
ISIS	Institute for Strategic and International Studies (ASEAN)
ISM	Intersessional Meetings (ARF)

JAM	Joint Assessment Mission (Abkhazia/Georgia)
JCC	Joint Control Commission (South Ossetia/Georgia)
JCG	Joint Consultative Group (CFE)
JIAS	Joint Interim Administration Structure (Kosovo)
JPKF	Joint Peacekeeping Forces (South Ossetia/Georgia)
JRT	Joint Registration Task Force (Kosovo)
KEDO	Korean Peninsula Energy Development Organization
KFOR	Kosovo Force
KJI	Kosovo Judicial Institute
KLC	Kosovo Law Centre
KPS	Kosovo Police Service
KPSS	Kosovo Police Service School
KTTN	Kosovo Terrestrial Transmission Network
KVM	Kosovo Verification Mission
LCO	The Legal Counsellors's Office (OSCE Presence in Albania)
LDK	Democratic League of Kosovo
MBFR	Mutual and Balanced Force Reductions
MFOR	Macedonia Force
NACC	North Atlantic Cooperation Council
NAFTA	North American Free Trade Area
NAMSA	NATO Maintenance and Supply Agency
NATO	North Atlantic Treaty Organization
NCEDI	National Council on Ethnic and Demographic Issues (Bulgaria)
NCSBMs	Negotiations on Confidence- and Security-Building Measures
NDP	National (People's) Democratic Party (Albanians in Macedonia)
NGOs	Non-Governmental Organizations
N+N states	Neutral and non-aligned states
OAS	Organization of American States
OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Cooperation and Development
OFE	Office for Free Elections (later the ODIHR)
OHCHR	Office of the (UN) High Commissioner for Human Rights
OHR	Office of the High Representative
OI	Ombudsperson Institution
OMIK	OSCE Mission in Kosovo
OSCE	Organization for Security and Co-operation in Europe
ÖVP	Austrian People's Party

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PA	Parliamentary Assembly
PDK	Kosovo Democratic Party
PDP	Party for Democratic Prosperity (Albanians in Macedonia)
PfP	Partnership for Peace
PMC	Postministerial Conference (ASEAN)
POET	Protocol on Existing Types of Conventional Armaments and Equipment (CFE)
PPCF	Political Party Consultative Forum (Kosovo)
PPSC	Political Party Service Centres (Kosovo)
REACT	Rapid Expert Assistance and Co-operation Teams
RMA	Revolution in Military Affairs
RSK	Republika Srpska Krajina
RTK	Radio Television Kosovo
RTS	Radio Television Serbia
SAA	Stabilization and Association Agreement
SDSM	Alliance of Democratic Forces in Macedonia
SECI	Southeast European Cooperative Initiative
SEECP	South Eastern European Cooperation Process
SFOR	Stabilization Force
SNP	Socialist People's Party (Montenegro)
SNV	Netherlands Development Organization
SOM	Senior Officials Meetings (ARF)
SPS	Socialist Party of Serbia
SPÖ	Austrian Social Democratic Party
SRSG	Special Representative of the UN Secretary-General
TAC	Treaty of Amity and Cooperation
TACIS	Technical Assistance for the CIS
TLE	Treaty Limited Equipment (CFE I)
TMC	Temporary Media Commissioner (Kosovo)
TRNC	Turkish Republic of Northern Cyprus
UCK/KLA	Ushtria Clirimtare e Kosoves/Kosovo Liberation Army
UCK/NLA	Ushtria Clirimtare Kombetare/National Liberation Army (Macedonia)
UCPMB	Ushtria Clirimtare e Preshevas, Medvegjas e Bujanovcit/ Liberation Army for Preševo, Medvedja and Bujanovac
UN/UNO	United Nations/United Nations Organization
UNCPSG	United Nations Civilian Police Support Group
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights

UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMOT	United Nations Mission of Observers to Tajikistan
UNODCCP	United Nations Office for Drug Control and Crime Prevention
UNOMIG	United Nations Observer Mission in Georgia
UNPREDEP	United Nations Preventive Deployment Force
UNPROFOR	United Nations Protection Force
USAID	United States Agency for International Development
UtDF	United Democratic Forces (Bulgaria)
UTO	United Tajik Opposition
VD 90-99	Vienna Document of the Negotiations on Confidence- and Security-Building Measures (1990, 1992, 1994, 1999)
VMRO-DPMNE	Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity
WEU	Western European Union
WTO	Warsaw Treaty Organization

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